

ANNEXURE

Details of Provincial and National Public Hearings

Province & Venue	Date	Panellists
<i>Western Cape, Malmesbury</i>	<i>3 - 4 July 2002</i>	<i>Mabusela, S (Chair); Wessels, L; Majodina, Z; Mahomed, A; du Toit, A</i>
<i>Northern Cape, Keimoes</i>	<i>15 - 16 July 2002</i>	<i>Wessels, L (Chair); Majodina, Z; Mhlungu, T; Cloete, N</i>
<i>Eastern Cape, Port Elizabeth</i>	<i>18 - 19 July 2002</i>	<i>Majodina, Z (Chair); Wessels, L; Hendricks, F; Jack, N</i>
<i>Limpopo, Thabazimbi</i>	<i>22 - 23 July 2002</i>	<i>McClain, C (Chair); Kollapen, J; Matsaung, L; Mushasha, J</i>
<i>North West, Ventersdorp</i>	<i>29 - 30 July 2003</i>	<i>McClain, C (Chair); Manthata, T; Mbaob; Piliso-Seroke, J</i>
<i>Free State, Viljoenskroon</i>	<i>1 - 2 August 2002</i>	<i>McClain, C (Chair); Manthata, T; Ellis, W; Helepi, P</i>
<i>KwaZulu-Natal, Cool Air</i>	<i>5 - 6 August 2002</i>	<i>Wessels, L (Chair); Govender, K; Misselhorn, P; Gabriel, A</i>
<i>Mpumalanga, Ermelo</i>	<i>14 - 15 August 2002</i>	<i>Wessels, L (Chair); Manthata, T; Manzini, P; Dominy, A</i>
<i>Gauteng, Johannesburg</i>	<i>8 November 2002</i>	<i>Kollapen, J (Chair); McClain, C; De Klerk, W</i>
<i>National, Pretoria</i>	<i>4 - 6 December 2002</i>	<i>Kollapen, J (Chair); Wessels, L; Manthata, T; McClain, C; Mamba, K; Gilfillan-Weidama, D</i>

Participants who gave evidence at Public Hearings

Western Cape

De Vlieger, I, Franschoek Legal Advice Centre (FLAC)
Thomas, N, Ceres Advice Office
Opperman, C B, Agri Wes Cape
Thabata, B, Independent Service Agriculture and Food Workers Organisation (ISAFWU)
Seymour, V, ANC, Pelican Park, Ward Councillor
Angebach, W A, Houtbaai Familie Trust
Huffke, T, SAAPAWU
Van Dyk, J G, Cape Fruit Producers Organisation (CFPEO)
Beaton, VP, South African Police Services, WC
Middleton, S, Department of Land Affairs, WC
Zondeki, S, Department of Labour, WC
Chamberlain, H, Department of Education, WC
Cupido, JRS, Department of Health, WC

Northern Cape

Mvula, O, Department of Land Affairs, NC
Ranayeke, A, REIP
Kluge, M, Agri Northern Cape
Manong, M, AnCRA
Majara, M, SAAPAWU
Swanepoel, SAPS, NC
Cloete, G, Kei Gariap Municipality, NC
Mahlati, W, NCDPP
Basson, Fr., Justice & Peace, Catholic Church
Motingwe, P, & Abrahams, Department of Education, NC

Eastern Cape

Manene, Paterson Advice Centre
Petersen, C, Agri Eastern Cape
Swebu, Z, ANC Constituency Office, Humansdorp
Moody, B, Eastern Cape Agriculture Research Project (ECARP)
Mavuka, P, South African Police Services, EC
Satenga, M, Directorate Public Prosecutions, EC
Khosa, M, & Coleman, Department of Land Affairs, EC
Somtato, S, Department of Labour, EC
Watson, N, Department of Housing, Local Government and Traditional Affairs, EC

Limpopo

Mataakanye, J, Messina Legal Advice Centre
Tladi, P J, Department of Labour, Limpopo
Sengani, W C, South African Police Services, Limpopo
Gioring, F, Land and Farm Committee
Manaka, M & Thobane, J, Department of Land Affairs, Limpopo
Wegerif, M C A & Nephale, M, Nkuzi Development Association
Jansen, J H, Botha, A, Agri SA in the Limpopo province & Transvaal Agricultural Union

North West

Matsitsi, Centre for Community Law and Development, University of Potchestroom
National Association for People Affected With HIV/AIDS (NAPWA)
Du Toit, P, Faure, J, Auret, W, Agri North West

Patu V, Morule, C M, Banda, R G, Ventersdorp Council
Van der Westhuizen, S, Centre for Justice
Mahuda B, & Malebe, M, Department of Land Affairs, NW
Molefe, M & Doule, K, Department of Health, NW
Beta, L E, South African Police Services, NW
Kubheka, S, Department of Labour, NW

Free State

Moller, P, Vrystaat Landbou
Monapuri, P, Department of Labour, FS
Mashinini, SAAPAWU
Radebe, M & Ishmael, Kroonstad & Viljoenskroon Parliamentary Constituency Office
Moasa, S, Department of Land Affairs, FS
Nthombeni, HB & Malundi, A, Department of Education, FS
Malinga, M, Department of Housing, FS
Cilliers, B, Labour Consultant

KwaZulu-Natal

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Shabane, N, Mngwengwe, W, Department of Land Affairs, KZN
Kambule, E, Langa, Aden, Maharaj, Department of Labour, KZN
Kubheka, M, Tenure Security Co-ordinating Committee (TSCC)
Terblanche & Neethling, SAPS, KZN
Genu, V, DPP, KZN
Howard, G and Mhlungu, T, KZN Land Legal Cluster Project (KZNLLCP)
Mdluli, A, Zuma, S, Khubisa, Z SAAPAWU & COSATU

