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This is an interview with Seeham Samaai and its Sunday the 7" of September (2008). Seeham, on behalf of SALS Foundation, we really want to thank you for agreeing to participate in the LRC Oral History Project. I wondered if we could start the interview if you could talk about early childhood memories, growing up in South Africa and where you think your sense of social justice and injustice developed?

Ok. Oh, I was born in 1976, so I am thirty-two. But, I lived in Bo-Kaap, which is a Malay community, in the city centre. I grew up there, I got married, etc, and I attended UWC, University of the Western Cape campus. During my time in Bo-Kaap, I mean I attended high school there, I...primary school, and I was quite involved with civic matters, but, not actually politically. I mean, I...if you look at it.. .I mean, the time when I was at school there was political activity, but I was too young to be involved. The only things that I could remember was when...itâ\200\231s about the UDF , when they came into the area, was in the late eighties when we were required to...where we...we couldnâ\200\231t actually...during that time, the schools were closed, but, I can still remember most of the university students coming to take us, and they taught us in the mosques, and they taught us in houses, but it was all after seven oâ\200\231clock . So, this was...ja...between standard four, standard five, six. I was briefly involved with the New Unity Movement, but I didnâ\200\231t really understand that they were a political party at the time, because I was about fourteen. My father just wanted me to be involved with people that he thought could make me more socially conscious, and he wanted me to help the community. So, it was his close friend, and his name was Saboudi and they...I live in the flats which is...it was a council block area, and then...but, the funny thing about my street was that itâ\200\231s one street but it was two names. In the middle was what they called Penn Street, but the road that I lived in, was your lower middle income, ok? It was council flats, etc, thatâ\200\231s where I was, but, if you go over Penn Street, which wasnâ\200\231t even more than two metres, you will...they called that road Upper Bloem, and that is where the people...they had the houses, and they were like so-called, the educated, etc, So, that divide was always in Bo-Kaap. And at that time, the people also that were in the flats, could not form part of the Rates Payers Association or even the civic. Now I, at that point, didnâ\200\231t really understand it, but I could sense the divide, but because I'd excelled at school, my friends included everybody, but we were always technically separate. When I joined...not joined, I never formally joined the New Unity Movement, but, when I was part of the activities, which was in 1993, and they were...it was all about non-corroboration and they didnâ\200\231t want...and they had plays, etc, and they...ja. So, I was part of those plays. I was part of giving out the pamphlets, etc, and sitting...On the one hand I never understood at that time, it only came much later when I understood what I was involved in. But that is when I started becoming more socially conscious of what is happening in our area. That was...and then I went to high...when I was in high school, I was very active, I used to tutor, I was involved at that time in what they called, the Circle of Friends, it was the first H...HIV booklet that came out, and it was with Jonathan Shapiro and...and they chose a whole group of us. At that point, I was supposed to have been the character in this...itâ\200\231s not a cartoon book, you know that black and white...?

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Sure, sure.

Ja? And it was called â\200\230Roxyâ\200\231. And I never understood at that time, why my..
.the...how

conservative my community was, and that was about in standard eight. We did the
booklet, and then..my father was ext..was fairly strict, and I think Jonathan
Shapiro...they went to my father and they showed him what was the outline of this
book, and at the back was, obviously, a penis with a condom. My father freaked.
There was no way, from an Islamic perspective, that I was going to be in this book.
No amount of convincing, they could took...they could take the stories, they could
workshop me, but, they wonâ\200\231t allow me to be part of this. So that was the first poi
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where I realised, you know, like the gender and...But...but...but, growing up in Bo-
Kaap and what was the extent of them...of how protected I was, actually, in the area.
After that, I mean...in...in...I was in Matric in 1993, but I was very active in the
community. I inc...about...ja, it was about "90...1992, my father was a little bit active
in civic affairs, and I went with him, I just still remember, I went with him to a civic
meeting and they wanted to be part of the decision-making of the area, and...because
they were tenants, they couldnâ\200\231t. But, then, there was a whole thing and I just
remember them throwing my father out, and myself, and everybody out of this
meeting.

Gosh!

