



OBSERVATORY
Civic Association

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LLPT MUST ANSWER TO BEING IN CONTEMPT OF COURT ON 22ND AND 23RD AUGUST

On August 22nd and 23rd the Cape High Court will hear the contempt of court application against the Liesbeek Leisure Property Trust (LLPT) for restarting construction against the directive of Judge Goliath issued March this year. Judge Goliath issued an interim interdict in March 2022 halting any construction or earthworks on the site, pending the outcome of the High Court review of the authorisation decisions. This matter should have been heard on July 12th but was delayed, with orchestrated intimidation, assault and abuse of opponents of the development taking place outside the High Court on that day.

The confirmation of the date follows a meeting on Thursday 11th August when Judge President Hlope met with the legal teams involved.

The contempt application will be heard along with the extraordinary application by Mr Tim Dunn on behalf of a group of persons claiming to represent the Goringhaicona and disputing the authority of our attorneys to represent the Goringhaicona Khoi Khoi Indigenous Traditional Council (GKKITC). This intervention by Dunn seeks to usurp the power of the GKKITC based on a resolution taken by a group of individuals at a secret meeting, without any notice to the GKKITC some 6 days before the contempt hearing was due to be heard in the High Court on the 27th July. The resolution has no legal basis and is simply an attempt to insert an unmandated group into the court process, so as to derail the bona fide mandated representatives of an indigenous Khoi Council.

That it is has no credibility is demonstrated in the fact that the [Southern African Khoi and San Kingdom Council](#) and the [Gauteng San and Khoi Council](#) have condemned the attempted takeover as fraudulent and have confirmed their belief that the mandated representative for the GKKITC, High Commissioner Tauriq Jenkins, has the authority to represent the Goringhaicona in this matter.

The strategy of divide and rule, that has beset any efforts to openly oppose this development, is yet again shown up in the subterfuge being practiced in this matter.

We ask:

1. Why did the so-called dissidents wait until mid 2022 (when the LLPT had decided to restart construction) before they miraculously discovered they were unhappy with the GKKITC opposing the development?
2. Why were two of the so-called dissidents [active participants](#) in the campaign against the development in late 2021 if they thought the 2021 resolution and 2021 GKKITC Constitution were not valid?

3. Why was Tania Kleinhans-Cedras, a First Nations Collective (FNC) Trustee, approaching Mr Tim Dunn for an opinion on the GKKITC constitution before any Goringhaicona had expressed any reservations with decision-making in the GKKITC?
4. Ms Kleinhans-Cedras is not a member of the Goringhaicona so what business is it of hers to seek a legal opinion on the GKKITC's constitution if not to meddle in matters to suit the FNC's interests?
5. What did Tania Kleinhans-Cedras say to the so-called dissidents in July 2022 that prompted them to go to court? And why did they choose to lodge papers at the last minute before the contempt hearing when the matter has been before the courts for almost a year?
6. Who is paying for the Silk that is representing them in the High Court? The three applicants who served papers on High Commissioner Jenkins could certainly not afford the 'eye-watering' costs of a senior advocate on tap for this legal escapade.

Anyone who understands the dirty tricks that have been deployed against opponents of the development since 2019, will know this attempt to usurp the GKKITC, under the pretence of legal action, is simply more of the same underhanded mischief.

As the Heritage Appeal Tribunal noted in its final directive on the appeal against the provisional heritage protection order on the River Club in April 2020, ***“The policy of maintaining control over one's subordinates or opponents by encouraging dissent between them, thereby preventing them from uniting in opposition, is evident in this matter. Conservation efforts to preserve the heritage of the Indigenous First Nations' people and communities and protect their cultural rights, have been hamstrung by the 'politics of divide and rule'.”***

This is what the FNC brings to heritage preservation of a sacred site. The willingness to undermine Khoi unity so that the development can go ahead unhindered.

But they did not reckon on the fact that 18 Khoi and San entities have openly supported Tauriq Jenkins, as mandated by the GKKITC, in [sworn affidavits submitted as part of the High Court Review](#). This is what has enraged the developers and their supporters because they can no longer pretend that they have the support of the majority of Khoi and San entities on this matter.

And because they have lost that pretence, they are now trying to silence the Goringhaicona, following in a long historical tradition of silencing of indigenous resistance to Colonial destruction. But they will have to reckon not only with the Goringhaicona, they will need to answer to the Southern African Khoi and San Kingdom Council, the Western Cape Khoisan Legislative Council, the Cochoqua, the Guriqua, the Hessequa, the Gainoqua, the First Nations Indigenous Peoples of Southern Africa, the Taaibosch Korana, the Kai Korana !Transfrontier Royal House, the !Khora||xau||aes, the Sonqua-|Xam, the |Xarra Restorative Justice Forum, the Democratic Federation of Indigenous People SA, the !Aman // Aes Royal House, the House of Klaas and Dawid Stuurman, the Karoo-|Xam, the Kalahari-|Xam – all of whom have sworn on oath that they do not support the FNC, and find the River Club development to be a profound and unacceptable violation of their cultural heritage.

The developers are barreling seeking to create an impregnable position by building even if they are found in contempt. We will be subjected to a propaganda barrage related to the economic benefits, the conflict between Khoi groups and the need for employment. All in order to defy the law and subjugate indigenous people, yet again, to the power of the colonial master. Enough! We live in a Constitutional Democracy where human rights will not be sold off to the highest bidder.

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