

Sha'ista Kazee**LRC Oral History Project****20th August 2008**

Int This is an interview with Sha'ista Kazee and its Wednesday the 20th of August (2008). Sha'ista, 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.

SK It's a pleasure. Thank you for asking me.

Int I was wondering if we could start the interview, if you could talk about your early childhood memories, growing up in South Africa and where you think your sense of social justice and injustice developed.

SK Sure. I think I had a funny childhood, as probably most people would say. I grew up on the Cape Flats, in the mid-eighties. I was born in '81, so around '85, '86, which was the second or third State of Emergency at that stage. So my street was an interesting place. I lived on quite a main road, and...or just off a large main road, and so that was the road that always, if there was any protest, if there was any hints of gatherings of more than...what is it, five people or whatever it was at the stage, the Casspirs would use that road. So visually it was quite an arresting thing, and even if I didn't understand the details or what quite was going on, I do remember a couple of incidents where we'd have...me doing the shopping or at the café, and suddenly everyone would rush into the store ...just to empty out the sidewalks and empty out the main streets and allow the Casspirs to go and then there'd be the batons and the police...and one quite interesting memory, I think, is...which was funny...is funny in hindsight, just when you think of the juxtaposition at the time, I was just startled, but again, it was during that period and my mum was doing her hair in the hairdresser so I was bored as hell on the floor, and it was one of those moments where a truck came through carrying...through the main road carrying mattresses, just for sale and distribution, and people had stopped that van, pulled out the guy and opened the truck and burnt all the mattresses, because they're goods from white stores or white enterprises and they're coming into...into the Cape Flats. And so there was a methodology to that protest, and so while my mum's having her hair in these big curlers, outside there's burning mattresses (laughs) and of course that resulted in a huge police force, and so that's the one that really stands out in my memory. Contrasted with that, I was incredibly lucky and privileged to go to a convent school, a private white school, white convent school in Wynberg, and so from the age I started formal education, I suppose six, I always had...I always went to these...the affluent school and the...this wonderful calm setting, and so I think very early on I realised that there's...there's very...there are two distinct areas in Cape Town, I mean, Cape Town's all I knew, and ja, and that there was a sense of...of narrow-mindedness maybe in one area, and...and the worlds just didn't collide, I think. I happened to pop into one for six hours a day and pop into the other in the afternoons, but they didn't really understand each other or see each other.

Int And then the formative influences that led you into the legal profession?

- SK Well, worryingly to my parents, I first wanted to be a police officer (Laughter).
- Int Interesting, interesting!
- SK I think they had heart attacks! So yes, and of course that was at the stage before I really knew what was going on in South Africa, but I had an inkling that police officers were meant to be helpful people, and it was only later on I realised that's not always the case in South Africa. I think my parents were just mortified all the way through, but I don't think there was ever a doubt that I would have entered...entered into a...a profession that allowed me to facilitate and contribute to...to people and to communities, and whether...I've always been fascinated with history and I've always studied it in one form or another and...and it's simply, I think, law as a subject came as quite a fluke because I was initially interested in English and language and sort of reaching and connecting with people on that level. So studying law came as a little bit of a haphazard decision. But it worked out incredibly well.
- Int Right. So your experiences...you were at UCT?
- SK Yes, yes.
- Int And what were your experiences of...university, in terms of, for example, did you do any law clinic work etc?
- SK I did do law clinic work. I worked for, I think about a year and a half at the UCT Clinic, and one of the amazing things of that experience, was that it really brought me quite heavily into refugee work and refugee assistance, which I'd never really contemplated or even concerned myself with. I think it was just a bit of a...a hypothetical awareness that something was going on, but not on a day-to-day experience. And the Clinic was fabulous in that respect, and I really...I think it...it gave me a different angle and a different focus to...to perhaps what I'd imagined beforehand and that was also...I mean even from I'd say about the second year of 'varsity, or my second year of law...first or second year of law, immediately the LRC was sort of the first place that everyone was talking about, and...
- Int Really?
- SK As an option for those people who were not interested in high-level international trade and tax law...
- Int Right, so commercial...
- SK Ja, the commercial stint, and so it was fascinating to me how, even though there weren't very many people interested in public interest law, those who were and the lecturers and the people at the Law Clinic, obviously, had extensive ties with the

LRC, it was just the place to go and there wasn't a doubt about it and you would fight tooth and nail to get into it. (Laughs.) Ja, and my particular law class, or my year, we had a couple of people who were very interested.

