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Centre for Human Rights
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PRESS STATEMENT

CENTRE FOR HUMAN RIGHTS CONDEMNS EXCESSIVE USE OF FORCE BY POLICE LEADING TO DEATH DURING STUDENT PROTEST IN BRAAMFONTEIN

11 March 2021

As Centre for Human Rights, University of Pretoria, we express our sadness that on 10 March 2021, a human life was lost as a result of police violence. We grieve with the family and friends for this senseless loss of life. We condemn the apparent excessive use of force by the police in response to peaceful protest.

Someone died in Braamfontein yesterday. He went to seek health care, but instead met his death. He was killed amidst a protest against the exclusion of students for lacking the means to pay for their studies. He could just as well have been a student himself. It would appear that the police violence was not only excessive but also indiscriminate.

It appears that our police officials have not been trained to apply reasonable crowd control measures and do not understand the basic principles guiding the use of force that are now internationally accepted. These principles agree that force may only be used if it is both necessary and proportionate. Lethal force is allowed as being necessary only if all other means are insufficient to protect an imminent threat to life. In other words, lethal force may only be used as a last resort, in self-defence or in defence of the life of another person. The use of lethal force by law enforcement officials is proportionate only if it is strictly unavoidable in order to protect an imminent threat to life.

Following on our TV screens, we only saw the menacing approach of police officials towards peacefully assembled students, escalating eventually to the use of firearms. At this point, it is not clear whether the person who lost his life was the victim of indiscriminate firing, or if the police made a decision to use force against him to an extent that was excessive. There clearly is a need to establish the facts.

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The rights to assemble and to protest is integral to democracy and human rights, and are enshrined in our Constitution. In the year that we celebrate 25 years since the adoption of our Constitution, it is especially painful to witness before our very eyes how our very own Police Service trample on these rights. Let it be clear: Even if acts of violence occur during such a protest, participants retain their rights to bodily integrity and other rights. Even then, force may not be used, except in accordance with the principles of necessity and proportionality. Firearms may never be used simply to disperse an assembly.

During the period of strict COVID-19 lock down regulations, Collins Khosa died after being assaulted by members of the South African National Defence Force at his home in Alexandra. In a subsequent court case, the Gauteng High Court reiterated that the security forces need to abide by the constitutional values of human dignity. It ordered the South African Police Service (SAPS) to develop a code of conduct. While this code was developed, it apparently left no lasting legacy.

We therefore make the following call:

- The Independent Police Investigative Directorate (IPID) must investigate this matter in an independent and transparent manner. It should conclude its investigation as soon as possible. Abundant video footage is available, testimonies have been provided or are ready to be provided. Given the pressing nature and widespread attention to this event, IPID should make a greater effort than usual at communicating the status of its investigation to the public at regular intervals.
- Whoever is responsible for the death must be prosecuted and punished.
- Appropriate police training programmes must be developed and police officials in public order policing should undergo this training as soon as possible.
- The President and the Minister of Police should condemn the excessive use of force, and urge the police to refrain from any such excessive use of force in the future.

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