

The 'people's ju



A JUDGE of the Constitutional Court and one of South Africa's most powerful women, Yvonne Mokgoro rejoices in the fact that right now "ordinary people are doing extraordinary things" in South Africa.

And she counts herself as one of the ordinary people. On the face of it she couldn't be less ordinary – charismatic, articulate, steeped in legal philosophy, a successful

academic and mother who juggled children and studies.

But Mokgoro is right to claim she is ordinary, because her life reflects the experience of the majority of people's lives. Growing up in a Kimberley township, her rise to success was punctuated by police harassment, her husband's pass book arrests, the temporary splitting up of their family and the frustration of working for a state that expected her to comply with her people's oppression.

Sitting in her plush Pretoria townhouse Mokgoro recalls painfully the incident that changed her life. While working as a sales assistant in a clothing store, to put her husband through university, she was picked up in one of the "clean the street" raids the police mounted from time to time.

"I was walking with a friend when a police van roared into the street and picked up a young man standing on the corner. I spontaneously reacted, yelling at them that they didn't have the right to do that. Before I knew it, my baby was ripped from my back and I was thrown in the van."

Mokgoro spent the weekend in the police cells, during which time she watched the police brutally beating up the men and jumping on their backs. Her family's lawyer, Robert Sobukwe, founder of the Pan Africanist Congress, had her charge of obstructing justice dismissed.

As they were walking away from the court, Mokgoro remarked to him that more men needed to be trained as lawyers and he turned to her saying, "Don't let me hear you say that again. Law might seem like a male-dominated profession but women can do it and we should start with you."

That set her on the road to law, as a political activist and champion of women's interests. Now occupying the lofty seat of a judge, she's determined to be a very "untraditional" judge, who will continue to remain connected to the grassroots.

"My strength lies in my deep understanding of people's values. How

of the Constitutional Court, as evidenced by the Judicial Service Commission's hearing.

Under the new dispensation, the court is the supreme law of the land. With its mandate in the Constitution, the values of equality and justice are the basis of legal philosophy. How the court interprets the Constitution will have a profound impact on the individual in South Africa, says Mokgoro.

The court's sweeping powers extend to all areas of life and ultimately to the new Constitution. It is a negotiating forum, according to the principles hammered out in the 1994 negotiations.

The court's interpretation of the Constitution will have a profound impact on the content of the future laws, she says.

"The court's decision becomes law and the circumstances change. The same court again."

The first case to come before the court was the constitutionality of the death penalty. Other issues such as freedom of choice with respect to KwaZulu/Natal traditional authorities.

But if the Constitutional Court is to be a court of justice, all South Africans need to know how to use it, says Mokgoro. Here, she has worked with government agencies and forums like the Gender Equality Commission and the Commission on a popular education role by helping to educate people on the Constitution and its "instrument", the Bill of Rights.

Mokgoro's passion for justice helped her to complete her law studies at Turfloop, Unisa and finally at the University of Botswana (Bophuthatswana), before Lucas Maatsoo.

After three sons and a daughter, she is now All set to be a criminal lawyer, but she spent a term as a state prosecutor. Confused by the Magistrate's Courts she remembers wondering whether she was representing the accused. The Magistrate's Courts were the lowest courts there all day and all I could think was that I was doing something about the socio-economic conditions.

When Unibo offered her a lecture

SHE looked about 10 but may have been older. Her name was Zurina and she was under-dressed for the cold, standing on a street corner selling newspapers and asking for food money. She came from up-country. I asked her how she got to the city and she said: "My parents sold me to Fuaad. He took me."

There were other children like her, dodging traffic and selling newspapers by day, sleeping huddled together on bits of cardboard in cold dirty rooms at night, eating what Fuaad gave them, stealing the rest.

That was 15 years ago. Child slavery in Cape Town was suspected but nobody seemed interested in exposing it. The large newspaper companies who employed the area agents

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The legal justice system has severed young offenders from their families and communities. Proposed reforms will try to win them back.

DON PINNOCK reports

turned a blind eye to exactly who sold the papers on the streets. When I offered them the story and suggested they print it or clean up their distribution I was told my job as a journalist was on the line.

I resigned anyway and began writing a book about children on the streets. It didn't take long to discover the youth gangs. Inner-city removals undertaken in the name of apartheid had destroyed the verandah culture of the old quarters and smashed the extended families. With them went the informal community surveillance which kept children in check.

The kids hung around, supported each other, did things together. They gave their groups names which they wore like badges of honour. Born Free Kids, Young Americans, Cisco Yakis, Hard Living Kids. They battled for turf and made problems for their parents but they also created peer families, support networks for young urban hunter-gatherers.

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