Int Right.

SK And I think all of us applied, so it was...

Int Does the Cape Town office actively recruit on campus? How does that work? How did you get to know about the LRC? Was it through word of mouth?...

SK They don't advertise on campus extensively. They certainly didn't in my year and the year after I left. I do know that I think in my second year of Articles, we...we actually brainstormed and decided we needed to make our...make the organisation known to students, but I think it is something that you do pick up through word of mouth and through the work that you're doing. I was heavily involved even before my law degree in Amnesty International, South Africa, and there was a UCT Association as well, so through all of that, the links just, you know, it seems that they're everywhere, because you're constantly talking to them and engaging with them. The Amnesty International work of course, meant that we'd speak to the LRC more, when we'd dealt with refugee matters and in Africa generally, and we'd try and get their input and their links, but no, there wouldn't be formal advertising. I imagine they're doing it now, though.

Int So you get to the LRC and I was wondering what your rotations were? Who your principals were and also, what the atmosphere was like in the office? Because it's not a commercial law firm so I'm sure you have...

SK (Laughs.) The LRC is a fantastic place. I think you go through so much to get there, and by the time you're hired you're feeling like, you're the top three percentile of people and how lucky are you, and you walk into this chaotic place where everyone's like...oh well, you're now part of the family, go and make yourself useful. Do something. And you're just...you're left at a bit of...isolated in a way, but there is a fantastic structure and I think it works very well. The Cape Town office is the...was when I was there, the biggest office of all the provincial LRC offices. And it meant that the Cape Town candidate attorneys had the opportunity to work in a fair number of projects and you were officially in a particular department for six months at a time, so you got to see at least four different areas of public interest law. And I think that's just one of the best things that the LRC offers. There are other NGOs in Cape Town that do fantastic work and...and I think we'd all work for them in a heartbeat but they usually specialise on one particular issue, whether it's gay rights or women's rights or children's rights, and you get your two years or year exposure in that particular field and the LRC really has this benefit of...of pulling at all these issues and having really amazing senior attorneys having focused in their area for a considerable number of years. And as a junior, to be able to know that you're rotating to four...through four experienced lawyers and being able to get that knowledge from them and assist them in their work is quite wonderful and it's quite energising. It means your whole two-

year period is a learning period and you never feel quite comfortable or complacent about the work you're doing.

Int Right. In terms of those rotations that you did...which areas of public interest law intrigued you the most; that you found most rewarding?

SK Interesting question. (Laughs.) The one that I learnt the most from and intrigued me the most was my Land rotation and Land Rights.

Int Was that with Henk Smith?

SK And that's with Henk Smith, ja. He is phenomenally dedicated and to work with someone who is so passionate about their area is really an energising experience, and I don't think I'd ever realised that before. What we were doing when I was with...working with Henk or rotated through to Henk, was really the final court stage of the Richtersveld case in the Land Claims Court, after it had been to the Constitutional Court. And so for me it wasn't only a massive learning curve in terms of court process and expert witnesses and leading of witnesses and witness summary and working with counsel and those sort of standard attorney practices, but also the ability to...or the necessity that we had in our position of constant communication with the community and constant engagement not just with their representatives, but also just going back and forth to the community as a whole and holding workshops and forums and getting a feel for the fact that even though we're doing great work, you...the ability or the need, and maybe the pressure on us, to really ensure that we are still representing the community's views, even when we're dealing with something like not just a royalty rate but the net present value of something ten years in the future and reducing that to what does the community see for ten years in the future when you...when it's not spoken in high level financial terms or accounting terms or business terms, so...it was a really strange but wonderful experience for me. So that's definitely the one that highlighted...stuck in my brain.

Int Ok. The office is also dominated largely by white male lawyers and I'm wondering what your experience was of that from a gender and race perspective and if it was problematic at all?