Ja. But, it was...it was a couple of months later, I think, that they did
overtake...overturn the civic, ok? So, it was taken over by the Book of Action group
which was the New Unity Movement people. So, there was a lot of reform that came
into the area, and tenants and...everybody was allowed to vote. So, that is what I could
remember from my early days. In 94 I went to campus, and Iâ\200\231m a first generation of
my family. I do...my brother was on campus already, but, all of us first generation,
Iâ\200\231ve got two brothers, one younger, one older. My brother...he was already a second
year on campus, I came there, and then in that year, I fell pregnant. It was a big thing
for my parents, for the community, for everybody, I think it...because I excelled, a lot
of people had hopes that I would never fall into that particular trap. I had to make a
decision, and, obviously, my parents ostracised me, my...I made a choice to get
married, because if I stayed...it would have been like Gestapo (laughs), like, like, ja.
But, also I had to show the community that it doesnâ\200\231t mean if you fall pregnant tha
t
your brains go. It...it was a big thing, and many of my family members...

(interview stops and then resumes)

Oh, ja, where do I start, where did I end off? Yes, I got married in my first year on
campus, and I was about three months pregnant. At that point, yes, my
family...my...my father was very cut up, and, funny enough, also my whole
community, wherever I walked, because I was supposed to have been their example. I
met somebody when I was in standard eight or nine, where she...her name was Zulfa
Sallies, she wrote the book called â\200\230Dickie van die Bo-Kaapâ\200\231, and she was qu
ite active
in the community, and she used to pull us in. And, I was also involved in the play,
and...thatâ\200\231s where I met my husband, but, she used to give us a lot of talk on...on
...not
like...not your general politics, but, about social consciousness and about...and also

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the plays that we did was about real issues affecting Bo-Kaap, like â\200\230Dickie van die Bo-Kaapâ\200\231 was also about a girl falling pregnant and how the community reacted, etc. Also the other plays that I was involved in at that time, was called â\200\230Koeksister Mentalityâ\200\231 and it was also because...and that play related to gentrification of the area,

but this was at the beginning and those were the plays. So, she was a great support for me, in telling me that I will just have to survive this...this whole process and that...ja. â\200\23194 and then, at that time, I mean, obviously, my husband was about twenty-two, I was nineteen, I gave birth in 1995 which is in February the following year. I wasnâ\200\231t

even a month at home, but, I went back to campus, and a family friend looked after Rabia, ja. And at that point Muneer, obviously, I mean, he was twenty-two and he used to do a lot of naughty stuff, but I had to set the example in the family, ja. He was arrested and...lots of things, so...but, he...but, heâ\200\231s brilliant, I mean...But, he was also

an outcast in the community, he was always creative, he always wanted to become a film-maker, and in our community, you canâ\200\231t. It just doesnâ\200\231t make sense. Either you

go study, or you become a brick-layer, or plumber, or something, but not a film-maker. And Muneer was also...Muneerâ\200\231s mother is Malay, but his fatherâ\200\231s Indian, but,

he grew up and they used to call him by his, like, Indian nick-name Charra. Now, Bo-Kaap is predominantly a Malay area; now for him on the one hand also, that...not rejection, but, you always had to prove yourself, so, that...that was more his issues and I...Ja, when we got married, I mean, he...about two years later, I mean, I was still on campus, and I said that I am going to become an attorney, and thereâ\200\231s no way that it...he must further himself. And, I approached Zulfa Sallies and she sponsored him to go to CVET, which is Community Video Education Trust, ja. So...and CVET itself, they also have their own historical link with the struggle. Muneer went to CVET and he studied there, and obviously...ja. And, we struggled a couple of years, but we survived, and in ninety...and also during my campus years, [was very active in Street Law. And I used to give workshops in prisons, in schools, and that time, I mean, I just sensed...I mean, I'm at the university but, that sense of militant...not militancy but...er...social consciousness, but, mature social consciousness, you know, actually directing it to do something; I donâ\200\231t sense it anymore in the students today. But, we

used to do a lot of things, we used to voter education, and that was my campus years. I was very active in that, had my own radio...

...show?

...slot. Yes, no, I could never go on radio, I was the one doing the programme (laughs), yes, I said my voice is just worse, you know? Iâ\200\231ve got one of the worst voices, it just goes up and down all the time, so...so, we used to get a lot of people in. But, because of Street Law, I also realised, I mean, what was...you know, the problems in communities, what...what you didnâ\200\231t have, and it gave me a sense of that,

no matter what I went through, I had to give back to the community. And, because also of what I went through, there must be some sense of hope, especially women, especially Muslim women, that it doesnâ\200\231t mean that if youâ\200\231re pregnant you get

married and you stay...you stay at home. You can study further. And that pushed me. I mean, I always knew that I was going to become an attorney, but, that whole process really pushed me into knowing that I need to uplift, and I need to ensure that people take...not be given access to their rights, and to ultimately empower them so that they can take ownership of it. I did...in my final year, I did Legal Aid clinic, and Legal Resource Centre used to come and interview at the Legal Aid clinic. So, it was myself

