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Damon Leff

South African Pagan Rights Alliance Annual General Meeting 08 to 11 July 2016

8 JULY 2016 · PUBLIC

AGENDA

Introduction

1. Constitutional Amendment
2. Review of the Witchcraft Suppression Act
3. Media Advocacy from October 2013 to June 2016
4. Marriages registered under the Civil Union Act
5. Finances

Members are encouraged to place additional matters (Matters Arising) on the table for discussion during this annual general meeting.

Introduction

On behalf of the Board of Directors, I would firstly like to apologise to the members of SAPRA for our failure to hold an Annual General Meeting in 2014 and 2015. In July 2014 I was hospitalized after developing a serious bronchial infection. My illness and recovery was debilitating and I could no longer continue my duties to this Alliance. I nominated executive member Dr. Retha van Niekerk as acting director - this nomination was accepted and supported by all members of the Executive Committee. Dr. van Niekerk served this Alliance as acting director until May 2016 when I again resumed the function of director after a much needed sabbatical. I would like to extend my gratitude and thanks to her for her service, and my thanks to the members of the Executive for keeping the Alliance functioning during this period in my

absence.

The current Board of Directors stands as follows:

Director: Mr. Damon Leff

Chief Executive Officer: Ms. Morgause Fonteleve

General Secretary: Position vacant

Treasurer: Ms. Nidhi Chaitow

Religious Marriage Officer Registrar: Dr. Retha van Niekerk

Executive Committee Members: Ms. Morgause Fonteleve, Dr. Retha van Niekerk, Ms. Christina Engela, Mr. Francisco Fumarola, Mrs. Sonet Jordaan, Mr. Damon Leff

We would like to appoint a formal member to fill the vacant role of General Secretary. Should any member be willing and able to volunteer their service to the Executive as General Secretary, please contact the Executive.

The General Secretary shall:

- a. be appointed by the Director,
- b. keep accurate records reflecting membership data, resignations, executive appointments, nominations and appointments of members as religious marriage officers,
- c. accurately record the results of all surveys and referendums undertaken by members of the Alliance, and
- d. maintain the privacy of all membership data.

1. Constitutional Amendment

As discussed at our AGM in 2013, it has become necessary to again amend the constitution of the Alliance.

Find a copy of the amended constitution here:

<https://lookaside.fbsbx.com/file/Sa...>

These amendments include:

1.1. Non Governmental Status

This amended constitution defines the South African Pagan Rights Alliance as a Non Governmental Organization (NGO) [See Section 3. LEGAL STATUS]

What is a Non Governmental Organization (NGO)

An NGO (Non Government Organisation) is a broad term used to describe any organisation which is not for profit. An NGO isn't necessarily registered with any regulatory body such as the Department of Social Development (DSD) – it is a term used to define the role of the organisation, rather than its status.

South African law does not require that an NGO be registered with any particular government department or Chapter 9 Institution in order to function as an NGO, if the term is being used merely to define the role of an organization.

Although this Alliance has been formed for public benefit and seeks to further a particular social cause, SAPRA is not seeking to create a Non Profit Organization (NPO). [See Section 4. NOTFORPROFIT STATUS]

What is a Non-profit Organization (NPO)

A non-profit company is a company incorporated for public benefit or other object relating to one or more cultural or social activities, or communal or group interest. A nonprofit organization (NPO, also known as a non-business entity) is an organization the purpose of which is something other than making a profit. A nonprofit organization is often dedicated to furthering a particular social cause or advocating for a particular point of view.

There is therefore no obligation on the Alliance to register as an NPO with SARS. The Alliance will not be required to register for tax purposes unless and until it earns more than the minimum annual tax threshold, which is currently R63 556 per annum.

1.2. Appointment of Executive Members

The amended constitution changes the nature of the Executive Committee by removing the required election of Executive Members.

All Executive Members shall henceforth be appointed by the Director, in consultation with existing Executive Members. [See Section 5. MEMBERSHIP - 5.6. and Section 6.2. esp. section 6.2.2 The Executive Committee] All current Executive Members shall be considered duly appointed to serve the Alliance on the Executive Committee.

