

Tuesday, April 10, 2007

March on the Sydenham Police Station

This evening, at 6:00 p.m. representatives from Abahlali baseMjondolo settlements and branches across Wards 23 and 25 will march on the Sydenham Police station from the Kennedy Road settlement. At the police station a candle lit vigil will be held. Senior church figures are expected to attend. A memorandum will be then be handed over to Senior Superintendent Glen Nayager.

For a long time people have been talking about marching on the Sydenham Police station, and Nayager in particular, to protest against the day to day police abuses perpetrated against shack dwellers across the areas in Wards 23 and 25 such as Sydenham, Clare Estate and Reservoir Hills. There has also been growing concern at how the Sydenham Police, led by Nayager, have been attempting to misuse their position to police Abahlali baseMjondolo out of their area. Over the last two years this political hostility from Nayager has resulted in numerous wrongful arrests and numerous entirely unjustified assaults on people active in Abahlali baseMjondolo.

But this long talked about march is happening tonight, immediately after the Easter weekend which is not the best time to mobilize, because of the current Kennedy Road crisis. Five Kennedy Road residents are now in the 9th day of a hunger strike in Westville Prison. Yesterday they were moved to the prison hospital. They are on hunger strike in protest at their wrongful arrest by the Sydenham Police. This follows an incident in Kennedy Road where a man from outside the settlement was apprehended after a particularly violent and near fatal mugging. After he was apprehended the Sydenham police were called and while they were on the way to fetch him some people in the community spontaneously assaulted the man. When the police arrived they also assaulted the man as they arrested him and put him into the van. He died sometime later in police custody. No one has denied that the man was assaulted in Kennedy Road but more than 50 witnesses saw who assaulted him and also saw him being assaulted by the police.

The Police have not investigated their own possible culpability with regard to this death nor have they made any attempt to find out what really happened in Kennedy Road. There were lots of witnesses and so it would be very easy to find out what really happened. Instead they have simply misused this tragedy, in which one poor man almost killed another for his takkies and was then later assaulted himself, to settle their political scores against the Kennedy Road leadership. With a well known and dangerous criminal as their informer, a man who will do what ever they ask to avoid being charged for his many real crimes, they have arrested half the elected members of the Kennedy Road Development Committee and charged them with murder and they say that they will soon arrest the other members of the committee. But everyone knows that they have not arrested the right people. One of the people that they arrested has been too sick to leave his shack for months, another was away at a braai, others were part of the Safety & Security Sub-Committee that immediately called the police when the suspect was

apprehended because they could see that the situation was tense. This is very similar to what happened to the Landless Peoples' Movement in Johannesburg some time ago where key leaders were arrested on an invented murder charge after a man had died in one of the shack fires that plague our communities. This is an openly political attack on the Kennedy Road Development Committee. Nayager is openly boasting about this to all kinds of people. Because Nayager thinks he has the right to say what kind of t-shirts can be worn in his area, who can march and what they can say innocent people are now in prison and in the 9th day of a hunger strike. That is why we can't wait any longer. That is why we are marching on Glen Nayager and the Sydenham Police station tonight at 6:00 p.m.

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Tuesday, April 10, 2007

**MEMORANDUM HANDED TO SENIOR SUPERINTENDENT GLEN
NAYAGER OF THE SYDENHAM POLICE STATION**

Glen Nayager you have vandalized our humanity. We are here to reclaim our police station. Neither you nor your powerful friends own this police station. This police station belongs to the people who live in this area. We live in shacks and we are wearing red shirts and demanding the right to continue live here in the city, to live in decent houses, to have access to electricity and water and toilets while we wait for these houses and for our children to be able to attend the schools here. But this does not mean that we are not people. None of this makes us criminals. We are part of the people to whom this police station belongs. You have broken the trust of a large part of the people for whom you are supposed to be working. You were supposed to be our servant, not our oppressor.

Since you were entrusted with this police station the police in this area have treated all shack dwellers as criminals. And since we united as Abahlali baseMjondolo you have constantly harassed and attacked our movement. Your job is to protect all of the people in your area but you have decided to make the poor your enemy. You have made this police station famous across the whole city and sometimes the whole country and even in other countries for its racism, its violence, its cruelty, its criminality and its brutal oppression of an organisation that has only asked for what is right.

The main complaints that have emerged against you, and the way that this police station has been run since you arrived here (remembering that shack dwellers worked well with the Sydenham Police before you came here) in our initial discussion over the Easter weekend are the following:

