

Assando

12/06/2015

- DEFENCE FORCE
- CHIEF OF THE SOUTH AFRICAN NATIONAL
- Eighth Respondent
- GAUTENG PROVINCE
- PROVINCIAL COMMISSIONER OF POLICE:
- Seventh Respondent
- NATIONAL COMMISSIONER OF POLICE
- Sixth Respondent
- DIRECTOR GENERAL OF HOME AFFAIRS
- Fifth Respondent
- MINISTER OF POLICE
- Fourth Respondent
- MINISTER OF DEFENCE
- Third Respondent
- MINISTER OF HOME AFFAIRS
- Second Respondent
- MINISTER IN THE PRESIDENCY
- First Respondent

DEPARTMENT OF HOME AFFAIRS
 DATE RECEIVED 2015-06-11
 SIGNATURE: *[Signature]*
 DIRECTORATE LITIGATION

and

LAWYERS FOR HUMAN RIGHTS

Applicant

In the matter between:

IN THE HIGH COURT OF SOUTH AFRICA
 GAUTENG PROVINCIAL DIVISION, PRETORIA

REGISTRAR OF THE HIGH COURT OF
 SOUTH AFRICA GAUTENG DIVISION, PRETORIA
 PRIVATE BAG PRIVAATSAK X57
 PRETORIA 0001
 2015-06-18
 E. TIGER
 REGISTRAR'S CLERK
 GRIFFIEN VAN DIE HOE HOF VAN
 SUB AFRIKA GAUTENG AFBELING, PRETORIA

REGISTRAR OF THE HIGH COURT OF
 SOUTH AFRICA GAUTENG DIVISION,
 PRETORIA
 2015-06-11
 CASE NO. 44151/15

Copy Bundle 2 of 2

INDEX BUNDLE 2 OF 2

No.	Document	Page
10.	Annexure "FA8": Confirmatory Affidavit Kayan Leung	101-103
11.	Annexure "FA9": Confirmatory Affidavit Wayne Ncube	104-106
12.	Annexure "FA10": Court Order 12 May 2015	107-108
13.	Annexure "FA11": Court order 12 May 2015	109
14.	Annexure "FA12": Confirmatory Affidavit Nthabiseng Raiti	110-113
15.	Annexure "FA12": Confirmatory Affidavit John Ncube	114-116
16.	Annexure "FA12": Confirmatory Affidavit Angela Moyo	117-119
17.	Annexure "FA12": Confirmatory Affidavit Winnet Cropas	120-122
18.	Annexure "FA12": Confirmatory Affidavit Shiela Tigere	123-125
19.	Annexure "FA13": Confirmatory Affidavit Linda Hamadziripi	126-130
20.	Annexure "FA13: Confirmatory Affidavit Cynthia Nkosi	131-134
21.	Annexure "FA14": Letter of Demand 29 May 2015	135-142
22.	Annexure "FA15": Court order 4 June 2015	143-146
23.	Annexure "FA16": Letter of Demand 2 June 2015	147-148
24.	Annexure "FA17": IMC Statement 10 May 2015	149-150

101.
"FAS"

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO:

In the matter between:

LAWYERS FOR HUMAN RIGHTS

Applicant

and

MINISTER IN THE PRESIDENCY

First Respondent

MINISTER OF HOME AFFAIRS

Second Respondent

MINISTER OF DEFENCE

Third Respondent

MINISTER OF POLICE

Fourth Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Fifth Respondent

NATIONAL COMMISSIONER OF POLICE

Sixth Respondent

PROVINCIAL COMMISSIONER OF POLICE:
GAUTENG PROVINCE

Seventh Respondent

CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE
FORCE

Eighth Respondent

101
"FAS"

Handwritten initials and a checkmark.

KA YAN LEUNG

SIGNED AT JOHANNESBURG THIS THE ____ DAY OF JUNE 2015:

3. I have read the affidavit deposed to by Elzemerl Temperman in the present matter and I confirm the facts as they relate to me.

2. The contents of this affidavit are within my personal knowledge and are both true and correct.

1. I am an adult male employed in the Detention Monitoring Project within the Refugee and Migrant Rights Programme at Lawyers for Human Rights ("LHR") at 87 De Korte Street, Braamfontein in Johannesburg. I am duly authorized to depose to this affidavit on behalf of LHR.

do hereby make oath and state that:

KA YAN LEUNG

I, the undersigned

CONFIRMATORY AFFIDAVIT

102.

PS 2A

COMMISSIONER OF OATHS

I certify that on the _____ day of May, 2015 at _____, the above deponent appeared before me and acknowledged to me that he knows and understands the contents of the above Affidavit, which Affidavit was signed and sworn to in my presence in accordance with the requirements of Government Notice R. 1258 dated 21 July 1972, as amended, which have been fulfilled.

104.
FAG

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO:

In the matter between:

LAWYERS FOR HUMAN RIGHTS

Applicant

and

MINISTER IN THE PRESIDENCY

First Respondent

MINISTER OF HOME AFFAIRS

Second Respondent

MINISTER OF DEFENCE

Third Respondent

MINISTER OF POLICE

Fourth Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Fifth Respondent

NATIONAL COMMISSIONER OF POLICE

Sixth Respondent

PROVINCIAL COMMISSIONER OF POLICE:

Seventh Respondent

GAUTENG PROVINCE

CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE

Eighth Respondent

FORCE

Handwritten marks and initials at the top left of the page.

B. C. M. N.
84

SIGNED AT JOHANNESBURG THIS THE 11 DAY OF JUNE 2015:

3. I have read the affidavit deposed to by Elzeman Temperman in the present matter and I confirm the facts as they relate to me.
2. The contents of this affidavit are within my personal knowledge and are both true and correct.
1. I am an adult male employed in the Detention Monitoring Project within the Refugee and Migrant Rights Programme at Lawyers for Human Rights ("LHR") at 87 De Korte Street, Bramfontein in Johannesburg. I am duly authorized to depose to this affidavit on behalf of LHR.

do hereby make oath and state that:

ZIBUSISO WAYNE NCUBE
(BN810603)

I, the undersigned

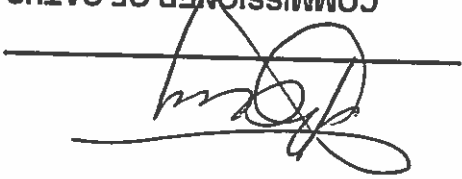
CONFIRMATORY AFFIDAVIT

105.

106

BHAVNA RAMJI
COMMISSIONER OF OATHS
EX OFFICIO PRACTISING ATTORNEY R.S.A
6th Floor, Aspen House, 54 De Korte Street
Braamfontein, Johannesburg

COMMISSIONER OF OATHS



I certify that on the 11 day of ~~May~~ ^{June} 2015 at Johannesburg, the above deponent appeared before me and acknowledged to me that he knows and understands the contents of the above Affidavit, which Affidavit was signed and sworn to in my presence in accordance with the requirements of Government Notice R. 1258 dated 21 July 1972, as amended, which have been fulfilled.

