

The Final Hearing In Zoliswa Nkonyana Murder Case

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Created 2011/10/11 - 12:00am

11 October, 2011 - 00:00 ? moderator

☒ On 7 October 2011 judgment was finally delivered for the nine men accused of murdering Zoliswa Nkonyana more than five years ago. Four were found guilty, while the other five were released. The case has been characterized by various failures of the criminal justice system in an area overburdened by crime. Proceedings have been postponed more than forty times, suspects have escaped, evidence has been collected improperly, investigations were bungled, and the cases against most of the accused have been dismissed for lack of evidence.

STATEMENT RELEASED BY THE TREATMENT ACTION CAMPAIGN (TAC), SOCIAL JUSTICE COALITION (SJC) & TRIANGLE PROJECT

On 7 October 2011 judgment was finally delivered for the nine men accused of murdering Zoliswa Nkonyana more than five years ago. Four were found guilty, while the other five were released. The case has been characterized by various failures of the criminal justice system in an area overburdened by crime. Proceedings have been postponed more than forty times, suspects have escaped, evidence has been collected improperly, investigations were bungled, and the cases against most of the accused have been dismissed for lack of evidence. Our members and those from other organisations have picketed outside court at every hearing and staged several additional protests over the past five years to ensure that justice is realized. All of these events have been disciplined and peaceful.

On Friday, three individuals left court upon discovering that the charges against one of the accused ? a family member ? had been dropped. These individuals have a long history of verbally abusing and threatening our members throughout the case. They proceeded to provoke SJC, TAC, Triangle Project and Free Gender members who were protesting by making abusive comments, and later throwing stones. Some of the protesters were friends and family of Nkonyana, while others are victims of crime who attended the protest to show solidarity and to campaign for a better criminal justice system in Khayelitsha. The facts are unclear but at one point it appears that one of the three individuals grabbed a protester by the shirt, following which a fight broke out. Our organisations and marshals intervened quickly, and fortunately only minor wounds were sustained.

Our organisations are committed to non-violent, disciplined forms of protest. We have therefore decided to launch a full investigation to identify those responsible, and respond accordingly. We will also investigate why the police did not intervene earlier against the provocations against our members, which may well have prevented violence.

Our membership is opposed to this kind of behavior and we try extremely hard to prevent violence. However, there is immense, ongoing frustration and anger caused by the continuous failures of the police, prosecutors and the courts. Nkonyana's case is by no means unique. In numerous assault, murder, and rape cases ? with less media coverage and sustained pressure from civil society, families and supporters ? the delivery of justice is consistently delayed or denied. Consequently there is little confidence in the criminal justice system or police in Khayelitsha. This frustration is probably repeated in townships across the country, where despite high rates of violence insufficient resources have been invested in crime prevention and prosecution.

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Source URL (retrieved on 2017/06/24 - 4:03am): <http://tac.org.za/community/node/3165>