

APF

On the sentencing of the Kliptown 5

16th March 2009

On Friday, the Kliptown 5 were sentenced in the Protea Magistrates Court following their previous conviction on charges of “public violence”. Handing down very harsh sentences, the magistrate made her intent very clear: the defendants must be deterred from participating in any future protest action. Four of the five – comrades Charlie, Sibongile, Ricardo and Oscar – were sentenced to 2 years in prison, or a R3000 fine each, both suspended for 5 years. The fifth defendant, comrade Thabo, was sentenced to 2 years in prison suspended for 3 years or a R3000 fine (payable immediately). The APF immediately paid the fine for comrade Thabo.

The Anti Privatisation Forum and the Kliptown Concerned Residents are only too well aware that this kind of ‘justice’ is part of the state’s strategy to weaken our organisations and to debilitate us and all social movements and community organisations of the poor from engaging in legitimate protest actions. No doubt, the harsh sentences were specifically designed to have a chilling effect on any protest leading up to the April 22nd national elections. The suspended sentences are no harmless retreats from serving time in prison. If during the term of the suspended sentence the ‘offenders’ commit a “crime” – which could mean simply participating in a demonstration or falling foul of the dictates of some police officer – the maximum punishment of the R3000 fine as well as the 2 years in prison will be inflicted. These sentences are no less than the seizure of the basic rights of the Kliptown 5 (and all those they symbolically represent). The state’s message is loud and clear – suffer the indignity of poverty, take the beatings and go, quietly.

Justice?

It is absurd to even ask if justice was served. Protest against a lack of housing, bucket toilets and unfulfilled promises, get shot by police with ‘rubber’ bullets, and the chance of being sent to prison are even higher than for attempted murder or rape. Justice is not an ideal that the courts in South Africa aspire to. It bends to wealth and privilege and is a political tool of repression. There is no justice in South Africa if you are poor. By denying justice, the state is contracting the limits of formal channels of protest and stoking up the pressure of social discontent that will explode.

But lest those in positions of power and authority forget:

Struggle Continues!!