ZIBUSISO WAYNE NCUBE



106

28

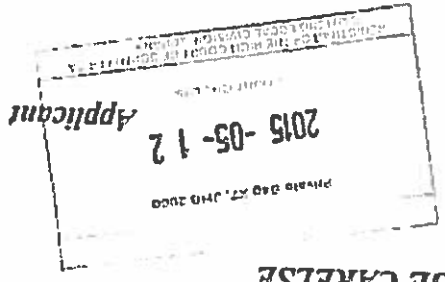
T.C

1. Dispensing so far as need be, with the forms and services provided for in the Uniform Rules of Court and disposing of this application at such time and place and in such manner and according to such procedure as this court deems fit in terms of Rule 6(12) of the Rules of this Court.
2. The First and Second Respondents are interdicted from depriving any detainee arrested by the Respondents in a joint operation that took place on Friday, 08 May 2015 ("the joint operation of 08 May 2015") for a period of two weeks from the date of this order.
3. The Fourth and Fifth Respondents are directed to produce a list to the Registrar of this Honourable Court and to the Applicant of all persons arrested in the joint operation of 08 May 2015 by the Respondents and such list is to include each person's name, reason for detention and current location by no later than 12h00, Wednesday, 13 May 2015.

ORDER:- BY AGREEMENT BETWEEN THE PARTIES, THE COURT GRANTS AN

HAVING read the documents filed of record and having considered the matter:-

- 1st Respondent THE MINISTER OF HOME AFFAIRS
- 2nd Respondent THE DIRECTOR GENERAL OF HOME AFFAIRS
- 3rd Respondent LEADING PROSPECTS TRADING III PTY LIMITED
- 4th Respondent THE MINISTER OF POLICE
- 5th Respondent JOHANNESBURG CENTRAL POLICE STATION



and LAWYERS FOR HUMAN RIGHTS
In the matter:-

BEFORE THE HONOURABLE JUDGE CARELSE
JOHANNESBURG, 12 May 2015

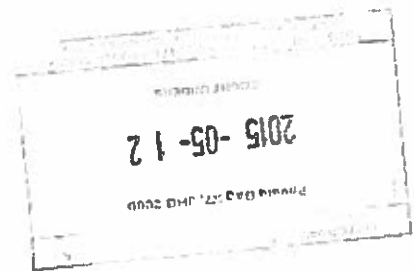
CASE NO: 2015/17123
P/H NO: 0

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

167.

"FA10"

108



BY THE COURT
REGISTRAR
12/1/2015

4. The Respondents are directed to allow access to employees of the Applicant to consult with the detainees, as listed hereunder, wherever the said detainees are being detained:
 - 4.1. Alex Christopher Chilambo;
 - 4.2. Sydney Tshuma;
 - 4.3. Give more Moyo;
 - 4.4. Nyamayavo Masakadze;
 - 4.5. Mnyaradzi Mafori;
 - 4.6. Viscount Svodziva; and
 - 4.7. Beany Jackie.
5. The Respondents are directed to allow access to employees of the Applicant to consult with any detainee arrested in the joint operation of 8 May 2015 and who expresses an intention to consult with employees of the Applicant, from Thursday, 14 May 2015, at 09h00, at wherever the detainees may be detained for a period of 2 (two) weeks from the date of this order.
6. The Third Respondent is directed to allow the consultations listed in prayers 4 and 5 above, to take place.
 - 6.1. without the requirement of 48 hours' notice of intention to consult; and
 - 6.2. without limiting the number of detainees;
 - 6.3. from 09h00 until 16h00 from Thursday, 14 May 2015 and on each consecutive work day.
7. The Fourth Respondent is directed to pay the costs of this application on a party and party scale.

108.

Handwritten initials or marks at the top left corner.

2015-05-12
Private and Confidential

REGISTRAR
Handwritten signature/initials in a circle

BY THE COURT

1. The above application is withdrawn
2. The First Respondent is to pay the costs of this application on a party and party scale.

BY AGREEMENT BETWEEN THE PARTIES, IT IS ORDERED THAT:-

HAVING read the documents filed of record and having considered the matter:-

- 5th Respondent T/A BOSASA
- LEADING PROSPECTS TRADING III (PTY) LIMITED
- 4th Respondent THE DIRECTOR GENERAL OF HOME AFFAIRS
- 3rd Respondent THE MINISTER OF HOME AFFAIRS
- 2nd Respondent JOHANNESBURG CENTRAL POLICE STATION
- 1st Respondent STATION COMMANDER: MINISTER OF POLICE

and

Applicant LAWYERS FOR HUMAN RIGHTS

In the matter between:-

JOHANNESBURG, 12 May 2015
BEFORE THE HONOURABLE JUDGE CARELSE

CASE NO: 2015/14395
P/H NO: 0

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

109
"Fall"

98 R

CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE FORCE
 EIGHTH RESPONDENT

PROVINCIAL COMMISSIONER OF POLICE: GAUTENG PROVINCE
 SEVENTH RESPONDENT

NATIONAL COMMISSIONER OF POLICE
 SIXTH RESPONDENT

DIRECTOR GENERAL OF HOME AFFAIRS
 FIFTH RESPONDENT

MINISTER OF POLICE
 FOURTH RESPONDENT

MINISTER OF DEFENCE
 THIRD RESPONDENT

MINISTER OF HOME AFFAIRS
 SECOND RESPONDENT

MINISTER IN THE PRESIDENCY
 FIRST RESPONDENT

and

LAWYERS FOR HUMAN RIGHTS Applicant

In the matter between:

CASE NO:

IN THE HIGH COURT OF SOUTH AFRICA
 GAUTENG PROVINCIAL DIVISION, PRETORIA

"FA12"
 110.

24 B

Four policemen and three soldiers came to my door and kicked it down. They entered without permission and asked to see the documents of my boyfriend, Alex Christopher Chilambo. When he tried to show them his passport, one of the policemen slapped him across the face.

4.

At approximately 3AM, South African soldiers and policemen surrounded my building.

3.

I confirm the contents of the founding affidavit in as far as it refers to how Operation Fiela occurred at Fatties Mansion on Friday, 8 May 2015.

2.

I am an unemployed adult female from South Africa and I live at room 809 Fatties Mansion, cnr Jeppe and Harrison Streets, Johannesburg.

1.

Do hereby declare and state under oath:

NTHABISENG RAITI

I, the undersigned,

CONFIRMATORY AFFIDAVIT

030.

h B

COMMISSIONER OF OATHS

Signed and sworn to before at _____ on this _____ day of _____ 2015 by the deponent who acknowledges that she is fully conversant with the contents of this statement, she understands the contents thereof, that it is the truth, that she has no objection to taking the prescribed oath and regards the oath as binding on her conscience.

DEPONENT

I sat on the floor with my baby until they released me at approximately 12:30PM that day. I was released because I managed to show the police officials my ID. When I returned home, my room was in chaos.

7.

When I got outside, I saw the soldiers and police beating people. The police put me and my baby in a police truck and took us to Jon Vorster. When we arrived at the police station, the police officials told me and the others to sit on the cement floor. We were not given food or blankets and we did not have access to any toilets.

6.

I tried to show them my South African identification document, but they would not look at it. The policemen and the soldiers then told me and my boyfriend to go outside. I had my baby in my arms the whole time. I was unable to take any clothes, nappies, food or blankets for my baby.

5.

