

13 October 2022

FACT SHEET: THE ONLY FRAUD PERPETRATED WAS THE FRAUD AGAINST TAURIQ JENKINS IN THE HIGH COURT ON THE 11TH OCTOBER

On the 11th of October 2022, an application was heard to interdict High Commissioner Tauriq Jenkins and Paramount Chief Aran from acting on behalf of the Goringhaicona Khoi Khoi Indigenous Council (GKKITC). The application was brought by a group of individuals led by Edmen Hansen claiming to be the National Executive Council for the GKKITC. The accusations made against Tauriq Jenkins conspired to paint him as a fraud who misled the Cape High Court in January 2022 when the Observatory Civic Association and the GKKITC applied for an urgent interim interdict pending a review in the High Court review of the decisions to permit the redevelopment of the River Club on land sacred to Indigenous Khoi groups and of high environmental significance.

The accusations made against High Commissioner Jenkins are false. It is unfortunate he was not able to represent himself adequately in court as he had no legal representation and his affidavit was not accepted by the court.

Here are the facts:

1. Representation to Judge Goliath was not false

A claim was made that Mr Jenkins misrepresented Khoi leaders to Judge Goliath by claiming he had spoken to a range of leaders who expressed opposition to the development when he had not. To support this claim, three affidavits were produced by Prince Liefie, Chief Vaalbooi and Chief Danster, claiming never to have met Mr Jenkins and to have not expressed such views.

- a. A careful reading of High Commissioner Jenkins' evidence in the Interim Interdict application was that he had spoken to leaders of 15 groups who confirmed to him that they neither supported the development nor viewed the process as consistent with the Khoi and San code of ethics. One of those leaders was Chief Sedas who was the chairperson of the National House of | Xam Bushmen Nation.
- b. Of those 15 groups, 13 groups, including Chief Sedas, have subsequently confirmed what Commissioners Jenkins' asserted in court to Judge Goliath is correct. These are in affidavits submitted to the High Court for our review. Not one of those leaders (see table 1 below) have said otherwise. His evidence was accurate and correct.
- c. Jenkins' evidence in court also explained who comprised the National House of | Xam Bushmen Nation. Here he noted Prince Liefie, Chief Vaalbooi and Chief Danster (table 2 below). His affidavit did not claim he had spoken to them. On the basis of Chief Sedas' assurance, he understood that the different groups and councils that comprise the National House of | Xam Bushmen Nation were of the same view as Chief Sedas.

Chief Vaalbooi's affidavit:

- d. On the 21st July, the First Nations Collective, an entity that is fighting with the developer to see the development go ahead, held a press conference at the Biscuit Mill (property owned by the developer) at which it was announced that Chief Vaalbooi had come out to condemn Commissioner Jenkins. Chief Vaalbooi did not read out his own statement. It was read for him by Chief Zenzile Khoisan of the FNC at the press conference.

- e. Chief Vaalbooi did indicate that he wanted to meet Tauriq Jenkins. However, this could not take place as the FNC controlled his movements. Tauriq Jenkins thus could not explain that the only mention of Chief Vaalbooi in his evidence was his noting that Chief Vaalbooi was the Chief of the Komani San.
- f. For the court proceedings yesterday, Chief Vaalbooi deposed an affidavit was responding to Tauriq Jenkins' affidavit. However, Chief Vaalbooi does not speak or read English which is the language in which Tauriq Jenkin's affidavit was written. He must have had the affidavit explained to him by other persons. It is almost certain that the FNC interpreted Commissioner Jenkins' affidavit for Chief Vaalbooi. Given they have an interest in discrediting a leading Khoi activist against the development, we do not believe Chief Vaalbooi was given the correct interpretation of Commissioner Jenkins' affidavit when responding.

Chief Danster's affidavit:

- g. Chief Danster claimed in his affidavit that he had never met High Commissioner Jenkins. That is correct.
- h. However, since Commissioner Jenkins never claimed to have spoken to the component leaders of the National House of | Xam Bushmen Nation but had relied on Chief Sedas' account, there is no fraud involved.

