

Hendrik Kotze**LRC Oral History Project****19th August 2008**

Int This is an interview with Hendrik Kotze and its Tuesday the 19th of August (2008). Hendrik, on behalf of SALS Foundation in the United States, we really want to thank you for agreeing to participate in the LRC Oral History Oral Project. I wondered whether we could start the interview...if you could talk about your early childhood memories growing up in South Africa under apartheid and where you think your sense of social justice and injustice developed?

HK Ok. Well, I grew up in Pretoria, which probably at that stage was quite a colonial kind of town, tree-lined avenues and very much still the old style of living in South Africa. My father was a lecturer at University of South Africa, he taught African politics and later on Development Administration. And I think he always had a very keen understanding of, and maybe more a historic understanding than purely a moral understanding of what was happening in South Africa. And quite an acute awareness of events, and that's something that very much he implanted on probably all of his children. So from a fairly young age I tended to follow what was happening and tried to see what was happening. And...I think that he also was at pains to where he thought things were wrong to actually point them out and to debate them and to sometimes question you to a point where you would discover for yourself that something was not quite right. I can remember a specific incident, I was probably still in primary school, probably eleven or twelve years old, we were riding our bicycles through the streets, me and couple of friends and the police came by, they were chasing a black guy who apparently didn't have his pass with him. And this guy ran into the field where the cops couldn't go with the bakkie, so we went after him with our bicycles and found the guy and told the cops that this is where he is. And then I came home and told my dad we'd helped the police catch this guy and he was actually quite upset about it and he tried to explain to me why there was a problem with that, and I think that that's the kind of incident that made a huge impact. Later on, in terms of career choice, I actually...never had a very clear idea of what it is I wanted to do, so eventually law was the one thing that was suggested as an option. I went and spent some time with family members who were in the profession, in advocacy specifically, and it was definitely attractive to me, and I think the whole...the intellectual side of law, debating things, arguing, and getting arguments on both sides until one argument prevails, then was very attractive to me and still is. Unfortunately that doesn't have much to do with the way that law operates but as an intellectual exercise it's very stimulating and challenging and still enjoyable. So I think that's where law was the decided career path. After school I studied...I studied at Stellenbosch...

Int Did you do military service?

HK I did, but after Stellenbosch only.

Int Sure. So what period were you at Stellenbosch?

HK I was there from '82 to '86. Actually till the middle of '87, I did a little bit of lecturing after my studies as well and then I did military service.

Int Were you there with Henk Smith and Kobus Pienaar?

HK Um, they were there at the same time, I think they were slightly ahead of me; I didn't actually know them at Stellenbosch. Henk's younger brother I do know though. And ja, then again at Stellenbosch I think I was fortunate to be amongst like-minded people, I didn't have to go look for them. Most of my friends had a similar awareness that things were not what they should be. I think young South Africans and I mean, young Afrikaners at that point maybe for the first time in long time were getting to the point where there was a more general awareness that things have been going on that shouldn't be going on and that we were going down a path that was really not the way to go. So there was that general awareness at Stellenbosch already. I wouldn't say it was the mainline thinking but it certainly was present already. And it was...well, I certainly fitted in with that crowd and there was a sense that certainly one had to try and do something, you couldn't just live your own life and not contribute in any way. At Stellenbosch I was...I wasn't really an activist at that stage at all, or probably at any stage of my life. I think my sense of wanting to contribute is more at a personal level, if one can call it, trying to find an area where I can through my labour, my effort, maybe assist a little bit in making a difference. I'm not really one for the stages and that thing. So then after 'varsity I did the National Service, I was fortunate enough to be able to go to the navy which was probably less of an involvement with the things than what it might have been if I'd gone to the army itself. And ja, then I did a year of overseas study after that...

Int In England or...?

HK In England, yes.

Int And did you do an LLM?

HK I did an LLM, yes. And then...well, I'd applied to LRC before I left already and then was fortunate enough to actually be allowed to the fellowship when I came back.

Int But how did you get to know about the LRC? Was it through Law Clinics?

HK Um...I have to think...certainly the...some of the major cases that they'd won through the eighties, was something that we'd taken note of at law school, it's cases that we'd studied. So as an institution they certainly were...they were known definitely amongst the legal students. But I think even at that stage, if I can recall, in the press they were a known entity, they were these people who were standing up and taking on difficult cases and challenging the government on stuff that they needed to be challenged on. So certainly while at 'varsity I had a definite knowledge of them. I...ja...I mean, I think that that's best how I can describe how I got to know of them.

