

Duo's three-month prison ordeal

Theatres between a rock and hard place

Waste pickers arrested in April after venturing out trying to earn a living

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TWO waste pickers who "fell through the cracks" of the prison system are planning on instituting a civil claim for damages against the SAPS and the Department of Justice and Correctional Services.

They spent three months in jail for the crime of venturing outside their squatter camp during national lockdown alert level 5.

Justice Shabangu and George Mphotshe, waste pickers at Mushroomville camp near SuperSport Park Cricket Stadium in Centurion, said they were eternally grateful that Lawyers for Human Rights managed to eventually get them freed.

Late on Tuesday, lawyer Louise du Plessis went to fetch the pair at the Kgosi Mampuru II Correctional Centre.

Earlier in the day, a visibly angry judge of the Gauteng High Court, Pretoria had in no uncertain terms ordered the department to immediately free them from custody.

But, as the judge ordered the advocate appearing for the department to release them "not tomorrow, but today", he responded that the department could not locate them.

By late on Tuesday, the department managed to locate them and allowed them to go free together with seven other people who were arrested at the same time in early April for venturing into the streets during lockdown.

Lawyers for Human rights were not aware of the other seven. Their crime was that they defied the lockdown regulations by walking around – a crime for which an admission of guilt fine is possible.

Instead, the group were detained in prison, where the Covid-19 infections are steadily rising by the day.

Shabangu yesterday said he was unaware of the confusion as to their whereabouts in prison. "I have no idea why this was. We were just there all the time."

Lawyers for Human Rights launched urgent court proceedings to



WASTE pickers Justice Shabangu and George Mphotshe are back at their Mushroomville "home" after being arrested in April for breaking lockdown rules. | ZELDA VENTER

have the two freed.

The department admitted in papers that they were in jail and were brought before a court within the 48-hour period as stipulated by the law. However, they were not given bail as their personal details still had to be verified.

The pair yesterday told the Pretoria News that it was a harrowing experience. "We were about 48 people in a small cell, and we all slept on the floor with one blanket each," they said.

"It was a terrible experience. We are not criminals; we just tried to gather some waste to sell to make some money for food. That was our crime," Shabangu said.

To make matters worse, he said,

an official demanded money for their "bail."

The poor community of Mushroomville managed to put R710 together for their "bail", which was allegedly paid into the bank account of the official. They were still not freed.

Shabangu said apart from sleeping cold, he and his mate were terrified of being locked up in a congested cell together with alleged murderers and robbers.

"But the worst to us was the possibility of contracting Covid-19. The prisoners were talking about the rising numbers, and there was nowhere we could escape being close to the other prisoners."

His wife, Mamosioua Kao, first contacted an organisation which assists the homeless after her husband did not come home on April 14.

He initially phoned her from the Sunnyside Police Station to tell her he was arrested. She did not hear from him for some time, after which he phoned her from prison to tell her where he was.

He begged her to try and secure "bail money", as he said a prison official said they would then be allowed on bail.

Kao managed to get the money, but her husband remained in jail.

Lawyers for Human Rights are now set on instituting a damages claim.

MPILETSO MOTUMI

WHILE the reopening of cinemas, theatres, museums and libraries has now been allowed, those whose livelihoods depend on the functioning of these facilities will still not be able to survive due to the limitations involved.

Minister of Sport, Arts and Culture Nathi Mthethwa approved the reopening of the facilities, including galleries and archives, on condition that they comply with measures to prevent and combat the spread of Covid-19.

According to the Disaster Management Act, the cultural spaces may operate provided only 50 people or less are allowed.

Mthethwa's directions include a restriction on operating hours, the provision of limited services, limited contact and a ceiling on the number of people visiting a venue.

In addition, arts and cultural institutions have to submit their plans in writing within 14 days of the publication of the directions.

"It's completely premature and, sadly, irresponsible. As much as we are longing to be back and open, for various reasons, the virus is spiralling and it is an inopportune time as people will not be going to the theatre so regularly. When we do eventually open we will conform to the restrictions and do what we can to follow the right processes," said Auto and General Theatre on the Square manager Daphne Kuhn.

"We hold the health and safety of staff, performers, musicians and the public in high esteem. It wouldn't be viable in any case to open for just 50 people."

Meanwhile, Joburg Theatre has decided to postpone its *Cinderella Pantomime* to next year.

Chief executive Xoliswa Ndueni-Ngema said after assessing the associated risks, the practicality under the current restrictions was impractical.

"The protection of our audiences and staff members is of paramount importance. We can only hope that by late next year, Covid-19's virus curve will be flattened or the virus will be completely eliminated."

Janice Honeyman's pantomime was to have been presented at the Nelson Mandela Theatre from October 31 to December 20.