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and my friend Sibongile Ndashe and, no, Anneka was a year behind me, ja, Anneka Meerkotter, so it was all three of us. And Sibongile and myself, both of us got in. I only had my BProc, she had a LLB already, and I still remember, I mean, at LRC, Steve interviewed me, and he asked me, donâ\200\231t I want to go on a gap year? And I had no idea what was a gap year, no idea. I was sitting there and Iâ\200\231m thinking: ok, now, like, let me look intelligent, mm, you know? And then I think he must have realised (laughs) that I didnâ\200\231t know, and he asked, am I not going to, you know, go overseas or...and I...is this guy crazy? I...who does that? But, I mean, you need to finish...you need to finish your Articles, you know, then you need to go work, and, for me, it was just comp...So, I just said: no, Iâ\200\231m not going. And...I mean, my daughter, at that point, was three, ja. Anyway, that was in the interview, and I still remember, he showed me an article of an informal settlement, and he asked me: what is your opinion? But, this was before South Peninsula was...it was the Ross matter, ok? Just before I came there. But, it was a big informal settlement that I still remember, and he asked: now, what do you think must happen to these people because theyâ\200\231re unlawfully now squatted in this. And remember that, I mean, in 19...by that time...I mean, the Constitution was new, it was all exciting, etc, and we didnâ\200\231t really know about application, and what, but my first sense was: where must these people go? That was my answer. I didnâ\200\231t give them any answer...any legal answer or what I thought the Constitution said, just: but where must these people go? I mean, you canâ\200\231t just evict them. And we had a whole discussion on that, and, obviously, he played the devilâ\200\231s advocate, but, ja. But that was the first...and I got my Articles. And, ja, it was me and my friend Sibongile, and we did everything together, we did Street Law together, we did Legal Aid together, and now we got...we did Articles together. Ja.

Before you go on, I was wondering, in terms of wanting to always be an attorney, where do you think that impetus really came from? Because it seems you had a very clear sense of what you wanted to do?

Ok. When I was in high school my...I donâ\200\231t know where my sense of just...justice, you know, that something is just not right. When I was in standard five, going to standard six, I heard about certain abuses that was happening in...at my primary school. So, remember, ja, and...I was always part...although I was Afrikaans, but, I used to play with the English, but I think itâ\200\231s also because of my marks and...ja. But, I was always with that group, something happened to some of those girls, it...it...but those things never happened to me, but I also think, I mean, yes, but people used to say itâ\200\231s because I just had a big mouth. And when I found out in standard seven, eigh, I had this sense of, why didnâ\200\231t I...I didnâ\200\231t even know that it was happening, but I had a sense of I could have protected them, I could have gone and told my daddy, you know, I always used to run to him, you know, tell my daddy. That was the first. And then in standard...also in that time, there were some other things that was happening in our family. Now, I was always the one that they used to come to, even though I was standard six and seven, eight, something happened, and they came to me, and I was the voice, and I was the one that used to go to my daddy. Ok?

Mnmn...

