

Precillar Moyo**LRC Oral History Project****7th September 2008**

- Int This is an interview with Precillar Moyo and its Sunday the 7th of September (2008). Precillar, on behalf of SALS Foundation in the United States, we really want to thank you for agreeing to participate in the LRC Oral History Project and for taking the time. I wondered if we could start the interview, if you could talk about your early childhood memories growing up in Zimbabwe and where you think your sense of social justice and injustice developed?
- PM Well...oh, ja, firstly thanks for having me, it's my pleasure. I guess my earliest childhood memories would be just growing up...I grew up in a very small mining town called Hwange, in Zim, and I guess my sense of justice just came from growing up in a family where everyone was entitled to an opinion and your opinion was heard and...but you know, like every other person growing up, you go through a phase where you want to be a pilot, an air hostess, a doctor, a nurse, so many different things, but it was towards probably high school when I just began to just enjoy the confrontational issues that are there in law, and I must say at the beginning I...I actually when I got the opportunity to go to university, I signed up for an Honours Degree in Psychology, and in Zim you do your degree, it's not like here where you get a Bachelor's degree and then you go for your Honours after that, from the onset you register to do an Honours program. I think it's the same in the UK as well. And I had...I got accepted at the University of Zim to do my psychology there, and went there for a semester, but it was just the beginning of the political problems that were happening in Zim and the University of Zim has always been a hotbed of political activity, which is very different from some of the universities here, unless they're demonstrating issues to do with academic exclusions and things like that, but in Zim they demonstrated on real political issues. And the formation of the MDC had a strong support from university students, whether it was the University of Zim itself, the National University of Science and Technology and all that. So in my semester at the University of Zim, I think we had about four demonstrations, and it was absolutely chaotic. The university grounds were literally...had become a small police state within the capital city. There was amazing police presence on the university campus to try and thwart demonstrations, and of course the university demonstrations would spill over into the city and things like that, and it was chaotic. I think we had lectures for three months out of...you know, that five month period, it was quite disruptive but when I was there it was my first experience of the...you know, you come from high school and you're sheltered and you see things in the newspaper but you never actually get to engage with the political issues that are happening in the country. And when I was at the University of Zim it was my first, you know, head to head with thinking about, you know, what's happening in the country and how much freedom is there for people to express themselves. I mean, there were food riots, there were rolling strikes, the Zimbabwean Union of Trade was really becoming a force to reckon with, they were commenting on the running of the country, the issue of war veterans being given monies 18 years after independence and the whole issue of land. So it was then that, you know, I then got an opportunity to leave the University of Zim because my parents thought, you know, it's unsustainable for you to go to university for a three year program and end up spending five years...because that was what was happening in Zim. Universities, if it would become chaotic, the government would then just shut down the university and say, people go back home and stuff. So I

got an opportunity to come to UCT and I then decided to do law, because I thought it was something that would really help my country, because at that time the judiciary in Zim is appointed by the president, so there isn't that...there wasn't at that point, and to this day, there isn't that amount of activity that you see from the judicial bodies who speak out against injustices, totally uphold law and...so I thought, well, you know, if I do law then possibly I can do something which will contribute to my country when things settle down and things like that.

Int How did you come to South Africa?

PM How I came to South Africa and how I studied law...

Int Right and where did you study?

PM I studied at the University of Cape Town.

Int Cape Town, right. And when you were here at the University of Cape Town, in terms of legal aid and practical legal studies, were you involved at all in those aspects of law?

PM Not at all, the only thing I was involved in, was in a lot of...there's a project that a lot of universities used to run that is called Street Law, and what happens is that the university students go out to high schools and sometimes you go to factories, you go to different public places where you can teach the people about law and engage with them about the law, in particular about the Constitution, about the rights, whether it's kind of high school students, you talk to them about children's rights, if it's workers you talk to them about labour rights and things like that, I was involved with that when I was at university but I never did, you know, there is a course at university that you can take, you can do legal aid, you run the clinics, but because I was in res, a lot of the times, and I didn't have a car of my own, the times that you'd go out either with them to Salt River, so it just didn't fit nicely into my being able to do it, so I was just involved in Street Law.

Int Ok. And then what prompted your decision to do Articles at the Legal Resources Centre? Had you known about it previously?

