

On 18th July 2018 I travelled the customary pathways just outside Sedgefield, where the RTMC and their agents had set up the usual roadblock. A friendly officer Qampy greeted me, asking for a drivers licence although she has already noticed my RGH number plates. She informed me that she had to confiscate my RGH property (plates, card, record disc) as per instructions by her superior. I informed her that should she remove or confiscate any private property, she would also be liable in her private capacity and there would be certain consequences. She hesitated, said she will make a phone call, asking me to wait. She also took the VIN as to run a check. Shortly thereafter she returned with her phone, handing it to me, it was her superior, deputy traffic chief for Knysna, Moffat Zukelwa.

He was furious, sounded very upset and was shouting at me, that if I didn't cooperate he would send the police and have me arrested. I remained calm and it took about 30 seconds for him to calm down too. I told him that I was a peaceful traveler exercising my rights, diplomatic and always willing to cooperate. He agreed, since officer Qampy had told him just the same. To not escalate the situation, I agreed to the confiscation of RGH property. At the same time, we arranged for a meeting 2 days from now, since both of us had some questions.

On 20th July, I visited Moffat's office in Knysna, noteworthy, the day before, the secretary had called and apologized, asking to change the time of the meeting. Same upon arrival, since Moffat was a little late. When he arrived he apologized for being late as well as for being rude over the phone 2 days prior. Something I have generally noticed, the level of etiquette seems to rise with the ranks. We sat down at his office and had a very open people to people chat. He was positively surprised to meet a friendly RGH members, who was able to explain in detail why and what RGH is all about. He had encountered some not-so-friendly members, which, I explained to him, is often due to the confrontational nature of the encounter at roadblock, i.e. heated temper, blowing wind, trucks swooshing past and that prevailing fear when facing a uniformed officer these days. He obviously could not agree to or approve of RGH, since he is bound by the statutes protecting his corporate employer, the RTMC, or return my private property, since only a court of law was able to make an appropriate determination in the matter.

He did offer to look up some contact details for his superiors, the director for traffic of the Western Cape in Cape Town, suggesting that we get in touch with them and seek some clarity.

When I showed him the relevant sections in the NRTA, that make provision for RGH, even though RGH is not subject to them, he was quick to say, that he has got another act... but didn't know which one... Further, the biggest concern regarding RGH, when speaking to people like Moffat, Johan Engelbrecht (who I visited on the same day at his office) and every other official so far, seems to be the issue around RGH not paying for licence, registration and other traffic fees or fines, in other words, the lack or loss of revenue and not road safety, which when looking into their corporate charter does make perfect sense, from a business point of view.

Upon leaving his office after more than an hour, I reminded him about the 2 jurisdictions, i.e. common/customary/tribal law and statutory/civil/roman-dutch law, starting the sentence “you know these 2 jurisdiction are like oil and water, they...” which Moffat finished “yes, they don’t mix”... meaning he is somehow on some level aware of the constellation and what we are talking about, but also trapped in the administration, simply following orders to survive in the colonies.

On 20th September I visited their court upon my special invitation. Officer Payle was reading out the names for the average 100-200 alleged traffic offenders, at the Swellendam court I appeared to be the first one in years showing up in court, not much different here in Knysna, I recall one other young man stepping forward. When I read my name, I indicated my presence as well as my intention to take the matter to trial. Immediately an offer was made to reduce the initial fine, which I declined kindly, suggesting to speak to the prosecutor on duty for the day. In the meantime (sometime in August) Senior prosecutor Johan Engelbrecht had been cc’ed into our communication with the director of traffic. I was directed to pp Pumlanzi and got his attention, quickly explaining the nature of the matter, again he offered reduced payment, which I declined again. He was very friendly, outgoing and enthusiastic, showed interest and assured me that he would be very keen to deal with the matter in court.

Inside the court room I decreed my own common law court of record after greeting everyone, which is obviously something totally alien to their rigid procedure. Although the Knysna court seemed more lively than other RSA courts I visited in the past. The magistrate also seemed surprised that someone was here for a traffic related matter and insisting to go for trial. Something that according to their procedure never happens on the first date, so we arrived at an amicable agreement to set the matter down for 15th November on the premises of a trial. An alleged traffic code violation really doesn’t require too much preparation, like other average criminal matters.

On 15th November, somehow expecting them to postpone for pre-trial, as they usually do, rigidly following their statutory procedure, I got there early, to find another magistrate and public prosecutor on duty, who obviously had no knowledge of the matter, although Pumlanzi, noticed me, but was in another court room. Subsequently, their court wanted to postpone again. I told them that I’m only here today, travelling 550km, unfairly prejudiced, no access to justice, etc; then offered the magistrate 2 options, to either dismiss the matter with prejudice or strike it off roll; obviously the state opted for the latter again, it’s the most diplomatic and non-confrontational option available to them. After some puzzled looks and me asking if they received any communication from senior prosecutor Johan Engelbrecht re RGH (of which I had copies on me and offered to add to file for the state to study, should they wish to prosecute at a later stage), a SAPS officer received files on record and matter was struck off the roll. I asked if my private property (card, disc, plates) can be restored and the magistrate instructed RTMC court officer Payle to do so. I visited their office after court informing deputy traffic chief Moffat Zukelwa, since he was off duty and that I was in the area for another 2 days.

At this point, no victory for the people, still stalemate, I could've waited for trial, RGH really wants one (not sure if the state does though) but not if I have to travel without compensation every time (usually 4-6 times), if this was in Swellendam again, it'll be a different story, or if all members would start making the suggested monthly contributions as per RGH newsletters...

On 17th November I returned to court, got case numbers (V1635/17 & V1634/17) and name of magistrate, Thafeni, further I was informed by a friendly lady at the cashier hall that the docket had now been requested and sent to George. Back at the traffic office to collect my RGH property, court officer Hendrik Payle informed me that they would not return my private property, he was visibly upset with the magistrate's decision, apparently the witness (RTMC officer Qampy) was available and could have come to court, but the prosecutor told the magistrate that she was apparently on leave, when she was actually on duty (recently officer Qampy told me that she was in Cape Town on that day).

Good to hear officer Payle complain about their own administrative mess, followed by the usual accusation that we (RGH) cannot do what we do, that it is illegal and we didn't get approval from government. I told him that we the people did not approve of RSA (Pty) Ltd or RTMC, that we were never informed or asked about it either, have no contract, etc... his reply " oh, let's not get into politics now... ", told him that the corporatization has very little or nothing to do with politics, informed him about the 2 conflicting jurisdictions and that all of us seek clarification and some form of recourse, that we have tried 4 times with the constitutional court, always told that there is no prospect of success, just by asking simple and relevant questions, as well as offering remedy... in any case, it seems like we could have a case again, I shall now get in touch with Johan Engelbrecht (senior pp in Knysna) and find out what is going on and possibly set the matter down for trial, without any excuses...

What followed from here on is a mostly one-sided email conversation with various people at the George Magistrates court, except one phone call to Ben Walters, before he retired. The chronological communication can be found in another document.