Ja. Or the one that just let it come out, ja. And this continued, it was always that sense that any family member knew that they could come to me because I would speak on their behalf, and do something about it. Also in standard...and then in standard eight my father took us for an assessment, etc, they actually said I had to become a social worker (laughs), not an attorney, but that was the assessment, you know, giving back, and Iâ\200\231'm a humanitarian, etc. But, at that point, I think in standard eight, that is where I realised I wanted to become an attorney and the subjects that I chose, was for that. But, itâ\200\231s...itâ\200\231s almost like I wanted to know more so that I could protect them more, and in standard ten there was still...I applied for social work at UCT and I got in. But, that year something happened too, with friends...not friends...something happened in the past, but somehow things just always come out and then they speak to me. I cried for two days. But...and then when my father...I went back to my father, my father then said: Iâ\200\231'm sorry, itâ\200\231s not that you canâ\200\231t become a social worker, (laughs), you will bring everybody, you know, in this house...rather do law. So I never applied. My brother and my father applied for law at UWC. But, also the big thing was also the fees between UWC and UCT, itâ\200\231s huge. So, besides that...ja, I became a lawyer. But, I always just had this sense...also there was one other thing that also pushed me. My grandmother...that is why I do a lot of housing, and is quite active in...around gentrification issues. My grandmother lived in Leeuwen Street, in Bo-Kaap now which is a road, if you look right down, youâ\200\231ll see the High Court. And, I couldnâ\200\231t understand why they had to leave, I did not understand evictions at that point, but they were evicted, and all I know is that my mo...my grandmother was extremely vocal, she was just an eccentric person, you know, just...just completely lovely, you know, and she had to go live on the Cape Flats with my aunt. But, they lived in the nice areas which is in Newland...Newfields...Surrey Estate, but, she had to go, because they couldnâ\200\231t afford, and that part of...that houses was changed, and that was the first houses where white people started moving in. That was the first gentrification...I could never understand. But, all I know is that my grandmother did not want to move, and that was the start of...Now, ja. So, when I came to Legal Resource Centre, now if I link it to what my grandmother...what happened to my grandmother, my papa, my grandfather, came to me, and he was a very stern person, and he just said: Seeham, go down to Leeuwen Mansions. Now, Leeuwen Mansions is also in Leeuwen Street, and he said: go help that people. And I go: Papa, Iâ\200\231'm a candidate attorney. You just go and help that people, ok? Because itâ\200\231s next to the mosque. And, that was the first case, the gentrification case that I brought to Legal Resource Centre. Now, I didnâ\200\231t even know the term, gentrification and...but, I just knew there was this phenomena, in Bo-Kaap, where people could not afford their houses, or that they were tenants for many, many, many years, and now they canâ\200\231t afford to buy, people are moving out, itâ\200\231s evictions happening, but, I knew it had to do with economics. But, I didnâ\200\231t understand what it was. And then Ashraf Mohamed, he was...he came to work that year at Legal Resource Centre as an attorney, and then Vincent (Saldanha) also, they came to teach me about this concept of gentrification, ja. And then I took that case. And LRC helped me with that particular case, it was eight families that lived in that...the owner bought it...got it...itâ\200\231s inherited property, etc, but he wanted more than a million...one point something million for the whole block, which technically meant, I mean, if...for a middle income it would be ok to pay like a hundred and fifty, a hundred and sixty, but, if you really look at it, these people canâ\200\231t afford, youâ\200\231re speaking about somebody that is over sixty...canâ\200\231t...Anyway, two years, I was at Legal Resources Centre and...with that particular case. I...after LRC...I will speak now about Legal

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Resource Centre...but just about this case, I knew that I couldnâ\200\231t take the case with me to Lawyers for Human Rights, and I...because...the project...

...thatâ\200\231s where you went afterwards?

Yes. Because the project that â\200\231m in was a farm worker project, and this was urban evictions, and I then applied for funding to FHR, Foundation for Human Rights, and we got a private lawyer to do it, and he was lovely, Michael Murphy. But heâ\200\231s up in Joâ\200\231sburg now. And he worked with another attorney and for...ja...for many years. The y then, with myself, I formed that time the Anti-Gentrification Front, AGF. Funny thing is, I know this is going to go on...on tape, but, itâ\200\231s only two people, but we made out like it was so many...itâ\200\231s myself and this one guy called Anwar Nadir, ok. Anwar is the chairperson, and Iâ\200\231m the co-ordinator, but the point is, this organisation was registered all over, and when they needed people, all we used to do is, just send out pamphlets, say there was a march, and people used to come and then they thought that that was our members, but we were never really a (laughs) membership-based organisation, just the two of us. But, we used to lobby well, ja; AGF still exists. So, the AGF helped Leeuwen Mansions. So, on the one hand I couldnâ\200\231t...I was doing more the lobbying and the advocacy and mobilising the community, whilst I was at Lawyers for Human Rights, and then we had the attorney which was Michael Murphy, his law firm did it, and FHR funded. After I worked at Lawyers for Human Rights, I went to...at the Legal Aid clinic and then something happened with that particular case, Michael Murphy left, the case just didnâ\200\231t get the priority, FHR also...the money problems, I mean, all NGOs...and the advocate wanted more money, itâ\200\231s a lot of things that were happening, the attorney actually didnâ\200\231t go to court and the people got a default judgment...private lawyer, didnâ\200\231t go to court and, obviously.. .but, because I was at the Legal Aid clinic now, I could take the case over again. I was in Durban at that time and...

Oh, so you moved from Lawyers for Human Rights to the Legal Aid clinic at the university?

Yes, ja...

Ok.

Ja, ja. And then, with the...Iâ\200\231m just tracking the case, but Iâ\200\231ll go back. Then what happened was that I was still in Durban, Hala was just born, and I was on holiday and [got the call of people outside. They...all their stuff were outside and then...(Interruption).

So, you were tracking the case and you were saying that you were at Legal Aid...at the University of the Western Cape?