Prince Liefie's affidavit:

- i. Prince Liefie claimed in his affidavit that he had never met High Commissioner Jenkins. That is incorrect.
- j. Prince Liefie was in attendance at a Khoi summit in Oudtshoorn in May 2022 where the River Club development was extensively discussed. He spoke to Commissioner Jenkins at the summit about the River Club matter. A sworn affidavit from a witness to the meeting in Oudtshoorn was included in Commissioner Jenkins' affidavit that was not accepted by the court. A further affidavit from Khoebaha Arendse of the Kai Korana Transfrontier confirms that Prince Liefie had met Tauriq Jenkins at 'numerous meeting'
- k. Prince Liefie is therefore misleading the court in this matter.
- l. Prince Liefie is also a contractor to the developer at the River Club and so has a personal conflict of interest in this matter.

2. Coercive attempts to get affidavits were not coercive

- a. A set of affidavits from Queen Katrina Esau (known also as Ouma Katrina), Chief Crawford Job and Prince Charles Tities attempt to portray Commissioner Jenkins' approach to Queen Esau as disrespectful and coercive.
- b. This is a misrepresentation of fact.
- c. Commissioner Jenkins approached the Queen after her son, Prince Titus, who is based in Cape Town, deposed an affidavit against the development saying the 'developer is putting our history in the grave.' Prince Titus advised Commissioner Jenkins to seek the Queen's support for the campaign against the development.
- d. Commissioner Jenkins therefore travelled to Upington with the understanding that Prince Titus had contacted his family and they were expecting him. On the 23rd June, Ouma Katrina's granddaughter and son fetched Commissioner Jenkins from his hotel in Upington and took him to visit Ouma Katrina. His welcome was warm and receptive. Following all traditional protocols, he explained to Ouma Katrina what the situation was and gave her a draft for an affidavit which she might use, based on the affidavit signed by her son, Prince Titus. Prince Titus was

participating the meeting via speaker phone and confirmed what Commissioner Jenkins told Ouma Katrina.

- e. At no time was there any attempt to coerce, manipulate or mislead.
- f. After Commissioner Jenkins left, it transpired that Chief Crawford Job and Prince Tities travelled to a meeting of the FNC in Goudini at the expense of the FNC.
- g. The affidavits submitted in the court were all signed on the 6th July after the Goudini meeting.
- h. Of the 20 affidavits secured by the GKKITC and others opposing the development, and currently lodged with the High Court, not one of the deponents have indicated they were unhappy or coerced.
- i. Since the three affidavits were deposed, the Royal House of Nllg#e have released a statement saying they are considering their support for and their relationship to the River Club development.
- j. Like Chief Vaalbooi, Queen Esau does not speak or read English which is the language in which Tauriq Jenkin's affidavit was written and the language of her own affidavit.
- k. We believe the FNC is behind all these affidavits.

3. High Commissioner Tauriq Jenkins is lawfully authorised to represent the GKKITC

- a. The GKKITC NEC, acting in line with its Constitution, adopted a resolution on 27st July 2021 giving Tauriq Jenkins power of attorney to lead its court action. This was confirmed by an affidavit from Chief Aran on 16th August 2022. There is no lawful resolution in existence that withdraws that authorisation.

4. The resolution purporting to expel Commissioner Tauriq Jenkins and Chief Aran, and to interdict him from acting in the name of the GKKITC is invalid.

- a. The Resolution was adopted by 13 persons on 21st July 2022. None of those persons are NEC members nor do they declare what positions they hold.
- b. The resolution kicks out Chief Aran and Commissioner Jenkins from all GKKITC structures including the NEC but they were not given notice of the meeting. In fact, the resolution starts off by acknowledging that no notice of the meeting was given because of so-called 'urgency.' This means that a secret meeting of unelected and unappointed persons can kick out leaders from the structures on which they serve without notifying them? This is patently irregular. It is not competent for the persons attending a meeting to waive the rights of those who have not received notice.
- c. The resolution also claims that the 2021 GKKITC constitution is not valid and therefore the 2018 resolution is valid. But under the 2018 constitution, the NEC is not empowered to take any steps that the resolution claims to do. For example, the NEC under the 2018 constitution cannot initiate or withdraw from legal action. Yet that is exactly that Edmen Hansen and his supporters are seeking. But they have to use a 2021 Constitution (that they reject as invalid) to empower them to take the action contained in the resolution. This is simply illogical.

