



African Diaspora Forum
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Report on the march against xenophobia, Johannesburg, 12.02.2015

Background:

Since the 19th January 2015, a new wave of xenophobic attacks erupted in South Africa at Snake Park (Soweto). After three weeks of continued attacks in other parts of Johannesburg and the country, international migrants in South Africa are still victimised on a daily basis. The African Diaspora Forum (ADF) wrote an open letter to President Zuma stating our concern about the xenophobic violence and the denial manner in which it was handled by government officials.

In order to pay tribute to those whose lives have been robbed, and to stand in solidarity with all victims of the violence, we organized a march in Johannesburg. ADF proudly partnered with South African civil society, trade unions, churches, youth and social movements, in order to raise awareness. The march is also part of our way to promote a cohesive society where everybody lives in a spirit of tolerance, peaceful resolution of conflicts and acknowledgement of the benefits of diversity.

The march, which happened to be schedule on the 12 Feb 2015, on the same days as President Zuma's State of the Nation Address, intended to send a strong message to the Presidency and government to get an acknowledgement of xenophobia as a key concern in South Africa.

Unfortunately, permission for the march was withdrawn at the last minute, whilst permission for a gathering was granted. Police and metro police officers however finally agreed to the march in practice, and accompanied the procession for some time: then changed their mind and decided, after 1km, to stop it. This created confusion, a climate of fear, intimidation and violence, and marchers eventually dispersed without being able to fully express and deliver their message.

This report is intended to shed light on what happened.

Submission to the Metro Police to grant us a permission for the march.

ADF approached the Johannesburg Metro Police Department (JMPD) on the 03 February and wanted to have the march on 10 February 2015. We were informed it was too short notice, which was to be at least 7 days prior to the event, and they should not count the first day we are approaching them. The JMPD then proposed two different dates, either the 12 or 13 of February as this will be within the notice requirement. They then agreed on allowing the march on the 12 February 2015. They asked us to come back on the 11 February to have a written authorization.



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We were then surprised, when our team went to the meeting on Wednesday 11 February, to be asked questions by the safety cluster and the JMPD: Do you have political parties involved? Have you visited the family of the teenager killed in snake Park? Since when was your organization (ADF) created? What the name you are giving to the current violence: xenophobia or crime?

Our team was later informed before the end of the meeting that after analyzing the current xenophobic attacks around the country, the security cluster decided to only grant the permission for a gathering at the Peter Roos Park, but that the march itself was not allowed.

Steps followed by the Executive Committee of the African Diaspora Forum (ADF) after being informed of the new development:

When the Executive Committee of the ADF was informed of the new development, we contacted the Freedom of Expression Institute, who put us in touch with a Human Rights lawyer, Mr Simon Delaney. He had to work at night to go through our documents, and contacted the JMPD early in the morning. The following is the lawyer's report

"I had a discussion with Sgt Nkuna, JMPD Responsible Officer, who told me that the ADF was prohibited from marching at 11 am this morning because of the risk of violence against foreign nationals. When I asked him whether he meant that the ADF marchers themselves would be at risk (given that police would be there to protect them) he said no, but that people from around the country would be watching a broadcast of the march and would be inclined to attack foreign nationals wherever they may be. I told Sgt Nkuna that this was not a lawful reason to prohibit the march under the Gatherings Act, which only authorises a prohibition where there is a serious likelihood of violence to participants/bystanders at the gathering. Sgt Nkuna told me to go to court. Given that our conversation was two hours before the scheduled march, this of course was not helpful advice.

Once again we see the right to protest unlawfully curtailed because a) the prohibition was unlawful; and b) the section 4 meeting and subsequent prohibition letter were given by the police at the 11th hour, knowing full well that it would be too late in practice for a court challenge."

What happened on the 12 February 2015 during the event?

Given that the notice from the Metro Police was received late in the day preceding the event, the ADF did not have time and the adequate logistics to communicate to all participants that the march was prohibited. At the Peter Roos Park, around 11h30, about 1000 participants gathered, including COSATU Secretary General Zwelimumzi Vavi.