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Because Legal Resource Centre gave the case over to Michael Murphy, because they couldnâ\200\231t...

Sure.

...continue with the case. And it was a very difficult case, I'm still doing...

...youâ\200\231re still doing it?

Iâ\200\231m...no, Iâ\200\231m still doing it in control properties, Iâ\200\231ll explain now what happened to the case. When I came back, I took the case over, I was in Durban, flew back and got some funding just to do an application to stave the eviction. Because we didnâ\200\231t know that default judgment was given, and that the attorney never appeared in court, in the Magistrate Court. And we brought an application, it was hectic. Brought it in the High Court and Judge Desai, I still remember, yes, and the...I still had Hala and I can still remember I walk in court and this...my child is crying and Iâ\200\231m breast...she wants milk, and I think: now, where am I supposed to go? And the judge walks past and he says: why do you let her cry? Like, you know, itâ\200\231s like why...heâ\200\231s a wonderful man. And heâ\200\231s just so: (whispers - inaudible) and all these people, and weâ\200\231re doing this application and I couldnâ\200\231t...and I sit there and I just pop out my breast (laughter). 1 had to because she...she was crying, you know, how it is in court? It was actually funny, but, anyway, and ja, we got the stay, but, then that meant that we had to either appeal and review, and the procedure that was happening in the Magistrate Court, we had to figure out what...what was happening. Because firstly it was default, are we supposed to bring a rescission? Are we supposed to go to the High Court?...what...because the attorney never appeared.

Sure.

It was...it was very hard. And we were fighting now from the back foot, and we had everything sorted out for this case, you know, because we wanted it to fail in the Magistrate Court, but in the right manner. Then we go to the High Court, but, at this point there was no defence put before court.

Why did you not take this case...or let the case go through the LRC?

I think itâ\200\231s because...there were so many people dealing with the case, I mean, there was a time when Vincent (Saldanha) dealt with it, and Henk gave advice and...I donâ\200\231t...at that point, I...I donâ\200\231t know. I think that it was more that Michael Murphy came, and I was so happy that this guy wanted to do it also pro bono and...and I think, at that point, I thought: LRC did enough, gave a lot of support. But, I donâ\200\231t think

that
there was an attorney really that could take full ownership of the case.

Right, ok.

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Um, I mean, they're brilliant, all of them. That is why, and I still...with Michael (Murphy) I...ja...that was the only reason. But I always went back to them, Henk (Smith) always used to give me advice, Steve (Kahanovitz), everybody, but, I think it was because they didn't have the capacity, or something, at that point, where we to ok

it. Ja. So, but, technically, when I brought Advocate Ntsebeza helped us with that...with Leeuwen Mansions, the case, and we lost, we lost in the High Court. And...and it was also because we were in the back foot, it...it...that case was...it was Straten versus Latifah Abrams, because by that time, it was bought over by a white guy and his wife, and they were both in the film industry, and I just seriously banned my husband from getting stuff from them, but, anyway, (laughs). But anyway, they bought...they bought four units in that place, but, I think that they also assisted this one other person, to buy their unit. But, anyway, he did the eviction, he had money. The previous owner never really had money so we could fight him all the time, but he had money and he went to the High Court, and we lost, hectic. And I had to make a choice at that point also. Because if we continue, the cost orders that's going to go

against these people, and that cost orders would carry even if I wanted to get, or help them with a normal house, that cost order would sit over their head which meant that they will lose again. So it was...it was a bad case...it was a bad case, because of how it came to the High Court, and because we were defending. Ja. And, obviously, rent...this was rent-controlled premises, and the minister at that point took rent control

just think that with rent-controlled properties, that case actually took us, funny enough, another twenty years back. Because there confirmed that people that were in rent-controlled premises and that people that don't have leases, even if you lived there

for more than sixty years, you're actually on a month-to-month. Bad case.

Gosh!

Anyway...

So, you were at the Legal Resources Centre...?

Ja.

...and in terms of principal and rotations and...?

Yes. If I go back to Legal...I went to Legal Resource Centre, I...I was in land, I was in gender, I...in gender I did a lot of Muslim Personal Law matters and Muslim...MPL linked with housing. But I just...what I got from Legal Resource Centre was also my...my...I started to love working on land and housing matters. That is where I really...and gender, not...most of the other matters, I was in environment, Environmental Law with Angela, NGOs, NPOs, it just started out there with...that year, with Mary Honey, she set up the NPO Project, also loved that, civil society and building. So, in the NPO Project, you know, just assisting with, you know, articles on this NPOs and the environment for non-governmental organisations, I did that with Mary Honey. And that is where I sensed, you know, about civil society and their struggles and...just broadly from a legal perspective.

