

PRESS RELEASE

14 October 2020

DISAPPEARING ACTS BY THE DEFENDANTS ON THE CASE NDLOVU KARABO JANE V INTERNATIONAL PENTECOST HOLINESS CHURCH

14 October 2020, the Ga-Rankuwa Equality Court in North West Province initiated proceedings against the respondent, the Pentecost Holiness Church in respect of a dispute concerning gender discrimination of the complainant, Karabo Ndlovu, a transgender woman who previously attended the church. In 2015 Ndlovu was outed and sexually assaulted by church members who *“wanted to prove that she was biologically male”*.

The presiding judge of the case was Judge Ryan Van Rooyen, and the case was heard by the public at 10:00 am. Ndlovu who is supported by Access Chapter 2 was presented by attorney, Mike Potgieter from the Law Firm Mike Potgieter Attorneys. The case is registered as a Civil Claim at the Equality Court. During proceedings was absence of the respondent, Pentecost Holiness Church. The Court, therefore, had to decide if it was fit to move on with proceedings or enquire further into the administrative process.

Two key matters came to light during the proceedings:

1. It was clearly shared with the Court that the members of the church continue to harass and threaten Ndlovu. Ndlovu may need an interdict to ensure that harassment towards her stops.
2. In 2019, the Church was served with notice to appear for initiation of proceedings, however, they were absent and did not take accountability. In 2020, the Church was served in March and then again in September. With regards to the most recent servicing, there was no proof that the correct process had been followed or that relevant administrative forms were issued to the respondent. It was unclear if the respondent was even aware of the date of the hearing. There was no documentation proving that the right process had been followed. As a result of errors in the administrative process, the essence and facts of the case were not discussed.

Potgieter Attorneys and Judge Rooyen unanimously agreed that the Church will be served notice to appear in court again and a hearing take place on 2 December 2020. If the Church does not appear to the hearing, judgement will be made by Court in their absence.

Access Chapter 2 together with a representative from the Commission of Gender Equality were present during the proceedings and will continue to provide support to Karabo where necessary to ensure that on 2 December, the case is heard and finalised. Additionally, will

assess and communicate with the Department of Justice about these administrative failures that are more likely to contribute to the already burden of delays of justice, denying redress to complainants. Access Chapter 2 further calls on activists, NGO's, community leaders and interested parties to support and mobilise visibility Ndlovu at the next hearing.

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