This change will ensure the seamless continuation of the management of the general affairs of the Alliance by the Executive Committee.

Any formal member of the Alliance may be appointed to serve as an Executive Member.

1.3. Formalization of Religious Marriage Officer Registrar

See section 6.1.4. Religious Marriage Officer Registrar

The RMO Registrar shall:

- a. be appointed by the Director,
- b. submit the nomination of formal members as religious marriage officers to Home Affairs,
- c. assist nominated officers and existing officers with any queries or complaints,
- d. maintain accurate documentation reflecting the status of existing and nominated officers,
- e. maintain accurate records reflecting the work of appointed officers in the execution of their duties, and
- f. submit an annual report on the status of all SAPRA religious marriage officers.

Dr. Retha van Niekerk has been appointed as SAPRA's Religious Marriage Officer Registrar.

If there are no formal objections to these amendments, we will deem the accompanying amended constitution ratified.

2. Review of the Witchcraft Suppression Act (Act 3)

Background

In February 2007, SAPRA initiated an appeal against Act 3 on the grounds that it criminalized an already constitutionally protected religious minority (Witches and Wiccans). In 2008 our appeal for review was supported by the South African Pagan Council and the Traditional Healers Organization. After 8 years of deliberation between the Commission, Witches, Pagans and Traditional Healers, the Commission has found that certain provisions of Act 3 do contravene the South African Bill of Rights, and the Act, a relic of a former colonial age, is unconstitutional.

New developments

The new Issue Paper released by the South African Law Reform Commission (SALRC) in January 2016 confirmed the following:

- a) the Witchcraft Suppression Act's prohibition of identifying as a witch and professing knowledge of witchcraft is unconstitutional, and
- b) the Act's prohibition of engaging in divinations is unconstitutional.

* This is a clear indication that SAPRA's 2007 assertion regarding the unconstitutionality of Act 3 was correct, and that SAPRA's request for a review of said Act was justified.

The SALRC's finding effectively means that for the first time ever in South Africa, Witchcraft as a religious belief system and/or religion has been officially acknowledged as constitutionally protected, and that Witches do have the legal and constitutional right to self-identify as Witches.

Download the SALRC Issue Paper here:

DP- Witchcraft Suppression Act- FINAL 19 Jan 2016

<http://www.paganrightsalliance.org/...>

The Commission found that three issues remained, namely

- 1) allegations of harmful witchcraft practices,
- 2) witchcraft accusations that lead to harm, and
- 3) muthi murders.

A draft Bill [PROHIBITION OF HARMFUL PRACTICES ASSOCIATED WITH WITCHCRAFT BELIEFS BILL] that attempts to deal with these three issues, and which accompanied the Issue Paper, was published by the SALRC for public comment.

SAPRA opposed this proposed Bill for three reasons.

- 1) Allegations of harmful witchcraft practices rely almost solely on a prejudicial belief that supernatural means may be employed to cause harm to others. Whilst this belief may be true for those who believe it, the allegation can never be proven in any court of law. Criminal acts that result in harm against another may be perpetrated by any person, irrespective of their religious beliefs. We are of the opinion that whilst criminal acts should be prohibited, beliefs about “harmful witchcraft” are not relevant to this prohibition, and the term ‘witchcraft’ should be removed from any relation to or mention of such acts.
- 2) A new Bill should focus solely on the prohibition of accusations of witchcraft which lead to violence against the accused and alleged “witch”, and should seek only to protect victims of accusation against accusations of witchcraft, and seek to prevent witch-hunts.
- 3) Muthi murders should be removed from the proposed Bill and from association (by belief) with witchcraft entirely, and should be dealt with under the existing Human Tissues Act, and included as a prohibition in pending legislation aimed at regulating practices associated primarily with Traditional Healers (who are solely implicated in a number of instances in the commission of these crimes).