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Right.

And that is what I got out of the NPO Project, and the importance of building societies, civil society organisations, the importance of lobbying and advocacy, that is what I got out of there. And then on land, yes, worked with Henk (Smith), crazy, just crazy...Worked at Richtersveld, and it was an experience, it was really an experience because somebody comes from Bo-Kaap and...which is a completely urban area, and to go into the Richtersveld, it was a shock for me. I mean, Iâ\200\231d never gone that far , so...And I, after a time, the area just grows on you, it...I donâ\200\231t know, I mean, with all that land and even...it just grows on you. And it was wonderful being part of Richtersveld. I did the maps, I was the one that had to get the Nama names of the areas and trying to figure out where the graves were, and plot it on the map, ok? And I was a part of the first court case that was in Kuboes, and...ja. So, Rabia and Muneer, because I was there weeks, they used to come up, ja, and they stayed in Port Nolloth and either I stayed in Baken, or I stayed in Kuboes, ja. And that is where they were...I mean, with all the focus they went with us to Lekkersing and Steinkopf, you know, all those areas. So they were...so, Rabia was quite involved also.

Gosh!

Ja.

In terms of working with Henk Smith, everyone says how dedicated he is and particularly with the Richtersveldâ\200\231s case, was that your experience as well?

Yes. Very passionate. And, also showing that, you know, the advocacy part, you know, building the communities, you know, linking, that passion, I really respected. Because, with being an attorney, I mean, your idea was always that you had to be clinical, and you just get your instructions, and you leave. But, here, because Richtersveld was such a unique community, also how you get instructions, and, you know, the passion. I mean, he used to pick me up at three oâ\200\231clock in the morning. Now, for a Muslim, wife, this guy comes three oâ\200\231clock in the morning, come knock on my mother-in-lawâ\200\231s door, with a short little pants, and say: Is Seeham here? You know? And then we just drive up to...to Kuboes, or wherever, but that level of commitment just showed how he went out of his way for his clients. And how he really tried to build the community, so, it was never just about the legal issues, it was always about the social, the development part, if that happens then how this is...you know? So...and...and, that is what I got. I loved the land unit, even though I was rotating, I always stayed in land, ja, somehow, some way. And, that is how I started to treat, I mean, most of my rent-controlled tenants, even though I lost Leeuwen Mansions, I had other areas also, and Iâ\200\231m currently busy with what...in Wynberg. But...and that is how I also deal with my clients.

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What was your experience of the LRC more generally, whether it was at National Office, or the Cape Town office? What...were there tensions...was it an organisation that you felt that you really got something out of, in terms of doing Articles there?

Ok. L..the Articles is different at Legal Resource Centre, itâ\200\231s not like your mainstream, and the experience that I got there was more about...it was about Developmental Law, it was...it...it was law on a much higher public interest level and...but, that type of litigation would not have sustained you in normal practice, never. If I went from Legal Resource Centre straight into a practice, I would have died. Ok?

Right.

It doesnâ\200\231t happen. But, itâ\200\231s also because of...but, I wanted to stay in human rights, that was the only problem...that the candidate attorneys got training on very high levels, briefed all the time, but, you know, your day-to-day, we never used to really get that. Ok, running to court for divorce matter, and that is important for candidate attorneys, especially if Legal Resource Centre canâ\200\231t retain you in the organisation, to really develop them, but, to get the balance between public interest and normal litigation, especially for training purposes. But, I think they got it right, now, because they do now some of the just day-to-day, just to get experience, and they also send their candidate attorneys now, to the Legal Aid Board, for three months. I mean, I also did that, but, they get real experience.

Sure. Seeham, in terms of...did you want to stay on at the Legal Resources Centre or did you want to leave, what was your trajectory afterwards? I know you went to Lawyers for Human Rights, then you went to the Legal Aid Clinic, where are you now?

Where am I...oh...where am I now?

Ja.

Iâ\200\231m still at the clinic.

Youâ\200\231re still at the Legal Aid Clinic?

When I came back from the Legal Aid Clinic, I was an attorney there, and I've become the director of the clinic now.

Oh, fantastic, ok...

Ja. So, ja, I'm still there.

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And whatâ\200\231s your experience...do you find that students...you mentioned earlier that students are not the same any more, do you find that students are expressing an interest to go to the Legal Resources Centre, do they know about it, are they interested in Public Interest Law, or is it just generally commercial?

