

19 July 2011

Democratic Left Front

Press statement: Celebrate the acquittal of the Kennedy Road 12! Investigate the role of the SAPS and the ANC in the September 2009 attack on Kennedy Road

The Democratic Left Front (DLF) salutes the 12 members of Abahlali BaseMijondolo (AbM) who from Kennedy Road in eThekweni who were acquitted of all charges of murder. Their arrest and trial followed a September 2009 attack on AbM in the Kennedy Road informal settlement eThekweni. All evidence pointed fingers at ANC-mobilised and police-supported attackers who were heavily armed and used ethnicity part of their strategy. ANC involvement in the attack was confirmed by ANC provincial statements that heralded this attack as the 'liberation' of the area. For months after the attack the homes of AbM leaders were openly and publicly attacked with impunity by the local ANC. Many had to leave the area.

Their acquittal is a great day for democracy and for the struggle of the working class and the poor in South Africa. Let all honest strugglers celebrate! Despite the huge political pressure to secure a conviction in this case (that included the setting up of a special task team to oversee the case), the state's case was shown as without foundation. The judgment showed in clear terms that the state had no evidence or case. In fact clear evidence of an attempted police frame-up emerged in court (four witnesses testified that the police had told them who to point out in the line-up, and one admitted that she had been asked to lie and was lying) and the only two credible witnesses (a local ANC leader and a police officer) both testified to the correctness of the Abahlali account of what happened back in September 2009.

The DLF wishes the Kennedy Road 12 success in their civil case against the Minister of Police. We salute the role played by Bishop Rubin Phillip in standing by a movement under attack and the role of the churches that assisted the movement with legal costs during this trial. We salute those witnesses for the prosecution that had the courage to tell the truth in the court. We salute

the perseverance of Abahlali baseMjondolo, who remained united, strong, and steadfast throughout. As Bishop Rubin says “Theirs is the moral strength of those who know who they are, who know what they stand for, and who steadfastly know and speak the truth.”

In the view of the DLF, the Kennedy Road attack displayed the worst in the growing use of repressive brutal measures by the SAPS and the state as a whole in response to social protest and dissent. This also includes the criminalization of social protest. The killing of Andries Tatane in April at a protest in the Meqheleng township was a continuation of this trend. AbM is not the first social movement to have been subject to state repression and will not be the last. But this attack, and the complicity with it by the police and senior ANC leaders in the province, is certainly the worst incidence of repression against a social movement so far in post-apartheid South Africa. It is essential that we all learn the lessons from this attack and that all movements and progressive forces find ways to support each other in this climate of increasing repression.

The DLF calls on the Independent Complaints Directorate, the South African Human Rights Commission and the Public Protector to undertake statutory investigations of the role played by the SAPS in the Kennedy Road. The DLF also reaffirms its call for a People’s Tribunal Against Police Brutality that must lay the foundation for a mass campaign that can mobilise poor and working people to speak out and act against police brutality, and challenge the increased militarisation and centralisation of power in an increasingly unaccountable security cluster of the state.

Finally, the DLF notes that the arrest of the Kennedy Road 12 saw a plethora of slanderous comments that sought to delegitimise AbM and the 12 comrades. The acquittal of the 12 is a call on all those who attacked them, including those on the left, to seriously reflect on their motivation and publicly apologise for their disgraceful actions.

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Monday, 18 July 2011

## Press Statement by the Unemployed People's Movement

Halala Abahlali baseMjondolo! A Victory for One is a Victory for All!

In September 2009 Abahlali baseMjondolo was violently attacked by the local ANC in the Kennedy Road squatter camp in Durban. The attackers were armed and shouted ANC and ethnic slogans. To their eternal and permanent disgrace the provincial ANC heralded this attack as the 'liberation' of the area. For months after the attack the homes of Abahlali baseMjondolo leaders were openly and publicly destroyed with impunity by the local ANC.

The attackers have never been brought to book for the original attack or for the reign of terror that they instituted in the area after the attack. The police refused to investigate charges brought against the ANC members that openly destroyed more than forty homes of Abahlali baseMjondolo leaders in the months after the attack.

Instead twelve young men who had performed an iMfene dance at an Abahlali baseMjondolo Heritage Day event were arrested and charged with all kinds of crimes including murder. They were jailed for eight months before they got bail even though there was no evidence against any of them. One of the magistrates openly described the case as political and another was openly advised by ANC leaders in the court.

Almost three years later those twelve young men have been acquitted of all charges. There was huge political pressure to secure a conviction in this case but despite setting up a special task team to oversee the case the state could not bring any credible evidence against any of the accused on any charge. Some of the prosecution's own witnesses admitted under cross examination that the police were trying to frame the accused. One witness openly admitted that she had been lying. The only two credible witnesses brought by the prosecution testified that the Abahlali baseMjondolo account of the events of September 2009 was correct.

Abahlali baseMjondolo did not have to mount any defence at all in the court because there was simply no case for any of the accused to answer. This was a complete and decisive victory. The movement has been vindicated and the nefarious role of the ANC and the police exposed.

At this time our thoughts are with the twelve and their families. They have suffered terribly over the last years. We wish them well in their civil case against the Minister of Police.

Abahlali baseMjondolo is not the first social movement to have been subject to state repression and it will not be the last. But this attack, and the complicity with it by the police and senior ANC leaders in the province, is certainly the worst incidence of repression against a social movement so far in post-apartheid South Africa. It is essential that we all learn the lessons from this attack and that all the movements and progressive forces find ways to support each other in this climate of increasing repression.

