

IN THE EQUALITY COURT

(HELD AT THE MAGISTRATE'S COURT UBOMBO)

In the matter between:

Case #: 01/2017

iSIMANGALISO WETLAND PARK AUTHORITY

FIRST APPLICANT

DEPARTMENT OF TOURISM

SECOND APPLICANT

And

SODWANA BAY GUEST HOUSE /

KATARÍNA KRIŽÁNIOVÁ (Manageress)

FIRST RESPONDENT

ENKI ANDRE M. SLADE

SECOND RESPONDENT

WITNESS BRIEFING

We, The Respondents hereby wish to inform you, Kevin Richardson, as a witness in this case as to the line of questioning you will be facing. Indicate if you agree or disagree with the following statements of opinion and fact on the replying form. If you disagree, please state the reason for disagreement. This is in order for you to be sufficiently informed about your role in the trial and also to make the proceedings more efficient. Remember that your purpose is not to testify on behalf of anybody but simply to let the presiding officer know what you know.

Please submit your replying form via email to both of these addresses: xxxx & yyyy by 11/11/2017.

- 1) Truth holds the highest value in life. Both science and justice call for us to seek and tell the truth, not to tell lies and spread error.
- 2) God has been scientifically proven as The Creator of all life. I believe in God.
- 3) I have a perspective into animal behaviour like no one else.
- 4) Scientific fact/findings cannot be “racist” as they are objectively derived.
- 5) There is no such thing as “race” in humans, let alone animals. Race itself is a social construct, meaning it has no biological basis. Homo genus is the only genus in the whole Animal kingdom divided into “races”.
- 6) Social animals have more in common with humans, another social animal, than we might like to admit.
- 7) A natural phenomenon known as Ethnic Nepotism or favouring one's own kind/relatives is described by Sociobiology as the tendency of humans to favour members of their own “racial” group by postulating that all animals evolve toward being more altruistic toward kin in order to propagate more copies of their common genes. It claims genetically similar people tend to seek one another out and to provide mutually supportive environments such as marriage, friendship, and social groups.
- 8) Guard bees are more likely to let those who are genetically similar to them into the hive; squirrels are more likely to warn other squirrels of oncoming eagles if the surrounding squirrels were of their extended family and chimpanzees expand their territory by attacking and killing neighbouring tribes. Lions are one of the most “family oriented” of the Animal Kingdom but only towards direct family, not all other lions.
- 9) Living in a social group requires more than just smart individuals. You need to be able to communicate complex ideas.
- 10) The following statement is correct:

“A lot of what we see in other mammals seems to apply to us—not only in such matters as the workings of the body: digestion, reproduction, respiration, and the like, but also in the workings of the mind. Many mammals are social, and social animals need rules to live by; if they don't, the species doesn't survive long enough to make a blip in mammalian history. One thing we see in a lot of animals, including other primates, is a social hierarchy, systems where some individuals dominate others”. Hyenas, for instance, operate under a linear dominance hierarchy that is extremely strict; it dictates everything.
- 11) Animals with a high level of testosterone in their blood, including men, will become more protective over their group members but at the same time more aggressive towards

[Source](#)

outsiders; they will willingly take a risk, including competition and fights, for the sake of the group and punish those who cheat or refuse to fight for the group's cause.

- 12) The effects of testosterone on behaviour are not unidirectional; the testosterone does not necessarily raise the overall level of violence but rather the motivation of individuals to compete for dominance. It depends on the personality of the individual and his lifestyle whether the desired rank can be obtained by means of violence or other, more intelligent, methods.
 - 13) *Homo sapiens* is considered the most evolved and intelligent of all animals.
 - 14) Animals can sense energy and distinguish good/love from bad/hate.
 - 15) I love animals and bond with them deeply; they accept me as their master and listen to me because they trust me. When the lions exhibit a trait that I don't like, I discipline them; this is all about love, the kingdom full of love.
 - 16) The Lions consider me part of their pride, yet I live separately from them.
 - 17) Today, we have much more information about all living organisms and their relationships, and we can correct some of the mistakes in classification that were made in the past.
 - 18) Chimps and humans are taxonomically close to each other, but there are enough differences between them to distinguish separately. Despite many similarities between human and chimp, the external appearance and behavioural differences are prominent.
- [Source](#)
- 19) Negroid and Caucasoid are at present classified taxonomically the same species, but there are enough differences between them to distinguish separately.
 - 20) Animals of different kind/species have varying IQ levels.
 - 21) Wild mammals have black/dark skin.
 - 22) Domestic animals have white/light skin.
 - 23) There is no equality in The Animal Kingdom; each kind has its own specific purpose.
 - 24) *Homo sapiens* is prime predator.