Before applying I probably also paid them a visit and had a chat to some of the guys there. Then I applied and I think the year before I was there a fellow student who had done the fellowship, we were together in England for the LLM as well, so there was again, I was in amongst people who've been there and done it and it was much easier to see that's the logical thing to do.

Int Sure. I want to take you right back, because growing up in a predominantly Afrikaans community as such in Pretoria, it seems to me that your family background and given your father's sense of what was going on, was slightly different and I wondered whether that in any way made you feel different or may have isolated you in any way?

HK His view of things were definitely different. He...I think as an academic, when he taught at UNISA, which was an absolutely white institution at that stage and he was one of the first people, probably one of the only guys at that stage that tried to change that. He...well, I can remember him inviting him black colleagues from other universities to come and stay with us at our house, which was just not done in those days. He organised conferences where he'd invite the black colleagues as well and...and obviously picked up quite a lot of opposition because of that and I think he had a sense of...what's the right word...he...almost...it's too strong a word, but he had a sense of being persecuted by...it's not the right word, as I say, it's too strong a word but he felt himself slightly isolated because of some of the views that he took. So I think in that sense that's probably something that I have inherited from him and I don't know whether it's socialisation or just a genetic trait but both of us tend to be more loner kind of people who would like to either sit and observe and think about things than really, really get stuck in and...I mean, I don't know if that answers your question, but ja.

Int Sure. So you did have exposure to different race groups from an early period, etc, so the fact that you wanted to do this particular type of lawyering, do you think that was a much wider leap or it seemed natural somehow? Public interest law in particular, as opposed to commercial?

HK Ja, ja...it...I think apart from sort of...his influence and I...I can remember having at school and at 'varsity, having a very strong sense of injustice, and I think that in itself made it a logical thing for me to do. But I think the normal forces that were at work, sort of, the stuff that you got exposed to at 'varsity, the law firms that came to 'varsity that promoted themselves, all of that was really aimed at commercial law, so, there was never at 'varsity any kind of push or pull in that direction, it was clearly towards the other side. So it certainly was a different decision to what people would have taken in my position at varsity; I was the top graduate in my year, I had offers from the biggest firms to come and do Articles with them, and that's what my predecessors basically all did. So it would have been the logical and obvious thing for me to do as well, but for some reason I decided to go the other route.

Int What do you think the reasons might have been?

HK Um...well I think...definitely the sense of injustice is part of it. But I think I'd also by then, for instance I did at the end of my fourth year, I did go to Hofmeyers, one of the big firms up in Jo'burg, and spend three or four weeks there. I remember it was enough to tell me that these weren't the kind of people that I really wanted to spend my life with. It really is not a very nice environment and you've probably been exposed to it as well, if not it's not...anyway it's not my kind of people. And I had that sense at that stage already so I would rather go in and ply my trade with people that I can feel comfortable with. Then having said that, after LRC I went to the Bar, I did about six or seven years at the Bar. My...as an advocate I certainly did want to do commercial work and I did do quite a bit of commercial work and greatly enjoyed it, but there's a bit more distance from things at the Bar than I think if you're sitting in a commercial firm. It's not the environment that I really wanted to go to and at the same time, the kind of things that the LRC was busy with was the thing that I did feel was the right thing to spend one's efforts on.

Int I'm also wondering, Hendrik, when you got to the LRC...you'd gone to England, you'd done the Masters and you came to the LRC, it was a very interesting time in the country's history...

HK It was.

Int And I'd wondered how that might have impacted on your experience at the LRC, what was going on at the time?

HK Ja...um...one of the ironic awarenesses at the time was that, shit, am I too late to come and do this kind of work! But, I mean, obviously that wasn't the case. There still was and still is plenty of stuff that needs fixing. But...ja...I'd applied and I'm not even sure when I'd been...but probably been accepted already by the time that the major announcements came in 1990, so that didn't in any way really influenced whether I was going to come or not. It probably might have influenced the kind of work that we focused on while at LRC, I think they...well, by the time I got there, there was more of a shift towards issues which previously they hadn't looked at, more land claims issues, more community kind of work was coming into it, whereas previously it didn't. A lot of work had been focused on the apartheid structures.

Int So in terms of rotations and principal, what were your focus areas then?