SAPRA has submitted formal objection to same. (see below)

SAPRA comment on SA Law Reform Commission Discussion Paper 139, Project 135.

South African Law Reform Commission

Private Bag X 668

PRETORIA, 0001

For attention: State Law Advisor

Ms Jennifer Joni

Professor Marita Cernelley

Professor David Bilchitz

Dr Sibusiso Masondo

Ms Likhapa Mbatha

Prof Pitika Ntuli

Prof Theodore Petrus

Comment by The South African Pagan Rights Alliance (SAPRA) on Discussion Paper 139, Review of the Witchcraft Suppression Act 3 of 1957, Project 135.

Objection to proposed draft Prohibition of Harmful Practices Associated with Witchcraft Beliefs Bill.

The South African Pagan Rights Alliance (SAPRA) herewith submits formal objection against the South African Law Reform Commission's proposed 'Prohibition of Harmful Practices Associated with Witchcraft Beliefs Bill'.

Part One - alleged 'harmful witchcraft'

It must be noted firstly that the SALRC has received numerous submissions which confirm that a) existing legislation has failed to curb violence against victims of accusation of witchcraft, and b) new legislation will merely reflect already existing laws against crimes identified throughout the SALRC's Issue Paper.

Despite this, The Commission has argued that a need arises to define "harmful witchcraft" practices, and has defined this as:

" 'Harmful witchcraft' means the intentional or purported use of non-natural or supernatural means (whether that involves the use of physical elements or not) to threaten, or to cause, (i) Death or injury to or disease or disability to any person; or (ii) Destruction or loss of or damage to property of any description; or (iii) Utilises belief and particular practices associated with harmful witchcraft to instil psychological distress or terror. "

SAPRA must argue that this definition, and the Commission's expressed need to define such, constitutes prejudicial bias against practitioners of Witchcraft.

Whilst certain crimes may indeed be motivated by belief, those crimes identified in the Commission's definition of alleged "harmful witchcraft" practices, specifically, intimidation with the intent to cause psychological distress or terror, may be committed by a member of any (or no) religious faith. Indeed, there is sufficient evidence to show that some Christians and Traditional Healers have in the past attempted to justify their criminal acts by appealing to their beliefs as motivation for such acts.

Courts have generally given little or no weight to such professed religious motivations for the commission of criminal acts, as the SALRC's Issue Paper itself has already confirmed.

In the absence of leading physical evidence of criminal acts, evidence interpretation when dealing with "witchcraft", is usually if not always based on beliefs about, rather than actual demonstrable evidence of actual provable harm.

The Commission must therefore show why legislation is only required to punish alleged harmful “witchcraft” practices, but not alleged harmful Christian or African religion practices.

The Commission further seeks to define “harmful witchcraft” as involving the “intentional or purported use of non-natural or supernatural means”.

It must be noted that beliefs, or purported beliefs, about non-natural or supernatural means do not constitute demonstrable evidence of such means, and at best, amount to untested fantasy in terms of the law of evidence. Beliefs about supernatural malevolence cannot be tested by evidentiary rules.

By giving weight to fundamentally unprovable beliefs about alleged supernatural means, the Commission is inadvertently confirming to those who make accusations of witchcraft against others, that “death, injury, disease, disability, and destruction to property” can indeed be caused by Witches, without Witches having to employ actual provable criminal acts.

This effectively contradicts the intent of the Commission to seek to prevent accusations of witchcraft and violent witch-hunts.

If the Commission seeks to reinforce unprovable beliefs about alleged supernaturally created harm, it is also in effect, seeking to legally enshrine unprovable prejudicial beliefs and harmful stereotypes about Witches and Witchcraft.

This would contradict the Commission’s stated intent to respect the right of Witches to practice their faith without prejudice by the State.

The Commission has already confirmed that the application of the terms witchcraft and witch in Act 3 to traditional African religion and its practitioners by the drafters of said Act, constitutes an historically inaccurate misnomer. Traditional African religion is not Witchcraft, and traditional practitioners (including those found guilty of crimes) do not self-identify as Witches.

