

CITATION FOR KATHLEEN SATCHWELL

Honorary graduand, 9 April 2010

By Professor Paul Maylam

It would be a truism to say that human rights issues have always been at the forefront in South Africa over the past century. For almost four decades Kathleen Satchwell has been an unstinting champion of human rights, and a determined, resilient fighter on behalf of those denied such rights – whether they have been, in the apartheid era, the rights of political detainees, conscientious objectors, victims of the pass laws or group areas; or more recently, the rights of same-sex partners, or rape victims, among others.

This human rights activism began during a ten-year stay here in Grahamstown from 1969 to 1978. First as a Rhodes student – studying African languages and anthropology; reading and discussing books banned by apartheid’s censors; taking on the presidency of the Students Representative Council in 1971; and joining NUSAS, the liberal national student organisation. She recalls participating in a protest in High Street, and being thrown into a police van with other protesters who together banged on the floor of the van singing “Ho, Ho, Ho Chi Minh”.

Kathleen Satchwell’s last four years in Grahamstown, from 1975 to 1978, must have been time-consuming and energy-sapping, marked as they were by a range of involvements: working at the university library, teaching during the day at the Diocesan School for Girls, and at the town’s technical college in the evening; serving as a volunteer and then as co-ordinator in the local Black Sash office; in 1978 running a programme of support for detainees in eastern Cape prisons. While fully engaged in all these activities she studied part-time, through UNISA, for a law degree – the foundation of her present position as a high court judge.

Human rights issues continued to occupy much of her time when working as an attorney in Johannesburg for seventeen years from 1979: representing persons detained under security legislation and emergency regulations in the 1980s; acting for young men refusing to perform military service; appearing before the Publications Appeal Board to challenge censorship; serving as an attorney in high-profile political trials; representing Jeff Radebe, the current Minister of Justice, when he was on hunger strike on Robben Island; being chosen in 1991 by Robben Island political prisoners as one of six lawyers, among them such luminaries as Arthur Chaskalson and Pius Langa, to represent the prisoners in their demand for release; and being active in two important anti-apartheid legal organisations: Lawyers for Human Rights, and the National Association of Democratic Lawyers.

In 1996 Kathleen Satchwell gave bold, forthright evidence to the Truth and Reconciliation Commission, stressing the role of the legal system in contributing to human rights violations under apartheid. These violations, she said bluntly and frankly, “took place because our legal system permitted and even encouraged such violations to take place. The abuse of freedom in this country was deliberate. The law, and our legal system, was intentionally used and manipulated for that purpose”.

Since late 1996 she has been a high court judge in the Transvaal Provincial Division – the first woman to be appointed to the position in this division. About fifty of her judgements have been written up in various South African law reports. Some of these judgements have been pioneering and transformational, offering a fresh appreciation of the role of law in South Africa today. In 2005 she passed sentence on a woman who had killed her husband after suffering years of abuse, sending her to jail for five minutes – the justification being that the woman had already suffered enough.

President Mandela in 1999 appointed Judge Satchwell to chair a commission of inquiry into the operation of the road accident fund – a massive undertaking that involved extensive research, widespread consultations across the world, and writing up a comprehensive 1500-page report.

One of her main triumphs in recent years has involved not a ruling from the bench, but rather a challenge to the bench. In 2001 she instituted legal proceedings to secure equal benefits for her same-sex domestic partner as were accorded to the spouses of all other South African judges. The Constitutional Court ruled in her favour, granting this right, thereby according such benefits to her partner, Lesley Carnelley.

A person who cares deeply for others in need, Judge Satchwell is a trustee of the Nelson Mandela Children's Fund, and runs her own trust that has, among other things, purchased donkeys and donkey cars to provide transport for people in an isolated eastern Cape village.

It is hard to imagine that such a full and demanding life would allow for other outside interests. Not so at all. There is opera, bird-watching, collecting ornithological drawings – and a special interest in the First World War, more particularly in the lives and families of those from the Grahamstown and Port Alfred region who were killed in that war. This interest has led her to visit soldiers' descendants, delve into records, and to travel to battlefields in Europe, taking eastern Cape soil to put on graves and bringing back soil from the graves for descendants.

Tonight Rhodes University is proud to honour one of its most distinguished graduates – a multi-faceted person: an attorney and a judge; labour mediator and arbitrator; isiXhosa-speaker; a writer with a number of publications; teacher and educator; and most of all a bold, tireless, forceful campaigner for human rights over four decades.

Mr Chancellor, I have the honour to request you to confer on Kathleen Margaret Satchwell the degree of Doctor of Laws, *honoris causa*.