SK It wasn't...it was problematic when I arrived, I should probably be honest, in that it is something that immediately strikes you, particularly for me because maybe I had quite a naïve view of what was happening at this fantastic organisation.

Int In what way?

SK In that I assumed it would be quite young, predominantly black, whether it's Indian, coloured, whatever kind of black, African organisation, and you know, the major language in each office might be Xhosa in Cape Town and Zulu in Natal. I mean, it is quite glib and generalised, but that was the image. And to walk into a place where

there really are these...Henk's (Smith) going to kill me...old white men (laughter) there, it is an affront. It's sort of a startling thing, and what you learn, or what I learnt very quickly, was that these people, these five or so individuals in the Cape Town office, hold an incredible history amongst the five of them, and it's almost quite a treasure, to still have that. So within six or maybe eight months, my feeling almost did a hundred and eighty degree turn from my initial impression. I do think, though, that the...in failing to get a more gender representative...I suppose they are fairly representative in gender lines, but a more racially representative office, it...and younger people involved, I think they are sort of spiting themselves by cutting their nose, and I do think that they've made efforts to attract younger professionals, and younger black professionals in particular. And I don't know to what extent that has worked over the past two years since I've...three years since I've left, but two years since I haven't really discussed those matters. But it is a trick to find people who are passionate about this area of law, and are happy to do it, and I think there are many young black professionals, men and women, who would love the experience but their immediate needs are the firm that can give me the highest salary, is appropriate for me. And the nature of corporate work versus public interest work is so different that it is a mind shift and so I don't doubt that anyone could walk in at any stage and say I'm willing to give my time and a couple of years to this organisation but I do think it's...it's a way of working and it's a way of dealing with clients that you don't see in other environments, and it's an appreciation of others in a way that you wouldn't necessarily consider in a corporate environment. So I think there's lots of work to be done in the LRC.

Int So in those two years what were some of the cases that you took on that really in some ways you felt this is...what...epitomises what public interest law is all about?

SK The Richtersveld case is certainly one of them. But that...that's a case of, I think, nine years, so actually probably eleven by the time the final settlement was done, so I think...and I think that every candidate attorney that was ever at the LRC had their role to play in that case, which almost made that case particularly magical case, in that every one has their own personal experience and attachments to it.

Int Ok. What was your personal experience and attachment then?

SK (laughs) Oy...it was trying...trying to...my role was to deal with the environmental aspect of the case, so the land rehabilitation of the mining areas and that was particularly important to the community because if they were getting all this barren land, they needed to do something sustainable with the land. And we had a number of environmental experts, who're all delightful people and incredibly passionate about this, because this project to them was one of the few areas where they really get to professionally create a footprint, but also have a...you know, they created their own attachment to the work after two years. And it was wonderful to see what the community...the community's tangible visions for this vast tract of land, and harmonising that with the...options that were feasible and practical and...I loved it. I really loved that section. I learnt so much about environmental rehabilitation, and I've learnt that I don't think mines are very good places at all (laughs). But other matters that I really enjoyed, and smaller matters with individual people and one on one, there

were some particularly special cases. I think one that sticks in my mind and I can't remember the woman's name at all, and it's not a really positive story, but she was in a domestic violence situation and she'd had her restraining order, and the...her husband or...was out...was not staying at the residence anymore, and he was still harassing her...one of the...by whether it's 'phone calls or whether it's visits at odd hours and threatening her. And the family advocate wasn't able to assist much more than they'd already done in protecting her and so she came naturally to the LRC. And it's one of those cases where you really...and there were a few of them, but she sticks in my mind, where you get particularly roped in with that person's life and you do take them home with you and you do think about them. And yet legally you're quite hamstrung, because unless that person makes a stand and that person does that bit much more than they've already done, and you're held back and it's difficult because the work and the steps that that person has taken already is so phenomenal in their world, and so vast, and they should be getting a medal, and yet it's still not enough. And so there were two that I remember having, and the one...ja, that stuck in my brain as quite a difficult one. And then there were some great ones. There was a really crazy silly case with a man who came from Kenya, walked down from Kenya in protest and awareness of the Masai people, and their...the threatening of their human rights in Kenya. And he's been staying in Cape Town for a number of years, and he's gone to the...he's made petitions to the President and his local authorities and asking for solidarity from South Africa, and he wears his traditional clothing and he's often in the Cape Town Gardens, and he's a very good marketing man. And he'd studied in London, so he was certainly not an uneducated man, and he was, I think, the bane of my life for two years, in that he'd attached himself to me, and every single matter that ever came into his life, be it the media printing a photograph of him in the local newspaper to a really serious issue of his wanting to renew his permit, where we'd assist him, he'd come to me with it. So he's also stuck in my brain as a memory of the LRC on the crazier side, and...I mean he has a fantastic cause, but he truly managed to annoy me thoroughly in two years. And I suppose that's also the joy of the learning curve of the LRC, is that you slowly learn to differentiate between people who have good causes and causes that you can assist and collaborate with these individuals in...in achieving their rights and getting recognition of their rights, or protection of their rights, and those people who are slightly manipulative of the system and they see these young junior lawyers waiting to save the world (laughs), and they are shrewd and they know how to do it, and you slowly learn to say I can help you on this matter and this is completely legitimate and well within your rights, and buddy, you're trying me on the next matter. And I think that's a very good thing for anyone to learn, whatever age they are.

