

Cremin landowner asks court to return land

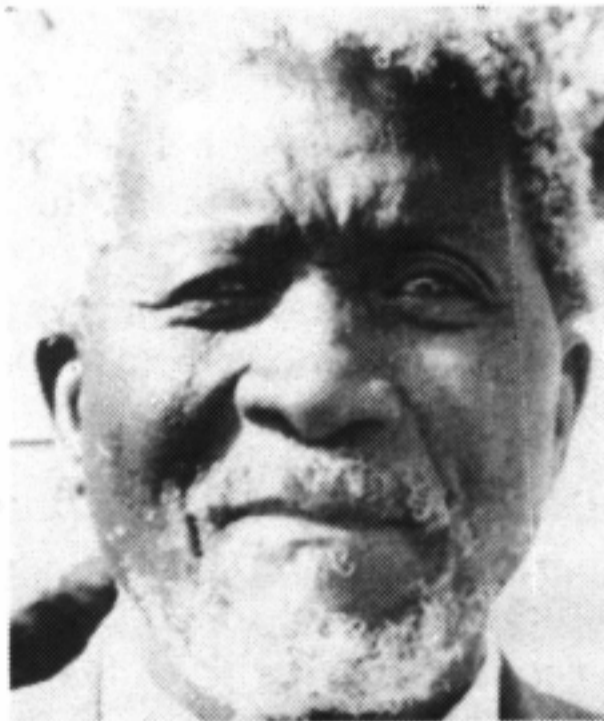
ALMOST 16 years after his forced removal, 83 year old Mr Andries Radebe of Cremin has brought a court application to get back his land.

ON August 19 1993, under the watchful eyes of 12 members of the Cremin community, the Pietermaritzburg Supreme Court heard argument about why Mr Radebe should get back the land from which he was forcibly removed during apartheid's heyday.

In 1977 Mr Andries Radebe and 99 other title holders of Cremin were forcibly removed to Ezakheni, a KwaZulu township near Ladysmith in Natal. In his application to the court, Mr Radebe said that the correct procedures were not followed in his expropriation and that the government therefore never got title to his land.

Mr Justice Willem Booysen, who heard the case must decide whether Mr Radebe's expropriation was carried out "correctly" - whether the government officials who took away his land followed all the technical procedures laid down in the law at that time.

In papers to the court, Mr Radebe explained why it had taken him almost 16 years to bring the case. Although he never accepted



Mr Andries Radebe, 83 year old Cremin landowner, who is still struggling to get back his land.

his removal as valid, a lawyer whom he consulted soon after the removal advised him that the expropriation was legal. Mr Radebe did not have money for a second legal opinion, after losing his land. The declarations of successive states of emergency soon

after the Cremin forced removal made Mr Radebe fearful of continuing to organise community resistance to the removal.

Judgement on Mr Radebe's case has been reserved.

The expropriation of Cremin landowners was part of the government's policy of "black spot" removal. Almost 3 000 people were removed from Cremin between 1977 and 1978 and relocated at Ezakheni.

The expropriated land was left to lie unused for 11 years after the community's expropriation. It was then sold to a Mr Derek Dreyer, who has since died.

Mr Radebe's case was handled by the Legal Resources Centre in Durban, in cooperation with AFRA.



In April 1991 the Cremin community tried to reoccupy their land, but were forced to leave by security forces.