



OBSERVATORY
Civic Association

For Immediate Release | 13 October 2022

LATEST ROUND OF LITIGATION AT THE HIGH COURT A 'LYNCHING' OF INDIGENOUS ENTITIES

We relay with grave concern the fraudulent attacks on the Goringhaicona and in particular Tauriq Jenkins in the Cape Town High Court. These attacks are carried out with the intention to mislead the public and the courts, in what is undeniably a miscarriage of justice. We do, however, remain hopeful that the High Court will withstand this abomination and reel in the havoc unleashed here.

To recap, following the opposition of the Goringhaicona Khoi Khoin Indigenous Traditional Council (GKKITC) to the so-called 'River Club' development, a group of rogue individuals have come forth to proclaim themselves as the 'legitimate' Goringhaicona in an attempt to usurp the longstanding Goringhaicona council (GKKITC), thereby undermining resistance to the development which will entail the radical destruction of the natural landscape, and will permanently obliterate Khoi and San heritage at this precious and uniquely sensitive site.

The matter was heard in the Cape High Court before a full bench of judges Hayley Slingers, Elizabeth Baartman and James Lekhuleni on Tuesday and Wednesday the 11th and 12th of October. The same bench subsequently heard the appeal by the developer against Judge Goliath's historic interdict against the building on the site – an interdict which Liesbeek Leisure Property Trust (LLPT) have ignored. Instead of treating these cases separately, Anton Katz, the legal counsel for the appeal, skewered the matter concerning Jenkins to the LLPT case, arrogantly pre-judging the outcome against Jenkins which has not yet been delivered.

The legal attack has spawned a dangerous false narrative against the legitimate leadership of the Goringhaicona Khoi Khoin Indigenous Traditional Council (GKKITC) and in particular Tauriq Jenkins, the High Commissioner. Jenkins holds the Power of Attorney, representing the GKKITC, but also carrying the aspirations and deep concerns of 22 other Indigenous groupings in the matter against the developer. This attack on him and the GKKITC's legitimacy is one against all Indigenous people; it sets a dangerous precedent for ongoing 'justifiable' assaults of this nature.

Jenkins's Power of Attorney for the GKKITC was signed after many consultations, meetings and gatherings of Indigenous groups. It was unanimously agreed that the development must be opposed at all costs. This culminated in a celebratory event where the signing took place.

High Commissioner Jenkins is therefore the seminal authority in the resistance to this destructive and highly profitable development by Liesbeek Leisure Properties Trust (LLPT). What is currently unfolding before our very eyes is a strategic and racist scapegoating of Jenkins by those who want to see the LLPT development proceed at all costs. This buffers the supremacist conglomerate that remains in contempt of court as we speak. Those who support the development have engineered a version of events whereby the undisputed historical truth about the site's wondrous heritage is reduced to nothing more than a fabrication by Jenkins. These attacks go so far as to paint him as a

'foreign interloper' and a 'fraud'. We note with grave concern, that the press further leverages the racism and xenophobia of these false accusations, made in court (and untested), to sell sensationalist and unverified reporting.

This alarming set of circumstances threatens the safety of Jenkins's person, and also sends a strong 'warning' to anyone now wanting to oppose the Amazon River Club development – namely, that their efforts will be met with the most vicious litigation, funded by deep-pocketed corporates in partnership with our very own local and provincial governments.

The GKKITC has been the only Indigenous entity that, in spite of all odds, has upheld the integrity of Goliath's ground-breaking judgement from March 2022. Tauriq Jenkins, with no legal support and without access to endless funding from wealthy profiteers behind him, bravely represented himself. As such, he ultimately struggled to deliver his affidavit on time, and sadly it was considered inadmissible by the court. This overjoyed the fraudulent applicants, as he was not able to refer to any of the evidence in the 1500+ page affidavit he had produced, replete with sworn affidavits of Indigenous leaders who testified to astroturfed meetings and lucrative offers in exchange for opposing the development.

This is the ugly face of white supremacy that manipulates, controls and neutralises the Indigenous voice for self-gain, to the point where the LLPT's lawyer, Katz, is claiming locus standi (authority to represent) Indigenous voices in court on no more than an application by a few individuals, while a legitimate bona fide Power of Attorney (Tauriq Jenkins) is muzzled. On what basis does Katz point fingers at a High Commissioner saying he is a 'notional fraudster' in a case that was not even dealing with these claims in the first place? He augmented his case for his client by alleging to be representing the 'legitimate' GKKITC, even though it was a separate matter with a separate advocate in front of the same decision-makers.

Finally, we note that the City and Province have, with taxpayers' money, partaken in the targeting of Jenkins adding to the atmosphere of intimidation, insults and victimisation.

Meanwhile, there were squeals of glee from supporters of the development who relished the effective lynching of Indigenous heritage, whereby Indigenous people and the judges were told to appreciate that 'an asphalt parking lot' (their description of the site which is, in reality, a sensitive floodplain, an important place of resistance to colonisation and home to sensitive species) was going to be converted to a supposedly commemorative space (buried in high rise buildings and cement); that we should be grateful for it, as well as the much-needed jobs, rather than keeping the heritage, humanity and spirituality of Indigenous people alive.

Despite the frankly horrifying turn of events, we remain confident that the courts will see through this display of bullying, fraud and intimidation, and treat it with the remedial course of action it deserves, unravelling a disquieting display of white supremacy. The judges closely observed the pageantry of private privilege while challenging diligently the contradictions of Katz and the other attorneys' remarks.

We salute them for their dignified forbearance during this unbridled two-day episode of 'The Dutch East Company revived.' We can only imagine the pressures they face, and we take solace that they are protected by our Nation's motto above the courts, ! ke e: /xarra //ke "Unity in our Diversity."

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