Int Sure. I was just wondering, compared to your peers did you have a sense that you weren't getting enough exposure to other types of law and litigation and court experience whilst you were at the LRC?

SK I think that's a constant debate. And it's an important one. And I think the LRC recognises that, and certainly even in my interview, they said, do...are you aware that this is what you're walking into for two years? And I think it's good that they do that. I think it's very important. I have never felt that but then I tend to always see the sunny side of life so perhaps it's there but I just refuse to see it. I think the reality is that if you're interested in public interest law, you want to get experience and you

want to be able to learn from the best people in the business, and that's the same with any field of law in many ways when you're...when you're starting out. And the LRC can provide you with those people and that experience. It doesn't proclaim to be anything other than that. Your court experience, I think, is far better than most people who work in corporate firms, because you do the work. There isn't enough staff or support staff to do work that would otherwise...that could be diverted in corporate firms and so my High Court experience is, I think, at a very strong level, and stronger to many of those who are my colleagues in other departments. However when it comes to Magistrates Courts, I'm the first to admit that finding the building is a trick (laughs) and I think when you speak to colleagues who are doing their Articles in other firms, they will speak of various rules of court, *Anton Pillar* awards, you know, various things, and at the LRC you won't know about them but you can learn very quickly, and I think once you get to know the process of court, particularly the High Court, and get a feel for it and get a feel for how to...I mean one of the most basic things I think, draft your prayers for relief, which is also the most trickiest thing. And I think those sorts of fundamentals you don't think about in a corporate firm because your relief is so preconstructed in many ways. And the LRC every time, you draw up a prayer for relief, you're going, oh, goodness, is this too far, what am I asking of the court, am I crossing boundaries? And that constant questioning at every step of the court process I think is an invaluable education tool for someone who is young. So yes, you don't...you're learning in parallel fields, I think. And some of those skills are easily transferable and some you're hopeless at, and I do think it's important, and the LRC does do this, that when they invite people, when they interview people, they make juniors aware of that.

Int Right. I was also wondering, Sha'ista, what prompted you then, after your Articles, not to stay on? I assume you came to Webber or Mallinicks?

SK I did come to Mallinicks afterwards. The prompting...it's a funny situation. We were still heavily in Richtersveld when I needed to start thinking about where I'm going, and it was clear that there was unlikely to be a space in the LRC. So I don't think I ever gave the thought of staying realistic hope, really.

Int Had there been...(space) would you have?

SK I don't know. I think I probably would have thought of it. I don't know if I would have thought of it seriously. It was one of those things where I know what I wanted was to go to the Constitutional Court, so I'd sent my applications off for that, and then I sort of thought I was covered. Henk was wonderful in that in the middle of litigation and fighting with the other side and witnesses and so on, he'd shout at me once a month: have you thought about what you're doing next year? And I'd say: no I'm too busy with whatever's on my desk at the moment. So eventually I started applying, and Mallinicks certainly I think ...raised an eyebrow at taking this little public interest enthusiast onto their plate. But they did accept me and after that acceptance I then got the ConCourt acceptance.

