

26 Apr 2024

To: Provincial Commissioner of Police Lt Gen Sindile Christopher Mfazi
National Commissioner of Police Lt Gen Sehlahle Fannie Masemola

CC: Western Cape Police Ombudsman
Independent Police Investigative Directorate
Kate Skinner, Executive Director, Association of Independent Publishers
Sbu Ngalwa, Chairperson of South African National Editors Forum
Sandiso Phaliso
GroundUp Board

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Dear Commissioners

COMPLAINT OF UNLAWFUL ARREST OF JOURNALIST

On 25 April Sandiso Phaliso a freelance journalist who frequently publishes with us, GroundUp News, attended a crime scene in Philippi, Cape Town. According to Sandiso:

"The incident happened at Sagoloda Street in Philippi. I was taking pictures of a crime scene where a car belonging to a security company had crashed into a house. Apparently the security company car was shot at and it lost control. It was about 2pm when I went to the scene. There were two police officers and a crowd when I arrived at the scene. While I was taking the pictures using my phone, one of the SAPS officers approached me and asked that I stop taking pictures and delete the pictures I had taken. I refused and switched my phone off. I explained to him that I am a reporter, a freelance journalist, but he did not listen. He said I was obstructing police work and he was detaining me. He took my phone and put me at the back of the police van. The second officer at the scene asked him not to detain me because I had explained I was a reporter. At the crime scene there was no yellow tape to control the scene otherwise I would have taken pictures outside the yellow line. He drove me to Nyanga and read me my rights, informing me that I am arrested for obstructing police

work.”

Sandiso was placed in the holding cells with several other men at Nyanga Police Station. Several hours later Sandiso was informed he would be released on condition he delete the photos that identified an Officer Goliath. Because he did not wish to spend the night in jail, Sandiso complied.

Sandiso further writes: “After I was released I asked for my belt, shoelaces, bank card and cash. To my surprise Officer Goliath said he had given me back my shoelaces, belt, and bank card, and the cash to my daughter. My daughter said she was given R120. I then confronted Officer Goliath but he said he had given the R230 to my daughter. I then asked to speak to the Station Commander. Officer Goliath, in front of the station commander, denied that he had taken the R110. He admitted I had R230 when I was detained but he said he had given back all the money to my daughter. Because it was a back-and-forth situation between Goliath and me, I decided to let it go. I was not taken home but had to take a taxi back home.”

Commissioners, I was not present at these events but I have no reason to doubt Sandiso’s telling of them. It is unacceptable that he was arrested. As you are well aware, it is allowed for members of the public, irrespective of whether they are journalists, to photograph any matter taking place in public. It is unlawful to detain people for taking photographs. It is unlawful to force them to delete their photographs.

Please instruct your officers that they are not to arrest people taking photos of crime scenes.

Moreover, when detained people are released, the entirety of their lawful goods seized from them should be returned to them directly, not to third parties. Since it is common cause that the money was returned to Sandiso’s daughter not him directly, which is surely a breach of procedure, the disputed R110 should be paid to Sandiso by SAPS.

Yours sincerely



Nathan Geffen,
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