"Under current Covid-19 government guidelines allowing for the reopening of theatres during this level 3 lockdown with an audience capacity of 50 persons or less and a limitation on performers and crew to a maximum of 15 persons, it had become completely impractical for the theatre to move forward with the pantomime."

"It leaves a huge hole in my theatre year, and in the actors', creative team members' and, of course, the audiences' lives," said Honeyman.

"We've had such fun over so many years, but this year, for the safety of the public and ourselves, we'll have to sacrifice that fun for the time being. It's ultimately for the best."

Former chief executive of the Market Theatre, Ismail Mahomed, said a return to live theatre in 2020 may not happen at all.

"The cards on the table are clear that the productions will be an economic loss. Audiences will not be coming in their numbers to allow most productions to even break even. The successful return to theatres will start to happen only from March when the string of arts festivals commence with their 2021 editions."

Nzimande rules out prospects of completing academic calendar

SIVIWE FEKETHA

HIGHER Education, Science and Innovation Minister Dr Blade Nzimande has indicated that the academic calendar for institutions would not be completed this year.

This is despite multiple efforts put in place to salvage the time lost due to the Covid-19 pandemic.

Nzimande was yesterday holding a briefing on the latest measures being taken by his two departments in response to Covid-19 and other developments, including the phased return of students to campuses.

Nzimande said it was clear in terms of the reworking of the 2020 academic calendar that it would only be completed next year due to the time already lost.

"This will mean a later start to the 2021 academic year for many students and a readjustment of the 2021 academic calendar. We have been discussing with the Department of Basic Education to determine their plans on the coming to an end of the 2020 school year," Nzimande said.

He said this would result in delays for the admission and registration for matriculants who were planning to

enrol at universities next year.

"This will require a change in the normal academic year to ensure that the 2021 academic year finishes within the 2021 calendar year."

Nzimande said universities would only be allowed to return 33% of the student population back to campuses, on condition that they would be safely accommodated and supported in compliance with the health and safety protocols.

The students include postgraduate and final year students expected to graduate this year or in need of laboratories and technical equipment and

Minister of Social Development may have to face a court battle

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MINISTER of Social Development Lindwe Zulu may face legal action following her statement that private nursery schools and early learning centres may only open once the department has given the go-ahead.

"In her statement, the minister claims that nursery schools need to obtain approval or certification by the department before they may open. In terms of the recent court ruling, any private preschool that can open safely may do so," Anton van der Bijl, Solidarity's head of labour law services said.

The trade union said it considered the minister's actions in this regard to be in contempt of the court's ruling. The union has sent a letter of demand to the department, in which the minister was asked to withdraw her remarks immediately and to allow

schools to open.

Marisa Engelbrecht, of the union's occupational guild for social workers section, told Pretoria News they had been inundated with calls from the owners of private nursery schools and early learning centres – left confused as to whether they could reopen without certification from the department.

Judge Hans Fabricius said in his judgment that all private preschool institutions, offering Grade R and lower, may open, provided they have adequate safety measures against Covid-19.

Engelbrecht said nowhere in the judgment does it say the department first had to issue a certification of readiness before these schools could open.

She also questioned how the department was able to access more than 29 000 of these nursery schools across the country.

Engelbrecht also pointed out the minister never gave her input during

the urgent application brought by the union to have private nursery schools open their doors if they were in a position to do so.

"Why is she now prescribing what should happen before they are able to open?" she asked.

Van der Bijl meanwhile said if the minister was found guilty of contempt of the court order, by hindering the preschools from opening, the minister's actions can incur a prison sentence for herself.

Judge Fabricius last week overturned governments' regulations that these institutions remained closed under lockdown level 3.

The minister never filed any court papers in her opposition to the case, while her Basic Education and Cooperative Governance and Traditional Affairs counterparts said they would abide the court ruling.

Judge Fabricius said in a case involving the lives of millions of South

African children, this conduct of government was unacceptable. He said he was left to decide on an important judgment without any input from the government's side.

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Madam & Eve



INVITATION TO COMMENT AND REGISTER
NOTICE OF AN ENVIRONMENTAL IMPACT ASSESSMENT & WATER USE AUTHORIZATION PROCESS FOR THE PROPOSED MINING OF QUARRIES 4, 5, 6A, & 6B ASSOCIATED WITH THE UPGRADE OF NATIONAL ROAD R573 (MOLOTO ROAD), GAUTENG PROVINCE

Notice is hereby given in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended) published in Government Notice (GN) No. R982 in terms of the National Environmental Management Act (Act No. 107 of 1998) (NEMA) that the South African National Road Agency SOC Limited (SANRAL) is intending to undertake an Environmental Authorisation process for the mining of Quarries associated with the proposed upgrading of National Road R573 (Moloto Road), Gauteng Province. A Water Use Authorisation is also required in terms of Section 21 of the National Water Act No. 36 of 1998. As Quarries 4, 5A & 6B, fall within a Department of Water and Sanitation (DWS) Regulated Area. It is proposed that these Quarries will be mined for gravel, road pavement materials, sand, stone and aggregate that will be used as construction material to satisfy the proposed road construction needs. The Quarries that will require a Scoping & Environmental Impact Assessment process are as follows:

- Quarry 6A is situated on the Remainder of Farm Doornpoort 295JR. The site centre geographic coordinates are 25°37'35.67" S, 28°17'08.25" E; and
- Quarry 6B is situated on the Remainder of Farm Doornpoort 295JR. The proposed site is situated west of Quarry 6A with the N1 separating both sites. The site centre geographic coordinates are 25°37'44.23" S, 28°16'15.04" E.