Int Ok.

SK So I went to the ConCourt and then I came back to Mallinicks.

Int Right. And who did you clerk for?

SK I clerked for Justice Nkabinde. She had started I think about eight months before I arrived. So although she was a fairly new, she was the newest member of the Bench, she had already found the ropes. And it was a wonderful match clerking for her, again, because she balanced perfectly between the procedural fastidiousness of an SCA judge, versus the human rights aspect and the interests of justice of a Constitutional Court judge. So she was great to clerk for. And it was a good compliment...

Int I also understand she's quite principled...

SK Yes, wonderfully astonishingly so. It's rare to meet a woman who's so young and so strong and so principled at the level that she is, which is possibly the highest professional level that you could be in South Africa as a judge. She's a formidable woman and she...I think, she quite liked the combination that I was bringing, which was this wholly public interest background, and I had worked, I'd brought cases, not myself, obviously, but through my principals, to the Constitutional Court before, so I'd sat at the other end of the Bench and now I was sitting as a researcher, and that was wonderful.

Int What cases did you bring whilst you were at the LRC?

SK A fantastic case. And it was just shortly after I arrived, so I never feel like I can take full credit for helping with it, but William (Kerfoot) is very sweet, and will always nod to me. William Kerfoot was...is in the refugee project, and he was doing a case on behalf of NICRO, the rehabilitation of criminal offenders organisation, on the right of prisoners to vote while they were incarcerated for the elections. And it was an urgent application and it went...it was heard at the Constitutional Court on my birthday, so obviously I kept telling William this is the best birthday present you've ever given me (laughs). But it was fascinating. It was fascinating to...and that was my first time in the Court. So it was fascinating to hear how the judges interrogate issues not necessarily at a procedural rule-based approach but at a substantive, how appropriate is what you are asking, approach. And how feasible and is it our place. And looking at standing, looking at remedies, justiciability, all those sorts of issues which are quite theoretical, from my experience as a junior when we learn them in a text book, and brought into a very narrow, very specific, very urgent and fundamental right in the Constitution. So it was...that was fantastic and the Court ruled in our favour. Rightly so. And it was wonderful, and I think that the judge appreciated that I had seen the other side and she had mentioned in my interview with her that she liked the fact of having someone who'd already completed Articles, who had already had experience and wasn't coming straight out of 'varsity, and she complemented that wonderfully. And I think many judges do in looking at both people who are straight

out of university and complementing them with a second researcher who's maybe had experience.

Int Whilst you were at the ConCourt, did you have any cases that came from the LRC?

SK That's a nice question. I did not, as far as I remember. I remember scouring papers to look for LRC matters. I...there might...there was one matter which might have been brought by the LRC, might have been brought by another NGO, I'm almost sure it was the LRC. It could have been the Wits Law Clinic but I'm almost certain it was the LRC. And it was the matter of Nyathi who had...it was the...he was entitled to damages from the State, and the State in the Eastern Cape just hadn't paid out, pretty much ignoring the court order that said...

Int Was it a social welfare case?

SK It was a social welfare case, correct.

Int It probably was the LRC.

SK And thinking back...and that was fantastic and the more I think about it, the more it might have been the LRC in fact. And it was just, again, it's wonderful to as an ex...you do feel, once you've worked at the LRC, that you are part of this family. And for example, I know you just met with Barry Adams. I didn't know Barry before, and the minute it was someone's chirp to me in the corridor, so, did you know Barry was at the LRC? It's like, oh! You know, you immediately affiliate to that person and it's immediate shared history and the people at the LRC, or who have been at the LRC, are usually phenomenally smart people. (Laughs.) I don't know how they choose these people. But they do find really sharp, really creative legal minds. And I think it's the creativity that they probably first pick up on. And so having been at the LRC and meeting people who then have been there, it is an immediate recognition of...there is some...there's some substance, not just to the fact that you have a soft bleeding heart as many corporates would say, but that there's an ability within you and that there's a certain legal mind and a certain creativity and ability to analyse and that's always exciting. And I've made very good relationships with people who for example, work in the Jo'burg LRC offices and...

Int Anyone in particular?

