

**IN THE HIGH COURT OF SOUTH AFRICA  
FREE STATE HIGH COURT, BLOEMFONTEIN**

Case No:

In the matter between

<b>LERATO RADEBE</b>	<b>First Applicant</b>
<b>LEHLOHONOLO RADEBE</b>	<b>Second Applicant</b>
<b>SELLOANE MOTLOUNG</b>	<b>Third Applicant</b>
<b>EQUAL EDUCATION</b>	<b>Fourth Applicant</b>
<b>SOUTH AFRICAN HUMAN RIGHTS COMMISSION</b>	<b>Fifth Applicant</b>
and	
<b>PRINCIPAL OF LESEDING TECHNICAL SCHOOL</b>	<b>First Respondent</b>
<b>CHAIRPERSON OF THE SCHOOL GOVERNING BODY, LESEDING TECHNICAL SCHOOL</b>	<b>Second Respondent</b>
<b>DISTRICT DIRECTOR, LIJWELEPUTSWA DISTRICT</b>	<b>Third Respondent</b>
<b>HEAD OF DEPARTMENT, BASIC EDUCATION, FREE STATE</b>	<b>Fourth Respondent</b>
<b>MEC FOR EDUCATION: FREE STATE</b>	<b>Fifth Respondent</b>
<b>MINISTER OF BASIC EDUCATION</b>	<b>Sixth Respondent</b>

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**SUPPLEMENTARY AFFIDAVIT**

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I, the undersigned,

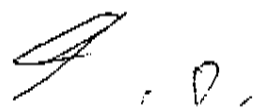
**LEHLOHONOLO RADEBE**

hereby state under oath that:

1. In this affidavit I provide a detailed chronological account of my efforts to resolve the situation with my daughter and the school. It should be read together with my founding affidavit.
2. Immediately after the meeting with the Principal, his deputy and the school official (see my founding affidavit) I rushed to the district office where I spoke with a district official Mr Leepo, who asked me to bring to him the school's code of conduct ('the Code'). I went back to the school to fetch it, where I met with the principal and School Governing Body ('SGB') chairperson, Mrs Mopatli who asked why we did not want to cut Lerato's hair. We explained that we are Rastafarian but that we will tie her hair back neatly and we asked if there was any reason why this would be objectionable.
3. Ms Mopatli appeared surprised to learn that Lerato was a girl, not a boy, and she said she would call a meeting with the rest of the SGB to discuss the matter, as it was the SGB who held the power to override the school's code of conduct.
4. I returned to the district office with the Code (attached marked A) and gave it to Ms Scheepers (who I think is Mr Leepo's secretary). She told me that the SGB has the power to enforce the Code. From this I gained the impression that the SGB has absolute, unfettered power, which I am now informed is not the case.
5. From 10 to 24 January 2013 I went to the district office every working day to get assistance so that my child would be allowed to attend school with dreadlocks, but nobody at the district office would come to my assistance.
6. On 11 January I approached Radio Lesedi, a local radio station, in the hope that media attention would solve the injustice that is being perpetrated against my daughter. I took journalists from radio Lefika station to Leseding High to



- interview the principal. I was excluded from this interview, but the journalist informed me afterwards that the school had taken the position that, because I was not the person who registered my child at the school, they did not have to answer to me.
7. On 14 January Radio Lesedi visited us at home and took footage which I am told was broadcast on eTV. At 12h00 Howard Ndaba told journalists that dreadlocks would be risky because of dangerous chemicals used at the school.
  8. Lerato attended class on 15 and 16 January, but on 17 January Lerato's grandmother Elizabeth was called to the school. They handed her a copy of the Code and told her to sign it. Lerato was fetched out of her first class by an administrator and sent home from school, distressed and crying. Her grandmother informed us that Lerato would not be allowed back into school until she cut off her dreadlocks.
  9. I turned to my church for assistance. The Council of Elders from my church assigned the Rastafari House Education Co-ordinator, Ransanki Motaung, to assist me. That same day, 17 January 2013, Mr Motaung sent an e-mail to Mr Havenga, the Support Management and Governance Director for our District, informing him that Lerato had been sent home from school. The email is attached marked B.
  10. From 17 until 28 January 2013 Lerato stayed at home and missed school. I was unhappy and anxious about leaving my thirteen-year-old girl child alone at home in a squatter camp where she might fall prey to sexual abuse. I stayed away from work for extended periods during this time, in order to look after her, compromising my job security (I was at the time employed as a general worker at Feidesheim, a company which manufactures mining supports: I had started work there in February 2012).
  11. On 28 January 2013 a co-worker at work, who was listening to the radio through earphones, handed me his earphones saying that a lady was speaking about what



has happened to Lerato. I heard her say that Lerato could not be excluded from school but that she could attend class whilst the problem was being sorted out. The lady stated that the parents ought to obtain a letter confirming that dreadlocks were part of her religion.