PM Yes, I'd known about the Legal Resources Centre from 'varsity, from Constitutional Law, and a lot of the case that they did featured quite a lot in...and I knew from the outset...a lot of my classmates were certain in their minds and their hearts that they wanted to work at a commercial law firm, and I was one of the few, I think there were only two of us in our class (laughs) who wanted to do public interest law. And I knew for certain that there were only two places that I'd ever do my Articles at, and that was either the Legal Aid Board or the Legal Resources Centre. And I'm ashamed to say that I did not apply to any other commercial law firm, I had settled in my heart that this is what I want to do and this is what I'm going to do. And you probably

know that at the Legal Resources...my first application I applied there, they called me for an interview and they rejected my...

Int Did they?

PM Yes, they did (laughs). They rejected my application ...

Int What was the basis?

PM ...and...it was only later that...so they rejected my application and then I started doing my Masters...yes, I started doing my Masters and towards the end of my Masters I got a call from William (Kerfoot), and he was saying...what did he say...he was saying one of the candidates that they had appointed had decided not to relocate from Johannesburg to Cape Town, because of the expenses, and, you know, because of being away from family and everything, and he said, actually to be honest with you, you were our first candidate, we wanted to get you but, one: because you're Zimbabwean, and because they'd had a previous experience where they had a Zimbabwean whom they had employed, and Home Affairs had given them such a difficult time to try and get a work permit for that person and everything like that. So he said, well, if you're still up for to take the offer we'll be glad to have you. And then I said, I'll be definitely very happy, but I still need to finish my thesis so if you can give me a bit of time to finish that, and if you're going to help me with Home Affairs, then sure, definitely, I'll come...

Int You did that....

PM ...And I did that, and William (Kerfoot) was extremely helpful with sorting out stuff with Home Affairs and I guess thanks to God it was, just worked out quite well. I got the permit, Home Affairs didn't give me too much of a schlep to try and, you know...but it was fine.

Int So 2006 to 2008?

PM Mm, yes.

Int Okay, and when you got the Legal Resources Centre what were your experiences, who was your principal, and what were some of your rotations?

PM Okay. My principal was William (Kerfoot), and at the beginning, in the first month I was still settling so I did a lot of duty and all that and then finally...and because I came at an awkward time, I got there in May, all the other people had started their next rotation, but Henk (Smith) didn't have a CA for the land rights project, so they then slotted me into land rights, so soon after spending some time just doing whatever William said I needed to do at that time, I then started for four months with Henk and

with Charlene (May). So I did the land rights and the NPO project at the same time. And then after that I think I went to...Vincent (Saldanha), yes...I then spent from...somewhere from Octoberish until the end of the year with Vincent and we did a lot of the equality law, children's rights and a lot of the Access to Justice stuff, with Vincent. And then I went to Steve (Kahanovitz) under the housing rights project. And I also worked with Angela (Andrews) on the environmental law project and with Chantal (Fortuin)...I think I worked with all the attorneys besides Kobus (Pienaar)...ja, he's the only one who I didn't do anything with, but towards the end of my rotation I had gone around, everything but the...there was to cover in the Cape Town office. So it was really great.

Int And in terms of the particular cases you did, what were some of your experiences, what were cases that you thought were very symbolic of the kind of work public interest lawyers should be doing and the LRC was doing?

PM Ok. Um...that's a hard one; there were a lot of like...William (Kerfoot) does a lot of cases, especially a lot of the refugee cases. And a lot of them are, like just go to the heart of basic humanity and just basic issues of treating human beings with dignity. And I think, you know, especially in the backdrop of the xenophobic attacks, it's something which we take for granted, if you're a citizen in a country, you take it for granted what it's like to be foreign in another place. And the problems with refugees face with the Department of Home Affairs, with the police, are heartbreaking, a lot of them are really heartbreaking, that you find that William finds it very difficult to say no to a lot of the case which some of the attorneys might say that they don't have much of an impact in terms of, you know, does it attract media attention? How many people get affected by it? But for those individuals you see that the impact it makes for them when, you know, they manage to get released from prison when they've been arrested because they didn't have a refugee permit because Home Affairs isn't doing its job. All those things have an amazing impact for those families and for similar refugees that often are, in more often than not, in the very same circumstances. So there were a lot of refugee cases that, but a lot of those cases that someone has been arrested unlawfully, they get detained for a week in Pollsmoor in horrific conditions, and you know that it's not their fault that they don't have documents. So those were always very insightful, and for me I felt like they made an amazing difference in terms of how the police and how Home Affairs gets to see that it's wrong to treat people like this. And it was amazing; I thoroughly enjoyed all those cases. There were quite a lot that would happen throughout the entire year whether or not you're working with William or not, the whole office would get pretty excited, and all the CAs would get to go to court, get to go to prison to take statements and all that. So those were really amazing. But amongst some of the cases, sometimes with your rotations it's just four months or three months, so sometimes get in at the back end of a case or you get in at the beginning and you leave somewhere in between and somebody takes over. But with Steve (Kahanovitz) we did some of the statement taking with Stacy for the Joe Slovo and the, you know, the groundwork for some of the Joe Slovo case, which is currently in the Constitutional Court and there was the Vanguard case, it was the City evicting some people who were living underneath a bridge. And all the cases were quite interesting and a lot of like...the Vanguard case; it was in the magistrate's court with Steve. He won and you'd get to see...to be relieved at the end when you see ok, we've got an order that's in our favour, and it