Mpumalanga

Williams, C, TRAC
Mwale, R, Middelburg Constituency Office
Malan, A, Nelspruit Justice Centre
Mokoena, N, COSATU
Sibanyoni, HF, KwaNdebele Human Rights Centre
Mtembu, J, MPC Mpumalanga
Bosman, L, Agri Mpumalanga
Kabini, J, African Farmers Union
Lefifi, SS, Department of Safety and Security, Mpumalanga
Nkabinde, E, South African Police Services, Mpumalanga
Mosing, A, Directorate of Public Prosecutions, Mpumalanga
Mothiba, P, Department of Labour, Mpumalanga
Archary, L & Motswege, Department of Land Affairs, Mpumalanga
Sebeko, Department of Housing, Mpumalanga

Gauteng

Van Wyk, R, Botha, A & Visser, K, Agri South Africa
Hlatswayo, B, SAAPAWU
Landu & Welthagen, South African Police Services
Dauids, L & Visser, Department of Education, Gauteng
Marina, R & Mphela, G, Department of Land Affairs, Gauteng
Fick, K, Department of Labour, Gauteng

National Hearings, Pretoria

Mabokela, T B, National Land Committee

Govender, P & Khumalo, S, COSATU & SAAPAWU

Pillay, C, Legal Resources Centre

Crosby A, Bosman, L & Ferreira, K, Agri SA

Seafield, V A, Department of Labour

Mneadi, N; Pienaar, S; De Kock, C; Groenewald, B & Van der Westhuizen, W, South African Police Services (SAPS)

Mr Lithole, Ms Naidoo, National Department of Housing

T Yeates & Mr Malaka, National Department of Land Affairs

M Fandeso, Land Bank

Khambule, T & Mathipa, K, National Department of Water Affairs and Forestry

Trainer, M, Ngwebe, D, Verniston, B, & Schoeman, B J, South African National Defence Force

Kritzinger, E, National Department of Home Affairs

Nawa, S, Meintjies, S, National Department of Education

Mr Mabombo, Malatji, S, Mbongwa, M, National Department of Agriculture

Makiwane, F, Theron, A, National Department of Social Development

Brits, P, Legal Aid Board

Mhlanga, R E, National Department of Health

ENDNOTES

NATIONAL

CHAPTER 1 - Introduction

- ¹ SAHRC Transcription, National Public Hearings, 182
² Pityana, B, at Launch of Inquiry, 11 June 2001
³ Constitution of the Republic of South Africa Act 108 of 1996.
⁴ Act 54 of 1994
⁵ Government Gazette Notice 2085/2001, GG No 22711, 5 October 2001
⁶ *Ibid* s5
⁷ *Ibid* s 8
⁸ *Ibid* s9
⁹ *Ibid* s14 - 15
¹⁰ *Ibid* s16
¹¹ *Ibid* s19
¹² *Ibid* s20 as amended

CHAPTER 2 - Land Rights

- ¹ S Turner and H Ibsen, "Land and agrarian reform in South Africa: A status report," Norwegian Institute of Human Rights, University of Oslo and the Centre for International Environment and Development Studies (Norgic), Agricultural University of Norway, November 2000, 3.
² Persons who were evicted during the period 4 February 1997 to 28 November 1997 could claim protection of the Act and approach the Court to be reinstated and or compensated before 28 November 1998. The provisions were hardly utilised as most farm dwellers were unaware of these provisions and there were no mechanisms in place to assist these people.
³ A definition of an occupier is contained in the definitions section of the ESTA
⁴ Section 19(3) of the ESTA provides for automatic review, to the Land Claims Court of eviction orders granted in the Magistrates Court in terms of the ESTA.
⁵ Sections 21 & 22 ESTA
⁶ Section 23 ESTA
⁷ Yeates, T & Malaka, Department of Land Affairs, SAHRC Transcription, National Public Hearings, 264-5
⁸ *Ibid* 266
⁹ Pillay, C, Legal Resources Centre, SAHRC Transcription, National Public Hearings, 95
¹⁰ *Ibid* 96. This is to prevent those instances where landowners manage to obtain eviction orders in accordance with the common law
¹¹ Crosby, A & Others, Agri South Africa, SAHRC Transcription, National Public Hearings, 135
¹² *Ibid* 137
¹³ See note 7, 268-9
¹⁴ *Ibid* 269
¹⁵ *Ibid* 270
¹⁶ *Ibid* 271
¹⁷ *Ibid* 278
¹⁸ *Ibid* 295
¹⁹ National Land Committee, "Submissions to the National Public Hearings on Human Rights Violations in Farming Communities in South Africa, 4 - 6 December 2002", written submission.
²⁰ See note 7, 105
²¹ *Ibid* 107
²² *Ibid* 134
²³ *Ibid* 135
²⁴ *Ibid* 142
²⁵ Brits, P Legal Aid Board, SAHRC Transcription, National Public Hearings, 482
²⁶ *Ibid* 25
²⁷ See note 9, 90
²⁸ See note 25, 477-480
²⁹ *Ibid* 481
³⁰ *Ibid* 485
³¹ *Ibid* 481
³² *Ibid* 479-480
³³ *Ibid* 484
³⁴ *Ibid* 486