It would therefore be inaccurate to identify alleged harmful practices which originate from practitioners of traditional African religion, as “witchcraft” practices.

SAPRA is of the opinion that new legislation is not required in order to prohibit intangible and unprovable allegations.

Ample laws already exist to deal with provable criminal acts (irrespective of religious motive) which may lead to death, injury, disease, disability, destruction to property, psychological distress or terror.

Part Two - human mutilation, ritual murder and the illegal trade in human body parts (muthi murder)

The Commission has argued that African cultural belief ascribes human mutilation, ritual murder and the illegal trade in human body parts (called muthi murders), as harmful “witchcraft” practices.

SAPRA must argue that since the perpetrators of such practices, specifically those who trade in human body parts, do not self-identify as Witches or as practitioners of Witchcraft, but have in the past been identified as traditional healers or as practitioners of traditional African religion (who do not self-identify as Witches), the application of the term “witchcraft” to such practices constitutes an equally inaccurate (and prejudicial) misnomer.

Muthi murders have nothing to do with Witchcraft, because actual Witches are not the perpetrators of such crimes. Those found guilty of trading in and obtaining human body parts have never self-identified as Witches or as having practiced Witchcraft.

Ascribing such heinous crimes to the practice of “witchcraft”(as a harmful witchcraft practice) merely serves to reinforce inaccurate historical misnomer, and further prejudices actual Witches by once more unfairly institutionalizing prejudicial bias against Witches who practice Witchcraft as religion.

SAPRA must argue that muthi murder, including associated human mutilation, ritual murder and the illegal trade in human body parts, be placed under the ambit of the existing Human Tissues Act, and not be associated in any way with Witchcraft through any new Legislation.

Part Three - witchcraft accusations

Since 2008 SAPRA has actively campaigned against human rights abuses committed as a result of accusations of witchcraft and violent witch-hunts in South Africa.

The '30 days of advocacy against witch-hunts campaign' was launched in March 2008 under the banner of Touchstone Advocacy, by SAPRA, in response to ongoing accusations of witchcraft and brutal witch-hunts in this country.

See: <http://www.paganrightsalliance.org/remember-their-names/>

In 'Reflections on Spiritual Insecurity in a Modern African City (Soweto)', Adam Ashforth examines the question of spiritual insecurity amongst people who sincerely believe that 'witches' really are responsible for misfortune. He does so within the context of poverty and violence. Ashforth echoes many earlier academics in searching for the sociological causes of accusations of witchcraft and the inevitable human rights violations which accompany them. Unfortunately a multitude of such studies have failed to resolve the underlying motivations for often brutal hate crimes against completely innocent civilians caught in the crossfire of paranoid fantasy and delusion.

Whilst material poverty may certainly add to one's sense of insecurity about one's survival, accusations of witchcraft are not limited to the poor and destitute, any more than irrational beliefs about witches are held only by the uneducated. A purely academic understanding of the perceived mechanism of accusation does not even begin to address the real causes of witch-hunts, namely, the irrational beliefs people hold about 'witchcraft'. In some sense, the search for purely sociological causes for witch-hunts past and present has avoided challenging these beliefs directly as irrational, indefensible, scientifically

implausible, and dangerous.

In 'AIDS, Witchcraft, and the Problem of Power in Post-Apartheid South Africa' Ashforth writes "Witchcraft in the South African context typically means the manipulation by malicious individuals or powers inherent in persons, spiritual entities, and substances to cause harm to others... the motive of witchcraft is typically said to be jealousy." In the 1995 Report of the Ralushai Commission of Inquiry into Witchcraft Violence and Ritual Murder in the Northern Province, Professor N. V. Ralushai records "ALL kinds of misfortune, including matters as varied as financial problems, illness, drought or lightning strikes, are blamed on witchcraft." The Ralushai Commission's report defined the term 'witch' to mean a person who "...through sheer malice, either consciously or subconsciously, employs magical means to inflict all manner of evil on their fellow human beings. They destroy property, bring disease or misfortune and cause death, often entirely without provocation to satisfy their inherent craving for evil doing." Testifying before a Truth and Reconciliation Commission Amnesty Hearing in 1999, Ralushai confirmed his Commission's definition of a witch when he was asked by attorney Patrick Ndou to define what a witch was. Ralushai stated "A witch is supposed to be a person who is endowed with powers of causing illness or ill luck or death to the person that he wants to destroy."

