

JASA

Justice Alliance of South Africa

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MEDIA RELEASE

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Abduction by Traditional Leaders followed by second Circumcision - case goes to Court on Monday Dec 8 in Bhisho High Court

The Equality Court case brought by JASA and Bonani Yamani, a Xhosa youth, against the Eastern Cape Nkosi will be heard by Mr Justice van Zyl next week. It is expected to last 2 days, Dec 8 & 9 at 10 am.

John Smyth, QC will represent JASA and Yamani; Advocate Ntsaluba appears for Nkosi Matanzima, Chairperson of the Eastern Cape House of Traditional Leaders and the Eastern Cape MECs for Health and Traditional Affairs. Nkosi Nonkonyana, Chairperson of Eastern Cape Contralesa may appear in person.

Background

Acting pro bono for Bonani Yamani (now 20 years of age) who was subjected to violent traditional circumcision on 3 March 2007 after being circumcised at the Frere Hospital, East London 3 months earlier, JASA filed suit in the High Court Division of the Equality Court in Bhisho in January of this year.. Bonani had made it clear that his conscience and religious beliefs did not allow him to undergo the traditional Xhosa rite. Bonani has commenced studies at the Free State University.

Bonani was abducted from his home at 4 am, tied up, taken to the bush, and subjected to further circumcision by a gang of some 10 community leaders. He was forced to eat skin incised from his penis. On any view this was a serious criminal assault and a gross breach of Bonani's dignity and constitutional rights not to be harassed or discriminated against on the ground of his religion, conscience and belief.

On 12 October 2007 and again on December 4, JASA wrote on Bonani's behalf to Nkosi Matanzima (Chief of the E Cape House of Traditional Leaders) and to Nkosi Nonkonyana (E Cape Contralesa) asking for an apology to Bonani and an assurance that no one else would be subjected to circumcision against his will in the future. Only Chief Nonkonyana replied. No apology or assurance has been offered. In a further letter we have asked him to withdraw his statement to the Press that any youth refusing traditional circumcision should be ostracised. He has not replied. The two Chiefs, Bonani's father, and the MECs for Health and Traditional Affairs are Respondents in the Equality Court case. Bonani asks the Court to order an apology from the Chiefs and those they represent. JASA seeks an order forbidding circumcision of anyone without his full consent.

Copies of letters referred to and the Particulars of Claim filed in the suit may be found on our website:
www.jasa.za.net

JASA
Upholding Justice in the Public Square

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