makes a difference for the couple of hundreds of people who had, you know, been evicted from underneath that bridge. And ja, I think most of the cases have been, you know, just amazing and I thoroughly enjoyed each and every one of them. So it was really great.

Int That's fantastic...

PM And I was there as well with Henk (Smith) towards the end part of the settlement of the Richtersveld case, so that was enjoyable as well, the interaction with the community was amazing, I've never seen an attorney who relates to his clients, you know, in such a way as Henk did, with the Richtersveld community when...you see what it means when...a lot of people said that sometimes your job takes over, and you no longer have time for your family and for friends, for things like that. Very often you would think that of Henk, you would see it, how he lived, breathed and slept the Richtersveld. And often some people look at it, kind of saying, no, work shouldn't take over, but it was something amazing, I absolutely love the way that he...everything about him thought about the case, it literally became an extended part of his identity, and I totally loved that. And at the same time he still found time to...in between conference calls to call his daughter and say, hi Maria, I love you...you're thinking is this man crazy? But it was amazing how he...the case and the kids, his files at home of the case, it was...I thought, this is madness, this is sheer madness, but it's nice to see attorneys, and a lot of the attorneys at the LRC are exactly like that. Their work is their life; it's not something that just ends at four thirty when work ends. You can see they're passionate about what they do, they love the people, they get to love their clients, and they just, a lot of them, cannot say no to people. And I think that's what public interest law is about. And it's embodied at the LRC and I saw it, I experienced it and I enjoyed being every part of it at the LRC. It was amazing.

Int That's fantastic. I'm also wondering, Precillar, you were at the LRC for two years and what was your experience of the office in relation to the larger office, National Office, what were some of the tensions, what made the Cape Town office specifically different perhaps from the other offices?

PM I don't know, that's a hard question to answer because...

Int ...Sure you didn't know the other...

PM ...I haven't experienced the other offices, but...I don't know, like, for me it was, the Cape Town office is a family, it's got very...it's got very different personalities within it, and I guess from a CA's...CAs usually we don't look so much at what is happening, between National Office and the Cape Town office, that would be something which the attorneys would be more aware about, with the dynamics and everything, but our little interaction with the National Offices like...when Janet (Love) would come to visit when there'd be something that needs to be discussed, that would be our feel of the National Office and, you know, salaries and things like that, but it was...I for certain never felt any, or sensed any problematic issues between National Office or the, you know, the Cape Town office. Or course you just see the

normal day to day issues, ok, National Office says someone is coming over, and that was just it, but we were very much aware that we were part of a broader picture, broader things that are happening. And a lot of the cases it would be having to do with interaction with the people at the Constitutional Litigation Unit and the Cape Town office, you know, the advocates, and it was that kind of interaction that, you know, we would be aware of. Whether you need to find something out, or you hear that Steve (Kahanovitz) or one of the attorneys is going to the National Office to sort out something, or, but, for a particular case like Henk (Smith) going to sort out things to do with the Communal Land Rights, and them negotiating or hearing that someone from the Jo'burg offices called to ask William (Kerfoot) about something which is happening with the refugees at the Jo'burg office. So those, they seemed to be good working relations, and I would totally be false if I say that I was aware of any, you know, other dynamics outside of what we were exposed to on a daily basis.

Int Right. I'm also wondering, Precillar, in terms of you being Zimbabwean, whether you experienced any discrimination, whether it's from the office itself, whether it's admin or professional staff, or even from the clients themselves? And I know a lot of the clients are refugees anyway...