SK Richard Moultrie, who I believe now has just left, if I...And a very good friend of mine who in fact, we applied together to the LRC, back when we finished 'varsity, has now just started working in the Jo'burg office, and I've been encouraging him for years to join.

Int Is that Jason?

SK That's Jason Brickhill. So it does...it does feel like you can, having left there, you know...you can immediately identify personalities that would flourish and thrive in that environment. You're given a lot of freedom at the LRC, which at a very young age...not a young age, at a very junior level, and so as a candidate attorney I would be doing lots of work that I would never have been able to even touch as...as a candidate attorney in a corporate firm. And that responsibility with the support of your partners is wonderfully encouraging. I remember I had a bleeding heart for this particular refugee, who'd been really just frustrated by Home Affairs and so on, and William Kerfoot had said to me: well if you feel so strongly about this damn man, then go and do something about it. So I said: yes, but you must because you're the lawyer. (Laughs.) And he said: rubbish. Go instruct a counsel or something. And I thought, oh, instruct counsel, ok. So proceeded to draft some papers, did my...you know, Rule 53 application, drafted an affidavit, did all the stuff, 'phone up counsel and said: listen, William has said I must do something, can I forward you this and will you help me do something? And he said: if William said so, of course, send it through. And carrying that kind of matter all the way through and engaging with counsel and fighting with counsel because you think there's a legal argument to be made, is fun and scary and wonderful, and to have someone think you have the ability to do so, is always encouraging. And I find that I don't...that that's...there's less scope for that in, not just in commercial firms, but in big enterprises, because usually in big firms there's so much support and so much team work or hierarchical structure that by the time it filters down to the junior person, you're doing all the photocopying, which isn't to say I haven't done my weekends of photocopying, let's put that straight (laughter).

Int But I'm just wondering, you've had the exposure in the ConCourt, you've worked for the LRC, and now, the type of work you do, what exactly is it?

SK LRC still calls me to say, why am I working for the damn corporate? But I'm very lucky in that when I initially applied to Mallinicks, as it was then, I made it very clear in my covering letter that I will only work in your environmental or public law department. If not, kindly ignore my application. And so they knew what I was wanting and I was appointed in the public law department and although it's not public interest, it does involve administrative law; review work, lots of review work, working with local governments and provincial governments, and well, state entities really. And so the kind of work, although it's not the same, it still has the intellectual creativity and the ability for dynamic interpretation and interesting legal arguments. And I think review...a review application is a review application. It helps when you've got a fantastic client, like my refugee client that I had, but if I'm working on behalf of a local government entity, defending someone's review, it's as taxing and it's as interesting. So I'm definitely enjoying the work and I don't see it as very much of a divorce from what I was doing previously. At the same time, you learn...you know, it's an opportunity to learn new skills. I've been here a year and certainly, you know, I can see where I'm brilliant and where there's definitely room for...for more articulate thinking or creativity and so it's ja...I don't see it as too much of a difference.

Int Ok, fair enough. I'm just wondering in terms of the recent sort of attacks on the judiciary, on the Constitutional Court, given that you are experienced at the LRC, do you have concerns about the LRC as a public interest law organisation functioning in that milieu?

SK Sorry? Functioning...?

Int In that milieu...