- ³⁵ *Ibid* 487
³⁶ *Ibid* 489
³⁷ See note 9, 90
³⁸ See note 7, 279
³⁹ *Ibid* 280
⁴⁰ *Ibid* 21
⁴¹ *Ibid* 276
⁴² See note 9, 85
⁴³ See note 7, 285-6
⁴⁴ *Ibid* 287
⁴⁵ *Ibid* 267
⁴⁶ *Ibid* 268
⁴⁷ *Ibid* 272
⁴⁸ *Ibid* 283
⁴⁹ Samson Mulenga, "The Land Problem: Zimbabwe and South Africa – Comparative Analysis, 27 April 2000 [http://www.glob.co.zw/economic/Comparative_Analysis_Of_Land_Issue.htm] These figures vary widely in different sources.
⁵⁰ The definition set out in the Act defines labour tenants as follows: "Labour tenants means a person
(a) Who is residing or has the right to reside on a farm;
(b) Who has or had the right to use cropping or grazing land on the farm or another farm of the owner and in consideration of such right provides or has provided labour to the owner or lessees and
(c) Whose parent or grandparent resided or resides on a farm and had the use of cropping or grazing land on such farm or another farm of the owner, and in consideration of such right provided or provides labour to the owner or lessee of such or such other farm, including a person who has been appointed a successor to the labour tenant in accordance with the provisions of section 3(4) and (5), but excluding a farm worker.
⁵¹ Lahiff, E, (PLAAS Policy Brief, No. 1. (Sept 2001)], "Debating Land Reform and Rural Development, Land Reform in South Africa: Is it meeting the challenge?"
⁵² Edward Lahiff, "Tenure Reform Back on the Agenda?" PLAAS, University of the Western Cape, December 2001
⁵³ *Ibid*
⁵⁴ The White Paper on South African Land Policy, April 1997, 4.3.
⁵⁵ This amount was increased to R16 000
⁵⁶ Thoko Didiza, "Land Affairs Budget Vote Speech 2001/2002", 15 May 2001
⁵⁷ Media release, Department of Land Affairs, 13 August 2001, "Land Redistribution for Agricultural Development (LRAD), Sub-Programme in Nkomazi, Mpumalanga.
⁵⁸ See note 51
⁵⁹ *Ibid*
⁶⁰ Report of the Indaba held from 6-7 November 2000 at Caesar's Palace, Implementation of the Integrated Programme of Land Redistribution and Agricultural Development (IPLRAD): The National Land Committee's Response, NLC Annual Report March 2000.
⁶¹ *Ibid*.
⁶² Human Rights Watch, "Unequal Protection: The State Response to Crime on South African Farms", (2001), 38
⁶³ Sibanda, S, "Land Reform and Poverty Alleviation in South Africa", paper presented at the SARP conference on Land Reform and Poverty Alleviation in Southern Africa held at the HSRC, Pretoria, June 2001.
⁶⁴ *Ibid*. The National Land Committee has given a conservative statistic of 0.8% of land already redistributed or due for redistribution by the government. NLC. Land Redistribution. At [<http://www.nlc.co.za/mdredis.htm>]
⁶⁵ See note 63, 5
⁶⁶ See note 56
⁶⁷ "Expropriation laws changes sought", 6 April 2001, [http://www.legalbrief.co.za/view_1.php?artnum=524]
⁶⁸ See note 56
⁶⁹ Crosby A & Others, Agri SA, SAHRC Transcription, National Public Hearings, 146
⁷⁰ Agri South Africa, "National Inquiry into Human Rights Violations in Farming Communities", Written Submission, 2001
⁷¹ Mabombo & Others, Department of Agriculture, SAHRC Transcription, National Public Hearings, 431
⁷² *Ibid* 422-423
⁷³ *Ibid*, 424

⁷⁴ *Ibid*, 424
⁷⁵ *Ibid* 425
⁷⁶ *Ibid* 425
⁷⁷ See note 7, 273
⁷⁸ *Ibid* 273
⁷⁹ Mabombo & Others, Department of Agriculture, SAHRC Transcription, National Public Hearings, 429
⁸⁰ *Ibid* 430
⁸¹ See note 7, 272
⁸² See note 71, 435
⁸³ See note 7, 291-293
⁸⁴ See note 71, 437-8
⁸⁵ Act 15 of 2002
⁸⁶ Fandeso, M, Land Bank, SAHRC Transcription, National Public Hearings, 298-9. The Objects of the Land Bank are set out in s 3 of the Land and Agricultural Development Bank Act 15/2002.
⁸⁷ *Ibid* 300 The bank achieved a 35% development book growth rate in the 2001 financial year.
⁸⁸ Act 4 of 2000
⁸⁹ s10(f) of Act 15 of 2002
⁹⁰ See note 86, 323
⁹¹ *Ibid* 301-2
⁹² *Ibid* 302
⁹³ *Ibid* 303
⁹⁴ Fandeso, M, "Land Bank's response to Inquiry into Human Rights Violations n Farming Communities". Letter addressed to SAHRC, dated 28 November 2002. The top 10 of these projects account for R222M of monies advanced.
⁹⁵ See note 86, 315
⁹⁶ *Ibid* 304
⁹⁷ *Ibid* 319
⁹⁸ *Ibid* 304-5
⁹⁹ *Ibid* 312
¹⁰⁰ *Ibid* 309
¹⁰¹ *Ibid* 322
¹⁰² *Ibid* 306
¹⁰³ *Ibid* 308
¹⁰⁴ *Ibid* 316-7
¹⁰⁵ Background to restitution, DLA Website, [<http://land.pww.gov.za/restitution/BACKGROU>RES.htm>]
¹⁰⁶ South African Human Rights Commission, "Poverty and Human Rights: National Speak Out on Poverty Hearings", 1998, 6.
¹⁰⁷ See note 7, 271
¹⁰⁸ See note 105
¹⁰⁹ Liebenberg, S & Pillay, K ed., "Socio-Economic Rights in South Africa, A Resource Book", The Socio Economic Rights Project, Community Law Centre (University of the Western Cape), South Africa, 2000, 167