A Basic Assessment process will be required for the following quarries:

- Quarry 4 is situated on Portion 2 of the Farm Jakkalsdara 243 JR. The proposed site is situated within the boundaries of the Moloto training facility of the South African Police Service. The site centre geographic coordinates are 25°31'11.31" S, 28°37'14.03" E; and
- Quarry 5 is situated on Portion 46 of the Farm Boekenhoutsdorp 266 JR. The site centre geographic coordinates are 25°31'43.87" S, 28°30'59.58" E.

The sites will be treated as individual sites and a separate Environmental Application Process will be undertaken for each site. The need for the Scoping and EIA process as per the NEMA EIA Regulations 2014 as amended is triggered by Listing Notice 2 (Activity 15) and Listing Notice 3 (Activity 12) whereas the need for a Basic Assessment process is triggered by Listing Notice 1 (Activity 27) and Listing Notice 3 (Activity 12) respectively. A Water Use Authorisation process (WUA) will also be undertaken as per the National Water Act (Act 36 of 1998) for Section 21 (c) and (j) water uses as the proposed Quarries 6A, 6B & 4 as well as the existing access roads fall within a 500m of the delineated edge of a wetland.

GA Environment (Pty) Ltd has been appointed as Independent Environmental Assessment Practitioners to undertake the Basic Assessment and the Scoping & EIA as well as the Public Participation Process for the project. All Interested and Affected Parties (I&APs) must be provided with an opportunity to participate in the EIA Process for the proposed project. All parties who wish to participate in the process by commenting, registering as I&APs or obtaining more information on the proposed project can contact Kirihpi Peramaul on: Tel: 011 312 2537, Fax: 011 805 1950, E-mail: environment@genvironment.com or kirihpi@genvironment.com or Post: P.O. Box 6723 Halfway House 1685.

PLEASE REGISTER YOUR INTEREST IN THE PROJECT BY NO LATER THAN 8th SEPTEMBER 2020.

GA Environment SANRAL KBK ENGINEERS

ON THIS DAY JULY 9

- 1401 Feared Mongol warlord Tamerlane (Timur) destroys Baghdad, killing 20 000 people, forming flaming pyramids of burning heads around the city.
- 1877 The first Wimbledon tennis championships begins.
- 1893 George Cato (79), Natal pioneer and first mayor of Durban, dies.
- 1893 Daniel Hale Williams performs the first successful open-heart surgery in the US – but without anaesthesia.
- 1917 The British battleship HMS Vanguard explodes at Scapa Flow, killing 804 sailors.
- 1922 Johnny Weissmuller swims the 100m freestyle in 58.6 seconds, breaking the world record and the 'minute barrier'.
- 1943 The Allied invasion of Sicily begins, involving many thousands of South Africans, eventually leading to the downfall of Mussolini. The invasion forces Hitler to break off the Battle of Kursk with the Soviets.
- 1944 America takes Saipan, bringing Japan within range of B-29 raids, and causing the downfall of the Tojo government.
- 1959 An RAF Valiant sets a record for the London-Cape Town flight of 11 hours, 27 minutes.
- 1982 Pan Am Flight 759 crashes in Kenner, Louisiana, killing all 145 people on board and eight others on the ground.
- 1987 Sixty-one whites, mainly from the Afrikaans community, meet the ANC in Dakar, in search of an end to apartheid.
- 1991 Suspended since 1964, SA rejoins the International Olympic Committee.
- 1995 The Sri Lankan Air Force bombs a church, killing 125 Tamil civilian refugees.
- 1995 Ex-Police Commissioner Johan van der Merwe implicates Deputy President FW de Klerk in a 'dirty tricks' campaign against the ANC before the 1994 election.
- 2002 The AU, with Thabo Mbeki as its chairman, is formed in Addis Ababa, Ethiopia, replacing the Organisation of African Unity.
- 2006 An Airbus A310 passenger jet veers off the runway at Irkutsk, Siberia, with the crash killing 125 people.
- 2017 Iraqi Prime Minister Haider al-Abadi proclaims victory over Islamic State forces in Mosul. | THE HISTORIAN