

JASA Media Release

Justice Alliance of South Africa

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Disadvantaged 14 year old Cape Flats boy with no criminal convictions left to rot in prison for 3 years.

JASA sues the Cabinet, the Magistrate and 6 other Respondents for appalling breaches of human rights and constitutional rights

JASA has taken up the case of Andre Williams from Bellville, now aged 18, who lost 3 of his most formative years in prison when he had done absolutely nothing wrong, nor did he have any previous convictions. He became totally institutionalised and is now back in Pollsmoor awaiting trial on a minor charge. It is hard to imagine a more appalling case of crass disregard for human rights, child rights and constitutional rights. He was caught up in an incident on Jan 1 2006 with adult persons one of whom had a firearm without ammunition. It is believed that Andre went to the Police Station voluntarily and surrendered the keys of the vehicle alleged to have been stolen. The other persons were all granted bail. The one charge of robbery was dropped against all accused in June 2009 after Andre had been in custody for 2 years 11 months. The Prosecutor resisted to the last the application to discharge Andre.

JASA , as the first Applicant and Andre as the second, are filing suit in the Cape High Court alleging breaches of sections 28, 29, and 35 of the Bill of Rights, and claiming damages for Andre for loss of amenities of life and loss of formal education. JASA is also concerned to set a precedent ensuring that Magistrates, lawyers and Police never again adopt such a callous and cavalier attitude, particularly now the Child Justice Act is in force. Magistrates are appointed as independent and impartial judicial officers to ensure that the State does not abuse its powers and above all to ensure the Constitution is upheld. JASA believes that the lion's share of the blame rests in this case on the Magistrate who simply ignored his constitutional duties.

Section 28 of the Constitution mandates that no child shall be detained "except as a measure of last resort" and then only for "the shortest appropriate period of time". Section 29 says everyone has the right to education. Section 35 deals with the right of every accused person to have "their trial begin and conclude without unreasonable delay."

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JASA Executive Board
Grant Gunston (Chairman) Steve van Rhyn (Vice-Chairman) Tendai Musikavanhu Linda-Jane Tippoo
Quinton George Nigel Desmond John Smyth

The Respondents are:

1. The Cabinet of South Africa, vicariously responsible for the conduct of all officials involved in the Justice and Correctional Services, and whose first duty is to ensure the Constitution is upheld.
- 2,3 4. The Ministers of Justice, Correctional Services and Police
5. The Director of Public Prosecutions
6. The Magistrate, Mr Johannes Lombard, before whom Andre appeared some 30 times on remand, and who just “turned the handle” without any regard for the constitution.
7. The Legal Aid Board responsible for the proper conduct of attorneys assigned to assist accused persons.
8. SAPS

JASA and Andre Williams are represented by Advocates Peter Hodes SC, Anton Katz SC, and David Simonsz who act pro bono. The attorneys, also acting pro bono, are Grant Gunston Inc of Tokai.

The papers filed in the case may be found at www.jasa.za.net

A COLOUR PHOTOGRAPH of Andre may be downloaded from our website or obtained by email from jasalaw@mweb.co.za.

All the **Respondents** have been served with the papers in this matter and may be contacted through the State Attorney, or at their normal place of business. The Magistrate, Mr Johannes Lombard, normally sits at the Bellville Magistrates' Court.

JASA
Upholding Justice In the Public Square