

Catherine Mote**LRC Oral History Project****11th September 2008**

Int This is an interview with Catherine Mote, and it's Thursday the 11th of September (2008). Catherine, on behalf of SALS Foundation in the United States, we really want to thank you for agreeing to participate in the LRC Oral History Interview Project. I wondered if you could start and talk about early childhood memories, growing up in South Africa under apartheid and where you think your sense of social justice and injustice developed?

CM Ok. As a young South African in the 70s when I was doing my Matric, South Africa was such a...a terrible country, in so much that I had to do my Matric in Lesotho where I completed my Matric, but unfortunately since Lesotho it's a very...a poor country, one had to come back to South Africa and seek for employment. And being the fifth in the family of a very poor family, I just couldn't further my studies any longer after my Matric. Then I had to look after my younger two brothers and my sickly father at that time, who was terminally ill. So, it was very difficult to...to live in South Africa because the apartheid was very high at that time. You know, you just can't believe that you couldn't...there were queues in the shops, you couldn't go to the white...queue of the whites, you had to join the queue of the blacks in order to get milk or anything, that is the life that we were leading in South Africa. In the trains, everywhere, everywhere, it was just like that, it was a non-white area and a white area. That is the life that we led. My...I loved to be a lawyer in my life, in so much that at some stage, I remember, I wanted to go for nursing but it just didn't happen, I don't know why. I think it was because I still had that love for law. Ended up being a secretary in the law firms for some time, from '81 up to '91, when I made an application to the Legal Resources Centre, having heard of it, knowing that it's actually a...working mainly for the...for the indigent people and it's focusing mainly on the injustice of the South Africans. And then, I made an application. I was lucky to...to be taken at Legal Resources Centre, and I was very pleased.

Int Cathy, before you go on, I was wondering, you said you always wanted to be a lawyer, where do you think you got that idea from as a young person?

CM It...it was due to the fact that I was feeling the injustice that was done to the South Africans in South Africa, and I felt to be a lawyer would arm me so as the South Africans about the justice that has to be done to all South Africans.

Int Did you think though, that law could be used to challenge apartheid?

CM Definitely.

Int Why did you think that?

CM I thought every country has a law, the world has a law, and then, if at all, South Africa being a country that it's so unfair, so ill-treating other people, at some stage, law will

take its course. So I think that is one of the things that I really felt that, if I could be a lawyer, that would make a change to other South Africans. Then, after joining LRC, it was during that terrible time, err, before...Let me just go back to 1986, because at that time it was during the death of Victoria Mxenge, one of the lawyers, women lawyers that was brutally killed at her house by unknown people. Definitely it was those people that were sent by the apartheid people. And then, you know, my kids, I had two at that time, my eldest son and the second one, I felt that we couldn't live with them, because they were taking these young kids and wanting to join the Inkatha Freedom Party that was actually a...in...I would say it was the one that was trying to take possession of the township at Umlazi where I live. I decided to take my kids to my relatives at Marion Hill to safeguard them, and then at least remain with my husband in the house. And they were actually moving from house to house and demanding whatever they can take in our houses, because there was that unrest, houses were being burnt, shops being burnt, and the hooligans were then taking whatever they wanted from wherever they wanted to. And we were safe there; it ended up not happening that way. But the killings in the area were terrible; we lost one of our neighbours during that time. A young boy, I think he was about twenty, twenty-one at that time, knowing that he was not the Inkatha; he was actually shot by police, but in disguise, anyway. It was a terrible time up until 199...when Mandela was released, was it '92?

Int 1990.

CM 1990. I'll never forget that day. It was a Sunday, I went to the school meeting for my eldest son, the principal of that school was a member of Inkatha. You know, what he actually said was an insult to South Africans because he was mentioning how Mandela had sold the South Africans to the...how can I call it? He had sold it to what he believed was wrong, because Inkatha people are the best people that can rule South Africa to something that he thinks will be better. Um...instead of actually addressing what is the meeting all about, he was just informing us that Mandela is coming out today, and whoever that will follow Mandela will follow the suit (*sic*). And he even made example as to how we are going to be killed, whoever that will follow Mandela. Like saying that you see: if a rope it's hanged on something that it's a peak, and if you pull out that peak the...the tent just falls on you. That is exactly what is going to happen with you people that are following your Mandela. It was a bit painful because we are all pleased to learn that Mandela is out of prison, and he's now coming to release at...release us. Anyway, we...the school was under that rigid rule where children could not say anything against the Inkatha Freedom Party. So as the parents...it...if parents were known that we are against the Inkatha Party, we are actually attacked at our houses. Anyway, it went on and passed. And then, after the release of Mandela, there was that bit of some change. If I can remember I will. When I started at LRC in 1991, the day when I came for an interview, Mandela was here, and there were guys everywhere along St...

