

J A S A
Justice Alliance of South Africa
1, Ruskin Road, Bergvliet, Cape Town 7945
Telephone & Fax 021-713-3259
email: jasalaw@mweb.co.za

Director: John Smyth, QC
083 653 8804

12 October 2007

Nkosi Ngangomhlaba Matanzima
The Chairperson
Eastern Cape House of Traditional Leaders
P/Bag X0035
Bisho 5601
BY FAX: 040 635 0599

Nkosi Mwelo Nonkonyana
The Chairperson
Eastern Cape House of Traditional Leaders
Contralesa
Manpower Building
3rd Floor Office 12
Mthatha 5699
BY FAX: 047-532-5799

Dear Sirs,

Bonani Yamani DOB 19 June 1988 ID No 8806195259082

We write on behalf of this young man who was the victim of a serious assault in the early hours of the morning on March 3 2007 in his home at the Masele Location, near Bulembu Airport, Bisho 5600. You will be familiar with the case as a result of an investigation by the Eastern Cape newspaper Daily Despatch. In that interview Mr Zolile Burns-Ncamshe, and Chief Mwelo Nonkonyana are quoted as being aware of the incident.

The short facts are these:

At the time of his eighteenth birthday June 2006 Bonani was staying at home with his parents Lindile and Nomzi Yamani at the Masele Location. His father wished him to undergo traditional circumcision. Bonani explained that he did not wish such a rite; instead he attended the Frere hospital and received a surgical circumcision in which the whole of his foreskin was removed.

Executive Board
NJ Desmond RAP Gifford HTP Makamu (Chairman) BT Musikavanhu
SP van Rhyh (Deputy Chairperson) JJ Smyth

On March 3 2007 at approximately 4.30 am Bonani was sleeping at home in a room with his two younger brothers aged 13 and 15. Bonani was suddenly woken up by a group of about 10 men which included his father. He was forcibly tied up by the feet and told “Today is your day. You are not going to run.” Bonani told the men he had been circumcised and showed them his penis.

One of the men, whom Bonani recognised as Vokonqo Mahlaza, one of the community leaders, said words such as these: “ You are going to be circumcised again. That’s not circumcision. We are still going to have a cut. We need blood”

Bonani was then taken to the bush several minutes away and there was a wait for the surgeon to arrive. When he arrived Bonani was pushed on to his back and his shorts removed. The surgeon made one cut which was extremely painful and bled for several minutes. He cut off a piece of the roll from the previous circumcision and forced Bonani to eat it.

Later one of the men told Bonani that he knew what they had done was wrong.

The Justice Alliance of South Africa is particularly concerned with the rights of every South African as enshrined in the Bill of Rights, Chapter 2 of our Constitution. The breach of Bonani’s rights to freedom of conscience, dignity and no unfair discrimination, and the harassment and assault to which he was subjected, were so blatant in this case that we agree with him that the matter cannot be left unless he receives a public apology and an assurance from both the Eastern Cape House of Traditional Leaders and the Eastern Cape Congress of Traditional Leaders of South Africa that such conduct will never be permitted in the future.

It is of great concern to us that in the newspaper article both Chief Nonkonyana of the Eastern Cape Congress and Mr Zolile Burns-Ncamshe appear to provide at least a measure of condonation to those who committed this assault, although Chief Nonkonyana is quoted as saying that what happened is not acceptable.

We wish to stress that JASA is in no way opposed to male circumcision; that is not the issue in this matter at all. It is purely a human rights issue.

We look forward to your replies at an early date providing in writing both the apologies (which we will pass on to Bonani) and the assurances we have asked for. Alternatively you may wish to issue a Media Statement in response to our letter. If so, please copy it to us.

If we do not receive a response to this letter by the end of October, we shall have no choice but to take further action.

Yours faithfully,

John J Smyth, QC
Director