Well, the...I'm at UWC, and I think that most of them, there isnâ\200\231t that sense, general sense of social consciousness. Students want to make money. Our profession is a professional profession, and itâ\200\231s all about the image. Even public interest litigation, itâ\200\231s about the image that is what it projects. And, itâ\200\231s very difficult for students because many of them are also first generation, and their parents...their families...familiesâ\200\231 hopes and dreams are all in them, ja? And but, because of the NGO sector, funding is reduced...is being...there is no real funding for public interest litigation, for NGOs, etc, and it seems like we are always struggling, you know, for funds, etc. So, you have your ones that is committed, but not like when I was at Street Law where everybody wanted to do Human Rights Law, and there was a sense of purpose and a sense of giving...and I donâ\200\231t sense that. But my students, because I do legal process, my students in my clinic, I interview them, itâ\200\231s a elective course, but, I interview them before they...so most of them have that sense of social consciousness. So I canâ\200\231t compare my students with the rest of the faculty, but, if I look at the numbers that are applying, the reasons have changed over the years, when I interview students. The reasons are now more practical experience, and then I can get my Articles. If I went a couple of years back then itâ\200\231s about, I must...I want to give back to the community, I want to go back and do something, you know, that is what happened. But, it changes, you still have that, but itâ\200\231s less. And also the...itâ\200\231s more about, like I said, practical experience, so that they can get Articles at the end of the day.

At the Legal Resources Centre, especially the Cape Town office, Vincent Saldanhaâ\200\231s gone on to be a judge, Chantel is currently away, so, you have predominantly white male lawyers; now, in terms of transformation, what do you think are some of the difficulties in getting good quality young black lawyers into the Legal Resources Centre?

You know, thereâ\200\231s this perception that where black lawyers is concerned, that itâ\200\231s all about the money, itâ\200\231s not. Itâ\200\231s about the quality of training, itâ\200\231s about the sense of belonging, itâ\200\231s a sense of giving. Now, Iâ\200\231m not saying this in a negative way, I mean, when I left Legal Resource Centre, I knew I had to leave, but, I had to leave more for my practical training, I knew that I had to get more practical training, and...

...did you feel that you couldnâ\200\231t get enough practical training at the Legal...?

No, I just had to spread my wings.

Right, ok...

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Itâ\200\231s not that Legal Resource...for me it was...Legal Resource Centre had enough bright minds running around there, and with mine also coming in there, I know somewhere along the line I had to...the space would have been too small for me, at that time, for me to have grown. I donâ\200\231t know if I make sense...

No, of course, of course.

...but, I mean I, ja...I couldnâ\200\231t. I mean, I would always have come back, but, not..but, if youâ\200\231re going back to the transformation issues...I just want this to come out right...

Sure, sure, no, thatâ\200\231s important...

[mean Iâ\200\231m still linked with Legal Resource Centre, I love those people to bits, Steve

(Kahanovitz), Henk (Smith) and Kobus (Pienaar), and everybody. But, thereâ\200\231s always...for me, in Cape Town, there was always a sense of...the funding control sat with the whites. I am the type of person that will go out and get my own funding. I think that the skills training was limited...no, this...it wasnâ\200\231t limited...they trained,

but, it was not everything, and...how can I explain this...If I teach my students, I give them everything, so that I can see that they flourish, I donâ\200\231t care if you go...I tell them

if you go into a big law firm, I donâ\200\231t want you to be a...a...just...a token, ok? One day

you will take over that law firm, ja, that. But always remember pro bono social consciousness come back, for those who want to go into commercial. Those who want to go into human rights, please, you know, always the interest of your clients, also not just the big picture. But, I know, from teaching, and what is it that I give them, and I even give them training on funding, and I want to expose them to everything, networks. But, I always got the sense that somewhere along the line, I never fitted to that extent. I couldnâ\200\231t grow, as a black person..woman, to the extent, because I couldnâ\200\231t compete with them, because they already had...theyâ\200\231ve got existing networks. And, itâ\200\231s very difficult. I made a decision at that point that I am not going to

fight to be part of their network, so that I could get that funding and do my own thing, you know, in creating public interest, no. I made a decision to create my own networks. And that is always...and that is how I grew. And I think that many...I donâ\200\231t

know...many...if I left...well, not left...I left because I was a CA, but I would never have come back, not as an attorney, if I do come back I will come back as a director.

Right,...

Ja. To give leadership, and vision, and all of those, but not as...not as part of them, no.

Ok. In terms of leadership, the LRC has undergone several National Directors, whatâ\200\231

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your sense, and of course, you can edit...