CHAPTER 3 - Labour

¹ Agri South Africa, "National Inquiry into Human Rights Violations in Farming Communities", Written Submission, December 2002
² Agri South Africa, "National Inquiry into Human Rights Violations in Farming Communities", Written Submission, 2001
³ *Ibid*
⁴ Department of Labour, "Determination of Employment Conditions in South African Agriculture", 13 September 2001,
⁵ Seafeld, VA, National DoL, SAHRC Transcription, National Public Hearings, 179
⁶ Govender, P & Khumalo, S, COSATU, SAHRC Transcription, National Public Hearings, 40
⁷ Crosby, A & Others, Agri South Africa, SAHRC Transcription, National Public Hearings, 106
⁸ "COSATU/SAAPAWU Submission on Human Rights Violations in Farming Communities", Written Submission, January 2002, 15
⁹ See note 6, 56
¹⁰ See note 8, 20
¹¹ *Ibid* 20
¹² See note 7, 52
¹³ See note 8, 20
¹⁴ *Ibid* 14

¹⁵ *Ibid* 15
¹⁶ *Ibid* 14
¹⁷ See note 5, 170
¹⁸ See note 6, 63
¹⁹ See note 5, 176
²⁰ See note 8, 18-9
²¹ *Ibid* 18
²² See note 6, 48
²³ *Ibid* 50
²⁴ *Ibid* 49
²⁵ *Ibid* 50
²⁶ See note 5, 175-77
²⁷ Vision for Farm Labour
²⁸ See note 6, 41
²⁹ *Ibid* 43
³⁰ *Ibid* 64
³¹ See note 7, 125
³² *Ibid* 143
³³ See note 6, 42
³⁴ See note 5, 156-7
³⁵ *Ibid* 169
³⁶ *Ibid* 180
³⁷ *Ibid* 171
³⁸ See note 8, 16
³⁹ See note 6, 56-57
⁴⁰ See note 8, 17
⁴¹ See note 6, 47 and 79
⁴² Mneadi, N, & Others, SAPS, SAHRC Transcription, National Public Hearings, 207
⁴³ Department of Labour, Written Submission, undated
⁴⁴ The DoL hails the Waronice van Wyk case from Ceres in the Western Cape as a landmark case which was successfully prosecuted in January 2002. The employer was fined R25 000, of which R10 000 was suspended for 5 years for contravening section 43(1)(a) of the BCEA 1997. *Ibid*
⁴⁵ See note 4, 161
⁴⁶ See note 43
⁴⁷ See note 4, 161
⁴⁸ Kritzinger, E, Department of Home Affairs, SAHRC Transcription, National Public Hearings, 385
⁴⁹ See note 5, 160
⁵⁰ *Ibid* 161
⁵¹ *Ibid* 162
⁵² *Ibid* 167
⁵³ *Ibid* 159
⁵⁴ *Ibid*
⁵⁵ *Ibid* 160
⁵⁶ See note 7, 113
⁵⁷ See note 5, 152
⁵⁸ See note 7, 126
⁵⁹ See note 6, 53
⁶⁰ *Ibid* 54
⁶¹ See note 7, 112
⁶² See note 5, 165-6
⁶³ See note 5
⁶⁴ See note 6, 57
⁶⁵ See note 5, 167
⁶⁶ *Ibid* 180

CHAPTER 4 - Safety and Security

¹ Mneadi, N, & Others, SAPS, SAHRC Transcription, National Public Hearings, 201
² *Ibid* 202
³ *Ibid* 220
⁴ *Ibid* 244
⁵ *Ibid* 220
⁶ *Ibid* 244
⁷ National Land Committee, "Submissions to the National Public Hearings on Human Rights Violations in Farming Communities in South Africa, 4 – 6 December 2002", Written Submission.
⁸ Pillay, C, Legal Resources Centre, SAHRC Transcription, National Public Hearings, 93

⁹ "SAPS Submission to the SAHRC's National Inquiry into Human Rights Violations in Farming Communities: Issue "Most Police Stations serving farming communities are under-resourced." Written submission handed in at National Public Hearings, undated. Table of statistics included in document.

¹⁰ See note 1, 208

¹¹ *Ibid* 209

¹² *Ibid* 208

¹³ Reservists are managed ito s 48 of the South African Police Services Act and regulations pursuant thereto. See note 1, 215

¹⁴ *Ibid* 216

¹⁵ *Ibid* 217

¹⁶ *Ibid* 236

¹⁷ Crosby, A & Others, Agri South Africa, SAHRC Transcription, National Public Hearings, 116

¹⁸ See note 1, 238

¹⁹ South African National Defence Force, "Submission to the South African Human Rights Commission on the Army Territorial Reserve (Commandos)", 4-6 December 2002, written submission, 1

²⁰ *Ibid*

²¹ Trainer, M & Others, SANDF, SAHRC Transcription, National Public Hearings, 351

²² *Ibid* 371

²³ *Ibid* 361

²⁴ See note 19, 4

²⁵ *Ibid*, 4-5

²⁶ See note 1, 210 - 212

²⁷ See note 21, 357

²⁸ See note 19, 2

²⁹ See note 21, 367

³⁰ See note 19, 5

³¹ See note 21, 363-4

³² See note 19, 2

³³ *Ibid*

³⁴ See note 21, 369

³⁵ *Ibid* 373

³⁶ See note 19

³⁷ See note 21, 352

³⁸ *Ibid* 353

³⁹ See note 7

⁴⁰ See note 21, 359

⁴¹ *Ibid* 367-8

⁴² See note 1, 218-219

⁴³ See note 17, 105

⁴⁴ *Ibid* 109

⁴⁵ *Ibid* 138

⁴⁶ "The Rural Protection Plan", handed in by SAPS at National hearings, December 2002

⁴⁷ See note 1, 192-3

⁴⁸ *Ibid* 194

⁴⁹ *Ibid* 195

⁵⁰ Human Rights Watch, "Unequal Protection: The State Response to Violent Crime on South African Farms". Farm attacks – Violent crime against farm owners Chapter, August 2001

⁵¹ Agri South Africa, "National Inquiry into Human Rights Violations in Farming Communities", Written Submission, 2001

⁵² See note 1, 235

⁵³ *Ibid* 240

⁵⁴ *Ibid* 198 -9

⁵⁵ See note 17, 140

⁵⁶ See note 51

⁵⁷ See note 7

⁵⁸ See note 1, 238-9

⁵⁹ The Rural Protection Plan is also sometimes referred to as the Rural Safety Plan.

