

Bizos often took the fight to the Bar

by Jason Brickhill¹

George Bizos SC was in many ways the consummate advocate. He cherished much about life at the Bar – the collegiality, and a love (and gift) for the craft of trial advocacy.

However, Bizos stood for truth and would not welcome a sugar-coated account of his life at the Bar. His relationship with the Bar was also ambivalent, critical and conflictual at times.

As a junior, his practice was quickly taken up predominantly by political trials. This work is easily romanticised today. It was bitter, soul-crushing labour at times, and exposed Bizos to the risk of retribution. Many of his clients served long custodial sentences for their parts in the freedom struggle, or experienced torture or death at the hands of the regime.² He was routinely consulting in the cells. Bizos remained safe from the violence but did not go unscathed. For many years he was refused a passport and was unable to visit his mother and family in Greece. He was conferred with silk relatively late in 1978, 24 years after joining the Bar. Though his talent was apparent, he was more pariah than paragon for much of his career.

Bizos often took the fight to the Bar, speaking out for the admission to membership of Duma Nokwe. When powerful leaders at the Bar hoped that Nokwe, though admitted to membership, could still be excluded because no other junior would agree to share chambers with him (as was then required), Bizos was two steps ahead having already agreed to share. When a meeting was held in the Bizos/Nokwe chambers to discuss Nokwe's banning from the common room, Bizos was ready to take action. However, as Bizos told it, Walter Sisulu's wise counsel prevailed – having secured the country's first black advocate, Nokwe should not be lost over a cup of tea. However, that tactical retreat rankled with Bizos.

He did not easily let injustices go. Many of Bizos' struggles spanned decades



and even transcended the grave. For example, he first represented Ahmed Timol as a detainee, seeking his release. When Timol died in custody, Bizos acted in his 1972 inquest in which – as was the pattern – no state official was found responsible. Bizos recounted this injustice in his 1998 book *No One to Blame? In Pursuit of Justice in South Africa*.³ He then supported the family and others, pressing for the inquest to be reopened. One of Bizos' final appearances was in 2017 as a witness in the reopened inquest, 46 years after Timol's death.⁴ The reopened inquest found that Timol was pushed to his death from the 10th floor window and directed investigation and prosecution of those implicated.

Bizos also appeared, alongside his former client Gcina Malindi, in the successful application for the posthumous reinstatement of Bram Fischer, who had been abandoned by the Bar Council and struck from the roll in 1965.⁵ Fischer had been one of Bizos' closest colleagues and mentors, and it mattered to him to set this right.

It should challenge us at the Bar today that one of the most radical members of the profession was also its most senior member at the time of his death. Bizos left full-time practice at the Bar in 1991 to join the Legal Resources Centre. Bizos was committed to implementing the new Constitution, but he had also become uncomfortable with serving the interests of the powerful and privileged, as the cab rank rule expected and the high fees of advocates tended to entail. He did not want to be their "gladiator". In later years,

when he did occasional private work, he was appalled at the fees typically charged by counsel – because of what it meant for access to justice for all.

George Bizos, the magnificent story-teller, leaves us his stories and his example. He reminds us that there is no contradiction between cherishing the practice of law, the craft of advocacy, and the collegiality and (healthy) traditions of the Bar, while also decrying the risk that advocates become co-opted by the rich and powerful in the name of "independence", or compromised by the pursuit of wealth. He stood out for his gentleness and humanity, rare qualities at the Bar, which were his oceans of courage and strength.

Notes

- 1 LLB (UCT), MSt (Oxon), member of the Johannesburg Bar; doctoral candidate and tutor, Faculty of Law, University of Oxford; former Director of the Constitutional Litigation Unit, Legal Resources Centre, and former colleague to Bizos.
- 2 Bizos acted in many of the storied political trials of the time, including the Rivonia and Delmas trials, but also in countless less well-known cases. His clients included: Nelson Mandela and the other Rivonia accused, Trevor Huddleston of Sophiatown, Ahmed Timol and his family, Neil Aggett's family, Mosiuoa 'Terror' Lekota and the other Delmas trialists, Chris Hani's family, Zimbabwean opposition leader Morgan Tsvangirai, Winnie Madikizela-Mandela, and the family of John Ledingoane, a mineworker killed by police at Marikana.
- 3 George Bizos, *No One to Blame? In Pursuit of Justice in South Africa* (David Philip Publishers 1998). Bizos other books were *George Bizos, Odyssey to Freedom* (Random House 2007) and *George Bizos 65 Years of Friendship* (Random House 2017).
- 4 *The Re-Opened Inquest into the Death of Ahmed Essop Timol* [2017] ZAGPPHC 652.
- 5 *Rice and Another v Society of Advocates of South Africa* 2004 (5) SA 537 (W).