PRESS STATEMENT
25 OCTOBER 2015

SUNNYSIDE 7 RELEASED
Police, prosecutors drag feet to extend unjustified detention

Today, SERI lawyers secured the release of six students and one informal trader who were arrested after the Police opened fire with teargas, stun grenades and rubber bullets on students protesting outside the Union Buildings in Pretoria.

The students and the informal trader were arrested on Friday afternoon. They were released on Sunday after the Chief Prosecutor of Pretoria intervened at SERI's request. The Prosecutor who attended at Sunnyside Police Station today advised the Police that there was no evidence linking any of the students or the informal trader to any offence. SERI and our clients would like to acknowledge the Chief Prosecutor's prompt intervention and the integrity with which he discharged his function.

However, we note with concern that the police took over 20 hours to charge our clients; that they did so despite the fact that they must have known that there was no factual basis to sustain the charges; and that the duty prosecutor initially refused to consider bailing our clients on the totally erroneous basis that the charges were "beyond [her] jurisdiction". This was clearly wrong, as all of the charges initially laid fell well within the scope of prosecutorial bail, provided for in Section 59A of the Criminal Procedure Act.

Everyone has the right to be free from arbitrary arrest and detention. Too often, however, the police abuse their powers of arrest, and compound that abuse by dragging their feet in charging and processing arrested persons. This is a case in which there clearly should have been no arrest in the first place. Our clients were simply in the wrong place at the wrong time.

Nomzamo Zondo, SERI's director of litigation said: "We are pleased that we were able to secure the release of our clients - six of whom were exercising their constitutional right to protest, and one of whom was a mere bystander. We remain gravely concerned both at the heavy-handed tactics adopted by the public order police and the extended, and totally unjustified, detention of our clients after their arrest."

SERI acknowledges the assistance of Nkosikhona Gama, of the Johannesburg Bar, and Johan Lorenzen, a candidate attorney, in the process of securing our clients' release.

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