

Zeenat Sujee

**LRC Oral History Project**

**28 July 2008**

Int This is an interview with Zeenat Sujee and its Monday, the 28<sup>th</sup> of July (2008). Zeenat on behalf of SALS Foundation thank you very much for agreeing to take part in the LRC Oral History Project.

ZS It's a pleasure.

Int I was wondering if you could start the interview, if you could talk about your early childhood memories growing up in South Africa, where did your sense of social justice and injustice develop and what were some of the formative influences that may have led you into the legal profession?

ZS I was born in 1984 and then grew up in the late 1980s and the early 1990s, and by then apartheid had already ended. But my family background, I think they came from a very political background. My uncle was imprisoned during the struggle and I think that has impacted on my decision. My, I attended a school, where there was a mixture of different cultures and different race groups... I did not experience much of a separation between races but whatever I have learned, to eradicate the the injustices and to build on our democracy. ...

Int Okay, I am going to take you a bit back. You know, you mentioned that you were too young to be politically active but you have a family background of political activism. I am wondering your uncle who was imprisoned and other discussions around the family, as a young child growing up how did you make sense of this and how did it impact on you?

ZS its stories that you hear from people in your family will always be part of you and the fact that he was at varsity at the time, so you have all of that, their struggles at the varsity level and after that, it was where they were beaten in prison and that their experiences influences a child. It makes you want to enforce and build towards a better society. When you are a child, you don't have much understanding, it is because of reading and then getting more information about other people, and from other people.

Int What about you personally, not to talk about generally other people, what about you, what happened to you? How did you develop, as a person? How did you become interested, etc?

ZS On a personal level, it would be because of I think, people's rights and to get that, to become more justice orientated. People were treated very unjustly. Even today, even though you are in post-democracy, you have the refugee issue; you have environmental issues as well as women's rights. Women are still being abused, there is still inequality amongst many race groups and gender. ...Our aim is to eradicate these injustices....

Int So, what made you go into the legal profession?

ZS The legal profession was mainly because of rights. the country has transformed from a rigid apartheid era and we and currently we are in an early democracy .the law, in particular, Constitutional law has to be established. And that was basically my main aim, was to get into a field where I can impact on legislation And more importantly on people's lives..

Int So, in terms of...you went to school in Johannesburg?

ZS Yes, in Lenasia.

Int And then when you finished, where did you go to university?

ZS Wits university.

Int Right and you did an LLB?

ZS No, I just did an undergraduate LLB?

Int Right okay, and what did you do after that?

ZS I then started my Articles at the Legal Resources Centre in 2007 and my Articles would be completed at the end of the year.

Int Oh, right. So when you say you did undergraduate LLB, how does that work?

ZS It is a four-year LLB curriculum after which, one starts their articles.

Int So, people no longer do a BA, LLB?

ZS It is not compulsory but...

Int But there are people who do it?

ZS Yes

Int Right, okay, so in those four years what was your main area of focus? What work did you do? Were you involved in the Wits Law Clinic, what work did you do?

ZS At Wits, I was part of the MSA, the Muslims Students Association but I wasn't really actively involved in that, but I joined. There were not much, I mean, I there were not much; I didn't play much of an active role with the MSA. I worked in the refugee unit at the Law Clinic in my final year. Human rights law was my main interest, and working at the clinic augmented my interest to get into public interest.

Int Can you talk a bit about that? What types of cases?

ZS with the refugee clinic, because we were final year students, it was training so, , we learnt the procedures in obtaining permits, we were involved in getting permits for refugees ,when the appeal was rejected, we drafted statements for the Refugee Appeal Board.. I was involved in a High Court case, of Tantoush. The client was a Libyan national, and because they accused him of being a terrorist the client then went to Pakistan and he then fled to Australia and he was extradited to South Africa. When he came here, he applied for a permit, his permit was rejected and they said that he should be sent back to Libya to be prosecuted. The Refugee Appeal Board ordered that the client should, should be sent back to Libya, and then it went on Appeal to the High Court which was successful and it made good precedent for Refugee Law. Judgement was handed down sometime in August 2007.

Int So that does then mean someone cannot be extradited to a country, where he or she may be liable to be tortured; Was that the argument?

ZS That was the argument because you are looking at the Refugee and Immigration Act, if there is a country, that is experiencing political conflict and unrest, , also the death penalty is against our Constitution, it is against International Conventions, so that was the main argument and Libya was experiencing political conflict at that time.

Int The other thing I wanted to ask you, you said that you were involved in the Refugee Clinic and you said that that really interested you and made you interested in Public Interest law. Was it, what was it about refugee law in particular, was it the fact that you were dealing with people's lives, that you felt very strongly about their rights? What was it about refugee law that interested you so much?