5. The resolution purporting to expel Commissioner Tauriq Jenkins and Chief Aran, and to interdict him from acting in the name of the GKKITC is the product of orchestration in which Tania Kleinhans is key.

- a. Tania Kleinhans approached lawyer Tim Dunn to request an opinion from him on the GKKITC constitution. She did so in May 2022 before any Goringhaicona meetings were held or any Goringhaicona members expressed any discontent with their leadership. She is not a member

of the GKKITC but a member of the FNC who are vehemently in support of the development and diametrically opposed to the GKKITC's position on the development. No Goringhaicona members approached Tim Dunn on this matter initially.

- b. After Tania Kleinhans secured this opinion, she convened a meeting at Marion House which is the premises where her organisation is based, where discussion took place over the GKKITC opposition to the court action and the role of the NEC.
- c. Only after this process, did the 'alternative' GKKITC emerge.

6. The GKKITC adopted a revised constitution in 2021 through a series of participative workshops

- a. The claim is made that the GKKITC constitution of 2021 is invalid. There is no basis presented in the court papers to support this claim.
- b. Instead, there is ample evidence of repeated discussions and workshops within the GKKITC to adopt the constitution. The Constitution, adopted in March 2021, was accompanied by many people attending the final workshop signing the document to indicate their support. This evidence was included in a supporting affidavit that Commissioner Jenkins could not submit.

7. Edmen Hansen claims to be the regent of the GKKITC

- a. Edmen Hansen was the Regent in 2018 but was expelled by Chief Aran in 2018.
- b. Jack Moreki is the current Regent of the Goringhaicona.
- c. Since 2018, Edmen Hansen has played no role in any of the activities of the GKKITC. He has not participated in the Heritage Appeal Tribunal Proceedings, in the public participation processes over the River Club for its rezoning and environmental approvals, nor in the Two Rivers Local Spatial Development Framework consultations. The GKKITC has a kraal and presence in the TRUP. You would expect a Regent to be present, at least at some of the processes. He was not.
- d. He is not the Regent of the GKKITC

8. The co-signatories to Hansen's affidavit claim that Tauriq Jenkins misled them

- a. Elder Peter Ludolph claims that court proceedings had never been discussed with him.
- b. Elder Ludolph was present at a Press Conference at Oude Molen on 7th December 2020, [reported in the Cape Argus](#) where the prospect of legal action by the GKKITC was discussed as reported by Argus reporter, Marvin Charles. He is in the photo for the newspaper article.
- c. Elder Ludolph signed the resolution in July 2021 granting Tauriq Jenkins power of attorney to represent the GKKITC in a legal challenge to the development.
- d. Elder Ludolph participated in protests against the development in 2021, both prior to and after signing the July 21st 2021 resolution regarding the GKKITC going to court. He held placards such as "Our heritage is not for sale".
- e. By his own admission, Elder Ludolph only expressed concern after attending the meeting organised by Tania Kleinhans at the Marion Institute.
- f. There is no plausible reason to explain how he had no problem with the court action in 2020 and 2021 but felt compelled to act in July 2022 other than the fact that he was influenced by Tania Kleinhans. He certainly could not have been unaware that the GKKITC were in court and had agreed to oppose the development. He signed the resolution granting High Commissioner Jenkins the power of attorney in this matter.

- g. Shiraatz Mohammed, similarly, was an active participant in protests against the development in 2021, holding placards such as “concrete is not our heritage.” He only appears as support to Hansen after Tania Kleinhans’ intervention in May 2022.
- h. Neither Mohammed, nor Ludolph provided any explanation why they should have changed their mind, nor why Commissioner Jenkins was not acting in terms of GKKITC policy.

Website: www.liesbeek.org | **Facebook:** facebook.com/liesbeekactioncampaign

Twitter: [@LiesbeekAction](https://twitter.com/LiesbeekAction) | **Instagram:** [liesbeek_action_campaign](https://www.instagram.com/liesbeek_action_campaign)