

Mbalula must protect Intercape buses, court rules

By [Tania Broughton](#)

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Punitive costs awarded against minister. Intercape CEO says: "There is frustration and concern from both the citizenry and business over these ongoing failures on the part of the state."



Minister of Transport Fikile Mbalula has been told he must protect Intercape buses. Archive photo: Ashraf Hendricks / GroundUp

- Intercape buses been frequently attacked, allegedly by members of the taxi industry. In April, Intercape driver Bangikhaya Machana was killed.
- The National Minister of Transport Fikile Mbalula and the provincial MEC for Transport Xolile Nqatha both washed their hands of responsibility.
- After hearing an application brought by Intercape CEO Johann Ferreira, Eastern Cape High Court has handed down a punitive cost order against them.
- Ferreira said that we are a country in which mafia networks are now in control. "We must decide as a country what kind of future we want."

The Eastern Cape High Court has ordered Transport Minister Fikile Mbalula and Eastern Cape Transport MEC Xolile Nqatha to take "positive steps" to put a stop to, apparently by disgruntled taxi associations, against buses belonging to long-distance bus operator Intercape.

In terms of the order, granted on Friday, Makhanda High Court Judge John Smith has ruled that the Minister and the MEC have a "obligation" to come up with a plan, including appointing inspectors, declaring certain no-go areas as warranting "extraordinary measures" and the suspension of taxi licences, routes and ranks.

Judge Smith said both the MEC and the Minister had failed in their duties thus far and they had an obligation to cooperate with the police.

They have 20 days to develop a comprehensive plan to ensure the safety and security of long-distance bus drivers and passengers in the province. The plan must be presented to the court, under oath, with implementation time periods.



Small traders suffering as a result of Cape Town taxi violence

Vincent Lali 26 Jul 2021



Judge Smith also ruled that the former MEC Weziwe Tikana-Gxothiwe, who was axed in August this year, had acted unlawfully when she had instructed Intercape CEO Johann Ferreira to negotiate with representatives of the minibus taxi industry to discuss “price, frequency and times” of the bus service in the province. She had indicated that she would suspend the bus service pending the outcome of these negotiations.

Judge Smith said he would provide full reasons for his order at a later date.

He ordered the Minister and the MEC to pay Intercape’s costs on a punitive scale.

[Read the judgment](#)

Ferreira turned to the court in an urgent application after enduring what he described as seven years of “terrorism” at the hands of taxi associations during which his buses had been targeted in hundreds of acts of violence and intimidation.

Buses had been stoned and shot at. Employees and passengers had been injured and one driver had been killed, he said in his affidavit.

And during all of this, both the Minister and the MEC had “sat on their hands”, in spite of written pleas for help.

His only interaction with former MEC Tikana-Gxothiwe was after she attended a taxi blockade of both sides of the N2 at Dutywa in May this year and she had told him to negotiate with the taxi operators.

He refused.

Both the MEC and the Minister, in opposing the application, said law enforcement was not part of their jobs and Ferreira must liaise with the SA Police Service.

Fikile said under the National Land Transport Act, the minister was obliged to promote safety but this was distinct from “ensuring” safety.

Nqatha said the Act gave the MEC law enforcement powers through the appointment of “inspectors” - but these had been absorbed into provincial traffic enforcement. And they were not trained or equipped to investigate or fight acts of criminality.

Both said the taxi associations had denied any involvement in the attacks, blaming rogue elements.



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But Ferreira said it was clear that those responsible were part of “a large and sophisticated, organised crime syndicate, capable of harvesting intelligence and co-ordinating attacks”.

“It is completely unsurprising that these rogue taxi associations became emboldened and brazen to the point where they have acted with absolutely impunity in front of members of the South African Police Service, knowing that the state is unwilling, incapable, or worse, complicit, in what is taking place,” Ferreira said, in response to the court ruling.

“We had forewarned the Minister of Transport, as well as the Minister of Police, about the storm that was building against the long-distance coach industry but nothing was done.

“There is frustration and concern from both the citizenry and business over these ongoing failures on the part of the state. The consequence of all of this is a country in utter chaos where mafia networks are now in control. We must decide as a country what kind of future we want.”

He said while the court ruling was a great victory, the company had also taken the initiative to offer rewards because to date, there had been no arrests.

“Intercape has been the victim of more than 130 reported incidents of violence, intimidation and extortion over the past 18 months. These attacks have resulted in serious injuries to Intercape staff and passengers, as well as the death of Intercape driver Bangikhaya Machana in April.

“In recent months, the attacks have become increasingly more frequent, increasingly more brazen, and increasingly more severe”.

“Despite the increase in the number and intensity of attacks, particularly in the Eastern Cape, there has not been a single arrest to date.”

The company was offering rewards of between R150,000 and R300,000 for information leading to the arrests and successful prosecutions not only of those responsible for the attacks, but also of those instigating the violent campaign.

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