

PRESS STATEMENT
28 July 2020

**STATE ABANDONS BASELESS CHARGES AGAINST
KHAYELITSHA ACTIVISTS**

On 27 July 2020, community activists and members of the Khayelitsha Community Action Network (CAN), Luyanda Mtanzeli (organiser at Ndifuna Ukwazi) and Axolile Notywala (general secretary at the Social Justice Coalition), and local community member, Yanga Ngqeku, all represented by Ndifuna Ukwazi Law Centre, appeared in Khayelitsha Magistrates' Court on what can only be described as spurious charges of inciting public violence, common assault and interfering with the duties of a police officer.

They had been arrested last Friday 24 July 2020, in Makhaza, where law enforcement and public order police officers had set off stun grenades and fired rubber bullets causing serious injury to a number of community members who were peacefully assembled and protesting against law enforcement's demolition of homes and confiscation of building materials without a court order. Some of the protestors were shot at close range despite being peacefully seated on the ground. The disproportionate use of force by law enforcement and public order police officers resulted in activists sustaining serious physical injuries, with one activist being shot in the arm with a rubber bullet and being hit in the back of the head with a stun grenade (that was thrown by police).

These activists, contrary to the charges laid against them, had made several attempts to prevent violence and de-escalate the situation between law enforcement and the community. They also attempted to record and monitor the conduct of law enforcement which has recently been called into question following shocking video footage of their officers' treatment of people during "anti-land invasion operations."

Law enforcement's conduct and unprovoked use of force in the incident on Friday 24 July 2020 again illustrates a lack of respect for the dignity and bodily integrity of poor Black people. The City has consistently failed to address the acute housing crisis in Cape Town - now, instead of working towards sustainable solutions, it is using violence to quell dissent. What is further concerning is the arrest of activists without cause especially where these are activists that have been vocal about holding law enforcement and its ALIU to account. The activists have also been monitoring the conduct of law enforcement whilst carrying out the destruction of people's homes in Khayelitsha.

The State Prosecutor has decided not to pursue any of the charges against Luyanda, Axolile and Yanga which was confirmed at Khayelitsha Magistrates' Court on 27 July 2020.

Disha Govender, attorney at the Ndifuna Ukwazi Law Centre, commented:

"We are deeply concerned by the arrests and baseless criminal charges brought against these activists. The circumstances under which these arrests were made call into

question issues of the abuse of the criminal justice system to prevent the legitimate and lawful actions of activists in ensuring the protection and respect of constitutional rights of the most vulnerable communities. Arrests such as those in the present instant could be viewed as attempts to intimidate and to stifle legitimate community protest.

“The brutal and violent action from law enforcement is shocking and the City has a responsibility to investigate and to dismiss all officials who used unjustified force during the incident. Law enforcement and the Anti-Land Invasion Unit in particular need to be held accountable. They are bound by the Constitution and the law of the country.

The increase in violence at the hand of law enforcement agencies directed against the very communities they are mandated to serve and protect is concerning.”



CAPTION: Throughout the COVID-19 pandemic, activists through the Khayelitsha CAN have worked tirelessly to support poor and working class communities and mitigate the worst impacts of the outbreak. They have been responsible for coordinating food relief efforts, health and safety educational initiatives, and supported communities facing the threat of illegal evictions. In the face of the increase in violence at the hands of law enforcement agencies, they have launched a new campaign calling for the abolishment of law enforcement and holding key decision makers in the Departments of Human Settlements and Safety and Security to account.

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