Int Andrews.

CM ...Andrews Street, in so much that I was being told that you must be very careful because you might find yourself being shot, because they know that Mandela is

around today. And everybody was looking around when he was going along that...that road. But anyway, nothing happened. And after working at the Legal Resources Centre, whatever meetings that were being held here, guys were all over the show. One of the Executive Committee members of ANC, I remember, it was Jeff Radebe, one day he was here and seemingly he...he says that they were after him. It...it was very difficult for him to go out of the premises, his car was parked somewhere downstairs here. I remember seeing him personally and looking under the car, everywhere, to see if there's any...there's nothing or a bomb that has been put under his car. Anyway, he was safe. But the situation was very tense, they were after this building because they knew that all the meetings of ANC were almost...done here. And our safety was not very good, was not very good. Um...what else can I say about the LRC...?

Int I'm wondering how you came to hear about the Legal Resources Centre, you said that before you started you knew about it...

CM Mm, mm, ok.

Int Can you talk about how you'd heard about it?

CM Ok. You know, working in private practice as a secretary...

Int And you'd been doing that for quite a while?

CM Ja, ja. I used to come and serve some documents at LRC, sometimes you used to come and get some information that was needed by my lawyers at that time. And I began to understand what LRC it's all about, and that's when my interest came to the Legal Resources Centre. And when I applied for a post at the Legal Resources Centre, I actually didn't even know that there was anything available at that time, but to my luck, it was the time when they were looking for a receptionist, and the receptionist that was there at that time, would be...was to be a paralegal. So then I came to the Legal Resources Centre in that manner, as a receptionist. I worked as a receptionist for '91, '92, '93, '94, '95, ja. In '95 when the TRC started, Nomsa who was a paralegal, decided to go to TRC, then I automatically became a paralegal. And that's when Mpumi came to be a receptionist. Clients that we had at that time, sometimes we were even afraid of clients that were coming in, because they were not a happy nation because of the...the apartheid era. You know, when people are looking for their rights, they don't even understand that you are there to assist them, instead they believe that you don't listen to their problems properly. And when you tell them that unfortunately, this doesn't fall within the ambit of the work that we do, they feel that you are neglecting them and where should they go now? So, we had that situation of clients that were very, very, very...and they used to be very angry with us.

Int But this didn't happen in 1991, right? This happened more in 1994 onwards?

CM It happened in 1991 when I came, up until 1994 because, you see, clients that came in were seeking for help and protection mainly. Unfortunately, sometimes we wouldn't be in a position to...to protect them. Sometimes we would just come in the morning, we would just hear them with their slogans downstairs, seeking for protection and know very well that, you know, these multitudes that are here are coming to LRC. My God, how do I deal with these people. I know that they are going to fight with me. Well, that was the life that we were leading at that time. Up until 1994, when...after the elections, at least things started to cool down, and even the Inkatha that was actually dominating KZN, KwaZulu-Natal, then their powers subsided. Because those were the killers in KZN at that time, and it was very difficult to...to arrest them because they used to do this thing underground. You know, I still remember well that at some stage, next to the section where I am staying, one prominent leader of Inkatha at the...at Umlazi, was actually the person that was sent to kill whoever that they believed was against the Inkatha Party. The wife of this person was the one that used to drive these mobs at night, to fetch the guns where they are being kept away from the surrounding, come and do the killings at night in that area. It was such a terrible thing and, you know, because that...she's now a very, very old lady, whenever I'm looking at that lady I said: mm, my God, this lady did a very terrible thing in her life, there are so many children that have died due to her, because she should just refused to have done this, or rather let her husband do the killing like driving these people to wherever they wanted to go, but not herself. Anyway, that's how she failed as a woman because I know that women are always, always sympathetic, they don't want the death of anybody.

Int I'm wondering also, Cathy, because when you came, this office, unlike other offices, because when you came, apartheid had ended, but in this province and this office, it seems, you did a lot of the work because of the violence between the IFP and the ANC. Could you talk a bit about that?

CM Ok. Talking about Umlazi, like I'm saying, the very section that I'm talking about, there were orphans that were...were left due to those deaths that I'm talking about, and we had one of the cases at the LRC. Those minor children when they were supposed to have come to the Legal Resources Centre to...to take statement because I still remember the elder one, though I'm forgetting the surname of that family...

Int That's ok.

