

Update on Central Methodist Church Raid

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PASSOP and TAC hold demonstration against police brutality and xenophobia

Issued by the Treatment Action Campaign (TAC) and the AIDS Law Project (ALP)

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On 7 February about 300 people took part in a demonstration, organised by PASSOP and TAC, against police brutality and xenophobia. The protest took place outside the Caledon Square Police Station in Cape Town. A memorandum was handed over to the station commander. This follows the raid on the Central Methodist Church in Johannesburg on Wednesday 30 January 2008 in which the police arrested over 300 people. The police mostly targeted men, whom they shouted abuse at and labelled as criminals, but also arrested women and one juvenile.

Of those arrested, the majority are refugees and asylum seekers. Lawyers and staff from various law firms and doctors and nurses from humanitarian and other organisations worked together to try to obtain the release of those held in custody. Many of those in detention were injured during the arrest; some were ill; some have chronic medical conditions and many were kept in humiliating conditions. Over the weekend only a few detainees were able to access doctors and nurses from Medecins Sans Frontieres (MSF) and lawyers from the Legal Resources Centre (LRC) and ALP.

On 1 February 2008, only 15 of the over 300 people arrested appeared in Johannesburg Magistrates Court number 2. The remainder were told that they would appear on Monday 4 February 2008.

The 15 were not allowed to apply for bail because the state unusually opposed an application to have a bail hearing on the day, which the presiding Magistrate Du Pisanie agreed to. Their cases were then remanded to Monday 4 February 2008. On 4 February, Magistrate Du Pisanie refused to recognise four advocates from the Johannesburg bar who appeared on behalf of the detainees on a /pro bono /basis. By 4pm, because of these objections by the Magistrate, only one detainee had an opportunity to present arguments in favour of being granted bail. Because the court adjourned at 4pm, this process was only half completed. The other 14 did not have their bail hearings.

By contrast, at court 7 on 4 February 2008 (same day) the cases of 68 people were withdrawn and struck off the court roll by another Magistrate. They were withdrawn because the state did not have sufficient information to proceed with the cases (after 5 days of detention). The Court 7 Magistrate warned that the state should not use its power and resources to prejudice the rights of people who are vulnerable. As at today, 13 people are still in detention. The bail applications of 3 of the 13 will be heard on Monday 11 February and the other ten on Tuesday 12 February.

The ICD and the Gauteng Police Commissioner have reportedly committed to investigate the conduct of the police involved in the raid. If this is true, TAC and the ALP welcome this and request details of the process so that submissions can be made to the relevant authorities. The Gauteng Police Commissioner has also reportedly committed to formally meeting with the police responsible for the raid.

The TAC and ALP call on international and national observers to attend the Johannesburg Magistrate Court, Court Number 2, on Tuesday 12 February 2008 to observe and document the proceedings.

We call on government to drop the charges against and release those still in detention.

TAC would like to thank the volunteers and staff at the Legal Resources Centre, AIDS Law Project, Medecins Sans Frontieres, Reproductive Health Research Unit, Lawyers for Human Rights, South African Council of Churches, Wits Law Clinic, Deneys Reitz, Bowman Gilfillan, Webber Wentzel Bowens, advocates from the Johannesburg bar and the Johannesburg Central Methodist Church for assisting in this matter.

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