HK I started off with Matthew Walton and Steve Kahanovitz, most probably the first six months I spent with the two of them. And ja, it...jislaaik, the kind of files that I worked on tended to be community kind of disputes, we did a few matters out here on... the Swartland where communities were...various sections in the community were fighting the town council and things like that so we did mediation there and we also, in Worcester there was a huge rent boycott in that year where the police did their usual thing with the trucks and the shotguns and the whole thing and Matthew (Walton) and I were out there a couple of times trying to through legal ways stop the...what they were doing is they were basically taking judgment against these people and then selling their stuff, so we tried to stop that process. Ja, it's...that was

the the main affairs, a couple of labour matters, although we didn't do too much labour, I think the policy also changed to basically not do any labour matters. But with Angela later on, we did do a couple of claims for labourers who'd been exposed to dust and we saw...

Int Silicosis?

HK Yes, yes. So ja, that...my recollection is that they were about specific matters but those are the kind of things I can recall.

Int Now, in terms of what was going on in the organisation itself, what was your sense as a fellow...were there attempts at transformation, were there gender dynamics, race dynamics, were there certain tensions around funding? What was your experience?

HK I think when I got there it still was a fairly white organisation, and there were people like Wallace Mgoqi was there, Vincent Saldanha was there at the time, I think Angela was the only female in the office, so at least in the Cape Town office it was pretty male orientated, white male orientated, and...like I can't recall having picked up internal stresses about that at the time but there may well have been.

Int Right. What about the organisation more broadly...at the other offices, I'm sure you interacted at the AGMs?

HK Yes. Um...my sense was that the other offices had...well, some of them at least had moved a bit further than the Cape Town office in terms of gender and race. And again, I mean, I might have been oblivious but I didn't pick up stresses and strains at that stage. I think we were probably in a stage where anything seemed possible now that the changes had come so there was quite a bit of optimism and good feelings about the future abounded at the time.

Int Right. I'm curious, you chose to give up Articles, etc, at a law firm and it's a curious decision...I'm wondering in that one year how the LRC might have shaped you as a lawyer, what were some of the influences?

HK Um...I think probably what started happening in that year was that my disillusionment with law started kicking in. And there's only so much that you can change through legal action. And I think I became quite aware of that. Also I...one incident I can recall is that we were...I think Henk Smith specifically was busy with a matter in one community where LRC was acting for one of the parties in some fight within the community and my father as part of his research had done research on this specific community, he wasn't involved in any way but he'd researched the situation and tried to understand why there was a block in the developmental aspects within that community. And he was able to give me a perception about that community which was completely different from the one that LRC had taken. LRC had taken a legalistic view about what the problem in this community was and they were fighting

it on the legal front. Now, given the dynamics in that community that my father was able to through his perspective see, it probably was the wrong thing at the time. And I think that led me to a little bit of scepticism about always going in looking just for the legal cause of what might be wrong and just focusing on that as a way of solving issues. I'm sure there still is a room for that but it's not always the right way to go. Also just...I mean, I think at some stage in your life you have to learn that the right case doesn't always win, you may be on the side of the righteous but that doesn't mean the law is going to look at it in the same way and give you the relief that should be. So that...I certainly was more disillusioned after that year than when I started out. Ja...whether...I certainly didn't lose my interest in public interest law as such and throughout my career at the Bar I did work for LRC, they briefed me quite regularly.

Int Oh really. On what issues? This was the 1990s right?

HK Ja, it tended to be land issues mostly...

Int Ok, so with Henk Smith.

HK Henk, yes. Mostly with Henk (Smith). I think there was one or two with Steve (Kahanovitz) as well still. Lee Bozalek might have even briefed me on a labour matter once or twice. So there was... the keenness was still there on my side and they apparently were happy with the work I was doing so I kept getting briefs from them. But...I mean, I think another part and that...and that's something that I hadn't actually thought of before is that around the LRC there were quite a few other organisations: Lawyers for Human Rights...I can't even remember who the others were, but there were quite a few others. And I can remember going to one or two of these meetings with people from LRC and again, I can't tell you why, but I didn't fit in there, so...and I had a sense that if you wanted to stay in that area and do specifically public interest work there was almost like a club that you had to get into. And I wasn't quite in there.

Int The LRC?

HK No, the LRC was fine, but outside of that wider...that sort of...it's probably again it's too strong words but I understand that there was a community of people that were in, in terms of doing public interest work, and you had to prove yourself as part of that membership before you were part of it. And being with LRC wasn't quite enough yet, you had to earn your spurs a little bit more than that. And again, I mean, like those are my perceptions at the time, they may have been misplaced or whatever but that's the sense that I had.

Int And these organisations you're talking about, public interest lawyers, were they in big law firms or NGOs? Where were they based?