CM You know, they used to be hid because it was not safe for them to know their whereabouts by the Inkatha people, otherwise they actually wanted to eliminate them, which was the way that they used to do...I mean to use...So, they used to come hiding and then Howard Varney and Richard Lyster take the statement from these kids and then take them away for...to hide them away. The family...the wi...the woman that I'm talking about, that was driving the van to drive the killers, his...I mean, her...her husband at some stage, I think, she didn't have enough funds...he didn't have enough funds by then. He once came to the Legal Resources Centre for assistance, and...because he had a High Court case where he was alleged to have killed...I can't remember who those people were. You know, that day when he came in, we were so shocked, especially myself, being a person that was staying at Umlazi, and our route

to my place is next to her. I said: my God, if at all he can notice, this is the person that I know, my life is in danger. But then we had to tell him that unfortunately we cannot represent you, you need to go to Legal Aid, if Legal Aid fails to assist you, hard luck, you have to get an attorney in private practice. It was such a terrible...we led a very pathetic life at that time, because you came to work, loved the work, but you knew that your life was not...

Int ...safe.

CM We were not safe, we were not safe.

Int At some point, after maybe '94, '95, the LRC started, because of funding largely, they started having focus areas.

CM Ja, ja.

Int I'm wondering how that affected your work, because now you couldn't just see everybody, or does this office continue to see everybody?

CM You see, after that...that era, then LRC started...because one...what we were mainly looking for, that is the interest of people was now being considered. Now, we had to...to sift our work, look at the areas that we can do, and leave those that we think have been now, been considered. Housing was one of the main important issues that we had to look at, domestic violence...In domestic violence I must include maintenance, which has cost us a lot because...I...I don't know what happens in our courts with regard to maintenance, there is something that it's not right, because they...I would say the maintenance officers somehow, know actually for men that are not maintaining because you can find that files are lost, no, this and this has not been done when it was supposed to have been done. So we find ourselves having to do one and the same thing, now and again. Whereas the intention of Legal Resources Centre is just to do one or two cases as a precedent, to set a precedent at the Magistrate's offices and then they must follow that suit. But up until now, we still have those problems in domestic violence and maintenance cases. The housing, I would say, even now, we are still having a problem because of the corruption that they have in the Housing Department. When people are entitled to have their house...to have houses, they are trying to sell houses to people that are not supposed to have those houses, and those that are needy are left like that.

Int Right.

CM Um...um...and I...I loved LRC mainly to look after the interest of...I mean, to balance the equality of women and men. Previously, mainly in our nation, we were married in customary unions, and the customary unions were considering women as the minors in the families, which was so painful because the wife would do everything to look after the house, work and improve the house and do everything, but when her husband

wants to get married to the other wife, he does so, and she's being actually sent away without anything. So in 1998, ja, that's when we started the recognition of customary union, and at that time, Elizabeth Gumede, who is my neighbour, was actually experiencing terrible things. And she's also a church member, and then, Legal Resources Centre was...it's an organisation that wants to extend its work to the communities. So I used to tell them that when...at the church I'm the member of some committees in the church, like justice and peace, home and family life, so those committees in the church are actually looking at the interest of the families themselves. So, I went to Sharita (Samuel) and told Sharita: Sharita I've got a case of this type, Elizabeth Gumede is experiencing this and this and this and this and this. I think you know about the case?

Int Yes, I went to see Elizabeth Gumede, I interviewed her.

CM Yes, yes. So, Sharita said: no, let us try to take this and see whether it...something will happen to her.

Int Well, she was in front of the Constitutional Court.

CM Ya, ja, shame. And then we started...I started taking a brief statement and then came to Sharita and Sharita called her, she started working on her case, and I just, even now, I don't want her husband to know that...

Int You are involved.

CM ...I am involved. In so much that even when it was successful, Sharita told me that when...it's successful now, I went to the committee and told them that: well, you know, that Gumede's case is now successful, but please, it may not be established that I am part of it, for the safety of me, as a neighbour.

Int Oh?

CM Ya, ya. But really, I should think LRC is doing a good job. Unfortunately we don't have funds now. Funds are getting...

Int Over the years you've worked with different lawyers, you've worked with Richard Lyster, Howard Varney, Peter Rutsch, you've also worked with Nomfundo (Gobodo) and JP (Purshotam), they've all left, and so now there's Sharita (Samuel) and Mahendra (Chetty), principally...

CM Ja, ja.

Int ...Right. I'm just wondering what...who as a lawyer...because your work as a paralegal, you have to work closely with a lawyer...

CM Exactly, yes.

Int ...and who, as a lawyer, you felt, that really made you understand law and helped shape your thinking about law and Public Interest Law, which lawyer, you felt, was easiest to work with?