⁶⁰ See note 1, 188

⁶¹ *Ibid* 190

⁶² Govender, P & Khumalo, S, COSATU, SAHRC Transcription, National Public Hearings, 59

⁶³ See note 1, 243

⁶⁴ See note 17, 116

⁶⁵ *Ibid* 109

⁶⁶ See note 1, 245

CHAPTER 5 - Economic and Social Rights

¹ Govender, P & Khumalo, S, COSATU, SAHRC Transcription, National Public Hearings, 58

² *Ibid* 45

³ *Ibid* 73

⁴ Crosby, A & Others, Agri South Africa, SAHRC Transcription, National Public Hearings, 108

⁵ Naidoo & Lithole, Department of Housing, SAHRC Transcription, National Public Hearings, 253

⁶ *Ibid* 252

⁷ *Ibid* 250

⁸ *Ibid* 254

⁹ Arendse, A, "Discussion Paper in response to Inquiry into human rights violations in farming communities, 4-6 December 2002". Department of Housing, Human Settlement Policy Directorate, Written submission, undated.

¹⁰ See note 5, 257

¹¹ *Ibid* 260

¹² See note 4, 119

¹³ *Ibid*

¹⁴ See note 9

¹⁵ *Ibid*

¹⁶ See note 5, 257

¹⁷ *Ibid* 255

¹⁸ "COSATU/SAAPAWU Submission to the SAHRC's National Inquiry into Human Rights Violations in Farming Communities", January 2002

¹⁹ See note 5, 255

²⁰ *Ibid* 255

²¹ *Ibid* 250

²² *Government of the Republic of South Africa and Others v Grootboom and Others* 2000 (11) BCLR 1196 (CC) 1174 G-H

²³ See note 9

²⁴ See note 5, 258

²⁵ Liebenberg, S & Pillay, K ed., "Socio-Economic Rights in South Africa, A Resource Book", The Socio Economic Rights Project, Community Law Centre (University of the Western Cape), South Africa, 2000, 185-217

²⁶ Mhlanga, R E, Department of Health, SAHRC Transcription, National Public Hearings, 493

²⁷ Ntsaluba, Dr, A "Inputs from the National Department of Health", dated 29 January 2003

²⁸ See note 26, 498

²⁹ *Ibid* 493-4 & 498

³⁰ *Ibid* 507

³¹ *Ibid* 497

³² See note 27

³³ See note 26, 495

³⁴ *Ibid* 499

³⁵ *Ibid*

³⁶ See note 27

³⁷ See note 26, 495

³⁸ See note 25, 219 - 254

³⁹ See note 27

⁴⁰ Seafield, V A, Department of Labour, SAHRC Transcription, National Public Hearings, 153

⁴¹ See note 25, 258 - 285

⁴² Department of Water Affairs & Forestry, "Inquiry into Human Rights Violations in Farming Communities". Letter to Inquiry, dated 3 November 2002

⁴³ Khambule, T & Mathipa, K, Department of Water Affairs and Forestry, SAHRC Transcription, National Public Hearings, 332

⁴⁴ See note 42

⁴⁵ See note 43, 325

⁴⁶ Draft White Paper on Water Services, "Water is Life, Sanitation is Dignity", draft for public comment, dated 12 September 2002

⁴⁷ White paper, par 5.6.4

⁴⁸ See note 43, 328

⁴⁹ See note 1, 52

⁵⁰ See note 43, 341

⁵¹ *Ibid* 342

⁵² *Ibid* 329

- ⁵³ *Ibid* 330
⁵⁴ See note 1, 63
⁵⁵ Kritzinger, E, Department of Home Affairs, SAHRC Transcription, National Public Hearings, 385
⁵⁶ *Ibid* 380
⁵⁷ *Ibid* 381
⁵⁸ *Ibid* 386
⁵⁹ *Ibid* 381
⁶⁰ *Ibid* 386
⁶¹ *Ibid* 388
⁶² Makiwane, F & Theron, A, Department of Social Development, SAHRC Transcription, National Public Hearings, 447
⁶³ Presentation by the Department of Social Development, "Human Rights and Farming Communities National Hearings", 6 December 2002
⁶⁴ See note 62, 446
⁶⁵ See note 63
⁶⁶ *Ibid*
⁶⁷ See note 62, 449
⁶⁸ *Ibid* 475
⁶⁹ *Ibid* 457
⁷⁰ *Ibid* 459
⁷¹ *Ibid* 462
⁷² *Ibid* 463
⁷³ *Ibid* 472
⁷⁴ *Ibid* 473
⁷⁵ *Ibid* 470-1
⁷⁶ *Ibid* 467-7
⁷⁷ *Ibid* 467
⁷⁸ Nawa, S I M, "Submission by DoE on Inquiry into Human Rights Violations in Farming Communities", 6 December 2002
⁷⁹ Act 84 of 1996
⁸⁰ Government Gazette No. 18566, 19 December 1997
⁸¹ See note 78
⁸² *Ibid* 6-7
⁸³ *Ibid* 7
⁸⁴ See note 80
⁸⁵ See note 78
⁸⁶ *Ibid* 9

