

# AFRA

## assaults on farm workers

report no. 26

Assaults on farmworkers are still common throughout Natal. Farm workers work under very difficult conditions and are the most exploited section of the South African working class. They receive very little or no pay at all. Often Labour tenants who work for a farmer for six months of the year are paid nothing because their labour gives them the right to live on the farmer's land. Although labour tenancy was outlawed in Natal in 1970 there still exist labour tenants on a number of farms. This is born out by current cases of evicted farm labour tenants. Farmworkers who are lucky enough to receive payment are generally paid

anything between R3 and R50 a month. The most fortunate receive more than R50 a month, but they are in the minority. These people have virtually no legal protection. There are no stipulated minimum wage levels or conditions of work. Farm workers are often subjected to arbitrary assaults by their employers who view these assaults as their paternalistic right. The public never gets to hear of most of the assault cases and has very little knowledge of the conditions under which farm workers work. Farmworkers themselves are reluctant to report cases of assault because they would be immediately evicted once the farmer found out that he had been reported.

There have been many recent cases of assault. On January the 28th, 1985 the Natal Mercury reported the story of a 14 year old labourer who died on his way to hospital after being tied to a pole in a farm shed near Ixopo. The farmer responsible for the assault has appeared in court several times but the case has so far been remanded each time.

On the 8th of March, 1985 the Mercury reported a story of a Helpmekaar farmer who assaulted a paroled prisoner working on his farm. The farmer was convicted of assault with intent to do grievous bodily harm after an attack on the prisoner on March the 10th last year. According to the report the farmer shambokked the prisoner, dragged him by chain around his neck, pushed him into a stream, ( the victum was unable to swim ), and left him chained to a rock after threatening him with a gun. Before the farmer left he told the farmworker that he would return and set his dogs on him. Afterwards he would shoot him and throw him into the stream. Luckily the prisoner managed to break free and he fled back to the Dundee prison with the chain around his neck.

All this was carried out by the farmer in an attempt to force the victum to admit he had stolen equipment from the farm. As a result the farmer was sentenced to 3 years imprisonment with 1½ years suspended for three years.

Mfanufikile Henry Zondi was a Std 8 pupil at Gobizembe Secondary School at Wartburg. He was on his way home at 7pm. walking on the tar road leading to the Windy Hill Wattle Company farm. Whilst walking along the road he was accosted by two black security guards from the farm. Farm labourers had been told by the farm supervisor not to walk along this road. One is tempted to ask which road workers were expected to use given the fact that this is the only road in the area. One of the security guards blew his whistle and the farm supervisor, Mr. Steven de Riquebourg, appeared and allegedly struck Henry Zondi on the head with a brick. He was knocked unconscious. When he revived he was taken and handcuffed to an outside post.

He was released the following day. He went home. When his mother saw that he was very ill she called an ambulance. On arrival at Edendale hospital Zondi was declared dead.

When the family came back from Edendale hospital they made a statement to the police at Wartburg. On the 17th of July, 1983 two women made statements to the police about the assault. Later it has been alleged that the manager tried to get these two to change their statements but they refused. With the help of AFRA, the family succeeded in taking Mr. Riquebourg to court. During the trial, which ended in January 1985, the farmer denied hitting Zondi with a brick. He said he punched him in the face, knocking him unconscious for a brief period and later handcuffed him to a rail inside a shed. Neither of the two women appeared as witnesses. This farmer was sentenced to a fine of R50 or 20 days for assault and to R600 or nine months imprisonment with a further nine months suspended conditionally for four years for kidnapping.

In March last year, a farmer, Mr. Bekker appeared in the Weenen Magistrate's court. He was charged with flogging Miss Msweli, a farm labourer on his farm and with throwing stones at her, hitting her with his fists and setting his dog on her. Bekker admitted shambokking a number of women. The court heard that Bekker ordered the women to go into a barn where they would be punished for disobeying him. Miss Msweli refused to lie down on a table to be shambokked. She was struck on the neck and on the back and she ran to hide behind some machinery. Bekker stood on top of the machinery and threw bits of concrete and metal at her. Her legs were cut because of this.

Bekker said in defence that it was a long standing traditional practice to punish labourers by flogging them. Bekker was found guilty and fined R50 or 25 days suspended for three years.

Bekker appeared in the same court together with two youths in March this year again charged with assault. They had assaulted a 22year old man and six children with sticks and knobkerries. They had also set dogs onto three of the children. The press was barred from the court because of 'irresponsible reporting' by a Sunday newspaper. Bekker and the two youths were found not guilty because the evidence of the complainants had been conflicting according to the magistrate. A woman who had stolen a few butternuts was found guilty and fined R60 at the same court.

Although the law states that no one is entitled to assault another, assaults continue unabated on many farms. The causes for this state of affairs are many. A few are suggested here.

1. Farm workers are isolated and unaware of their rights.
2. The position of farm workers in general is extremely insecure and they are afraid of the consequences of reporting such cases.
3. Even when cases are reported they are often not followed through systematically and few prosecutions take place.
4. Even where people are prosecuted the delay in investigations has resulted, at least in the Zondi case, in witnesses not appearing before the court and thus the accused persons are often acquitted for lack of evidence.

One wonders whether the reverse situation; namely the case of a worker assaulting an employer would be dealt with in the same way as cases similar to these.