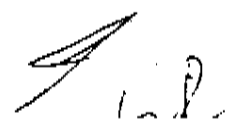
12. I therefore sent Lerato back to school on Friday, 29 January. Lerato was by now significantly behind with her studies, especially in maths.

13. On Friday 1 February 2013 the school handed Lerato a letter with instructions to give it her grandmother, and not to tell her parents.

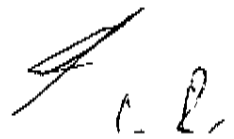
14. Lerato's grandmother came to our house on Monday 4 February 2013 and told us that the letter had summonsed her to a meeting that morning. At that meeting the school had told her that Lerato should not come to school the following day unless she had removed her dreadlocks. Contradictorily, at the same time the school had issued to her a letter dated 23 January 2013 stating that Lerato had been transferred to the Thotagauta School. She gave me the letter, which to my astonishment records that *'the parent agreed to abide by the Code of Conduct of learners regarding hair-style.'* The letter was signed by Mr Leepo. I had never agreed to such a thing, which would have been illogical in the extreme, given that Thotagauta School also prohibits dreadlocks. The letter is attached marked C.

15. Lerato attended school on 5 and 6 February 2013. On the same day a newspaper reported that the problem had been resolved; however, it had not (attached as LR1).

16. On 7 February 2013 the treasurer, deputy chairperson and chairperson of the SGB removed my daughter physically from class during the first period. They demanded that she accompany them in a taxi and show them where her mother works. My wife Selloane has worked as a teacher at the Bongani Day Care Centre in our township, Thabong since 2003.



17. The chairperson then handed my weeping daughter over to my wife, and insisted that my wife must cut her hair. My wife was distraught and also crying. She phoned me at work to tell me what had happened. She kept Lerato with her at work that day, but later explained to me that she could not cope well due to her high levels of emotional distress.
18. Upon hearing what had happened I left work, and asked a fellow Rastafarian to give me a lift to the District office where I again sought assistance. I met with Mr Shabangu, who informed me that the SGB had the absolute right to exclude my child for dreadlocks.
19. The following day I met the District Director Mr Mokgobo to discuss the matter. He agreed with me that my child must go back to school; in fact it appeared to me that he understood my family's religion and why dreadlocks were significant. He promised to discuss the matter with the SGB the following day and to revert to me thereafter.
20. However, I did not hear from Mr Mokgobo until Sunday 10 February 2013, when he visited us at our home. He proceeded to chastise me for 'imposing' my religion upon my child. I asked him how he could come to another man's home and question him and seek to divide my family? He told me that I must attend a meeting at school on Monday 11 February 2013 at 17h00.
21. I subsequently discovered that on 10 February 2013 there was a parent meeting at Leseding High School and at that meeting parents, the SGB and the principal decided that the Rastafarian religion should not be allowed at the school. This is recorded in my email to Mr Mabuza of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities ('the Cultural Commission') attached marked **D**.
22. On Monday 11 February 2013 we arrived at the school for the meeting at 17h00 but were made to wait outside until 18h00 while the SGB, the District Director and



the Principal caucused in the staff room. When they called us in at 18h00 it was to subject us to a lecture. It was terrible:

22.1. My family and I were accused of not being authentic Rastafarians: the Chairperson told us that she had assigned her child to google Rastafarianism, and that she had concluded from this research that we were are not actually Rastafarians;

22.2. We were told that only Bob Marley and Peter Tosh were genuine Rastafarians, and that because Lerato's hair was tied back we were not proper adherents.

22.3. The District Director, Mr Makgobo, suggested that we remove her dreadlocks and that during the holidays we can place extensions in her hair. He even said that when she grows up she might decide to be a Christian priest and so she should not be allowed to wear dreadlocks now.

22.4. We were told that Lerato has to remove her dreadlocks as a condition to enter the school premises; the securities were instructed to lock her out if she attempted to return to school with dreadlocks.

22.5. In all of this, we were denied an opportunity to respond.

23. On 12 February 2013 we sent Lerato to school but the security closed the gates and she could not enter.

24. That same day I addressed a letter to the head of the Cultural Commission, Mr Wesley Mabuza, seeking assistance (attached marked **D**).

25. On 13 February 2013 the Cultural Commission sent me a letter acknowledging my complaint and stating that they had sent a letter to the school about my situation (attached marked **E**).