HK I think it was a mixture of, I can remember going down to one of the bigger firms down in Long Street who were also doing a lot of public interest work, I think...

Int Was this Mallinicks?

HK Yes, it was Mallinicks I think. What's the guy who's now the head of the Asset Forfeiture Unit, he was very much part of their set up still at that stage...ja. Anyway that's...

Int Do you think that was based on maybe the fact that you weren't...may not have been regarded as politically involved, because Mallinicks had been taking a lot of the political cases, what was your sense of what was the case in that instance?

HK I mean...I was certainly one of the few Afrikaners around and I did have a sense of being a little bit on the outside. It may have had something to do with my being an Afrikaner. Maybe there were perceptions amongst some of the people. Certainly, and again, within LRC I never had that kind of issue at all. Maybe when I arrived there were one or two people who had that attitude but they were open about that and they would challenge you and they would talk about it, which was fine.

Int And this was at the LRC?

HK Ja, ja.

Int And was it the black lawyers, or is it...?

HK ...No, no, no, everybody. I mean, people like Matthew (Walton) would say what's a boertjie like you doing here? And that's fine because then you know the question is there and you can deal with it and you establish a relationship of trust. But in that wider community I think there were questions like that and they were under the surface, so they never got addressed and I always had that sense of not being quite there.

Int When I interview other people in a similar situation, who are Afrikaner lawyers, who are keen on doing public interest law, that kind of experience, being on the periphery actually pushes them to want to do better law to become better lawyers. Because you're not only...it seems to be you're really against an English speaking establishment. Would that...do you think that's been your experience?

HK Um...I definitely had a drive to be a good lawyer. I don't think that really pushed me any harder in that sense. But I also...and that's something not just in this situation, in any situation, if there's a group dynamic and I feel I don't fit in, my reaction is to walk away rather than to try and justify why I should fit in.

Int Ok. So did you walk away from public interest law?

HK I didn't walk in a sense that I quit the relationships at LRC, I continued doing that kind of work, and... it was not just doing... I actually made myself available and then said I'd charge lesser fees and all those sorts of things because I wanted to do more of that work. But it...there might have been a point at which I may have decided to focus solely on that kind of work and try and find a career maybe even within LRC. Although I definitely would have come to the Bar first and because I wanted that experience. But I may at some point have wanted to go back but I think there was a point at which that stopped being an option.

Int In what way?

HK Um...in the sense of not being part of that community, if I can call it that. I had a sense more if I want to do something then I do it on my own rather than try to fit in on that side.

Int But you didn't experience that in the LRC, so...

HK No. No, no.

Int ...did you want to go back to the LRC per se or did you not feel that it was an appropriate career choice for you?

HK Um...as I said I definitely wanted to go to the Bar, I wanted from school days already, that was the profession that I wanted rather than side Bar. I think when I started out at the Bar I wouldn't have minded building a practice solely on public interest law. And had that been predominant in the kind of briefs that I'd gotten I would have quite happily built that practice. I think in terms of challenging law which still is a great area to work with, we were moving towards getting a Bill of Rights which made it even more interesting. So as a practising lawyer it did always appeal to me and I would have liked to practise like that and maybe if I developed that kind of practice I would have still have been at the Bar today. But again, at the Bar you don't choose what kind of work you do. You do the briefs that you get and the only people in that community that ever briefed me really was LRC people. So it never really got...I didn't get the exposure that I wanted so I never got the reputation as somebody who does that kind of work.

Int So what did you do after the Bar? You were there for seven years?

HK Ja, I think it was about six and a half. We started this business, myself and another colleague at the Bar.

Int And this is called Dispute...

HK Ja, well initially it was called Arbitration Forum and it's recently changed its name to Equillore. Ja, we...I think both of us, we started together at the Bar and we had probably from the start a sense that the way that the courts were operating and that the justice was being administered wasn't very efficient. There had to be better ways of doing it and...there's no reason why a case should take three or four years before you get to a hearing or why when you finally get there it gets postponed because there's not a magistrate or a judge available on the day. And we thought, well, let's try and set up infrastructure that can actually enhance capacity. If you've got more people to deal with issues then you have to be able to do it better. So we started this business and managed to get the contract with Road Accident Fund for dealing with their disputes. And it's actually worked in the Western Cape, for the period between about 2000 and 2005, we did about ninety percent of all Road Accident Fund claims through this company instead of going to court. And the result was that the Cape Town High Court roll came down from a two-year waiting period to about eight months before you got a trial date. And at the end of that period the, for some reason the Road Accident Fund decided they weren't going to go ahead with this, despite all the cost analysis showing them that they're actually saving money through this. The result is they're going back to court, and as a result the court dates, the waiting time is again up to two years.