PROVINCIAL CHAPTER 6 - Western Cape

- ¹ Health and Related Indicators, 2001 Report, Health Systems Trust
² Opperman, C, "Inquiry into Human Rights Violations in Farming Communities in the Western Cape", written submission Agri Wes Cape, 30 August 2001
³ Opperman C, Agri Wes Cape, SAHRC Inquiry Transcription, W Cape, 13
⁴ De Vlieger I, FLAC, SAHRC Inquiry Transcription W Cape, 31 and Thomas N, Ceres Advice Office, SAHRC Inquiry Transcription, W Cape, 53 recalled a case in 2001 in which their office encountered the "dop system".
⁵ Thabata, B, ISAFWU, SAHRC Inquiry Transcription, Western Cape, 105
⁶ *Ibid* 114
⁷ De Vlieger I, FLAC, SAHRC Inquiry Transcription, Western Cape, 32
⁸ See note 3, 13
⁹ See note 2
¹⁰ Cupido, WCDoHealth, SAHRC Inquiry Transcription, Western Cape, 270
¹¹ *Ibid* 270-1
¹² *Ibid* 270-1
¹³ Krause, A & Viljoen, D, "Clinically significant teratogens in South Africa," CME, Vol 19, No. 7, July 2001,448
¹⁴ Hufke, T, SAAPAWU, SAHRC Inquiry Transcription, Western Cape, 131
¹⁵ Van Dyk, JG, CFPEO, SAHRC Inquiry Transcription, Western Cape, 201
¹⁶ *Ibid*
¹⁷ See note 5, 114
¹⁸ PLRO, DLA Western Cape, " Report to the Human Rights Commission: Inquiry into Human Rights Violations in Farming Communities in the Western Cape", Written Submission, July 2002
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²⁴ S23 of ESTA
²⁵ Thomas, Ceres Advice Office, SAHRC Inquiry Transcription, Western Cape, 50
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²⁷ See note 23
²⁸ See note 18
²⁹ See note 3, 9
³⁰ *Ibid* 3
³¹ *Ibid* 4
³² *Ibid* 73
³³ *Ibid* 84
³⁴ *Ibid* 89 - 90
³⁵ See note 5, 103
³⁶ See note 7, 26
³⁷ See note 5, 115
³⁸ See note 7, 27
³⁹ See note 15, 204
⁴⁰ *Ibid* 205
⁴¹ *Ibid* 206
⁴² See note 3, 95
⁴³ See note 7, 30
⁴⁴ See note 18,
⁴⁵ *Ibid*
⁴⁶ *Ibid*
⁴⁷ See note 2
⁴⁸ See note 23
⁴⁹ Zondike, M C, WCDoL, SAHRC Inquiry Transcription, Western Cape, 223

⁵⁰ See note 14
⁵¹ See note 15, 200
⁵² See note 10, 273-274
⁵³ See note 14, 176 and at 182-3
⁵⁴ See note 23
⁵⁵ See note 7, 19
⁵⁶ *Ibid* 20
⁵⁷ *Ibid* 36
⁵⁸ See note 14, 175
⁵⁹ See note 7, 18
⁶⁰ *Ibid* 18
⁶¹ See note 14, 168
⁶² See note 25, 46
⁶³ See note 49, 225
⁶⁴ See note 23
⁶⁵ *Ibid*
⁶⁶ See note 5, 108
⁶⁷ See note 14, 161
⁶⁸ *Ibid* 176
⁶⁹ See note 7, 24 - 25
⁷⁰ See note 5, 101
⁷¹ See note 7, 24-25
⁷² See note 5, 102. See note 14, 177
⁷³ See note 25, 59
⁷⁴ See note 49, 220
⁷⁵ See note 3, 10
⁷⁶ See note 23, 21 See note 25, 48
⁷⁷ See note 49, 223
⁷⁸ See note 15, 189
⁷⁹ See note 23
⁸⁰ *Ibid*
⁸¹ See note 3, 79.
⁸² See note 5, 100
⁸³ See note 14, 164. Similar statements were made in the FLAC written submission. See note 23
⁸⁴ See note 3, 9
⁸⁵ See note 14, 168
⁸⁶ *Ibid* 167
⁸⁷ *Ibid* 164
⁸⁸ See note 3, 92-93
⁸⁹ See note 15, 191
⁹⁰ *Ibid* 188
⁹¹ *Ibid* 194
⁹² ANC, Pelican Branch, Councillor V Seymour, Written submission dated, 25 January 2001
⁹³ Seymour V SAHRC Inquiry Transcription, Western Cape, 141
⁹⁴ *Ibid* 144. Claims of verbal abuse were also received from FLAC. See note 23
⁹⁵ See note 92
⁹⁶ See note 93, 137. Boetie Thabata of ISAFWU also reported that cases of assault referred to the police in the Boland region also result in no action being taken to resolve the case and arrest the perpetrator and that generally it is difficult to deal with the SAPS. See note 5, 104
⁹⁷ See note 93, 138 - 139
⁹⁸ Beaton VP, WC SAPS, SAHRC Inquiry Transcription, Western Cape, 252
⁹⁹ See note 3, 11
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¹⁰⁵ Middleton S, WCDLA, SAHRC Inquiry Transcription, Western Cape
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¹¹⁶ Chamberlain H, WCDoE, SAHRC Inquiry Transcription. Western Cape, 239
¹¹⁷ *Ibid* 259
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¹²⁰ *Ibid*
¹²¹ *Ibid*
¹²² See note 116, 230
¹²³ *Ibid* 238
¹²⁴ *Ibid* 235-236
¹²⁵ *Ibid* 230 - 232
¹²⁶ *Ibid* 236
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⁴ Majara, M, SAAPAWU, SAHRC Transcription Inquiry, Northern Cape, 204
⁵ SAHRC Inquiry into Human Rights in Farming Communities Submission, S4NC
⁶ Kluge, M, Agri NC, SAHRC Transcription Inquiry, Northern Cape, 163
⁷ See note 5, S4NC
⁸ *Ibid*
⁹ See note 3, 172
¹⁰ *Ibid*, 173
¹¹ *Ibid* 174
¹² See note 6, 164-5
¹³ *Ibid* 160
¹⁴ *Ibid* 161
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¹⁸ Cloete, G, Keimoes Municipality, SAHRC Transcription Inquiry, Northern Cape, 37
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²⁹ SAHRC Inquiry into Human Rights in Farming Communities Submission, S20NC
³⁰ See note 18, 42
³¹ See note 27, 94
³² See note 2
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³⁶ *Ibid* 171
³⁷ *Ibid*
³⁸ *Ibid* 176
³⁹ See note 1b, 29
⁴⁰ SAHRC Inquiry into Human Rights in Farming Communities Submission, S22NC
⁴¹ Mahlali, W, NCDPP, SAHRC Transcription Inquiry, Northern Cape, 57