1. **RACISM:** You, and many of your officers, are guilty of extreme, systematic and casual racism towards African people. You insult us in the most ugly language, language that is supposed to be part of the past. You order us around and insult us and even our mothers and father in isiFanakalo like it is 15 June 1976 and you are a baas sitting at his braai and we are all your garden boys and kitchen girls. When your officers do this 'stop and search' it is only Africans who are stopped and searched. If there is a line of young men waiting for the taxi your officers leave the coloured men and the Indian men and search only the Africans. Everyone knows this. Sometimes even the young coloured and Indian men become embarrassed. We joke and say 'The black man is always a suspect' but it is not funny. We and our parents and our ancestors did not struggle for this. What goes for one must go for all. Stop and search everyone or stop and search no one. We have built a non-racial movement and we are proud of this. Many poor Indians have joined us and we have welcomed them as brothers and sisters and they have welcomed us into their communities in the same way. But, although there are some officers, Indian and African, at your police station who are embarrassed by the racism that you have bought here you have turned what should be the peoples' police station into the headquarters for racism in Wards 23 & 25.
2. **CRIMINALISATION OF THE POOR:** You, and many of your officers, speak and act as though all poor people and especially shack dwellers, are criminals. You openly call us all 'rogues' and we have seen how you show us and our communities on your website. You and your officers come to us as though we are all criminals and not as though we are citizens deserving protection.
3. **YOU MAKE POVERTY A CRIME:** We have very few toilets in our settlements. This is not our fault. We have marched for toilets and had our marches illegally banned and been illegally beaten and arrested by you and your officers on those marches. But still we have the situation where a thousand people share one toilet. For this reason we often have to urinate in the bushes. Yet your officers are always arrested and beating us for the urinating in public. On New Years' Eve one boy who was visiting from the Transkei was even shot in the leg at Foreman Road for running away after he got a shock when your officers tried to arrest him for urinating in public. We agree that urinating in public is not good. In fact it is a big problem because it is often not safe for women to be alone in the bushes at night. But the cause of this problem is those people who refuse to give us toilets.
4. **NO RESPECT FOR OUR HOMES:** You and your officers have no respect for the sanctity of our homes. You behave as though our shacks do not exist. You push your way inside anytime without knocking, you break the shacks and our things inside our shacks any time you feel like, you search our homes without a warrant turning everything upside down and you even arrest people for drinking 'in public' while we are sitting in our shacks. There have been cases when your officers have pushed their way into our shack churches. We know that you do not want our shacks to exist but they do exist. They are our homes and they must be

treated with the dignity of any other home. From now on we will lay a charge of trespass against any of your officers that enter our homes without permission and we will lay a charge of wilful damage to property against any of your officers that damages our homes or the things that we have inside them.

5. **YOU PROTECT AND WORK WITH CRIMINALS:** We have always said that there are poor criminals and that there are also rich criminals. You work with both kinds against the innocent. But we are especially concerned that you protect well known violent criminals in our communities, people who prey on rich and poor alike, and then use them as your informers. These are the people who, in exchange for your protection from arrest and prosecution, are prepared to give false statements against innocent people who work for the good of the community. You want to keep criminals out of prison so that you can put innocent people inside.
6. **YOU WORK WITH PEOPLE THAT HAVE DECLARED THEMSELVES THE ENEMIES OF SHACK DWELLERS AND OF OUR MOVEMENT:** There are people who want all shack dwellers to be forced out of all the areas in Wards 23 and 25. You and some of your officers openly support these people. The police who are supposed to be protecting us tell us to 'go back where you came from'. Sometimes we are even told that we are 'bringing AIDS to this community'. Some of these people who don't want shack dwellers in the city are very angry that shack dwellers have united across these two wards, across Durban and across other towns and made ourselves strong. There are people like the Ward Councillors and the City Manager and others who slander our movement and say that if we speak for ourselves we are 'criminals' or that we are being 'used' by other people or that we are 'political' and that therefore we have no right to speak and must be illegally and violently repressed. You have publicly aligned yourself with these people when as a police officer you should be neutral and treat every one equally before the law. You openly tell us, often while you are beating us, that 'there will be no more red shirts here'. After your officers had beaten Mnikelo Ndabankulu and stolen his red shirt in September last year you boasted that that shirt was now the mop in your station. You are not even the spokesperson for your station – that is the job of Captain Lazarus and yet you always personally go to the media to lie about us. It is clear that you hate us and that you hate our movement. But as a police officer you are a servant of the public and we are part of that public. You should keep your hatred private and not put it at the centre of your work.
7. **YOU IGNORE REAL CRIMES AGAINST SHACK DWELLERS BUT ACT AS THOUGH IT IS A CRIME FOR SHACK DWELLERS TO SPEAK FOR THEMSELVES:** When a women in the shacks is beaten by her husband she will probably be ignored if she goes to your station for help. If she refuses to leave until she is helped and brings friends or comrades to stand with her in the station and demand help then you might send a van to the settlement but your officers won't come into the settlement to arrest the abuser. They will just park outside

and tell the victim to go and fetch the abuser which of course she cannot do. But if we have a small protest and are not hurting or threatening to hurt anyone 7 vans can be there in minutes and you'll immediately start beating us and shooting at us with rubber bullets. Sometimes you'll even shoot at us with your pistols. You ban our marches which is illegal. You attack us without warning when we are marching which is illegal. You beat us and even shoot at us when we are running away which is illegal. Your officers have even arrested people on charges of Attending an Illegal Gathering and Public Violence while they are sleeping in their beds or standing at the bus stop because you know that they plan to attend a march later. This too is illegal. You arrest us all the time, keep us in the cells and beat us, then make us go to court 5 or 6 times (while you and your offices fail to attend the case as it get delayed again and again) before the charges are eventually dropped when you never had any case against us in the first place. You misuse arrest as a form of punishment and intimidation. It is clear that you do not see shack dwellers as citizens of this country.