Int Right. What do you do then? Without the Road Accident Fund, what other work do you do?

HK Well, I think the aim still is to look for pockets of disputes where you've got this kind of high volume repetitive matters where you can bring benefit. I think we've moved on in terms of trying to offer the...mainly arbitration. Arbitration has its own limitations, especially if you start working on high volume cases as we did here. It's not what we need to talk about today but it's not a perfect solution. I think there's also in the kind of political atmosphere that we're in there is opposition to the idea of the courts not being the final arbiter but the people selecting their own judge so to speak. I think there's perceptions and sometimes rightly so that people are doing it because they want to get away from the black judges. So, arbitration is not the way forward anymore, but mediation certainly has lots to offer in the situation that we're in at the moment. So one of the things that we're very much focusing on is getting court annexed mediation, to get that going, both magistrates and High Court. Because you can actually get rid of quite a high percentage of the case load by getting them to settle, or settle earlier at least.

Int When you said, people are doing it to get away from black judges, what do you mean exactly?

HK Well there's a perception, maybe not so much in the Cape but in Jo'burg I know it's a huge issue that the bigger commercial cases are all going to arbitration and often the silent words of the passages is, we might get judge so and so to hear this matter and he's just not up to making the right decision, so let's choose somebody that we know can do it. And I mean, that is the way that quite a few law firms operate.

Int Is it because they feel that black judges are incompetent or is it the fact that they feel that there's going to be a judgment not in their favour, what exactly is the discourse?

HK I think there is a perception amongst some lawyers that some of them, not all the black judges, but some of the black judges are not necessarily incompetent, but that they haven't had the right exposure. That they may come from an area of law which is non commercial and now they have to sit in a commercial matter but they just don't have the background to hear it. I mean, I think they tend to forget that the same thing applied to quite a few of the white judges as well. Somebody tends to have a specific kind of practice before you become a judge, and that doesn't mean that you get exposure to everything else, but those attitudes are still there and those perceptions are still there and they've influenced the way that people operate. So, I think as an organisation we've said that because of...and that's not the only constraint on arbitration, What we've also found here is that where we literally did about thirty-five thousand matters through this company and you've had to appoint arbitrators mostly out of the ranks of the advocates to preside in those matters. And what we have found is that even here you get to the point where people have perceptions that this arbitrator always finds for the RAF or this one always favours claimants. And those are just not the things that you can deal with adequately outside of the formal legal structure. So arbitration is not an ideal mechanism for high volume matters. If people have got a complex matter where they need somebody with specific expertise, then yes by all means I think it's a good mechanism, but as a way of clearing the courts it's not the way to go. I think mediation does offer the option of getting parties to at least try and settle and they often settle, and the matters which don't settle then end up before the judges where they should be.

Int I'm also wondering, you mention the current political climate, what about the climate where in terms of rule of law and attacks on the judiciary, etc. what are some of your concerns about places like the LRC and how it could function?

HK Whew...um...well I think we are in a sense heading into troubling times, in that there have been quite a few attacks on the judiciary lately, which I think undermines the ability of the judiciary to actually play the kind of stabilising role in a society that it needs to play. I think in those kinds of times LRC can play a very good role in terms of picking the right kinds of cases to actually fight, but it probably requires from them the ability to take a moral and a politically, a neutral stance, which I'm often doubtful whether they are capable of taking in times like these. I mean, we're going into an era where everything is polarised, and it tends to be polarised not on clear moral issues but it tends to be polarised on the basis of personalities. And maintaining a moral position is often not seen as that, it's simply seen as you're picking sides for the other side. So for them to be able to be the kind of watchdog that they want to be I think they'll have to tread very carefully to not be associated with particular sides in the debate that we're in at the moment. And to be able to unqualifiedly in most people's eyes, take a position that is a moral position and that's morally justifiable and defensible. So it's...it will probably take quite a bit of leadership to do that...