PM Um...I can't say that there was from the staff, maybe at the beginning when I first got there, there might have been, you know, but it wasn't overt from, you know, from the admin staff or anything, but a lot of the admin staff were absolutely welcoming and they were very open, there might have been some who might have kind of thought, ok, aren't there black candidates in the Western Cape who could have been a CA there or whatever, but as soon as I settled in and began to interact with everyone, it was...it really became a family kind of environment, and I never at all experienced any racism from the attorneys or from the admin staff or any sort of, you know, alienation, well she's a foreigner, she's not part of us, and among the candidate attorneys, not at all, because you get to work very well together, I mean, you're in an open plan office, you talk to each other every day, you talk, meet, do stuff outside of office hours. But no, not at all, I never experienced even any sexist, you know, notions, or well, you're a girl, you can't do this, or whatever, it's...if there's any place, to be honest, the working environment at the LRC, well for me, was superb. I looked forward to going to work every single day. And a lot of my friends thought I was insane, and when I was leaving the LRC I was just joking with the attorneys that, you know, some of my friends thought that I was working in an environment that had, you know, 25 to 35 year old young eligible bachelors, with the way that I used to look forward (laughs) to going to work. But the work, the clients, it was just amazing. The clients were great. Of course you come across a few clients who are either Afrikaans speaking and are more comfortable, you know, speaking that language with you, so often they would say, you know, don't you speak Afrikaans or anything like that? I'd say: sorry, I don't, this is all you get. This is me. This is me but they wouldn't shut down, they would try, and it also depends on how much you are willing to meet them, kind of saying, I really want to help you and we can work together if you are totally uncomfortable, speak Afrikaans, the point when I don't understand anything or I have to ask you clarity in English, but we can work together. The clients were great. A lot of the refugees, almost ninety percent of the clients that we'd see were refugees and they felt at home with the fact that I was foreign. Some of them would kind of say: well, you know, you don't sound South African, where are you from? And then I'd

say: well, I'm Zimbabwean. And then they'd say: oh, ok, we could tell from your accent. But they felt comfortable. The clients tend to feel very comfortable with the CAs, whether you're South African or foreign, you know, someone who needs help, if they can see that you are willing to help them, they're very accepting, they were very, very accepting. You get one out of like, in a month, who are absolutely rude or insane. William had a knack of attracting...and I mean, medically, insane clients, and he would just say, ok, Precillar or Stacy, can you see Mr or Miss whoever, deal with them and you'd just think, what are we supposed to do with them, we're not doctors, but it's just those things that the clients feel so confident and feel so accepted, that regardless of the fact that they're absolutely insane or they have problems which no lawyer on earth can solve for them, they felt confident enough to come to the LRC, and they'd still have someone who would sit there and listen, and make sure that whatever they are saying we value it, we respect you as an individual, we can't do anything, and they'd be happy to go their way, they'll come back next month and you'd just do the same thing. But that was part of the joys of working there. Afterwards, of course, when they leave, the CAs would look at each other and say: what was that? Who was that person, he thinks he's god, you know, or something like that, but it was some of the joys of being in the office and just being a public interest lawyer, I assure you, in a commercial law firm they would not have time to sit and just listen to someone who clearly has problems but it's not a legal problem, it's something we'd do, but we'd give them time to say what they can and then allow them to leave when they said, ok, I've said what I needed to say, and that would be fine.

Int I'm also aware that during the time that you were a CA there, the xenophobic attacks were happening in South Africa late last year, if I'm correct?

PM It was this year....

Int This year right... so it wasn't at the time that you were there at all?

PM The xenophobic attacks happened just when I'd left the LRC, so I wasn't in the office when, you know, kind of when the outbreak took place and I've no...outside of the fact that I got a phone call from William (Kerfoot) saying can you come and help, at the Aids Law Project, because they need to find places, logistics, and stuff like that. I wasn't around. I wasn't at the LRC at that time.

Int Now I'm also given to understand that you really wanted to stay on at the LRC and I was wondering what were the circumstances under which you then had to leave?

PM Okay. I definitely did want to stay on at the LRC but because I'm foreign, I cannot be admitted as an attorney.

Int Even if you've studied in South Africa?

PM Even if you've studied in South Africa, even if you've done Articles (laughs); it's just a provision in the Attorney's Act, which says that you have to be a permanent resident or a citizen to be registered as an attorney. And because of that, it made my...like public interest law is very specialised and you definitely have to be admitted to actually work around that. So it's either you're admitted or, you know, you do research or you do something else. And I didn't want to have anything less than to do what I absolutely, you know, the whole of it. So when the opportunity came for me to think, okay, maybe there's a chance that later maybe the law might change or something might happen, that will allow me to stay, then I will stay, but I couldn't stay forever being a candidate attorney. So I got an opportunity from Jutas to do editing and I took it, to do that for the meanwhile and see what time will bring along the way to see what will happen with that.

Int You've worked with a range of lawyers at the Legal Resources Centre, I'm wondering whether there's anyone in particular who you felt really helped to shape yourself as a lawyer, and shape your thinking, and also your interest in public interest law?

