

Elizabeth Gumede

**LRC Oral History Project**

**9 September 2008**

**Client**

**Interpretation by Moses Phooko – Candidate Attorney at the LRC**

**Accompanied by Sharita Samuels (presiding attorney)**

MP Zulu translation

EG Okay...

Int This is an interview with Mrs. Elizabeth Gumede and its Tuesday, the 9<sup>th</sup> of September (2008). Mrs. Gumede, on behalf of SALS Foundation, we really want to thank you for participating in the LRC Oral History Project. I am going to ask if you can talk a bit about yourself and give a bit about your background?

MP Zulu translation

EG Zulu translation

Int It does not matter exactly what date it is. It is okay...

MP Zulu translation

EG Okay. Zulu translation

MP Oh, she grew up in Hillcrest, then they moved in here. That's when she met his (her) husband. Everything was going well in the marriage. Things started changing around in 1998. That's when he started assaulting her and...in the same year, that's when her husband kicked her out of the bedroom and she came to sleep in the dining room.

Int And then at what point did it become such a problem that she had to seek legal aid?

MP Zulu translation

EG Zulu translation

SS 2002

EG 2002? Ja, 2002. Zulu translation

MP Okay, it was in 2003, when he (she) in fact approached the Legal Resources Centre, when held that her husband has actually filed a divorce application.

Int So, she actually went to the Legal Resources Centre. How did she hear about the Legal Resources Centre?

MP Zulu translation

EG Zulu translation

MP Zulu translation

EG Zulu translation

MP I spoke to one of the women that I have this problem however, I am not comfortable in disclosing her name.

Int Right, okay. So she went to the Legal Resources Centre...?

MP Zulu translation

EG Yes.

MP And that's when I went to the Legal Resources Centre.

Int And what did you want from the Legal Resources Centre?

MP Zulu translation

EG Zulu translation

MP I wanted the Legal Resources Centre, to assist me with this case, because I have no idea what to do, and I have never been into court before.

Int Was it for the divorce or was it for the house? What was the actual reason?

MP Zulu translation

EG No, Muzi (house)...

- MP It was the house.
- Int So what happened to the house. He wanted to divorce her but she was expected to leave?
- MP Zulu translation
- EG Zulu translation
- MP He wanted me to leave the house...
- Int Right and what's happened since then?
- MP Zulu translation
- EG Nothing has happened as yet. I am still here.
- Int Okay, so her husband still lived here?
- EG Ga... (No)
- MP Oopi (Where?)
- EG Zulu translation
- MP He is no longer living here. He left in 2001.
- Int And what is his...has he...Sharita (Samuel), you can jump in here...in terms of has he applied to the court to actually get ownership of the house, possession of the house?
- SS So, just to give the legal background, the first thing that we do, that we did, was that we stayed the divorce proceedings in the north-eastern divorce court, because we wanted to establish the Constitutional issue first. So, Mr. Gumede must be very upset now, because for the past years, he hasn't been able to finalize the divorce. We asked the Court to pend it, until the Constitutional Court rules. After Thursday, depending on the outcome, we are going to have to go back to the divorce Court, to get Elizabeth's half share for her.
- Int Right. And so Mrs. Gumede started working with you, Sharita?

- SS Yes, she says she wants her house and she can't be evicted from this house, because she had nowhere to go. Mrs. Gumede will tell us that I think her sisters were working with domestics. In other words, in terms of the Customary Law, if the head of the household is unable to take care of the family members, then they could turn to that natal family, but the natal family, in this case doesn't have the means to support Mrs. Gumede and we felt that Mr. Gumede bore that support in terms of Customary Law. But that he was manipulating the Customary Law to suit himself and not taking care of his dependents.
- Int Right. So in terms of what her expectations are...is it just the house, is it also being divorced? What are her expectations?
- MP Zulu translation
- EG Zulu translation
- MP I am not longer into that marriage. I am no longer into marriage, in fact I am quite old now, what I want is my house, so that I can live in it with my children.
- Int Right. And so far, since the case has been going on for five years now, what has her experience been working with the Legal Resources Centre. I realise that that's a difficult question but...
- MP Zulu translation
- EG Zulu translation
- MP We are very working very close with my attorneys at the Legal Resources Centre, because although the matter has taken so long, whenever there is any issue they are able to contact me and inform me about the status of the matter. Even if there is nothing happened, at times, I would receive the call, just telling me that Mrs. Gumede, now this is what is happening. So, from time to time, they inform me. We have a good working relationship.
- Int Okay, what does she think about people more generally, not just her, but people like her, women in her position, getting access to legal aid? What does she think of the Legal Resources Centre; does she refer other people, what's her experience? She certainly has been involved with the Legal Resources Centre for so long?
- MP Zulu translation
- EG Zulu translation

- MP What I know is that they are very helpful although there are not many people who have informed me about their problems but there is...this one person, who once told me about pension grant that she was not receiving the grant, then I was able to refer that person.
- MP Zulu translation
- EG Zulu translation
- MP Zulu translation
- EG Zulu translation
- MP That woman went there and they managed to trace back what was the problem and her pension was reactivated.
- Int Okay. I wondered, I have asked her many questions, is there something I haven't asked her and she would like to add to the interview?
- MP Zulu translation
- EG Zulu translation
- MP Legal Resources Centre.
- EG Zulu translation
- MP I don't have much to say or to add except that I, so far, I am happy with manner that my case has been handled, it has to a certain extent, given me relief, because I was very worried.
- Int The case is going through to the Constitutional Court on Thursday. Does she understand how that would affect her? Is she nervous, what are her expectations...?
- MP Zulu translation
- EG Zulu translation
- MP Although it is difficult for me to predict what will be the outcome, but I hope that everything will go okay.

- Int Well, we hope so too. Sharita if you would like to add something?
- SS No, I just would like to know from Mrs. Gumede, she came to the Durban Court application. Mrs. Gumede sat there for the whole day. How did she feel sitting in court and hearing what was being said about her matter?
- MP Zulu translation
- EG Zulu translation
- MP I was very, I was a bit shocked because the court room was full of attorneys. In fact, there was even one from Cape Town who came for me case.
- MP Zulu translation
- EG Zulu translation
- MP Although I wasn't feeling well, on that particular day, but I could see that there was a sort of agreement, because whenever I looked at my attorney, Sharita, she had a smile on her face, I don't why that sort of gave me relief that things were going okay.
- Int Anyone wants to add anything else?
- SS I just want to thank Mrs. Gumede for her patience and to explain her that the test cases take long, they, you know, they, she has to be very patient because her security of tenure is hanging in the balance. So I am grateful for her patience and I hope at the end of it, I can give her what she is looking for.
- MP Zulu translation
- EG Zulu translation
- MP I appreciate that and I also who also cannot afford legal aid, can also get helpful attorneys such as the one who is representing me, Sharita (Samuel).
- Int I also want to thank Mrs. Gumede for giving her time so generously today and also for speaking about her experiences, which can't be easy.
- MP Zulu translation
- EG Zulu translation

SS And to let her know that there will be one more leg after we finish in the Constitutional Court, to go back to the Divorce Court, she must understand that...

MP Zulu translation

SS (*Continuation of legal discussion with client...*)

Int Thank you

EG Thank you very much.

End of Interview...

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