Such wholly false and prejudicial beliefs about a mythical witchcraft and imaginary witches, left unchallenged or unchecked by rational fact and demonstrable evidence, only serve to feed hysteria and paranoia and encourage further accusations and witch-hunts.

Legislation ought not to further entrench such prejudicial beliefs.

Every citizen of the Republic is constitutionally and legally entitled to equality, human dignity, life, security, the right to access to justice, just administrative action, access to courts and the right not to be unfairly arrested, detained and accused. The vast majority of victims of accusation of witchcraft, both deceased and still living, in South Africa have been and are being denied their legal right to all of these constitutional rights.

Accusations of witchcraft are not condoned under the constitutional rights to freedom of religion, belief and opinion, or expression. The incitement to propaganda and incitement of imminent violence; or advocacy of hatred that constitutes incitement to cause harm, is not protected under South African Law.

Accusations of witchcraft and resulting witch-hunts constitute a series of clearly identified crimes under both international and national law.

In almost all cases of accusation of witchcraft, the accused will:

- a. not be offered access to legal defense against the accusations,*
- b. not be considered innocent until proven guilty in a court of law,*
- c. be driven from their communities,*
- d. lose their homes as a result of arson,*
- e. be forcibly separated from their families, loved ones and friends,*
- f. be placed in custody by the South African Police Services, ostensibly for their own safety, spending at least one night in a prison cell to avoid being attacked by members of their own community,*
- g. may never return to their homes and communities of birth, and*
- h. be forced into unwilling exile in unofficial and unacknowledged refugee camps.*

By being denied access to counseling and restorative justice, the living victims of accusation - refugees of incitement, hatred and violence - are currently not afforded any assistance or protection by the South African government.

SAPRA is of the opinion that if any legislation must be drafted to replace Act 3, a 'Prohibition of Accusations of Witchcraft Bill' would not unfairly prejudice actual Witches. Such a Bill must however not merely prohibit accusations of witchcraft and punish those who do make

accusations of witchcraft which lead to harm against the accused, it must also provide the victims of accusation, including surviving refugees of accusation, with access and means to victim support and restorative justice.

This Alliance looks forward to continued engagement with the South African Law Reform Commission on this matter.

Yours Sincerely

Mr. Damon Leff

Founding Director: South African Pagan Rights Alliance

Contact: info@paganrightsalliance.org

SAPRA

Director: Mr. Damon Leff · Chief Executive Officer: Ms. Morgause FonteLeve · Treasurer: Ms. Nidhi Chaitow · Executive Committee: Dr. Retha van Niekerk, Ms. Christina Engela, Mr. Francisco Fumarola, Mrs. Sonet Jordaan.

3. Media Advocacy from October 2013 to June 2016

The following media releases were submitted to journalists and posted on SAPRA's website.

All media releases may be viewed on SAPRA's website at

<http://www.paganrightsalliance.org/>

Media sensationalizes crime as religion - Oct 5, 2013

SAPS says "Signs of Satanic activity includes interest in computer" - Oct 20, 2013

De Beer not a Satanism 'expert', just a biased evangelist for Christ - Oct 23, 2013

STAT – Satanism, the Acid Test - Oct 30, 2013

MWEB advert an insult to Witches and victims of witch-hunts - Jan 19, 2014

Witch-hunts in South Africa 2014 - Feb 6, 2014

Civil Union Act Marriages for heterosexual and same sex partners - Feb 14, 2014

SAPS lies to the public about engaging with SAPRA - Feb 26, 2014

SAPS Occult unit fabricates hysteria based on lies - Feb 26, 2014

SAPS discriminates against religious minorities - Feb 27, 2014

Hate speech case lodged against SAPS and Occult crime unit - Feb 28, 2014

Dept. Education and SADTU continue to scapegoat religious minorities - Mar 24, 2014