PM Okay. That's a very difficult question because (laughs) all of them, all of the attorneys who I worked with, chiselled something into my personality. I'll start with...who will I start with...I'll start with Steve (Kahanovitz). Steve is extremely organised. At the beginning I used to think it was crazy the way he was organised, he would arrange meetings with his candidate attorneys every week, where he will tell you, this is what we need to do, this is what you are going to do, this is when you're going to report back to me. These are the meetings that we have this week; make sure you have them down in your diary for that. He was extremely detailed and extremely organised in that sense. And it's nice to see, like it's really nice to see that he demanded a standard of excellence on his own part and for his clients. And that's really amazing, the worst thing that...because clients think that, okay, we aren't paying our lawyer, we're not going to get, you know, a certain standard of excellence from the person, we're doing this for free so you should be grateful for anything. That was the last thing that you got from Steve. He totally, put his clients first, made sure every appointment we are there, everything is organised and you'd done your part, you'd done your research beforehand, and we always laugh to this day, that Steve is one of the attorneys in the office, is the only attorney...in fact, I think he's the only person who writes memos to himself. And as the CAs we used to laugh crazy, what, you'd see a memo and people would say, no, no, no, you guys are joking, you're lying, Steve doesn't do that, and then they'd say, yes, let's go to his file, you'd open the file and you'd see memo to Steve, from Steve (laughs) and we would kill ourselves. But that's the level of, you know, he would remind himself about his own things, and that's great! And that's how organised he was, so he taught me how to be organised. I'm an extremely disorganised person, and he taught me that, you know, when it comes to your clients, you have to have all your...you know, you have to tick off everything to make sure that you've done everything, so that if later if something happens you'll be able to look back and say, no, no, I actually met with this client on this day, I told this client this, have it in writing, these are the questions that the client has asked, this is what I need to find out for him. And it was great. And with William (Kerfoot), for example, I learned just compassion, and knowing how to empathise with the clients and see things from the way that they see them. And he would, you know, get so involved with it emotionally, get involved with, you know, the trauma or whatever that client

has gone through, and it's an amazing thing that you don't see elsewhere, where you actually feel what your client feels and still go out of your way to do what needs to be done. William (Kerfoot) would go and find, if there's any clause that can ensure, he will search everywhere to ensure that his client's rights are protected. Where you think the right doesn't exist, William (Kerfoot) would find it. That's how he felt for his clients and that's the extent that he would go to the extent to do whatever he could for his clients. From Henk (Smith), as I said from the beginning, I just learned that there's nothing wrong when your work consumes you. Because you begin to take it as your own, like you really being to work, to see your clients as...you know, you put them in your shoes that I'm going to work as hard as I would if this was my land, if this was my right which had been taken away, I'm going to go that extra mile and do what I can. And there are a lot of people think that he's absolutely eccentric and all that, he is, but he's the funniest (laughs), he's the funniest, and he takes things deeply but he's so open to just hearing your opinion. I would go for meetings where I'm not Afrikaans speaking at all, and he would allow the meeting to go on in Afrikaans, and then later he would say, actually Precillar, this is what they were saying in the meeting. He wouldn't exclude me from the outset, you know, kind of say, well, Precillar is not Afrikaans speaking, why should I take her for the meeting in the first place? But he would take me for the meeting, he would make me feel part of the meeting and at the same time make the clients feel comfortable that, no, although she doesn't speak Afrikaans, feel free, speak, and if you want her to do anything, ask me I'll translate it in English and she will do whatever that needs to be done. And he really, you know, kind of held me by the hand and, you know, took me to places that a lot of candidate attorneys in other firms, would not have been given the opportunities to attend meetings, to go for briefings with counsels, and do that. So he was really great. And Vincent is the one attorney in that firm who used to come into the CAs office every single day, just to say hi, to the candidate attorneys. And that's precious. You don't get...you know, you think that there's a hierarchy, attorneys up there on the ladder, and the CAs totally below on the first step of the ladder, but Vincent totally broke that, with everyone in the office though. It wasn't just with the CAs. He was amazing and he was so helpful, and very often we would make mistakes and CAs often do that, but Vincent would often soften the blow on our part by coming in between and say, no, don't take it too hard guys, these are CAs, they're learning, let's allow them to learn, let's do that, and he was great. He really, really was great. All the CAs I know and totally will miss him, you know, when he went to the High Court, but we're really glad that he's, you know, there. But he was amazing in that sense. He totally removed any barrier that you might think might exist, sitting in our office, joking with the CAs, telling us, no, law is like this, you should do this, you should do this, he was such a teacher, which is really great. And you don't find that everywhere. And Chantal was just I'm there, you know, guys, this is what needs to be done, she takes the whole idea of leadership to, you know, to different levels. She was very accommodating with the CAs allowing us, you know, ok, we're unhappy about this and she would listen. Charlene is great. She was great because she was the youngest of the attorneys for us, so we related to her on a different, big sister like role. And she's just like Steve in the way of being organised. With the NPO project, it's one of those things where ordinarily you would think that there isn't much that needs to be done. But in learning how to draft a Constitution, a trust deed, or anything, she was great with just telling you ok, that this is the law and feel free when you're drafting a Constitution to know what your client wants and what, you know the law states and put it together. And just be organised in terms of diarising because you had to sort of