AS 2

FULL
NAMES: _____
CAPACITY: _____
BUSINESS
ADDRESS: _____

113.

11 FA 12 114

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO:

In the matter between:

LAWYERS FOR HUMAN RIGHTS

Applicant

and

MINISTER IN THE PRESIDENCY

First Respondent

MINISTER OF HOME AFFAIRS

Second Respondent

MINISTER OF DEFENCE

Third Respondent

MINISTER OF POLICE

Fourth Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Fifth Respondent

NATIONAL COMMISSIONER OF POLICE

Sixth Respondent

PROVINCIAL COMMISSIONER OF POLICE:
GAUTENG PROVINCE

Seventh Respondent

CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE
FORCE

Eighth Respondent

Handwritten marks at the top of the page.

BJ

AK47. Five policemen and three South African soldiers came to my door kicked it down. They entered my flat without my permission. Initially, I thought these were xenophobic attacks and I tried to run away. The soldiers caught me and started to beat me with an

4.

At approximately 2AM, South African soldiers and policemen surrounded my building.

3.

I confirm the contents of the founding affidavit in as far as it refers to how Operation Fiela occurred at Fatties Mansion on Friday, 8 May 2015.

2.

I am an employed adult male from Zimbabwe and I live at room 60964 Fatties Mansion, cnr Jeppe and Harrison Streets, Johannesburg.

1.

Do hereby declare and state under oath:

JOHN NCUBE

I, the undersigned,

CONFIRMATORY AFFIDAVIT

BS B

FULL NAMES: _____
BUSINESS ADDRESS: _____
CAPACITY: _____

COMMISSIONER OF OATHS

Signed and sworn to before at _____ on this _____ day of _____ 2015 by the deponent who acknowledges that she is fully conversant with the contents of this statement, she understands the contents thereof, that it is the truth, that she has no objection to taking the prescribed oath and regards the oath as binding on her conscience.

DEPONENT

We were then told to go outside. My wife and I were not arrested. However, my brother in-law was arrested and taken to Jon Vorster in a police truck.

6.

They then asked me for my documents and I showed them my DZP permit. When my wife tried to show them her papers, a policeman slapped her across the face.

5.

119.

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO:

In the matter between:

LAWYERS FOR HUMAN RIGHTS

Applicant

and

MINISTER IN THE PRESIDENCY

First Respondent

MINISTER OF HOME AFFAIRS

Second Respondent

MINISTER OF DEFENCE

Third Respondent

MINISTER OF POLICE

Fourth Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Fifth Respondent

NATIONAL COMMISSIONER OF POLICE

Sixth Respondent

PROVINCIAL COMMISSIONER OF POLICE:
GAUTENG PROVINCE

Seventh Respondent

CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE

FORCE

Eighth Respondent

16 98

"FAIR"
117

18

Two policemen came to my door and kicked it down. The policemen asked whether my husband and brother had any firearms. They both replied that they did not own any firearms. The police then started searching the apartment.

4.

At approximately 3AM, South African soldiers and policemen surrounded my building.

3.

I confirm the contents of the founding affidavit in as far as it refers to how Operation Fiela occurred at Fatties Mansion on Friday, 8 May 2015.

2.

I am an unemployed adult female from Zimbabwe and I live at room 913 Fatties Mansion, cnr Jeppe and Harrison Streets, Johannesburg.

1.

Do hereby declare and state under oath:

ANGELA MOYO

I, the undersigned,

CONFIRMATORY AFFIDAVIT

118.

[Handwritten marks]

FULL
NAMES: _____
CAPACITY: _____
BUSINESS
ADDRESS: _____

COMMISSIONER OF OATHS

Signed and sworn to before at _____ on this _____ day of _____ 2015 by the deponent who acknowledges that she is fully conversant with the contents of this statement, she understands the contents thereof, that it is the truth, that she has no objection to taking the prescribed oath and regards the oath as binding on her conscience.

DEPONENT

When we were outside, my husband, Sidney Tshuma, and my brother, Givemore Moyo, were arrested and put into a police truck. The police told me that the reason I was not getting arrested in because I had my baby with me.

6.

After they were done searching the apartment, the police asked for our documents. However, when we tried to show them our documents as requested, they said that they did not want to see them. We were then asked to go outside.

5.

119.

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO:

In the matter between:

LAWYERS FOR HUMAN RIGHTS

Applicant

and

MINISTER IN THE PRESIDENCY

First Respondent

MINISTER OF HOME AFFAIRS

Second Respondent

MINISTER OF DEFENCE

Third Respondent

MINISTER OF POLICE

Fourth Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Fifth Respondent

NATIONAL COMMISSIONER OF POLICE

Sixth Respondent

PROVINCIAL COMMISSIONER OF POLICE:
GAUTENG PROVINCE

Seventh Respondent

CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE
FORCE

Eighth Respondent

Handwritten initials/signature

Handwritten: "FA12" and 120.

1/6 94

Two policemen knocked on my door and asked to see my documents. As was about to show them my documents, they moved to the next apartment.

4.

At around 2AM, South African soldiers and policemen surrounded my building.

3.

I confirm the contents of the founding affidavit in as far as it refers to how Operation Fiela occurred at Fatties Mansion on Friday, 8 May 2015.

2.

I am an unemployed adult female from Zimbabwe and I live at room 711 Fatties Mansion, cnr Jeppe and Harrison Streets, Johannesburg.

1.

Do hereby declare and state under oath:

WINNET CROPAS

I, the undersigned,

CONFIRMATORY AFFIDAVIT

121.

122

My sister thought that the raid was over and started to get ready for work. As she was leaving the building she was stopped by the police and the soldiers. They then put her in a police truck. I am not sure whether she was carrying her passport or not.

5.

DEPONENT

Signed and sworn to before at _____ on this _____ day of _____ 2015 by the deponent who acknowledges that she is fully conversant with the contents of this statement, she understands the contents thereof, that it is the truth, that she has no objection to taking the prescribed oath and regards the oath as binding on her conscience.

COMMISSIONER OF OATHS

FULL

NAMES: _____

CAPACITY: _____

BUSINESS

ADDRESS: _____

"FA12"
123.

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO:

In the matter between:

LAWYERS FOR HUMAN RIGHTS

Applicant

and

MINISTER IN THE PRESIDENCY

First Respondent

MINISTER OF HOME AFFAIRS

Second Respondent

MINISTER OF DEFENCE

Third Respondent

MINISTER OF POLICE

Fourth Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Fifth Respondent

NATIONAL COMMISSIONER OF POLICE

Sixth Respondent

PROVINCIAL COMMISSIONER OF POLICE:
GAUTENG PROVINCE

Seventh Respondent

CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE
FORCE

Eighth Respondent

R
S

R
24

While we were outside, the police and the soldiers told us to split into two groups - those with documentation and those without. Since my husband, son and sister did not have

5.

Four policemen came to my apartment door and knocked it down. They immediately told us to go outside.

4.

At approximately 2AM, South African soldiers and policemen surrounded my building.

3.

I confirm the contents of the founding affidavit in as far as it refers to how Operation Fiela occurred at Fatties Mansion on Friday, 8 May 2015.

2.

I am an unemployed adult female from Zimbabwe and I live at room 203 Fatties Mansion, cnr Jeppe and Harrison Streets, Johannesburg.