Witches offended by ANC accusations of witchcraft - Apr 7, 2014

In Defense of SAPRA's position against Satanic Panic hysteria - Apr 17, 2014

Harmful Religious practices in SA - Jun 9, 2014

SAPRA condemns xenophobia - Apr 17, 2015

*Update: Review of Witchcraft Suppression Act - Jan 20, 2016

*SALRC finds Witchcraft Suppression Act unconstitutional - Jan 20, 2016

*SAPRA comment on SA Law Reform Commission Discussion Paper 139, Project 135. - Feb 1, 2016 * covered in section 2. Review of the Witchcraft Suppression Act

REMEMBER THEIR NAMES – Victims of witch-hunts in South Africa 2000 to 2015 - Feb 6, 2016

Stop making false accusations against Witches - Feb 20, 2016

On 27 February 2016 Francisco Fumarola represented SAPRA in a television

interview with ENCA News on witch-hunts. The interview was aired on Human Rights Day 21 March.

Lesufi stirs a witches cauldron - Mar 16, 2016

<http://citizen.co.za/1036534/103653...>

On 05 July 2016 Damon Leff represented SAPRA in a live Skype interview with SABC News, on witch-hunts in South Africa.

4. Marriages registered under the Civil Union Act

The SAPC Convenor-Registrar and SAPRA's CEO, Morgause Fonteleve provides some clarity on the validity of Marriages registered under the Civil Union Act. With the assistance of an Attorney and the Department of Home Affairs (DHA), some of the problems previously experienced with late and erroneous registration of Civil Partnerships and Marriages, have been addressed. Civil Union Marriages are now immediately registered online, as soon as the paperwork is handed in at DHA. * Civil Unions can be registered either as Civil Partnerships or Civil Marriages, and both enjoy equal privileges and legal standing, to nuptials solemnised under the 1962 Marriage Act. The matter was addressed and clarified with the Master of the High Court after some difficulty in wrapping up an estate after the death of one of spouses married under the Civil Union Act. This matter has been successfully resolved. All those working in the Master of the High Court's Office will now attend conferences to acquire adequate training and knowledge on the Civil Union Act in order to avoid any future complications.

5. Finances

SAPRA's current account stands at R4 720.63.

Annual web hosting and domain name registration costs R1 282.00

Formal members are entitled to review bank statements for the period March 2014 to February 2016. Should you require a copy of same, please contact Damon Leff and a copy of said statements will be forwarded to you.

We would like to thank all formal members who have paid their annual membership fees, who have contributed funds to SAPRA's Legal Fund, or who have contributed additional funds as donation. Thank you all for supporting

the Alliance.

END



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8

Damon Leff

Dear Formal members

Please LIKE this post in order to indicate your attendance at this AGM.

If you would like to comment on any item on the agenda, please indicate the agenda item number before your comment.

Should you wish to add any item to the agenda, please indicate 'Additional item' before your comment.

Thank you.

Edited · Like · 3 · Report · 8 July 2016

Damon Leff replied · 4 replies

Damon Leff

I would like to thank [Gitta Seyfert](#) for volunteering her services as General Secretary. Thank you Gitta.

Like · 2 · Report · 10 July 2016

Gitta Seyfert replied · 1 reply

Damon Leff

How to become a formal member of SAPRA.

If you wish to become a formal member of SAPRA I would be happy to send you a copy of SAPRA's constitution and a membership form. SAPRA's annual membership fee is R150.00 (payable at any time between March 2016 and February 2017). I will also send you SAPRA's banking details. If you would like me to share these docs with you via private message or e-mail, please contact me via private message.

Edited · Like · 1 · Report · 10 July 2016

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