SK Um...yes, and no. Yes, because, I mean, this is a slightly separate issue, but I'm going to deal with it first because it's a shorter one, is that funding for NGOs, particularly public interest ones like the LRC, Women's Legal Centre and various other...CALS...is different, and somewhat more difficult, because the assumption over the past few years has always been, oh well, we're in a great democracy, we've had this Constitution for ten years, we're fine. You know, what need, what urgency is there? These recent attacks and...have...are a great concern, because it's one thing, and this has been said in various ways, various responses in the media, time and time again over the past few months, but it's one thing to attack judgments or people or characters and so on, it's another thing to attack...I think attack is the right word as opposed to question...attack the...the institution itself and the fundamental and innate workings of that institution, in a frivolous manner. And I say frivolous because obviously if there's...if there's serious concerns or something, then it needs to be addressed, and that goes without saying. And the impact on that for the LRC is that in a way, sadly or...not sadly, it makes...it again makes the organisation as relevant and as necessary as it was in the early nineties when things were kind of up in the air and uncertain, because the LRC's role has always been to provide assistance and protect vulnerable people and communities in the realisation and protection of their rights, and the protection of these core institutions like the judiciary, and be it at a Judicial Services Commission, at a Constitutional Court or a High Court level, is fundamental and is fundamental in protecting these communities because that is the vehicle that we as a society have recognised is the appropriate vehicle to realise these rights. And I think that's maybe what is being missed in the commentary, that it's not the institution itself, it's the institution they are attacking is the vehicle, and once you frame it in that way, the attacks become far more worrying. Or no, I think they're worrying to everybody, but they take a new light. And I have a feeling that the LRC is going to be terribly, terribly busy over the next while if it chooses to engage in that arena and it chooses to protect rights in that space. Of course, it could keep itself out and it could do so on the basis that it's not an individual's right. I mean if you attack the institution of the High Court, you're not violating an individual's right to socio-economic resources. But there is scope for it and maybe that's...maybe that's a point, that maybe while the LRC continues to and will perhaps always work on the realisation of...progressive realisation of socio-economic rights of vulnerable people, there is scope to protect the institutional rights and the vehicles that these people need to enforce their rights. And that would be interesting and then there's always the issue in the LRC of, we've got a great case but we need to find a client. And maybe that's the trick too...so we'll see.

- Int Ok. I wondered...I've asked you a range of questions, Sha'ista. I wondered whether there was something I've neglected to ask you, which you feel ought to be included in your LRC Oral History interview?
- SK In planning for the interview, I was thinking of the highlights and the lowlights. And I've...I think I've covered most of them or all of them. But I think the main thing for the Oral History collection, and would be lovely to hear the finished product from other people, is that the LRC was created in such an interesting time and has such a phenomenal history, and I've been very lucky to have been a part of it at the stage that I was, and the fact for example that I was in the Constitutional Court arguing about voting rights in 2003, you know, ten years after everyone is given the right to vote, or is recognised to have the right to vote, is in itself testament to the fact that the LRC...there's always going to be a role for the LRC. And I think that's the thing and what we want to see is probably that the LRC remains dynamic and responsive to the goings on in this country and in various communities, and has the ability to...to tackle the issues and assist.
- Int Ok. I'm wondering, in ending your interview, whether there was something in particular, a memory, whether it's a funny incident, of working with Henk Smith, or William Kerfoot, you've mentioned the 'nice William'.. that you treasure as part of your time at the LRC?
- SK There were...
- Int Many, I'm sure.
- SK Many. The fact that you mention Henk (Smith), I could probably give you a novel on incidents from Henk. Again, they're going to listen to this so they're probably going to 'phone me after this, but they're all crazy. I think the longer you stay at the LRC the loopier you get (laughter). Maybe that's the reason I didn't stay. But Henk had this wonderful ability to storm into my office, which was...at the beginning it was an individual or private office, and then later we then shared office space, all candidate attorneys...and he'd storm in and scream in Afrikaans, and I can't use the words on the recording system...
- Int We can edit it.
- SK Can we edit it? Excellent! He'd scream, what the f...have you done, rah rah, rah, slam a file on my desk, pink in the face, and if anyone knows Henk (Smith), they know I'm being very polite. And I'd look at him and I'd go: I did what you told me. And then he said, no, you didn't, and he'd: do it again, and he'd storm out and slam the door. And then there'd be a palpable like silence and everyone sort of feels the space for a bit and feels the tension slowly leaving with the person, and ten, fifteen minutes later, the door would swing open with gusto, and it would be like, ja, ja, nee, nee, understand now, it's ok. And then he'd walk out (laughs). And we've all had that experience with Henk. And that's the thing, in the LRC environment you're allowed to be yourself

like you are in no other...you're allowed to have bad days and brilliant days, and excited days, and people do just express themselves in crazy, scary ways sometimes, but they do and that's appreciated, and that's...ja, no, the LRC, I think we'd all go back there any day (laughs.) If there was opportunity...ja.

Int Sha'ista, thank you very much for a most enjoyable interview. (Laughter.)

SK (laughs) Absolute pleasure. Thank you.

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