- 8. YOU REFUSE TO ALLOW US TO OPEN CASES AGAINST YOU AND YOUR OFFICERS:** Many, many times after we have been insulted, beaten, robbed and had our basic political rights stripped from us by you and your officers we have tried to open cases against the police. You just refuse to allow us to open the cases and hit us again. Your officers fear you too much to allow us to open cases against you. For instance after your officers shot Nondomiso Mke with live ammunition in September last year she was not allowed to open a case. Philani Zungu then went with her to insist that she be allowed to open the case even though he had been personally beaten unconscious by you on the same night as Nondomiso was shot by having his head bashed against the wall. Yet Nondomiso was still not allowed to open the case and now Philani is assaulted every time you find him on Burnwood Road. When S'bu Zikode went to open a case against you other officers feared you too much to open the case. The same happened to System Cele after officers acting on your command beat her so badly that her front teeth were broken. The law allows us to open cases against you but you do not allow us this right.
- 9. YOU PERSONALLY THREATEN JOURNALISTS AND ACADEMICS AND STEAL PHOTOGRAPHIC EVIDENCE:** You have personally threatened journalist and academics who have witnessed your illegal behaviour towards us including your racist insults and your assaults, and you have stolen their cameras. One journalist, Carvin Goldstone, lodged a formal complaint against you and one academic, Raj Patel, tried to make a complaint through the ICD. He failed because the ICD told him that he needed a case number first and no police officers were prepared to open a case against you. If you do not allow us to speak for ourselves and if journalists and academics cannot work freely in your area then how will the truth about your criminality ever be told?

Therefore tonight we inform you and we inform the public that:

- We are about to begin our civil court action against you for the wrongful arrest and brutal assault of S'bu Zikode and Philani Zungu and the shooting of Nondomiso Mke on 12 September 2006. We are suing you with the support of X-Y in Amsterdam and Amnesty International in London. Shanta Reddy will be acting for us.
- From now on we intend to sue you and any of your officers every time you break the law by taking property from us and our friends (such as our red t-shirts, our loudhailers and the cameras of journalists) and every time you insult, arrest and assault us without good cause.
- We are asking the Internal Complaints Directorate to undertake an immediate investigation of the whole station with a particular focus on your leadership looking at the endemic and very shocking levels of racism and corruption, systemic organised violence against the poor and blatantly illegal and routinely violent political intolerance. We are currently beginning to compile a dossier of complaints against yourself and this station to submit to the Directorate. We will host a meeting in every Abahlali settlement and branch across Wards 23 and 25 to collect a list of all the complaints and we will also invite people in Sydenham Heights and in the various ratepayers' associations to add their own complaints to our dossier. Furthermore we will also invite the journalist and the academic who have already made formal complaints against you for, respectively, a threat of violence should they report your violence and confiscation of a camera with pictures of your violence to add their complaints to our dossier.
- We are asking the Internal Complaints Directorate to recognise that the investigation into the death of Mzwakhe Sithole by the Sydenham Police has not been conducted with any integrity, that it has been misused to further your political agenda against the Kennedy Road Development Committee and Abahlali baseMjondolo, that you have failed to investigate the role of the Sydenham Police in this death and that, given the violent history of severe political intolerance at this police station under your command, this police station can not mount a credible investigation into this or any other matter involving us. We are asking the Internal Complaints Directorate for a credibly independent investigation from officers outside of your jurisdiction who will be able to look fairly and honestly at the role of both Kennedy Road residents and the Sydenham Police in this death.

And tonight we demand that you:

- Immediately release our innocent comrades who are now in their 9th day of a hunger strike in Westville Prison
- Immediately abandon the investigation by the Sydenham Police into the death of Mzwakhe Sithole
- Immediately agree to an independent investigation into the death Mzwakhe Sithole to be supervised by the Internal Complaints Directorate that will examine the role of people in the Kennedy Road settlement and in the Sydenham Police Station
- Immediately step aside pending the outcome of a thorough investigation of the whole police station with a particular focus on your leadership to be undertaken

by the Internal Complaints Directorate. Given your well known tendency to intimidate and harass even your own police officers as well as people in the communities outside the station it is clear that such an investigation has no chance of success while you are still working here. It will even be difficult to get people to be willing to put their names on our list of complaints against you and the station while you are working here. You are a criminal and you are a violent armed criminal hiding behind all the protection of your high office. The people that you are supposed to protect fear you. Therefore it is essential that you step aside while all this work is being done.

And tonight we promise that:

- Immediately after you have stepped down we will approach the Sydenham Police station with a view to setting up a standing committee made up of officers from the station and our communities. This committee will meet weekly and will be able to meet at other times in case of emergencies. Its purpose will be to ensure that shack dwellers and the police can work together to ensure that shack dwellers enjoy the protection of the police and that the police enjoy the active support of shack dwellers in their work to end crime in this area.