ZS It's an area of law, that is so badly handled by government and if you look at these people, they have come from war-stricken countries, and they come here and they experience further hardship and challenges at Home Affairs just to obtain a permit when their applications are rejected, it is another challenge as they have to appeal the decision at the Refugee Appeal Board. If it is not successful there, the matter has to be taken on appeal to the High Courts. Refugees do not have any money and are indigent and it is only the law clinics, and and other legal aid organizations that assist them. since the recent xenophobic attacks one can see this unfortunate circumstances prevail. It is only as lawyers and human rights lawyers to assist them.

Int I am also wondering Zeenat, at what point did you decide that you wanted to do your Articles at the Legal Resources Centre and how had you heard about it?

ZS it was a challenge getting Articles, I sent around CVs to around 35 firms, corporate and NGOs and the Legal Resources Centre was one of the firms. One of the main reasons I applied at the LRC was because of George Bizos. Furthermore, because of the organisation's reputation, and the interesting work and cases that the LRC were notorious for prior to 1994. . Int

Good or you.

ZS It's been a very good two years I have learned a lot. It was from court procedure to substantive law. My main areas that I have worked in were women's rights, refugee law, environmental law, children's rights, housing, mainly in housing and lots of eviction cases that I have been dealing with. the cases that I am working on are still in their baby stages, with the environmental law and refugee law matters, are matters that would make good case law and precedent. Compared to all my friends in the corporate field, they work late hours, we don't. We are given much more of a flexible hour system. The corporate law doesn't interest me. Well, it is interesting in its own way, but I think that this is an area of law that I always wanted and I am glad I am working in this field of law.

Int Okay. You know, you mentioned that you do a lot of housing, a lot of eviction cases, could you talk about any of the cases that have really interested you?

ZS Yes. With the housing matters, well, I have also worked with...besides the cases...I also attended a housing policy course that was hosted by Wits and which was sponsored by Urban Landmark. And that dealt mainly with policies that government have put in place, **and the** challenges that government faces. It was good in the sense, that I was the only person that came from a legal organization. Others were from provincial, local, national government and they spoke about what their challenges are and how these NGOs actually affect them by bringing these evictions cases and challenging them on evictions grounds. But the cases that I have dealt with, was the one at Ibadan in Ransburg. These clients came to us; they were living there since '1997, '98. The, there were private owners that took over the land and they brought this eviction order. It went to the Magistrate's Court, where we got counsel to argue. Unfortunately, we were not successful. The grounds of the case were that they wanted to bring it under **ESTA**, which is the security of tenure act, and we challenged that and said that it should be brought under Prevention of Illegal Evictions Act but...what had happened is that it had to go on to review to the Land Claims Court. We haven't heard from the other side. Our clients are still staying there, but if we look at their conditions, I mean, they do not have a proper accommodation but yet they fight for their rights. They live in shacks. They do not have adequate sanitation, water and although they live under those conditions, they still defend their rights. And there was another case in Cleveland, here in Johannesburg. This case affected me mainly regardless of the legal issues; it was the circumstances of these people. When I consulted with them their conditions were so shocking that in order to earn money, they sold recycling waste material to make ends meet. Their income for a month was a R1000 rand or R2500 . Many clients have babies, and they in shacks, without water and electricity . There were three taps where they had to get water from. There was no proper sanitation. it is the circumstances of these people one feels sympathetic

towards, and the fact that they go to such an extent, just to get assistance to live in a shack. It is amazing.

Int When you talk, you are quite passionate about these things. I am just wondering in terms of being here and really doing work clearly, you enjoy doing about rights, but what has the actual training been like? Have you felt that you have received adequate training or were you thrown into the deep end and expected to swim?

ZS No, I haven't been thrown in the deep end. My principals were actually very good. I have worked with Achmed (Mayet) and Naseema (Fakir) and also with Amanda, a lawyer who worked here before. And they were really helpful. I have learned a lot from them. I have also been sent, the LRC has also made an arrangement with Bowman Gilfillan to give us corporate law training. So, we have been given that as well. On an internal basis, advocate Friedman, Adrian Friedman, has assisted us with giving us exercises and seminars on different areas of law. George Bizos has assisted us last year. He has given us lots of training with case law and procedure. So, in that case, we, I don't think we just left to do whatever. We are being guided along and there is always an open door thing, so an open door policy, so if you do have any questions and concerns, you just walk in and can ask...

Int But the reality is that the LRC is tremendously understaffed, so there are very few senior lawyers and the rest are the more junior lawyers, who have just qualified as such. What's your sense of how easy it is to access people like Achmed (Mayet) or George (Bizos) for that matter?