Conversations were held with both the police and the metro police by organization leaderships, to negotiate for the march to happen, as all agreed that the sit-in won't have the same impact. The officers agreed for us to proceed with the march, and accompanied the march for about one kilometer, up to the corner between Claim and Pretoria street in Hillbrow. The march was



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peaceful, the procession was cheered by residents and joined by some of them. At that point COSATU Secretary General Vavi had to leave the procession due to other commitment. Then, General Theko Pharasi, Deputy Commissioner Gauteng Police, was informed by the Chairperson of the Gauteng Community Safety that EFF members were joining the march. General Pharasi arrived at the scene and ordered to stop the peaceful procession, which raised anger and resistance from the marchers. The police ordered to arrest one of the organisers Mr Trevor Ngwane. This turned the whole picture of the march, as participants wanted their leader to be released immediately. Hundreds of participants were scattered all over. The police then came out with rifles and hand grenades trying to disperse the participants. The organisers succeeded in convincing the participants to calm down and return back to the Peter Roos Park, accompanied by the police.

What we wanted to state through this march, and we will continue to state

Usually foreign migrants are invisible; they are frightened, scattered, and silent. It is time for all foreigners who contribute to build the economy of this country to speak out, to have a voice, together with all their South African brothers and sisters. The march is a show of unity in diversity, of the African humanity and thirst for cohesion, peace and development in this land, South Africa.

The xenophobic attacks, started on the 19th January, are spreading over South Africa with the complicity of some government officials who are busy asking foreigner shopkeepers to share their business secrets and bring back their weapons, instead of first wondering why it is that SOME foreigners have to resort to self-defense, why competition turns violent in an informal economy too often repressed by the state itself.

We are not sure the situation is better than 2008 – in fact we are worried that it is worse. In 2008 at least some officials and politicians would openly (if not strongly) condemn the xenophobic attacks. Today, the strongest action from government is to argue over the name to give to the violence, calling it ‘criminal activities’. Blaming foreigners has become the main point of the political elite. It seems xenophobia has become the line of government official, in the wake of declining political support and the upcoming local elections. It seems xenophobia has become part of the state institutions, from the bottom to the top. It seems the government is adopting a demagogic argument in its desperate attempts to secure the votes it is losing through its anti-poor policies. Is ‘a better life for all’ a life where neighbor attacks neighbor, where Blacks fight against Blacks, African against African? We are used to other dreams; we expect other hopes and visions from the government.

What we expressed in our open letter to His Excellency President Jacob Zuma, we repeat it here.

- To deal with increasing xenophobic violence in South Africa, and to foster the social cohesion needed for the development of this country.
- To adopt a strongly and unequivocally condemnation of xenophobic violence in all its forms. Any public official or politician making xenophobic statements should be held



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accountable and strongly sanctioned. All officials and politicians have a leadership role to play, what they say and how they say it matters a great deal in legitimizing or delegitimizing xenophobic behavior.

- The police should focus on combatting crime, not tracking the so called 'illegal foreigners'. South Africa would then be a much safer place for all, conducive to flourishing businesses and social cohesion. The police should protect everyone, irrespective of nationality, gender and race.
- We need to refocus our energies on job creation - allowing the contribution of migrants in formal and informal sector, and the development of South African entrepreneurs. Develop rather than repress or restrict small businesses and the informal economy! Rather than Operation Clean Sweep, adopt an Operation Grow Seeds!
- The current migration policy, that criminalises foreign migrants and attempts to make their life in South Africa as difficult as possible, is not sustainable. Not only for migrants! It is directing so many state's efforts and resources tracking 'illegal migrants'. The South African state should instead use its resources to deal with the real ills of the South African society – inequality, unemployment, lack of education linked to decades of apartheid oppression. We would like an engagement at policy level, reconsidering migration policy, which would stop criminalizing foreigners and emphasize the benefits of working together and embracing diversity.

Acknowledgement:

We would like to send our special thanks to the following organizations for supporting the event:

Doctors without Borders (MSF) for providing transport to communities, United Front for providing support in the form of office space, personnel, pamphlets, banner and the offer to pay for transport for communities. the UF NWC and in particular Gauteng rep Siyabonga Mbuqe, UF staffer Mzwonke Mayekiso, the head Dinga Sikwebu and administrator Ntokozo Mbhele. the members of the United Front: Save our SAMWU campaign (Steve Faulkner and other comrades), COSATU and Comrade Vavi, Right to Know campaign, Democratic Left Front, SOPA, Khanya College, ANC, EFF and OKM. Thanks to ADF affiliate communities, Thank you to all the organisations and individuals that supported the march in various ways, including the media.

I THANK YOU

African Diaspora Forum (ADF)