1.

Do hereby declare and state under oath:

SHIELA TIGERE

I, the undersigned,

CONFIRMATORY AFFIDAVIT

124.

125

their documents with them, they were told to get into the police truck and were then take to Jon Vorster.

I was not arrested, because I managed to grab my passport before we were told to go outside.

DEPONENT

Signed and sworn to before at _____ on this _____ day of _____ 2015 by the deponent who acknowledges that she is fully conversant with the contents of this statement, she understands the contents thereof, that it is the truth, that she has no objection to taking the prescribed oath and regards the oath as binding on her conscience.

COMMISSIONER OF OATHS

FULL

NAMES:

CAPACITY:

BUSINESS

ADDRESS:

Handwritten signature and initials

CONFIRMATORY AFFIDAVIT

- CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE FORCE
Eighth Respondent
- PROVINCIAL COMMISSIONER OF POLICE: GAUTENG PROVINCE
Seventh Respondent
- NATIONAL COMMISSIONER OF POLICE
Sixth Respondent
- DIRECTOR GENERAL OF HOME AFFAIRS
Fifth Respondent
- MINISTER OF POLICE
Fourth Respondent
- MINISTER OF DEFENCE
Third Respondent
- MINISTER OF HOME AFFAIRS
Second Respondent
- MINISTER IN THE PRESIDENCY
First Respondent

and

LAWYERS FOR HUMAN RIGHTS
Applicant

In the matter between:

CASE NO:

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA**

126-

11 FA 13 00

I, the undersigned

LINDA HAMADZIRIPI

Do hereby declare and state under oath:

1.

The contents of this affidavit fall within my personal knowledge (except where the context indicates otherwise) and are both true and correct. I confirm the contents of the founding affidavit in as far as it refers to how Operation Fiela occurred at Fatties Mansion on Friday, 8 May 2015.

2.

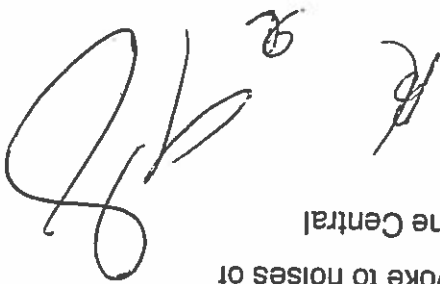
I arrived in South Africa in January 2010. I fled my country of origin in order to seek protection within the Republic of South Africa in accordance with the Refugees Act 130 of 1998. I was furnished with a temporary asylum seeker permit, in accordance with section 22 of the Refugees Act and had been continuously renewing it pending my decision on my refugee claim.

3.

I have a minor child who currently resides with me.

4.

On 8 May 2015, approximately around 4:00 in the morning, I awoke to noises of doors being kicked and people shouting. I was sleeping inside the Central



Methodist Church in Pritchard street with my child. I was previously residing at the church until the day I was arrested.

5.

I saw that there were members of the South African Police Service ('SAPS') and the South African National Defense Force ('SANDF') who were heavily armed. These men were shouting at everyone, including our children, that were sleeping inside the church and we were forced to go to the ground floor. As many people were sleeping, some people were half dressed or sleeping naked. I was initially not permitted to get some clothes for my child as she was sleeping naked, I later managed to grab a jersey for her before we were all sent out of the church. The police and military did not allow these people to get dressed.

6.

When everyone had been sent to the ground floor, the police and military asked for people with valid papers. Officials from the Department of Home Affairs were also present at this point as part of the operation by the SAPS and the SANDF.

7.

Although I do not have an asylum seeker permit in my possession, I reiterate that I have applied for asylum and my claim had not yet been finalized. Due to the fact that the SAPS and SANDF were all armed with so many guns, I was too scared to say anything and I wasn't given an opportunity to.

8.

I pause to mention that during January/February 2015, members of the DHA and some police had come to the church at the behest of Reverend Dumise Ncobo of the Central Methodist Church. DHA officials took our fingerprints and assisted people who had previously applied for asylum or those who wanted to apply for

98
R

LEANNE GOVINDSAMY
COMMISSIONER OF OATHS
Non-Practicing Attorney
Corruption Watch
8th Floor, Heerengracht Building
37 De Korte Street, Braamfontein
Johannesburg

BUSINESS ADDRESS

CAPACITY

FULL NAMES

COMMISSIONER OF OATHS


Signed and sworn to before at Johannesburg on this 11th day of June 2015 by the deponent who acknowledges that she is fully conversant with the contents of this statement, she understands the contents thereof, that it is the truth, that she has no objection to taking the prescribed oath and regards the oath as binding on her conscience.

DEPONENT

Leanne Govindsamy

we were told that we would be deported.

130.

"FA13"
131.

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO:

In the matter between:

LAWYERS FOR HUMAN RIGHTS

Applicant

and

MINISTER IN THE PRESIDENCY

First Respondent

MINISTER OF HOME AFFAIRS

Second Respondent

MINISTER OF DEFENCE

Third Respondent

MINISTER OF POLICE

Fourth Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Fifth Respondent

NATIONAL COMMISSIONER OF POLICE

Sixth Respondent

PROVINCIAL COMMISSIONER OF POLICE:

GAUTENG PROVINCE

Seventh Respondent

CHIEF OF THE SOUTH AFRICAN NATIONAL

DEFENCE FORCE

Eighth Respondent

CONFIRMATORY AFFIDAVIT

et

I, the undersigned

CYNTHIA NKOSI

Do hereby declare and state under oath:

1.

The contents of this affidavit fall within my personal knowledge (except where the context indicates otherwise) and are both true and correct.

2.

I confirm the contents of the founding affidavit in as far as it refers to how Operation Fiela occurred at Fatties Mansion on Friday, 8 May 2015.

3.

I arrived in South Africa in 2008. I fled my country of origin in order to seek protection within the Republic of South Africa in accordance with the Refugees Act 130 of 1998. I was furnished with a temporary asylum seeker permit with a permit number JHBZWE9630508, in accordance with section 22 of the Refugees Act.

4.

I have two minor child who currently resides with me.

5.

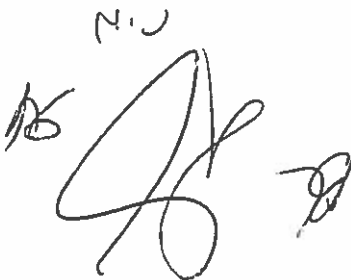
On 8 May 2015 approximately around 4:00 in the morning, whilst I was sleeping in my room with my children, I awoke to noises of people shouting 'wake up'. I saw many members of the South African Police Service ('SAPS') and the South African National Defence Force ('SANDF') ordering people inside the church to go to the ground floor. These officers were heavily armed. The SAPS and SANDF

132.

Handwritten signature

Handwritten mark

N.J.
15



10.

We were gathered in groups of ten (10) and were sent to a large number of vans waiting outside the church. We were then transferred to the Johannesburg Central Police Station approximately around 6:00 and detained.

9.

Once everyone had been gathered on the ground floor, some SAPS officers asked those with permits to show them for verification. However, other SAPS then told them that 'there is no time. Go straight to the police station.'

8.