ZS With Achmed it is very easy, because he is mostly in the office, unless he is gone for meetings and it is urgent, we would then go to Adrian (Friedman) or Richard (Moultrie) who was here. They are all very helpful, their doors are always open to us for assistance, so it is not a problem.

Int So, in terms of what you want to do next, what is your sense of what your sense of what you want to do next, when your Articles are over, which is in December?

ZS Yes. I still want to stay in the field of Public Interest Law. I am not sure whether the LRC had a position, if not, then I am going to have to get something at another organization or like a firm. But I would want to practice as an attorney because I still think we have lots to learn and I cannot open my own or practice at the moment. I still need the experience.

Int When you say, you still want to practice as an attorney, would it be public interest law and what type of law would it be in particular?

ZS Yes, there are many NGOs, such as, Lawyers for Human Rights and Wits Law Clinic or AIDS Law Project, which does the same kind of work that the LRC does. So, it would be mainly in the same areas.

- Int We live in a society that always had questions around race and I am wondering whether you have experienced any discrimination or you feel, in the organization itself, whether its gender, religion or race, whether you have ever felt discriminated against?
- ZS No, no colleague in the LRC came across as being racist in any way. The fact that I am Muslim and I wear a headscarf and those are issues that impact on my life. But you are respected for that, and people respect you for that.
- Int That's interesting. In terms of public interest law as a career, is that what you want to do ultimately, or where do you see yourself, ultimately?
- ZS For now I would want to stay in Public Interest Law and see if it is a career. But who knows, life changes but for now, it would be public interest.
- Int Zeenat , I wonder whether you talk about a particular case that you have dealt with at the LRC that you feel very strongly about, something that might have been rewarding or something that was unsuccessful but you still felt strongly about? Talking about cases is important for this interview, so I wondered whether you talk about that?
- ZS Okay, I think it would be the case that we have done with the refugees at the Lindela Repatriation Centre. I worked quite closely on Naseema (Fakir) on this during the course of last year. We carried out interviews and consultations with refugees in the Lindela Repatriation Centre in Krugersdorp. These people, according the Immigration Act they cannot be held or detained for longer than 30 days and then 90 days. These clients were detainees detained over a period 90 days. We are looking at 120, 150, 300 days, and we tried to bring an application to court that they should be released. also that the procedures implemented by Lindela, and Home Affairs, were unconstitutional and were infringing on the Act. Unfortunately, to the case has not been instituted as yet. We did all the investigations last year, papers have been drafted by Naseema and settled by Counsel, but it has not gone any further. But while we were there, there were other issues that arose. It was a Halaal food issue; most of the refugees came from African Islamic countries would not eat the meat as it was not halaal. After making lots of enquiries, we then discovered the Muslim Prison Board. They assisted in negotiating with Home Affairs. It has been 18 months and this negotiation process is still to be finalized. Affairs refuses to...the Muslim Prison Board has very strict rules in terms of storing of food in that you cannot contain food with non-halaal products and the Islamic laws relating to the slaughtering of animals. however, the matter is nearing finalisation. .
- Int So, what is happening to the people in the interim?
- ZS They eat bread and water or bread and milk. Or they eat the vegetable but no meat products.

Int Are there children there?

Zs No, Lindela are not allowed to detain any children but we have found that there were minor children there and two...last year when we consulted, we found that there were four to five children were being detained. Lindela officials refused to release them on the basis that the children did not have any identification proof that they were minors. this was ridiculous. We managed to secure the release of one child only into a social welfare home. The remaining children were deported. It was very sad because out of the four that were deported, there were two brothers that came from Angola I think or Burundi that witnessed their parents being murdered. They come to South Africa seeking refuge and peace but faced further trauma and suffering. These are challenges that we face.

Int Zeenat, you have been here nearly two years, I wondered whether you have a particular memory, whether it's of George Bizos or the client or working with someone, that you really treasure?

ZS A memory?

Int Well, a story?

ZS I think it would our urgent eviction that we did last year. It was a very good experience because I learned and at the same time it was a team effort. It was an eviction matter, wherein the clients' shacks were destroyed. They came to us, on Friday, Sushila (Dhever) another attorney consulted with them. We worked that Friday night until 11 or 23h30 that Friday night and it was heard in court that Saturday morning. It will always be an unforgettable experience because of the hard work. The matter was finalised the next Tuesday and we were successful. we received a cost order but unfortunately the opponent did not have enough assets to execute his property. The costs were not settled but we had a good judgement. this was the first urgent case that I worked on.

Int Sure. Zeenat, I have asked you a range of questions. I am wondering whether there is something I have asked you or that I have neglected to ask you that you feel ought to be included as part of your oral history interview?

ZS No, I think you have covered everything.

Int Well, Zeenat, thank you very much and I wish you all the best for your future career in public interest law.

ZS Thank you.

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