Ja.

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...this interview before itâ\200\231s lodged. Whatâ\200\231s your sense of some of the difficulties it might be experiencing, and its role and function?

I think that theyâ\200\231re...theyâ\200\231re going through big problems in terms of funding, I think because public interest, which I believe should be mainstreamed, and yes, you can get your focus, you can get your focal areas, etc, and this, they may just still believe that you need a Legal Resource Centre, but I also believe in mainstreaming, and I do believe everybody should do their portion of public interest, and it should not be an ivory tower.

Ok.

Ok. And, legally...because of the funding thatâ\200\231s going down and they also have to fight for their turf, because if you look at the universities, because me, for example, I come from Legal...my...my clinic I am building towards public interest, and Iâ\200\231ve got now more...not...no, I donâ\200\231t have more resources than the LRC, but, Iâ\200\231ve got the university, Iâ\200\231ve got the Community Law Centre which is similar to CALS. One day, even if Iâ\200\231m not there anymore, it would be a director of...maybe, of a faculty that CLC must instruct an attorney there, because theyâ\200\231re current things like Legal Resource Centre. So, the turf is becoming...

...different?

...different. And I donâ\200\231t think...I think Legal Resources Centre needs to find their turf, and they need to go into...to networks, and links, with other organisations. I mean, there was a time when law clinics also went through this whole...but, we found our strength in creative networks, you know? And then people then started to see us again, now, I still think that theyâ\200\231re operating on their own...somewhere, you know? And the same thing with Lawyers for Human Rights, Lawyers for Human Rights made the choice to now...they...they closed down their offices, theyâ\200\231re consolidating, they are concentrating on their strengths, ja? But, they also have a problem, because they only have young lawyers, you know, in their organisation. Now, I chair Lawyers for Human Rights now, the Board of Lawyers for Human Rights, so I can sense that itâ\200\231s similar problems thatâ\200\231s in Legal Resource Centre and Lawyers for Human Rights. But, thereâ\200\231s a need for them, but, I donâ\200\231t know...they need to find a different way...um...rather than the way theyâ\200\231ve been operating all the years. I donâ\200\231t know how, but, if not, lack of funding is going to increase substantially, and the amount of salaries, you know, with all those attorneys, etc. Either they...I donâ\200\231t know...that is just my opinion.

Sure. Seeham, Iâ\200\231ve asked you a range of questions and Iâ\200\231m wondering whether thereâ\200\231s something Iâ\200\231ve neglected to ask you which you feel ought to be included as part of your Oral History interview?

Um...no, I just want to say, I mean, Iâ\200\231m still linked with Legal Resource Centre on some level, ja, always go back, um, and I just believe that somewhere there should be

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more transfer of skills. I donâ\200\231t know how, I donâ\200\231t know if they must come a
nd lecture
at the university, you know, in maybe public interest litigation, or skills, but, if they
create more socially-conscious lawyers, from law students, then maybe in the future,
the Legal Resource Centre will be able to run again like their former glory days, you
know? But, currently, we donâ\200\231t have that, they canâ\200\231t compete with salaries,
and we
need to get back to that time, and they..I think that...ja, law students
should...should...should be interested or, you know, come forward, they need to
create...the current generation is not going to go in, because now itâ\200\231s all about
mainstreaming, ja.

Iâ\200\231m also wondering, if you could end the interview by sharing a particular memory,
whether itâ\200\231s of a case, a client or even a lawyer, that you feel really defined you
r
experience of doing Public Interest Law, and the LRC, in particular?

Chantel Fortuin, she really gave me a sense of...not hope...but, ja...and...because at
Legal Resource Centre...um...most of those...most of the CAs either came from UCT
or they were very educated...I mean I come from Legal Resource...I mean, itâ\200\231s not
that...I came from UWC, I had a BProc, I come from Bo-Kaap, ok? And Chantel
really grounded me. I mean she...we almost went through the similar experiences, and
she used to guide me, and I really respect her for that. Even if she didnâ\200\231t give me
legal
guidance because she just...she was an attorney that year, or two years, or something,
and I was in her practice also. She taught me of how it is to go back to your
community, and that you just need to stand up high, you know? And...because she
came from Paarl, she came from almost same backgrounds, ja? And all the hardships,
and she said: you know what? That only makes you stronger. And for her, she was
also the candidate attorney co-ordinator at the time. She gave us a lot of support, and
L...ja.

Seeham, I want to thank you very much for sharing your memories and your
experiences and just generally for your time as well, I really appreciate it.

Ok, thank you.

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