rely on a diary for the NPO projects, you know you've submitted this letter, you have to follow up with the NPO directorate, you have to find out from them when the certificate is coming, is there anything that's coming, you have to relate to the clients as well, tell them what's happening. And she was great. She was also the CA coordinator. And she, of course, she got a lot of (the) butt of our complaints against the attorneys, her being one as well, but she never made us feel like we can never, say, well, we're unhappy with this. We think whoever is being unfair, so can you please do this about that. So she was very accommodating in trying to deal with the young people and their issues. And, who else have I left out? Angela. Angela was just funny. She was just amazing. I've never seen anyone who...who sees environmental law in the way that she does. She's got an amazing mind and she's also willing to...she's one of those attorneys who were often very willing to talk openly about what they were doing. The other attorneys would talk about what they were doing but she was open, guys, I'm dealing with this and I'm not sure exactly how to deal with this. And she would accept, you know, advice from the other attorneys and from the CAs as well. Kind of say, ok, well I think of...of course although we didn't have much to contribute in terms of, ok, we might see it like this, she was willing to listen and allow us to give our opinions and...ja, she was great in that way. I didn't work with Kobus, but just the interaction, seeing him in the office and...it's a joke, he was one of the attorneys who we would tease, that okay, if you want to draft a letter, and you go to Kobus (Pienaar) when he's extremely busy, because you're guaranteed if you give it to William (Kerfoot), or you give it to Henk (Smith), worse you give it to Steve (Kahanovitz), you will redraft that letter ten times. So what we always used to joke about with the CAs is like, if Kobus is extremely busy, when you've done the ninth draft, and you can't stand going back to Steve because he might give you a tenth or eleventh draft to correct your letter, just go to Kobus and say, will you please sign this? And he'll be so busy and frazzled he'll say, I hope you checked this, and say yeah, yeah, yeah, and he would go and sign the letter. But ja, so it was that small interaction, when we'd see him of course we'd bribe him but he never wanted to do duty. I'm sure you know about the whole...as CAs we have duty, which we do twice a week, seeing clients, and the attorneys would have to do duty at least once a month. And Kobus did not like doing...and does not. At least now I'm sure if he's Director he's exempted from doing duty. He would totally refuse to do duty...well, he wouldn't totally refuse, he would say he'd do it if people come with land rights issues and whatever, but realistically ninety percent of the clients that we'd see every day, refugees with issues, and you need to write letters, sometimes you need to call the police, you need to call Home Affairs, and Kobus just didn't relate at that level. So often we'd say, sure Kobus, we'll do your duty but you have to buy us, we'd bribe him, like you have to buy us smoothies from Buzz or whatever, and we'll do your duty, we'll gladly do your duty, and he would grovel and plead and whatever (laughs), but it was just great, so it was just awesome. Have I left someone out?

Int Not that I can think of. In terms of the admin staff, there's always going to be tensions in any organisation between admin and professional. What was your experience of that at the LRC?

PM Let me think...I don't know...outside of the normal complaints of, you know, of maybe the staff sharing...I guess the staff sharing between attorneys having one secretary and stuff like that. The little problem that you'd hear about, just, oh my

goodness, whoever has given me so much work, don't they know I also work for whoever. But that's normal strife that would happen. But there wasn't that much...I don't know now when I've left, but there wasn't that much when I was still there that there'd be a lot of complaints that usually were not aired or, I don't know...

Int In terms of...you had peers who were doing commercial practice in Articles, how did your experience compare with theirs, and did you feel that you might have been missing out at all?

