

8 July 2020

MEDIA STATEMENT

High Court decision on unlawful arrest of waste pickers is welcome

The Community Constituency Covid-19 Front welcomes the decision handed down by the Gauteng Division of the High Court on the case of two waste pickers who were detained illegally.

On 07 July 2020, the Gauteng Division of the High Court handed down a judgement ordering the Department of Correctional Services the immediate release of Justice Shabangu and George Mphotshe.

Shabangu and Mphotshe had been languishing in prison since the beginning of April, a week into the national lockdown. The Court has declared their detention unlawful and unconstitutional, according to the judgement. The pair are waste pickers based in Tshwane and are represented by Lawyers for Human Rights (LHR).

"We don't know their state of health at the moment because they didn't appear in court for the judgement. We've been working hard with LHR and we believe this judgement is a powerful achievement. It shows that waste pickers are workers and not just dirty people on the street and are an integral part of the South African economy. They must be recognised by the government. Waste pickers are an essential of the waste management value chain. We hope that this judgement will inspire waste pickers across the country to mobilise and know that together we can find justice." Steven Leeuw, African Reclaimers Organisation. African Reclaimers is affiliated to WIEGO, a member of the Community Constituency Covid-19 Front .

As the Community Constituency Front, we want to reiterate what the court declared and further add that it amounts to police brutality. This was an unlawful or malicious arrest and unlawful or malicious detention. The police had overreached their powers in this instance. The Police Services Act 68 of 1995 sets out powers of the police and how to exercise and perform their duties and functions.

"Furthermore, regulation 11G of the Regulations of the Disaster Management Act states that any person who contravenes the regulations will be liable to a fine or imprisonment term of not more than 6 months. The regulations do not confer or authorise the use of force on members of the public as what has happened to Shabangu and Mphotshe. Based on this judgement, it is clear they were never charged under the regulations nor were they proven to have violated them", said Thabo Majuja, Head of Legal and Human Rights at the Community Constituency Covid-19 Front



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About the Community Constituency Covid-19 Front

The Community Constituency Covid-19 Front was established as a formal advisory body to facilitate the participation of civil society sectors and networks, including those represented in the national response and implementations of Community-Based Measures in response to the novel Coronavirus (Covid-19).

The Community Constituency Covid-19 Front promotes an inclusive, competent and responsive civil society that effectively serves the needs of communities by linking and diversifying civil society actors, expanding the sector's response and ensuring better coordination, thus improving operations, and enhancing connections between civil society organisations with government, business labour, their stakeholders and beneficiaries.

The Covid-19 Front aims to provide a hub of information and contacts for distribution and engagement through our members across the country.

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