- Int Even in the LRC?
- HK Ja. And hopefully it's there. I've lost a little bit of track in terms of where and how things are going; I see Steve Kahanovitz every now and then but that's about the extent of my current contact with people there.
- Int When you were at the LRC, even as a Fellow, were there any particular cases that you took for the LRC that you really felt were rewarding and would have sustained an interest for you as a lawyer in public interest law?
- HK Ja...um...there were a few cases that were satisfying. Mostly they were again on land issues where it was a specific area in Durbanville that had been, according to the municipality, unlawfully settled on, and they tried to bulldoze them, and we got an interdict to stop them. Now there's a community there living in...with proper houses on that piece of land and that would not have happened if we hadn't been able to stop it, so, you know, every now and then you see things like that and you know I've managed to contribute. In a sense what we're doing with this business, I think, in my mind at least, is a continuation of what led me to go to LRC. It's...we really started this business because we thought we could make a difference. But then again there is a bit of disillusionment as to the ability to convince people of seeing the merit of what we're doing and trying then to adopt some of the things which we really think can make a huge difference. There's huge bureaucratic obstacles to get through just to try and make those kinds of differences, but...at least the the spirit with which we're doing this still lies in that we want to make a difference, and we really believe with the kind of stuff that we're busy with here, we can...we've demonstrated that we can make a difference and we know that in future we will be able to contribute if we can get the right people to hear. And they are listening and we've got good ears in the Justice Department on the Bench here. There's quite general support for things like court based mediation, just getting all the regulations and the Acts to change to adopt it is a long term project. We've also started a project, well it's more than a project, a centre out at the Stellenbosch Business School called the Africa Centre for Dispute Settlement. And we've, Willy and myself, the colleague that started this business with me, we've always had this idea, the things that we'd learned here, that you can through process, through better processes, bring about efficiency into the administration of law. Those are the sorts of things that we need to actually give an academic foundation for and something that the people can be taught to do better. So, that centre's now been established, our company sponsored the founding of the centre and I'm also involved there in a part-time capacity and over time it will probably be a more permanent home for me as well. So the idea is to actually in that sense also contribute towards the knowledge, if one can call it that, of better dispute settlement.
- Int Right. 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 in this part of your Oral History interview?
- HK I think you've been pretty thorough (laughter).

Int I wondered whether we could end the interview, if you could talk about any particular memory, whether it's working with Lee or with Steve or Henk, or even a particular client at the LRC or while you were at the Bar for the LRC, that really in some ways embodies your experience of public interest law, and you mentioned the case in Durbanville...anything that you think as a memory you treasure?

HK Probably my most vivid memory of my time with LRC was the time we did the rent boycott out in Worcester...

Int This was 1990?

HK It was 1990, yes. Basically the whole of the community that was staying in municipal dwellings there, they paid rent for those and they boycotted the rent because the municipality wasn't maintaining the units properly. And as I said, we went out there to...they then issued summons against these people for arrear rentals and we went out there with the idea of defending these summonses, but there were 2000 odd summonses, so the idea was that we would go to the magistrate and pick a case and put the defence on the table and then if that defence stood then the same would apply for the other cases. So went out with Matthew (Walton) on the day and we saw this magistrate and he was just...he was angry at the fact of us being there. It was quite clear that he intended to pass default judgment against 2000 people on the day and he was now being forced to deal with it in a different way. So he refused our request to deal with it on the basis of a test case. He said if we go on record with that particular case then that's fine the case can stand down and be postponed, he'll deal with the other matters. And in court Matthew (Walton) tried to put on record that the community had briefed us, he would then ask Matthew (Walton), have you got a mandate from this specific client, no he doesn't, well then sit down. Got to the point where basically if Matthew (Walton) had got up again he would have taken him down to the cells for contempt. So what we managed to do in the end is we told the people waiting outside to be called that when you go in you must tell the magistrate that you want a lawyer and you want your case to be postponed. So that's what they did, and this guy blew a gasket and so he had to postpone these matters. And that's what then happened. We then also on the same case we (myself and Steve Kahanovitz) drove out to go and consult with some members of the community and we basically landed up in the middle of a protest where the people were marching and the next moment the cops pulled up with their big Casspir or whatever it was, and we could see this was trouble, people had already been shot earlier in the day, we'd actually taken some of them to the hospital. So when him and I walked out to the Casspir to tell them don't worry we'll go talk to the people and we'll make our point and then disperse. And as we walked out to discuss with...the cop put his shotgun through the turret and he just pulled off a shot, not in our direction but in the air...and then closed the shutter and that was it. Unwilling to talk to us and...I've got a vivid mental picture of that whole situation still in my head.

Int It speaks to the fact that even though apartheid had formally ended, certain things continued.

HK Ja, ja, it was still there. Still there today probably.

Int Hendrik, I enjoyed meeting you, and thank you very much for a very interesting interview.

HK Thank you.

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