PM I guess...you feel like you're missing out if your mind somehow is thinking that I could be doing something else. But for me, being at the Legal Resources Centre was what I wanted to do, and for what I wanted to achieve and what I wanted to get out of my experience, I thoroughly felt like I had a well-rounded...although maybe there could have been more opportunities for us to draft and maybe go to court a bit more often. I had an amazing experience, I got what I wanted so I can never say well, I wish I would have learned how to draft a merger and a merger and acquisition document or anything, because that's not what I wanted to do, I didn't even dream of doing that, I didn't want to do that. But for everything that I wanted to do within public interest law, I got a touch of everything that, you know, that I'd hoped that I would gain from my experience as an articulated clerk and I guess with most experiences you get so much as you're willing to drag out, if you say, this is what I want to do and the attorneys were great, if you said, well, you know, I know you're going to court for this matter, even if I'm not doing a rotation with you, can I come with? And they'd say, sure. Or I know you're working on something can you show me how you're drafting those documents, and they'd say, sure. So I got what I wanted to get and I don't think I missed out on anything that...I can't even compare, my colleagues in a commercial...one thing for sure is that I think for me I gained more than they have in their firms. Because I don't think in a commercial environment you get that sense of fulfilment I guess, unless you are absolutely happy about having deals and contracts signed and you get thrilled as you go home at night and say, wow, that was amazing! I got that from the LRC. You know, every week I'd get home and I'd be absolutely satisfied with having been at work, the clients I'd met. You know, sometimes whether we'd been successful or not, I know for certain that a lot of the clients would still come back and say thank you, you did your best, and just the process of knowing that somebody was defending my rights and fighting for me made a difference. Thank you for that. And they got something and I got a lot more probably than they did. But it was absolutely amazing for me.

Int Precillar, in terms of rule of law and constitutionality, the judiciary in South Africa is particularly under attack recently, Constitutional Court judges have been referred to as counter revolutionaries. I'm wondering what your sense is, as someone who's Zimbabwean and has seen similar attacks on the judiciary, and also as a public interest lawyer...what's some of your concerns, both for South Africa, as well as for the milieu in which Legal Resources Centre has to operate in?

PM To be honest with you, the first time I saw, you know attacks in the media against the judiciary, I was filled with a sense of dread, it was it's happening again. You know, because coming from a place where not only...the judiciary in Zim, you can never say

that it was ever attacked. It was subtly controlled by, you know, the government. And it's as dangerous to have control, you know from within the government controlling the law as in how judgments are passed. It's even more frightening when you see...you know, people who should be upholding, you know, after fighting for certain state, a constitutional democracy, fighting for that, it's sad to see it coming from the people who might have...who were the victims of injustice, and here you are pulling down the people who actually say, these are people's rights, we uphold it, we are protecting this Constitution, this is our role, this is our function. When it comes from the people themselves, it's frightening. Because what's wrong...at least with the Zimbabwean situation the difference is that you see that the government is controlling and the people know that that is wrong, that's not the way it should be. It's frightening when the people are saying there's nothing absolutely wrong with that, yes, let's attack, the judiciary should know its place, and not that it should know its place, but where they speak out they should keep quiet. It's frightening, isn't it? Because, for as long as you know...the people in Zimbabwe know that, no, that judgment has been passed, it's wrong because it's clearly pro government; it's not defending the rights of the people. But when the judiciary says we are trying to uphold the rights of you, and the people themselves say, no...we the people are doing harm to ourselves. And it's unfortunate. And I hope that people in the legal profession will begin to be more vocal and I don't think they've being vocal enough, to say, this is wrong, the law should always be upheld in all circumstances and it's not...you know, it's not for an elect, it's not for a particular group of people, because for as much as I fight for your rights, I'm defending my rights by fighting for your rights. And you don't see that at one point or another you might be on the other side. And it's unfortunate, and as I say that I really wish that maybe...you know, like people, the citizens should, you know, the citizenry itself should begin to see what the role of the judiciary is. It's not to see it as being aligned to a particular party or anything like that, but it's an institution which is there to uphold the rights and...the rights of everyone. All I can say that I hope that what happened in Zim doesn't happen because in a way what happened in Zim would be better than what is happening right now, because when the people themselves begin to believe that the judiciary is not on our side, or that it should not pass certain judgments, then you've got no hope, then what are they fighting for if the people themselves believe that we can attack...I think there's constructive criticism, which I know any judiciary would not be adverse to. Which is like saying okay, well maybe judges are passing the wrong sentences when it comes to rape and things like that. There's absolutely nothing wrong and judges often will not resent that. But when we are reaching a point where we want judges to align either with our political opinion or with anything like that, then we're in trouble, we're absolutely in trouble, because what about if another political party comes into power and then they begin to thwart our opinions, then it's frightening.