⁴² *Ibid* 58
⁴³ *Ibid* 59
⁴⁴ See note 27, 99
⁴⁵ See note 15, 76
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⁴⁷ See note 2
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⁷¹ See note 17
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⁷⁹ See note 2 and See note 18, 33
⁸⁰ See note 16, 12
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⁸⁵ *Ibid*
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⁸⁷ Keimoes Advice Center, "Submission Report", 3 July 2002
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⁹⁵ *Ibid*
⁹⁶ See note 6, 150-1
⁹⁷ See note 16
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¹⁰⁵ See note 16, 6
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¹⁰⁷ See note 2
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¹¹⁰ *Ibid*
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¹³⁹ Radebe, A, REIP SAHRC Transcription Inquiry, Northern Cape, 112
¹⁴⁰ *Ibid* 113
¹⁴¹ *Ibid* 114
¹⁴² *Ibid* 112
¹⁴³ See note 15, 70
¹⁴⁴ See note 132, 88
¹⁴⁵ See note 18, 35
¹⁴⁶ See note 131, 114
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¹⁴⁸ *Ibid*, 116

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²¹ *Ibid* 6
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²³ *Ibid* 4
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- ²⁷ See note 4, 6
- ²⁸ See note 6, 19
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- ³⁰ See note 5, 64
- ³¹ See note 9, 4
- ³² See note 5, 69
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- ¹²⁹ See note 119
- ¹³⁰ See note 46, 92
- ¹³¹ See note 3, 55
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- ¹⁵² See note 46, 91
- ¹⁵³ See note 37
- ¹⁵⁴ See note 6, 14
- ¹⁵⁵ *Ibid* 14-15
- ¹⁵⁶ See note 93, 135
- ¹⁵⁷ See note 41, 137
- ¹⁵⁸ See note 6, 27
- ¹⁵⁹ *Ibid* 20
- ¹⁶⁰ See note 84, S7EC
- ¹⁶¹ See note 37

¹⁶² See note 3, 47

¹⁶³ See note 37

¹⁶⁴ See note 3, 55

¹⁶⁵ *Ibid* 54

¹⁶⁶ SAHRC Inquiry into Human Rights in Farming Communities Submission, S14EC

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CHAPTER 9 - Limpopo

¹ Limpopo is the poorest province in South Africa, with the highest official unemployment rates (34%. The expanded definition of unemployment would place this figure at 50,2%). It scores lowest on other poverty indicators, such as: number of households using electricity for cooking (19,5%); percentage of households with piped water inside (12,1%) and households with telephone (7,4%), Health and Related Indicators, 2001 Report, Health Systems Trust

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¹⁰ *Ibid* 139

¹¹ *Ibid* 145-6

¹² *Ibid* 138

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¹⁴ Nefale, M, "An Inquiry into Human Rights Violation on Farms in the Northern Province", Nkuzi Development Association, September 2001, 12

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¹⁷ Nephale, M, Nkuzi Development Association, SAHRC Transcription, Limpopo Province, 115

¹⁸ See note 3, 12

¹⁹ See note 14, 8-9

²⁰ *Ibid* 3

²¹ Limpopo Department of Land Affairs, "Human Rights Commission Submission by the Limpopo Provincial Land Reform Office in Thabazimbi"

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²³ SAHRC Inquiry into Human Rights in Farming Communities Submission, S42L

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²⁷ Wegerif, MA, Nkuzi Development Association, SAHRC Transcription, Limpopo Province, 123

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³⁹ See note 5, 122

⁴⁰ See note 3, 15

⁴¹ See note 5, 127

⁴² See note 3, 13

⁴³ See note 14, 10

⁴⁴ SAHRC Inquiry into Human Rights in Farming Communities Submission, S14L

⁴⁵ s23 of ESTA

⁴⁶ See note 17, 116

⁴⁷ See note 33, 101

⁴⁸ SAHRC Inquiry into Human Rights in Farming Communities Submission S25L

⁴⁹ See note 33, 97

⁵⁰ *Ibid* 98

⁵¹ *Ibid* 113

⁵² See note 21

⁵³ *Ibid*

⁵⁴ See note 5, 127

⁵⁵ See note 21

⁵⁶ *Ibid*

⁵⁷ See note 33, 89

⁵⁸ *Ibid*

⁵⁹ *Ibid*

⁶⁰ See note 5, 127

⁶¹ *Ibid* 128

⁶² See note 33, 92

⁶³ *Ibid* 86

⁶⁴ *Ibid* 84

⁶⁵ *Ibid* 83 and 93

⁶⁶ *Ibid* 102

⁶⁷ *Ibid* 106

⁶⁸ *Ibid* 93

⁶⁹ *Ibid* 106

⁷⁰ *Ibid* 111

⁷¹ *Ibid* 112

⁷² See note 3, 16

⁷³ See note 14, 4

⁷⁴ *Ibid*

⁷⁵ SAHRC Inquiry into Human Rights in Farming Communities Submission, S23L

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⁸² SAHRC Inquiry into Human Rights in Farming Communities Submission, S15L