- 25) Animals without natural predators overpopulate.
- 26) If animals are overpopulated in an area, they cause major environmental destruction.
- 27) Overpopulation of humanity is the main reason why lions and other wild animals are losing their natural habitat.
- 28) In Africa, Blacks are overpopulated.
- 29) There are over 7.5 billion members of the Homo genus on this planet. Homos must stop spreading and increasing in numbers so exponentially to leave more space for the other animals we share this earth with. "People" must live up to the name of smartest animal on the planet by not expanding continuously across the globe. [Source](#)
- 30) If the food chain was disrupted; ie. if one trophic level of the food chain (pyramid) was annihilated completely, the rest would either die off, or reproduce so much, an inevitable food shortage would occur, causing a population collapse.
- 31) Predators keep the natural environment healthy and balanced, which is essential for humans as well as wild animals. Hunting predators must be made illegal worldwide.
- 32) The Department of Tourism and Economic Development are in conflict of interest with the Department of Environmental Affairs.
- 33) The government of South Africa does not represent me; it is a sinister industry.

FYI: Witness Preparation (source: *Your Guide to the South African Equality Courts, 2015*)

There are two parts to witness testimony: (1) the witnesses' responses to your questions (direct examination), and (2) their responses to the opposing parties' questions (cross-examination). Unfortunately, many unprepared witnesses have enormous difficulty in responding to cross-examination and treat questions from the opposing party with hostility.

The reason for this is two-fold. First, they often believe that they are testifying on your behalf, and therefore tend to take sides. Secondly, they may view the opposing party as the enemy, and they may testify differently when you are asking the questions as opposed to when the other side is asking the questions. A change in demeanor of a witness tends to show bias to the presiding officer and needs to be avoided, so that the witness is viewed as neutral and reliable.

Preparing the Witness for direct and Cross-Examination Testimony

Tip 1: Explain that the witness's purpose is not to testify on behalf of anybody, but is simply to let the presiding officer know what the witness knows. In this regard, it is important that witnesses understand that they are not advocates, but simply people who have information that may be useful to the decision maker.

Tip 2: Explain to the witnesses that they should: (i) listen to each question carefully; (ii) answer only the question asked; and (iii) then be quiet and wait for the next question. The untrained witness tends to ramble and say things that are irrelevant, or worse, wrong.

Example:

An easy way to demonstrate this principle is to ask the witness "do you know what time it is?" Almost invariably the witness will look at his/her watch and say, "it is 9:30 a.m." This is the wrong answer. The question only calls for a "yes" or "no" answer. Had you wanted to know what time it was, you would have asked the question, "what time is it?".

This example helps witnesses understand that they answer only the question that is being asked and then remain quiet.

Tell witnesses that when they go beyond the scope of the direct answer to a question, whether it is from the complainant or the respondent, they open up a door that may allow for greater cross-examination than what was otherwise available. If they introduce new facts, the other party may be able to ask them about those facts. Additionally, the witness may say something that confuses the presiding officer. A good practice is to make sure you know everything the witness will say in response to prepared questions.

Tip 3: Make sure the witnesses understand that they must only testify about things they actually know, not about something that they assume is true.

Tip 4: Explain to the witnesses that they should never guess. A guess to a question can only have one of two results: the guess is correct or the guess is incorrect.

When the guess is incorrect, the witness will be made to look foolish if properly cross-examined. Explain that if the witness does not know the answer to a question, the proper answer is "I do not know."

Tip 5: Explain to the witnesses that they are to show the same respect to the other side's representative as they show to you. Being disrespectful to one side demonstrates a bias and weakens the testimony.

Tip 6: Advise the witnesses to look directly into the eyes of the presiding officer when they are testifying. When the witnesses are listening to questions, they can look at the person asking the question, but when testifying, they should look at the person whom you are trying to convince with the testimony.

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The most important concepts for witnesses to remember are:

- ◆ do not take sides;
- ◆ listen carefully to the question being asked;
- ◆ answer only that question, then be quiet;
- ◆ never guess.

When schooled on these basic principles, witnesses can generally be relied on not to make unanticipated statements.

Applying these principles to our sample case...mr. Klein will testify about what he observed on January 1, 2012. You should explain to mr. Klein that he should only testify as to exactly what he observed, and he is not to serve as mr. masuku's advocate.

You should also advise him not to get hostile with the opposing counsel. Instead he should listen very carefully to the questions, and provide short, thoughtful and direct answers. He should never guess – if he does not know the answer, he should inform the court. He should look at the presiding officer when he answers any questions.

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Date: 16th day of October 2017

Place: Mbazwana, Sodwana Bay