Int Precillar, I've asked you a range of questions, I'm wondering whether there's something I've neglected to ask you which you feel ought to be included as part of your Oral History interview?

PM Um...I'm just trying to think. I don't know, maybe it would probably be something to do with the role and the function of the LRC right now and I think...the LRC provides a unique service, I would say, to thousands, hundreds of people. The cases that they fight for definitely do have an impact on the way that the law evolves and

the rights of people within South Africa, and beyond that, it's amazing how...I was at a women's conference and they were talking about major decisions, Makwanyane, Grootboom, you know, cases that have made a difference. Maybe I might not say practically on the level as an implementation. But when it comes to articulating the right, what it's about, what it means, the LRC has gone...has totally done amazing things within the country and beyond that, the Southern African region looks to the Constitutional Court decisions and say, ja, that's the way law should evolve in our continent, that's the way it effects our people in Africa, in South Africa, in the region. And the rest of the world is beginning to learn about rights and not just...and the unique thing about South African law is not just about formal equality, substantive equality, which does have the potential to change the everyday lives of people. And organisations like the LRC have gone such a long way into ensuring that the rights of people are protected and are advanced. And you see that it goes beyond political eras. You know, at the beginning, you'd think that post 1994 there would be no need for organisations like the LRC, but you see each and every day there's more that can be attained, that people do have a right to housing which is more than brick and layer, which is more than brick and mortar, and you begin to see that actually there's more that people can attain which will lift up the standard of living for people within the continent, and you'd never think that law...social justice and law can fit so well together. And I think without organisations, there are amazing lawyers from the LRC, without dedicated people who come in as interns, without the admin staff who fight on a day to day basis for things like that, I don't think we would understand and experience law within this country in the same way that we do today.

Int Thank you for that. Before we end the interview, I was wondering whether you would share a particular memory of, whether it's a client, a particular case, or certain lawyers, any lawyer, of the LRC, that really for you is a memory that you treasure as part of your experience at the Legal Resources Centre?

PM There are so many (laughs). There are so, so many. I have a soft spot for William (Kerfoot) so unfortunately it always will have to be linked with William. There was this client that we had, a young Zimbabwean woman who had been raped while she was...it was politically related when she was still in Zim, and she was very young, she must have been 17 or 18, and her husband came to the office and told the story to us...and told us the story, we noted it down and she had been arrested by the Department of Home Affairs for not having any documentation. And so I went to explain this story to William and he was sitting in his office and he had just seen a client of his who was...I can't say paraplegic, but he couldn't stand up straight, he had a brace on him, and William was sitting in his office and I got in there and he had tears on his face, like the client had left and he had tears on his face. You know, like, it's not every day that you see a grown man just crying. And so I was getting in there with this whole idea about telling William about this case, this is what's happened, what are we going to do? And William just...and I just sat there and I said, William what's the matter? And William was so heartbroken about this situation that his client who had just left had been in, and he expressed that to me, and I was heartbroken because he was heartbroken, and I could see where he's seeing, and he was thinking what can I do for this client? And I thought, okay, I clearly can't tell him about this client right now, I'll go away and then, you know, calm down and write it all down for him and then come down and see what he's going to say about it. So I left, and

then after like an hour or so, I thought, ok, he must be fine now, and I told him this story about the other client, and he was just as compassionate as he was, he was totally devastated and could not believe Home Affairs could do this. And I thought this is what law is about, you know, he could move away from that and still be thinking about that client what am I going to do, and still be able to think, okay, this is the person who needs me right now, let's do this now, and we'll still deal with the other. And at that moment I knew I was in the right place. I was certain all along, I said, well, I'm enjoying my experience at the LRC, but at that moment, I just had reached that point and you know now, I could do this for the rest of my life, because I just knew that, you know, if anyone comes to the LRC, they have totally given...they've put their life in a very good place. It's not like if we can't help we'll do the very next thing to try and ensure that that person is helped. But those that are helped know that the attorneys there would put their lives, their hearts, into trying to help their clients. And I think for everyone, it's amazing for you to find what you love in life and to do it and to do it with all your heart. And I think all the attorneys at the LRC have that. They do it not because it's just a job and it pays...often for us, the CAs, we used to think, this is totally lousy pay, but it goes beyond that, you might not be get...like the rewards each and every day, have just been amazing for those attorneys and you see that they don't dread being at work, they absolutely love what they're doing and they love their clients that they're doing it for and with, and they definitely see the broader picture. That's my memory.

Int Thank you. Precillar it was really a pleasure and I'm glad I had the opportunity to interview you, thank you so much.

PM Thank you.

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