CM You know, I cannot exclude anybody amongst our lawyers, because with Peter Rutsch, when he was doing...and land issues, he actually...he used to tell you that: I'm looking at this type of cases and this, and this, and this, and this, and this, and the developments that he was busy with, are places that you could even hear on the radio, some of them went past and see what the developments are all about in those places. So it was easy to communicate with Peter Rutsch and whatever he wanted you to do, I mean, to find out from other communities which might need the same help, it was easy to work with him. So as Richard Lyster, I...I used to love Richard Lyster mainly with his applying for funds. You know, he would just call you and say: Cathy, what is it that you find out from...in clients that were coming in. Then I used to tell him that we...this is what I found out. I want to talk about those that have left already. Howard Varney was mainly, mainly interested with these cases that I...

Int ...Of violence.

CM ...was talking about of violence. And then he used to find out what exactly you know about this and that, and about the case that I was telling you about, Umlazi orphans. I remember very well that he used to tell you that there are kids that are coming that would be so many, and please look after those kids because of their safety. Well, made all the necessary follow-ups, they were quite open, our attorneys were quite open. JP (Purshotam), oh, JP, I think I've worked very long with JP. And JP...it was during the time when I was actually busy with my paralegal work and he would...I would just send him...to edit my work and then thereafter send it where it is necessary. So he has done a lot to build my capacity, he has done a lot, and JP would never say: I don't know this. Instead he would just tell you that, ok, if you don't understand this, I also can't have time now, wait for me I'll come back to you after so long, and then he'd definitely come back to you and give you all the necessary information on that. Sharita (Samuel)...ok...Nomfundo (Gobodo), Nomfundo, we were working close, close, close to her, in such a way that when she left, we felt such a big gap with Mpumi because now we didn't have a lawyer that was close to our...to our work, and who actually understood the life of our people. Being a person that is from the Eastern Cape, she definitely knows the life of our people much more than anybody. And then, even if the case wouldn't be exactly the part of the work that we do, she would give us an...any advice and then this person would go somewhere else, at least having an idea, you know, not excluding all the attorneys or that is what is done by all the attorneys, they don't want anybody to go out without any idea as to what is to happen in his or her matter. So, I loved Nomfundo (Gobodo) on those basis. Sharita (Samuel) is also very helpful with regard to women's rights, she doesn't want any....if it comes to women's rights, definitely she wants to know what is actually going on up to now, up to now, up to now. And sometimes we find ourselves having to go for some workshops, she tries by all means that you get all the necessary material before you go for that workshop that will be quite important to those people.

Mahendra (Chetty), sometimes you end up having not enough time to get assistance, but he does give you enough time if you go to him, when he has time to give you whatever that you need. Really, I've not met any of the attorneys around who's not prepared to help or to work with us.

Int I'm wondering, you've been working here now for more than fifteen years, am I right?

CM Mm, mm.

Int What makes you actually want to stay? You have the background of actually working in private practice, you could actually go off with a higher salary, I'm sure, but what makes you want to stay at the Legal Resources Centre?

CM In private practice, I think, like you are saying, one is looking after money, but not for the best interest of our people.

Int Right.

CM Ja. I love to see someone knowing exactly what her rights are and trying to help where I can, so, in private practice that is not done free of charge.

Int Sure.

CM Ja. So even if you seek for an assistance from the lawyer, he will tell you that, no, I cannot do that for free, I need some payment for that. So, I think that is one of the things that really I didn't love to be in private practice.

Int Mm.

CM Ja, ja.

Int I'm also wondering what you think has changed recently with the...with the LRC, because they say that before the LRC was a lot, especially during apartheid and then towards the end, it was always in the papers, everyone knew what the LRC was doing, do you feel that the LRC has changed and people don't really know what the LRC does anymore?

CM Yes. People really now, don't know what LRC does as compared to what it used to do. Because prior to...during apartheid era, they knew very well that there was a lot...there were a lot of things that were done at LRC, like labour matters, we were not excluding labour matters. I remember very well that when I came everything was done. So as soon as CCMA came in, we had to take all the labour matters to the

CCMA, and the Department of Labour also, we tried to push the Department of Labour to take whatever is due to them. And, that's when most of the work that we used to do had to be referred to other organisations, so people tend to...not to know what exactly falls within LRC work and which one has to...not to be taken by LRC. So sometimes they even come here and become so angry with us, and say: no, I came here so many years ago and I was assisted, why now? Then you have to start afresh: no, things have changed, we are no more doing this, and this, and this, and this.

Int I'm also wondering, Cathy, in terms of people having left, do you think that the office is affected by only having two senior lawyers and just candidate attorneys?

