

**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**

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**WITNESS BRIEFING**

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We, The Respondents hereby wish to inform you, Lindsay Cooke, 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 or hand-deliver it to The Respondents at Emoyeni, Sodwana Bay Main Road on or before 16/11/2017.

- 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) The Respondents are of superior intellect.
- 4) The Respondents told Me on numerous occasions that They represent The Almighty God: that Andre is The Son of God and King of Earth and Katarina, His Bride, is The Queen of Earth.
- 5) Katarina is more strict than Andre.
- 6) Andre and Katarina stand together on everything They do. They always confer between Them out of respect for one another before a decision is made.
- 7) The Respondents have worked very hard and diligently, seldom taking time off, on what They believe in. I respect Their perseverance and stamina.
- 8) I remarked about how much radical change The Respondents have done in Their lives in order to live natural lifestyle despite the fact that it is not easy here; They follow a very strict diet. I am often reprimanded about what I consume.
- 9) I was told to read The Respondents' book and reprimanded many times for not doing so. Conversations with The Respondents always lead to Their philosophy/belief. They believe with Their lives what They have written to be correct and that it came directly from The True God.
- 10) The Respondents have never displayed any hatred, nor was there any hate speech from Them towards Blacks whatsoever while in my company.

- 11) We worked together on a perpetual electricity generator as The Respondents did not want to be connected to the government at all. Andre displayed an impressive level of technical skills and knowledge. A system like this has been proven possible.
- 12) The Respondents are activists for nature conservation and deeply concerned about the state of the world at present. Andre has also been very worried about the invasion of the alien plant Lantana Camara in this area. There is significant amount of this plant growing in this area.
- 13) iSimangaliso has been advertising planned developments for Sodwana Bay for many years, but as a dive operator here for 16 years I have not witnessed any developments nor have I had any benefit for paying the licensee fee to them.
- 14) iSimangaliso Wetland Park Authority has not involved Local Community in decision making whatsoever; they ignore Community correspondence with them. In fact, since I notified them of the termination of my contractual obligation to them as a dive operator, they did not even acknowledge my communication with them. They do not send a representative to Community meetings even when specifically asked to do so.
- 15) Black and White local residents of the area surrounding The Park live in harmony, yet most of them feel that the Park Authority is unjust towards them and that they have no say.
- 16) iSimangaliso gate entrance fees and beach taxes have damaged tourism to Sodwana Bay, impacting negatively on the Local Community.
- 17) iSimangaliso discriminates beach visitors on the basis of their skin colour; the Blacks do not pay anything even if not locals, but Whites who are not locals have to pay the entrance fee.
- 18) I am witness to the discrimination by the locals towards The Respondents following Zikalala's public condemnation of the email sent by Them on 22/6/2016, which denied the accommodation of blacks and government employees in Their guest house.

19) I donated diesel to Andre Slade during Katarina's imprisonment so that He could drive to visit Her there as They had no money.

20) Since I came to Sodwana Bay, more than half of the operators closed their businesses.

21) Majority of the operators of the area who had closed their businesses, including me, did so because it was economically unsustainable.

22) 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: 31st day of October 2017

Place: Mbazwana, Sodwana Bay