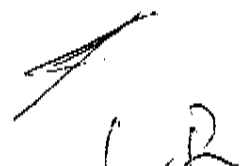
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26. On 14 February 2013 Kgaogelo Makgoba from the Cultural Commission told me that she had tried to contact the Principal, who was unavailable. She confirmed that the school had received the letter, and promised to call me back the following day to report on what progress had been made on the matter. I attach our correspondence marked F.
27. On Friday 22 February 2013, I addressed an e-mail to the Private Secretary to the Minister of Basic Education, Mr Steve Mabua, seeking assistance from the office of the Minister. I felt that the Minister was the last hope for me. I stated in that e-mail that I had turned to the district office in Lejweleputswa in Welkom for assistance but was not helped and that I then escalated the matter to the MEC of Education in Welkom. I further informed the Minister that the MEC's office intervened to say my child must go back to school, that she had returned for a short while but had been dismissed again. I asked the MEC's office for help but was told that the MEC would *'come to the school when the MEC is free'*. That was why I was turning to the Minister for help. E-mail attached marked G.
28. On Monday 25 February 2013 Lerato went back to school, went to her classroom and sat at her desk. She was permitted to stay in class that day.
29. On Tuesday 26 February 2013 Lerato returned to class, but the school administrator fetched her from her class during first period and walked her to the staffroom where the Chairperson of the SGB spoke to her alone, enquiring from her how she feels about all the events that had been happening. My daughter simply kept quiet.
30. On the same day, 26 February 2013, I sent an e-mail to the Director: Education Management and Governance Development in the Department of Basic Education, Mr James Ndlebe, attached marked H. He replied on the following day that the matter had been referred to the MEC for intervention, and I told him that I am

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being sent around in circles and the MEC won't respond – this exchange is attached marked I.

31. The next day, Wednesday 27 February 2013, the administrator once again removed Lerato from her class, and placed her in the staffroom, where she was required to sit all day.
32. Every subsequent school day we have sent our daughter to class, and every day she is removed from class and made to sit in the staffroom. At break times she is free to go out and play with the other children, but during lessons and other school activities she must remain in the staff room.
33. On 14 March on the advice of Bertha Kitching in the District Office I delivered a letter I had written confirming our membership of our church to the school and sought to hand it to the Principal. The Principal refused to accept or to sign the letter, and the administrator took a photocopy of the letter for him. A copy of the letter is attached marked J.
34. The first term ended on 26 March 2013. Towards the end of the term Lerato was suffering from headaches and she appeared depressed. During the last week of term District Office officials Leepo and Havenga came to the school and spoke to Lerato alone. They asked her why she is a Rasta, why she cannot cut her hair and where the other Rasta children go to school. My daughter told them that this was her tradition and beliefs, and that other Rasta children attend Teto School. They talked to her about going to other schools instead. Leepo's daughter, who attends a school in town, has dreadlocks.
35. During that week also I was called from work to attend a meeting with the Director Mr Makgobo and the Chief Director Mr Mthombeni, as well as a lady I don't know and Advocate Mirabe from Legal Services. I was again questioned about my religion. I was told that Lerato is not Rastafarian because she was seen

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attending the Roman Catholic church with her grandmother. This meeting lasted only five minutes and although I requested an outcome, I was not given one.

36. It is true that Lerato attends different churches with family and friends; she is however herself Rastafarian. Her attending services at various churches does not worry us; we are tolerant of other religions and will respect Lerato's religious conscience and choices; those other churches do not disturb or disrespect our code of conduct as Rastafarians.
37. At the end of March 2013 I lost my job, as I could no longer sustain my employment given the amount of time I was absent due to my efforts to address Lerato's exclusion from education. I am now unemployed and my wife is the sole breadwinner supporting the five of us on her Daycare earnings.
38. On 9 April 2013 school started again. Lerato's humiliation continued: each day she was fetched from her class and taken to the staffroom.
39. On 10 April when my child was once again taken to the staffroom I phoned Mr Mthombeni to say that my child was still in the staffroom and I wanted to know what the outcome of our meeting was. He said he had instructed Mr Makgobo to allow Lerato back to class but that these things take time and he would call me on Sunday.
40. The following Monday when I called his cellphone number a stranger answered and dropped the phone on me.
41. I decided that enough was now enough. I travelled to Bloemfontein to seek help from friends. There an acquaintance referred me to EE.

  
**LEHLOHONOLO RADEBE**

Signed and sworn to before me at Bloemfontein on this 10<sup>th</sup> day of May 2013 by the deponent who acknowledges that he knows and understands the contents of this affidavit and that he has no objection in taking the prescribed oath, which he regards as binding on his conscience.



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**COMMISSIONER OF OATHS**

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