Due to the fact that it was early in the morning, I asked the members of the SAPS and SANDF if I could get a jacket and shoes for my child. I was refused. Fortunately, another person who was coming out of the room where I was staying had grabbed some clothing for my child to wear.

7.

I pause to mention that during January 2015, members of the DHA and some police had come to the church where they collected our fingerprints and assisted us with completing forms for the purpose of obtaining new asylum documents. We signed these forms as we were told it was to 'help with asylum' [sic]. I recognized that some of the faces of the police officers at the raid were also present during the first visit by DHA in January 2015.

6.

members were yelling 'time to go home. It's not your home.' [sic]. These officers also woke our children up and we were all told to pack our bags.

133.

134

Around 15:00, we were given a loaf of bread to share amongst a group of four (4) detainees as well as a glass of water each.

11.

Approximately around 17:00, women with children were sent to the Temporary Shelter as the police had informed us that they could not keep us with the others. We were informed that we would stay there for deportation.

Alkash

DEPONENT

Signed and sworn to before at Johannesburg on this 11th day of June 2015 by the deponent who acknowledges that she is fully conversant with the contents of this statement, she understands the contents thereof, that it is the truth, that she has no objection to taking the prescribed oath and regards the oath as binding on her conscience.

COMMISSIONER OF OATHS
FULL NAMES
CAPACITY
BUSINESS ADDRESS

LEANNE GOVINDSAM
COMMISSIONER OF OATHS
Non-Practising Attorney
Corruption Watch
8th Floor, Heerenracht Building
87 De Korte Street, Braamfontein
Johannesburg

15
R

LAWYERS FOR HUMAN RIGHTS

Original 135. "FAIL"

Pretoria Law Clinic
Kutwanong Democracy Centre 357
Visagie Street, Pretoria 0002
Tel (012) 320 2943
Fax (012) 320 2949/7681
Web www.lhr.org.za
Louisa@lhr.org.za

29 May 2015

Our Ref: Elzemari Temperman/Patricia Erasmus

TO: The President of the Republic of South Africa
Mr Jc Zuma
Per Email: president@presidency.gov.za / president@po.gov.za
Per Fax: 012 323 8246

AND TO: Minister in the Presidency
Mr JT Radabe
Per Email: president@po.gov.za
Per Fax: 012 323 8246

AND TO: Minister of Police
Per Fax: 011 337 6200 / 012 393 2812
AND TO: Minister of Home Affairs
Per Email: klekahe@justice.gov.za
Per Fax: 011 337 6200

AND TO: Director-General: Department of Home Affairs
Per Email: Mkuselelani@dh.gov.za / deon.erasmus@dh.gov.za
AND TO: Minister of Defence
Per Email: info@dod.mil.za
Per Fax: 012 347 0118

AND TO: National Commissioner of Police
Per Email: natcom@sap.org.za
AND TO: Provincial Commissioner of Police: Gauteng Province
Per Email: gp.dc.secretary@saps.gov.za
Per Fax: 011 274 7392

AND TO: Chief of the South African National Defence Force
Per Fax: (012) 347 0118
Per Email: joy.peter@dod.mil.za

Dear Sir/Madam,

Re: URGENT: Operation Fiefa-Reclaim

Louise du Plessis LLB (UP) LLM (UNISA); Nathaniel Jacobs LLB (UP) LLM (Leiden); Patricia Erasmus LLB (UKZN); Ramodimeya Chokoe LLB (Wits); Elzemari Temperman BA Law (UP) LLB (UP) LLM (UP)
"Celebrating 35 years of making rights real"

Handwritten initials and marks at the top of the page.

1. We write in connection with the Operation *Fieia-Reclaim* which has been put in place around the country and has been carrying out activities including so-called "raids" on crime hotspots, mass arrests, immigration verifications of non-nationals, referrals for prosecution and facilitation of deportation processes for non-

2. Although Lawyers for Human Rights ("LHR") understands the need for effective policing operations, we are concerned about a number of aspects of the legality of the operation in its current form and seek an urgent undertaking that the operators' continued existence will be in line with the legislative and Constitutional principles outlined in this letter.

3. Raids which have taken place throughout the country appear to be ostensibly under the authorisation of Section 13(7) of the South African Police Service Act 68 of 1995 ("the SAPS Act"). This was confirmed to us by Col. Spiers of the Johannesburg Central Police Station after an operation on 8 May 2015 in central Johannesburg. Indeed, LHR is in possession of one authorisation which was issued by the Provincial Commissioner of Police in the Western Cape.

4. These operations have taken place in some cases at night, without search warrants, and with the involvement of the SAPS, the Department of Home Affairs and the SANDF.

5. The concerns about the legality of both the utilisation of section 13(7) authorisations and the deployment of the SANDF in the operation in its current form (although not exhaustively set out in this letter) may be summarised as follows:

The Deployment of the Army

5.1. Section 205(3) of the Constitution says that "The objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law."

5.2. The SAPS is created and governed under the South African Police Service Act 68 of 1995 which supplements the powers and responsibilities of various police officials as well as the powers which ordinary members of the SAPS have.

5.3. Section 200 of the Constitution provides for a Defence Force whose "primary object" is "to defend and protect the Republic, its territorial integrity and its people in accordance with the Constitution and the principles of international law regarding the use of force."

5.4. According to Section 201(2) of the Constitution, the defence force may be employed by the President (and only the President) "in co-operation with the police service". However, according to Section 201(3), when the President authorises the employment of the defence force in this way, he or she must inform Parliament "promptly and in appropriate detail" of the reason for the employment of the defence force, any place where the force is being employed, the number of people involved and the period for which the defence force is expected to be employed.

5.5. We understand that the President reported to Parliament regarding the deployment of the SANDF in a letter written to the Speaker of the National Assembly on 23 April 2015. In his report, the President stated that 338 members of the SANDF would be employed to assist the SAPS to "maintain law and order" in KwaZulu-Natal, Gauteng and any other area in the Republic of South Africa as the need arises. This employment was authorised for the period between 21 April 2015 and 30 June 2015.

Handwritten initials and marks at the top of the page.

The legality of the so-called "raids"/search and seizure operations

5.6. Section 14(a) of the Constitution of the Republic of South Africa protects the right to privacy which prevents the state from invading one's home. This right may only be limited in accordance with legislation of general application and only proportionally with the objectives sought by the limitation (section 36 of the Constitution).

5.7. Section 13(7) gives the National Commissioner or a provincial commissioner of police the authority to cordon off an area for the purposes of a search "where it is reasonable in the circumstances in order to restore public order or to ensure the safety of the public in a particular area".

5.8. It is our submission that the wording of this section means that it is meant to be used in urgent situations and not in the normal course of a police operation. The authorisation must give a specific object of the proposed action and that any member is allowed search any person, premises or vehicle or any receptacle or object of whatever nature in that area without a warrant. The authorisation must be produced on demand by "any person whose rights are or have been affected by the search or seizure".

5.9. In Johannesburg, following the operations on 8 May 2015, LHR requested a copy of such authorisation and was informed by the Station Commander that it would not be available after the operation and it should have been requested before or during the operation. This clearly does not respect the provisions of Section 13(7) which specifically requires production of the authorisation when one's rights have been affected.