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⁸⁷ See note 3, 7

⁸⁸ See note 5,

⁸⁹ See note 84, 38

⁹⁰ See note 3, 21

⁹¹ See note 5, 126

⁹² See note 84, 28

⁹³ See note 77

⁹⁴ See note 5, 126

⁹⁵ *Ibid* 123

⁹⁶ SAHRC Inquiry into Human Rights in Farming Communities Submission, S8L

⁹⁷ SAHRC Inquiry into Human Rights in Farming Communities Submission, S36L

⁹⁸ See note 3, 23
⁹⁹ Thladi, JP, Limpopo Department Of Labor, SAHRC Transcription, Limpopo Province, 43
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¹⁰¹ See note 84, 29
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¹⁰⁴ See note 77
¹⁰⁵ See note 84, 36
¹⁰⁶ *Ibid*
¹⁰⁷ *Ibid* 30
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¹⁰⁹ *Ibid* 44
¹¹⁰ See note 5, 124
¹¹¹ See note 8, 142
¹¹² *Ibid* 144
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¹¹⁴ See note 14, 16
¹¹⁵ See note 3, 19
¹¹⁶ See note 5, 123 and 57
¹¹⁷ See note 14, 5
¹¹⁸ *Ibid* 16
¹¹⁹ SAHRC Inquiry into Human Rights in Farming Communities Submission, S54L
¹²⁰ See note 17, 116
¹²¹ See note 14, 16
¹²² SAHRC Inquiry into Human Rights in Farming Communities Submission, S7L
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¹²⁴ SAHRC Inquiry into Human Rights in Farming Communities Submission, S35L
¹²⁵ SAHRC Inquiry into Human Rights in Farming Communities Submission, S46L
¹²⁶ See note 5, 131
¹²⁷ *Ibid* 132
¹²⁸ See note 14, 17
¹²⁹ See note 3, 11
¹³⁰ See note 14, 4
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¹³² See note 5, 122
¹³³ SAHRC Inquiry into Human Rights in Farming Communities Submission, S34L
¹³⁴ See note 7, 58
¹³⁵ *Ibid* 59
¹³⁶ *Ibid* 52
¹³⁷ *Ibid* 54
¹³⁸ *Ibid* 54
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¹⁴⁰ See note 14, 16
¹⁴¹ See note 7, 58
¹⁴² See note 5, 120
¹⁴³ *Ibid* 122
¹⁴⁴ *Ibid* 122
¹⁴⁵ See note 3, 21
¹⁴⁶ See note 7, 56
¹⁴⁷ SAHRC Inquiry into Human Rights in Farming Communities Submission, S9L
¹⁴⁸ See note 3, 10
¹⁴⁹ See note 14, 17
¹⁵⁰ See note 3, 6
¹⁵¹ See note 7, 61
¹⁵² *Ibid*
¹⁵³ *Ibid* 55
¹⁵⁴ *Ibid* 61
¹⁵⁵ See note 3, 15
¹⁵⁶ See note 5, 122
¹⁵⁷ See note 8, 140
¹⁵⁸ See note 5, 129
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²⁷ *Ibid* 37
²⁸ See note 3, 32
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³⁰ See note 7, 4
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³⁷ *Ibid* 91
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⁵¹ SAHRC Inquiry into Human Rights in Farming Communities Submission, S5NW
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⁶² SAHRC Inquiry into Human Rights in Farming Communities Submission, S6NW
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⁶⁶ See note 7, 8
⁶⁷ See note 2, 134
⁶⁸ See note 48, 3
⁶⁹ See note 10, 61
⁷⁰ See note 2, 136
⁷¹ *Ibid* 134
⁷² See note 48, 3
⁷³ See note 2, 135
⁷⁴ A farmworker asked for a bonus that resulted in a disciplinary hearing in which the worker got a 10 day suspension without pay. See note 12, SAHRC Inquiry into Human Rights in Farming Communities Submission S28NW
⁷⁵ SAHRC Inquiry into Human Rights in Farming Communities Submission, S10 NW
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⁷⁷ See note 2, 148
⁷⁸ See note 48,2
⁷⁹ See note 2, 149
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⁸¹ *Ibid* 133
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¹⁰¹ See note 14, 117
¹⁰² *Ibid* 122
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¹⁰⁴ "...they are falling apart and people have been injured." Lepato, Ventersdorp Councillor, See note 8, 61
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¹⁰⁶ See note 60, 15
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- ³⁶ See note 8, 131
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- ⁴⁴ SAHRC Inquiry into Human Rights in Farming Communities Submission, S103KZN
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⁸⁰ See note 61
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⁸² See note 64, 82
⁸³ See note 41, 239
⁸⁴ See note 64, 82
⁸⁵ See note 41, 240
⁸⁶ See note 22, 60
⁸⁷ See note 63
⁸⁸ See note 22, 58-59 and see note 63
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³⁴ Archary, L & Motswege, S, MDLA, SAHRC Transcription, Mpumalanga Province, 256
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¹¹⁰ See note 108, 223
¹¹¹ *Ibid*, 221-2
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¹¹³ *Ibid* 32
¹¹⁴ *Ibid* 43
¹¹⁵ See note 22, 57
¹¹⁶ See note 1, 41
¹¹⁷ See note 103, 167
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¹²⁵ See note 108, 229
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¹²⁹ See note 102, 201 & 207
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¹³² *Ibid* 175
¹³³ See note 22, 65
¹³⁴ "Report by the Provincial Commissioner, South African Police Service, Mpumalanga Province, at an Inquiry into Human Rights Violations in Farming Communities arranged by the SAHRC at Nootgedacht Agricultural School, Ermelo", Written Submission, 14 August 2002
¹³⁵ See note 10, 125-126
¹³⁶ See note 102, 197
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¹³⁹ See note 103, 171
¹⁴⁰ See note 63
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¹⁴² "Submission by the Department of Housing and Land Administration to the Human Rights and Farming Communities Commission", written submission, 15 August 2002.
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CHAPTER 14 - Gauteng

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⁴⁵ *Ibid* 102
⁴⁶ *Ibid* 108
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