CM It is, because there are days when both of them are not available and you definitely need an advice...

Int What do you do?

CM ...there are those terrible days. We end up taking a short statement, and then asking a person to go then we'll talk to whoever attended who'll be available, then 'phone the client to come back if that need arises.

Int Right. Do you find also that you're doing a lot of refugee work because the refugee offices are opposite the LRC?

CM We used to do a lot of refugees when Sheldon Margardi was here, up until he left, then when he left, he definitely...he...he didn't come to us, but they still do come to us, then have to refer them to our neighbours. Ja. But we are no more doing refugee work at all.

Int Ok. So the primary issues that come forward now are they usually women's rights issues?

CM Mm. Women's rights issues, housing and lately we are now having consumer issues. Um...after the...how do you call this? The...the...the...what do you call this Act now for...?

Int Consumer protection?

CM Ja. I'm forgetting what is it, ja. People came to understand that their rights were being violated because they found themselves having loans that they paid and ended up repaying them again. And then, up until they learn that when there is an Act that protects them against the...what do you call this plan...Act now? I'm sorry, I've forgotten it. So they come in and we assist them to complete those forms and forward them to the...

Int Competition?

CM No, no, it's not competition, to the...why do I forget this Act now? Anyway, which deals with the consumers that were being unfairly treated by the, say, banks or loan sharks, but loan sharks is not difficult...it's difficult to get hold of them, banks actually, like...we have got a bank, African Bank which has been dealing...has been ill-treating people for so many...I've got many clients that came back saying that: I had a loan with African Bank, I paid this loan, but then again, they are coming up again to say that I'm still owing them. So it's one of the cases that is coming up now.

Int Right.

CM Mm, mm.

Int I'm also wondering, Cathy, in order to end the interview, whether you would share a particular memory you might have, whether it's a client or a lawyer, that you feel really is a memory you treasure, of working for the LRC and Public Interest Law, it can even be a funny story?

CM Ok.

Int I'm sure there are many, many stories, but what makes your work rewarding?

CM You know, to have worked with JP (Purshotam), to me, I...I...it was a very...he's such a...a good person. JP he's very open, whenever I had made a mistake JP wouldn't hesitate to just tell me: no, Cathy you are not supposed to have done this. This, and this, and this, and this had to be done this way, so this is wrong. And whenever he felt that no, over and above what you have done, this is to be done, JP was always that open person like that. And really, I...JP in my life, I don't know, I don't know what to say, he has been...he has done a lot to improve my work.

Int Right.

CM Ja. So has Sharita (Samuel), Sharita...um...each time...you see...I don't know...I think, for me, to be a South African woman, and having stayed with people that are being ill-treated by their husbands, you see, it...it was something that was...that is haunting me to see a woman being ill-treated and not knowing where to go. And I think the presence of Sharita has also helped me, because I knew very well that, no, if this and this that goes this way, I think to talk to Sharita, the solution will be there. Ja. So, those are the people that I really...cannot forget in my memory. I also had a paralegal that actually helped me to...to...when I started, Gugu Mncwabe...

Int Mm, I've met Gugu.

CM Ja. Up until we ended up being actually friends and family friends so as our children. When I first came to the Legal Resources Centre she was already here and, you know, it's very funny because I always tell her, I say: the first day when I came to Legal Resources Centre, I said: mm, this lady's so reserved, will I be able to...to talk to her (*laughs*), my God, how will I work with her? But to my surprise after a week, she was one of those people that was very easy to approach and ask all questions, and I worked hand in hand with her, whatever cases that were coming...I remember, I went...I started actually even drafting the affidavits, she was always there to help me. I don't know. Gugs (Gugu Mncwabe) also did a lot to improve my...my work and very friendly, very friendly, up to the last time when she left LRC. Not forgetting Asha (Moodley). In fact, I would say our office...sometimes ends up being part and parcel of your home, because whenever you've got some problems at home, you are able to come to the office, discuss something that you feel you need to discuss with a certain somebody, like Asha, and you'd find that Asha would never, never, never leave you aside. She will give you an advice and you'll find that when you are at home again. So, I'll say, not excluding others, but those four, really...ja, ja.

Int Is there anything you'd like to add before we end?

CM You know, if funds would be there for LRC, really, I would think...The domestic violence especially, and these maintenance issues, because the maintenance issues have now turned to be something that need not to be done, because of the funds. But since they are always there, really, if funds would be there, I think, we would not exclude them.

Int Right.

CM Mm, mm.

Int Thank you very, very much, Cathy.

CM Ok, thanks, thanks.

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