5.10. Chapter 2 of the Criminal Procedures Act 51 of 1977 (CPA) deals with search warrants and entry of premises.

5.11. Section 21 of the CPA requires that a police officer obtain a search warrant in order to enter any private residence for the purposes of searching for any article related to a criminal offence (drugs, weapons, stolen goods, etc). A magistrate may authorise the search upon a statement on oath by a police officer explaining the reasonable grounds for believing the goods are in that premises.

5.12. An officer does not require a warrant where the occupier of the premises consents to the officer's entry or obtaining a warrant would defeat the ends of justice (for example, if evidence is about to be destroyed and the time it would take to get the warrant would allow its destruction). The officer must reasonably believe that he or she would obtain a warrant if it was requested from a court. These are exceptional circumstances and are not meant to be used in the normal course of police operations.

5.13. Section 28 creates a criminal offence where a police official conducts an unlawful search.

Immigration Enforcement

5.14. Section 41 of the Immigration Act 13 of 2002 requires any person "(w)hen so requested by an immigration officer or a police officer" to identify him or herself as a citizen, a permanent residence or a foreigner. If the officer has reasonable grounds to suspect that he or she is unlawfully in the country, that person may be detained for a period of no longer than 48 hours for investigation.

5.15. The Immigration Regulations issued in May 2014 require that when identifying a person under section 41, the onus is on the officer to assist that individual to prove their status by: Accessing relevant documents that may be readily available; Contacting relatives or other persons who could

Louise du Plessis LLB (UP) LLM (UNISA); Nathaniel Jacobs LLB (UP) LLM (Leiden); Parida Erasmus LLB (UKZN); Ramadimejha Choko LLB (Wits); Elizabeth Timperman BA Law (UP) LLB (UP) LLM (UP)

"Celebrating 35 years of making rights real"

5.16. Section 40 of the Criminal Procedure Act states the circumstances under which an officer may arrest an individual without a warrant, including if he or she reasonably suspects that person to be in the country unlawfully. "Reasonable grounds" must also be interpreted in light of the Constitution and the prohibition against unfair discrimination under section 9(3) of the Bill of Rights which lists the grounds which a police officer may not use when approaching someone. Therefore, it is not enough to "look" or "sound" foreign as that would be unreasonable and unfair discrimination.

5.17. In the case of *Uide* before the Supreme Court of Appeal, the Court found that the blanket imperative to deport illegal foreigners does not create a blanket need to detain them pending deportation. The Court stated that the provisions of the IA must be interpreted in favour of *favorem libertatis* (in favour of liberty) and therefore an immigration officer must exercise his or her discretion whether to detain in light of the circumstances of each individual detainee.

Operation Fiefa

6. LHR has received instructions from clients who allege that these provisions were violated during Operation Fiefa since they requested permission to retrieve their documentation and were unlawfully denied the opportunity to do so and no discretion was used in detaining people for immigration purposes.

7. LHR has also received instructions from clients in possession of asylum seeker permits who were detained for the purposes of deportation. An asylum seeker, albeit one with a lost or expired permit, may not be deported due to section 21(4) of the Refugees Act and their detention for the purposes of deportation is unlawful.

8. Non-nationals found without documents have not been charged with any crime under the Criminal Procedure Act or the immigration Act. Rather the court process (and the protection which comes with it) is being avoided by invoking Section 13(7) in circumstances where it is inapplicable since it is not being used to "restore public order or protect the public", it is rather being used to avoid court supervised searches and arrests, either under the CPA or the immigration Act.

9. Accordingly, we request that a written undertaking be furnished on the following terms:

9.1. Given the inapplicability of the section to operations such as these, no further operations will be instituted under Section 13(7) of the SAPS Act.

9.2. All further operations will be in strict compliance with the following legislative provisions: Chapter 2 of the Criminal Procedure Act, with specific attention to the Court authorisation of search warrants and the conditions under which search and seizure operations must be conducted;

9.3. Any further deployment of the SANDF will be in accordance with Section 201(2) and 201(3) of the Constitution; and

9.4. All further processing and/or deportations of non-nationals will take place in strict accordance with the provisions of the Immigration Act and Refugees Act, specifically refraining from deporting *inter alia*

¹ Uide v Minister of Home Affairs and another 2009 (4) SA 522 (SCA)

Louise du Plessis LLB (UP) LLM (UNISA); Nathaniel Jacobs LLB (UP) LLM (Leiden); Patricia Erasmus LLB (UKZN); Ramadimela Choko LLB (Wits); Elizabeth Temperton BA Law (UP) LLB (UP) LLM (UP)

"Celebrating 35 years of making rights real"

asylum seekers and refugees (regardless of whether their permits have expired or not) and documented migrants.

10. While we remain committed to reaching an amicable solution to the issues outlined in this letter, we view the problems with the operation in its current form as sufficiently serious and sufficiently prejudicial to the rights of affected persons to warrant Court intervention, should this be necessary. Therefore should a written undertaking not be furnished by Tuesday 02 June 2015 at 12:00, we will have no choice but to approach a competent High Court for an order on similar terms, with an appropriate cost order against yourselves.

Yours Sincerely


Elzemari Tempelman

"Celebrating 35 years of making rights real"

Louise du Plessis LLB (UP) LLM (UNISA); Nathaniel Jacobs LLB (UP) LLM (Leiden); Patricia Erasmus LLB (UKZN); Ramadimejia Chokoe LLB (Wits); Elzemari Tempelman BA Law (UP) LLB (UP) LLM (UP)

5



139.

146.

Elzemari Temperman

From:
Sent:

Elzemari Temperman
29 May 2015 03:05 PM

To:

'presidentrsa@presidency.gov.za'; 'president@po.gov.za'; 'kekabe@justice.gov.za';
'Mkuseleli.apeleni@dha.gov.za'; 'deon.erasmus@dha.gov.za'; 'info@dod.mil.za';
'natcomm@saps.org.za'; 'gp.pc.secretary@saps.gov.za'; 'joy;peter@dod.mil.za';
David Cote; Patricia Erasmus; Faith Munyati; Kayan Leung; Wayne Ncube
URGENT: Operation Fiela - Reclaim
LHR Letter of Demand Operation Fiela Reclaim 29 May 2015.pdf

Cc:
Subject:
Attachments:

High

Dear Sir/Madam,

Above mentioned matter refers.

Kindly find attached correspondence for your urgent attention.

We trust you find the above in order and we readily await your response.

Elzemari Temperman
Clinic Manager

Refugee and Migrant Rights Programme
Lawyers for Human Rights

Pretoria Law Clinic

Kutlwanoeng Democracy Centre, 357 Visagie Street, Pretoria 0002

Tel (012) 320 2943
Fax (012) 320 2949/7681

Web www.lhr.org.za

[Handwritten marks]

Date/Time

29-05-2015 0123202949

16:21:17

Transmit Header Text Local Name 1

LHR pta

Broadcast Report

This document : Failed
(reduced sample and details below)
Document size : A4

LAWYERS FOR HUMAN RIGHTS

Our Ref: Bizemard Temperman/Parida Erasmus
25 May 2015

TO: The President of the Republic of South Africa

Per Email: info@president.gov.za / president@gov.za

AND TO: Minister in the Presidency

Per Email: info@presidency.gov.za

Per Fax: 012 323 8246

AND TO: Minister of Police

Per Fax: 011 337 6200 / 012 393 2812

AND TO: Minister of Home Affairs

Per Email: info@huma.gov.za

Per Fax: 011 337 6200

AND TO: Director-General: Department of Home Affairs

Per Email: info@dhm.gov.za / dhm@gov.za

AND TO: Minister of Defence

Per Email: info@def.gov.za

Per Fax: 012 347 8118

AND TO: National Commissioner of Police

Per Email: nac@nsc.gov.za

AND TO: Provincial Commissioner of Police: Gauteng Province

Per Email: info@nsc.gov.za

Per Fax: 011 274 7392

AND TO: Chief of the South African National Defence Force

Per Fax: (012) 347 8118

Per Email: info@ndf.mil.za

Dear Sir/Madam,

Re: URGENT: Operation Field-Return

Kindly refer to the attached documents (1) and (2) for details. Please refer to the attached documents for any queries. (1) and (2) are for your information only.

"Celebrating 25 years of making rights real"

Total Pages Scanned : 5

Total Pages Confirmed : 5

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	792	0123238246	15:26:52 29-05-2015	00:00:00	0/5	1	HS	FA	Results
002	792	0113376200	15:26:52 29-05-2015	00:00:00	0/5	1	HS	FA	Results
003	792	0123932812	15:26:52 29-05-2015	00:00:00	0/5	1	HS	FA	Results
004	792	0123470118	15:26:52 29-05-2015	00:01:13	5/5	1	EC	HS	CP31200
005	792	0113470118	15:26:52 29-05-2015	00:00:00	0/5	1	--	HS	FA

Abbreviations:

IS: Host send
R: Host receive
VS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fall
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

Handwritten initials and marks.

142.

2.1. Mr. Tafadzwa Mareverwa, a national of Zimbabwe

2.2. Mr. Lucky Sithole, a national of Zimbabwe

2.3. Mr. Ali Chikuse, a national of Malawi

2.4. Mr. Innocent Mwale, a national of Malawi

2.5. Mr. Dailies Atiki, a national of Malawi

2.6. Mr. Jofefe Madadi, a national of Malawi

2.7. Mr. Daniel Malunga, a national of Malawi

2.8. Mr. Noel Fuwarmbara, a national of Zimbabwe

2.9. Mr. Lwandle Mazibuko, a national of Zimbabwe

2.10. Mr. Tendai Hunda, a national of Zimbabwe

2.11. Mr. Musekwa Tonderai, a national of Zimbabwe

2.12. Mr. Vincent Katsika, a national of Zimbabwe

2.13. Mr. Mduduni Ndiwezi, a national of Zimbabwe

2.14. Ms. Angella Pazvakavambwa, a national of Zimbabwe

2.15. Mr. Lloyd Mamba, a national of Zimbabwe

2.16. Mr. Edias Moyo, a national of Zimbabwe

2.17. Mr. Mike Willard, a national of Zimbabwe

MR. WASHU...
PRIVATE BAG...
PRECI...
- 60 - 14

3

BR
9/5

144.
47

2.18. Mr. Frank Moffat, a national of Zimbabwe

2.19. Mr. Albert Munday, a national of Zimbabwe

2.20. Mr. Brian Ncube, a national of Zimbabwe

2.21. Mr. Robert Maramba, a national of Zimbabwe

2.22. Mr. Promise Robson, a national of Zimbabwe

2.23. Mr. Tellmore Moyo, a national of Zimbabwe

2.24. Mr. Simbarashe Mandla Jackson, a national of Zimbabwe

2.25. Mr. Jimmy Charadza, a national of Zimbabwe

2.26. Mr. Sam Tambala, a national of Zimbabwe

2.27. Mr. Shepard Lhiza, a national of Zimbabwe

2.28. Mr. Jonathan Hatendi, a national of Zimbabwe

2.29. Mr. Matha Beche, a national of Zimbabwe

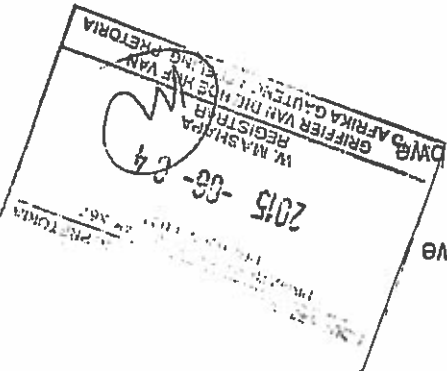
2.30. Mr. Blessing Ndou, a national of Zimbabwe

2.31. Mr. Tawanda Musariri, a national of Zimbabwe

2.32. Mr. Cassim Spice, a national of Zimbabwe

2.33. Mr. Austin Kampalire, a national of Zimbabwe

2.34. Mr. Tonderai Musekiwa, a national of Zimbabwe



St. 146

2.35. Mr. Asabwe Julian Warima, a national of Zimbabwe

2.36. Mr. Christopher Chisonga, a national of Zimbabwe

2.37. Mr. Cassius Bvuma, a national of Zimbabwe

2.38. Mr. Tariro Muzozo, a national of Zimbabwe

2. Directing that the Respondents, the Applicants having complied with the "48 hour rule" by sending notices on 29 May 2015 and 1 June 2015 are entitled to consult with the detainees named in those notices on 4 June 2015 at 10am.

3. Directing that the Respondents are to allow employees of the Applicant to consult, as detailed in prayers 2 above, with all these detainees until 16h00 and to return on each subsequent work day at 08h00 and to remain in attendance until 16h00, until such time as every detainee listed in prayers 2 above, has so consulted.

W

4. Directing that any clients named in a Letter of Demand sent by the Applicant commencing legal proceedings will prevent the deportation of the clients named therein for a period of two (2) weeks; provided that access will be in accordance with the 48 hour rule.

5. Directing that the Respondents will, within three days, furnish the Applicant with a full list of those detainees named in paragraph 1 above who have been already deported prior to this Court Order being obtained.

6. No order as to costs.

REGISTRAR

2015-06-14
AFRICAN COURT OF JUSTICE
JUDICIAL OFFICE
1111/15
Johannesburg
South Africa

6
St

LAWYERS FOR HUMAN RIGHTS

Johannesburg Law Clinic
4th Floor Heerengracht Building
87 De Korte Street (corner Melle)
Braamfontein, 2001
Tel (011) 339 1960
Fax (011) 339 2665
Web www.lhr.org.za

2 June 2015

ATT: Mr. Kabele Mogotsi

Director: Litigation

Department of Home Affairs

Fax: 086 544 7429/012 406 2129

Email: kabele.mogotsi@dha.gov.za

Dear Sir,

RE: URGENT DEMAND FOR ACCESS TO ASYLUMS SEEKERS ARRESTED IN OPERATION FIELA, HELD IN UNLAWFUL DETENTION AT LINDELA

1. We write on behalf of, and with instructions from the following asylum seekers ("our clients"):

- 1.1. Mr. Tafadzwa Mareverwa, a national of Zimbabwe
- 1.2. Mr. Lucky Sithole, a national of Zimbabwe
- 1.3. Mr. Ali Chikuse, a national of Malawi
- 1.4. Mr. Innocent Mwale, a national of Malawi
- 1.5. Mr. Dales Afiki, a national of Malawi
- 1.6. Mr. Jofefe Madadi, a national of Malawi
- 1.7. Mr. Daniel Malunga, a national of Malawi
- 1.8. Mr. Noel Ruwambara, a national of Zimbabwe
- 1.9. Mr. Lwandle Mazibuko, a national of Zimbabwe
- 1.10. Mr. Tendal Hunda, a national of Zimbabwe
- 1.11. Mr. Musekwa Tonderal, a national of Zimbabwe
- 1.12. Mr. Vincent Katsika, a national of Zimbabwe
- 1.13. Mr. Mdundu Ndivenzi, a national of Zimbabwe
- 1.14. Ms. Angella Pazvakavambwa, a national of Zimbabwe
- 1.15. Mr. Loyd Mtamba, a national of Zimbabwe
- 1.16. Mr. Edias Moyo, a national of Zimbabwe
- 1.17. Mr. Mike Willard, a national of Zimbabwe
- 1.18. Mr. Frank Moffat, a national of Zimbabwe
- 1.19. Mr. Albert Mundezi, a national of Zimbabwe
- 1.20. Mr. Brian Ncube, a national of Zimbabwe
- 1.21. Mr. Robert Maramba, a national of Zimbabwe
- 1.22. Mr. Promise Robson, a national of Zimbabwe
- 1.23. Mr. Tellmore Moyo, a national of Zimbabwe
- 1.24. Mr. Simbarashe Mandia Jackson, a national of Zimbabwe
- 1.25. Mr. Jimmy Charadza, a national of Zimbabwe
- 1.26. Mr. Sam Tambala, a national of Zimbabwe
- 1.27. Mr. Shepard Lhidza, a national of Zimbabwe
- 1.28. Mr. Jonathan Hatendi, a national of Zimbabwe

West Muller LLB (UP); Anjuli Mokry BA LLB (UCT); Osmond Mngomezulu BA (Wits) LLB (Wits);

Handwritten initials/signatures at the top of the page.

Handwritten notes at the bottom: "147", "Fair", and "4th".

[Handwritten signature]

pp

LAWYERS FOR HUMAN RIGHTS

Yours Sincerely,

7. Your failure to provide written confirmation of the above by 15H00 today and grant our legal representatives access tomorrow at 10H00 will result in an urgent application to the High Court, Gauteng Division, Pretoria for appropriate relief. We will apply for the application to be heard at 14H00 tomorrow, 2 June 2015.

6.2. Confirmation that our legal representatives will be given access to all our clients during all reasonable hours with immediate effect including tomorrow at 10H00.

6.1. All deportation proceedings against our clients will be immediately halted;

6. We accordingly demand written confirmation by 15:00 today that:

5. The denial of urgent access to our clients who are facing imminent deportation on the basis of a 48 hour consultation notice rule is a direct violation of our clients' constitutional rights to legal access and access to the courts.

4. On 2 June 2015 at approximately 11am, LHR attended at Lindela to consult with 26 applicants who were all asylum seekers due to depose to the same application for access to the courts. A letter providing notice to consult had been sent on 1 June 2015, prior to the attempted consultation. The letter expressly stated that the clients had to be consulted on the same day to ensure that their rights to legal representation and access to the courts were adhered to. Our legal representatives were denied access to our clients on the basis that 48 hour notice for consultation had not been provided.

3. On 1 June 2015, Lawyers for Human Rights (LHR) sought to consult 12 of our clients who had indicated that they were asylum seekers and had requested legal assistance with access to the courts. A letter indicating our intention to consult had been sent on 29 May 2015 prior to the attempt to consult the clients. Our legal representatives were informed that they had failed to comply with a 48 hour notice to inform the Lindela officials of our intention to consult with our clients. They were further given access to only one detainee and informed to assume the rest of the clients had been deported.

2. Our clients are currently being detained at Lindela Holding Facility ('Lindela') in Krugersdorp.

- 1.29. Mr. Matha Beche, a national of Zimbabwe
- 1.30. Mr. Blessing Ndou, a national of Zimbabwe
- 1.31. Mr. Tawanda Musariri, a national of Zimbabwe
- 1.32. Mr. Cassim Spice, a national of Zimbabwe
- 1.33. Mr. Austin Kampalire, a national of Zimbabwe
- 1.34. Mr. Tonderal Musekwira, a national of Zimbabwe
- 1.35. Mr. Asabwe Julian Warima, a national of Zimbabwe
- 1.36. Mr. Christopher Chisonga, a national of Zimbabwe
- 1.37. Mr. Cassius Bvuma, a national of Zimbabwe
- 1.38. Mr. Tariro Muzozo, a national of Zimbabwe

[Handwritten initials]

113
112

11 MAY 2015 149



government communications

Department of Communications and Information Systems
REPUBLIC OF SOUTH AFRICA

Published on Government Communication and Information System (GCIS) (<http://www.gcis.gov.za>)

[Home](#) > Government undeterred by malicious claims against Operation Fiela - Reclaim

Government undeterred by malicious claims against Operation Fiela - Reclaim

10 May 2015

Government has noted with serious concern irresponsible claims that seek to suggest that Operation Fiela - Reclaim is targeted at foreign nationals living in South Africa. We would like to categorically and emphatically state that these claims are far from the truth.

We are concerned by false claims that there has been abuse of rights during the search and seizure operation conducted at the Methodist Church in Johannesburg. The operation at the Methodist Church that happened around 08:00am on 08 May 2015 was part of a broader operation that started around 00:00 midnight within the Johannesburg CBD.

We have been reassured by the team that conducted the search and seizure operation that it was conducted in a professional manner. We, therefore, reject any claims that there were violations of rights during the operation. Extra care was taken to ensure that children detained with their parents were taken to the temporary shelter in Mayfair to ensure that they await repatriation in a conducive environment.

Operation Fiela - Reclaim is a multidisciplinary operation by various state entities to ensure strict compliance with the various laws and regulations governing our society. As the chairperson of the Inter-Ministerial Committee on Migration, Minister Jeff Radebe indicated that, "Operation Fiela - Reclaim is an operation to rid our country of illegal weapons, drug dens, prostitution rings and other illegal activities".

South Africa is a democratic country that is governed by laws and all people in our country have to comply with these laws. Law abiding South Africans and foreign nationals have no reason whatsoever to fear Operation Fiela - Reclaim. This is an operation aimed at making our country safer to enable all people who live in our country to enjoy their freedoms in an environment that is free from crime.

Operation Fiela - Reclaim will be intensified and expanded in the weeks and months to come to ensure that all concerns raised by South Africans to members of the IMC on Migration are addressed. We reiterate our commitment to make sure that all people in our country are and feel safe.

B
A

Enquiries:
Ms Phumla Williams, IMC Spokesperson
Cell: 083 501 0139

Issued by Government Communication and Information System (GCIS) on behalf
of Inter-Ministerial Committee on Migration

Media statements (1)

Year: 2015

Media Statement date: Sunday, May 10, 2015

Source URL: <http://www.gcis.gov.za/newsroom/media-releases/government-undeterred-malicious-claims-against-operation-fiela-reclaim>

Links:
[1] <http://www.gcis.gov.za/category/media-releases/media-statements>

150.

26