As the Unemployed People's Movement we send our warmest greetings to all the comrades in Durban. We salute the courageous role played by Bishop Rubin Phillip in standing by a movement under attack and the role of the churches that assisted the movement with legal costs during this trial. We salute those witnesses for the prosecution that had the courage to tell the truth in the court.

This is a great day for democracy and a great day for the struggle of the working class and the poor in South Africa.

Ayanda Kota 078 625 6462  
Xola Mali 072 299 5253des. The

The Victory in the Kennedy 12 Trial is a Victory for all the Poor in South Africa

The Kennedy 12 have been acquitted of all the charges brought against them after the attack on our movement in September 2009. It is a great day for the 12, their families, our movement and the struggle of the poor in South Africa.

We wish to begin by extending our deepest, heartfelt gratitude to all our comrades and our partners around the world who have supported the 12 and our movement since the attack. We must thank our Alliance partners, the Rural Network, LPM, and the AEC; our comrades in the UPM and the Zabalaza Anarchist Communist Front; Bishop Rubin Philip of the Anglican Church of Southern Africa, the Diakonia Council of churches, and all the other church leaders that stood with us; the German churches; the Church Land Programme; the Human Rights organization around the world, particularly Amnesty International, the Centre for Constitutional Rights (CCR) in New York; our comrades in the grassroots organisations in the US from Chicago to New York City and the Bay Area in California, our comrades in Moscow (Russia), Italy, New Zealand, the United Kingdom, Germany, Austria and Belgium. We also want to thank all the academics and leading scholars who signed a powerful petition in our support and all those who academics who wrote articles in our defence while we and our supporters were under attack. Most importantly we want to thank our Legal Team from the Socio-Economic Rights Institute (SERI). There are so many of you, we cannot mention you all by name, but we thank you all. We are not alone in this struggle.

Today the Durban Regional court has acquitted all of the the Kennedy 12 accused of murder, attempted murder, armed robbery, public violence and damage to property. In fact there was no case to answer as the prosecution failed to make any case against any of the accused on any charge. We have always been saying

that these charges were fabricated and politically motivated. This emerged clearly in the court. The Magistrate said that the evidence that was brought before the court was contradictory, was unreliable, not credible, had serious discrepancies and was concocted. No court in this world could find the accused guilty without any evidence at all against them. The court has agreed that there was fighting and killing but that it was not by the accused. The Magistrate was saying all these things because our legal team had applied for acquittal under Section 174 of the Criminal Procedure Act. The Magistrate had no option but to grant that application to have the accused acquitted because it was clear that there was no evidence against any of the accused and that there had been an attempt to frame them.

Today it has, again, been clear that there will be high price to be paid in the struggle for justice and a better society. We salute our comrades, the Kennedy 12, who have paid a very high price not just for Abahlali but for all poor in South African who are suppressed every day when they try to resist their repression. This is a lesson to all those who have chosen to be our enemies - Abahlali will beat you in the streets and in courts. We are many and we have proven to the world that we have the courage to stand together and to face repression and lies. Abahlali will celebrate this hard won Victory. Our meeting will discuss the celebration plan.

Those in High authority within the eThekweni Municipality and those in the KwaZulu Natal legislature who abused their power to engineer and back this attack on our Movement have been exposed to the world. This was not just an attack to our Movement but an attack against our hard won democracy. From today, as it has always been the case, our Movement will move forward without any fear of any thuggery from any politician. We will continue to be together and to find courage in our unity.

The likes of Henrick Bohmke and his associates have been exposed to the world as the liars that they are. The regressive left that would rather support state repression against a movement than to allow the poor to organise ourselves and to speak for ourselves has been exposed for what it is.

We call upon the media to attend our Press Conference to be held at the Anglican Church, St Mary's Street, Greyville at 11:00am tomorrow. At this

Press Conference we will tell the Nation about the lie of our democracy, the democracy that serves the interest of the few, while the majority of us live in deep poverty.

Our struggle continues.

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## "Kennedy 12" Acquitted

Magistrate criticises “dishonest” and “unreliable” witnesses

Twelve members of Abahlali baseMjondolo - a shackdwellers movement based in Durban - brought to trial on spurious charges ranging from public violence to murder, were acquitted today in the Durban Regional Court.

The activists were prosecuted in the aftermath of the attacks on Abahlali's members residing in the Kennedy Road Informal Settlement on 27 and 28 September 2009. Abahlali members were evicted from the settlement by an armed gang associated with the local branch of the African National Congress (ANC) while the police looked on.

This attack was widely seen as a punishment for Abahlali's criticism of state-sponsored unlawful evictions and its Constitutional Court challenge to the KwaZulu-Natal Elimination and Prevention of Re-Emergence of Slums Act ('Slums Act'). Parts of this Act were declared unconstitutional in a judgment handed down shortly after the attacks at Kennedy Road.

After the attacks, Abahlali called for the members of the gang to be brought to justice. Instead, after a highly politicised police investigation, Abahlali's members were themselves arrested and charged. The charges were based on evidence which now appears almost certainly to have been manufactured.

Magistrate Sharon Marks today dismissed all of the charges against the activists after she labelled the state's witnesses "belligerent", "unreliable" and "dishonest". Magistrate Marks found that, while she had no doubt that violence had taken place in the Kennedy Road informal settlement in late September 2009, there was no evidence that the Abahlali activists had been responsible. She expressed disquiet that police identity parade witnesses had been coached to point out members of an Imfene dance group closely associated with Abahlali – rather than anyone who had been seen perpetrating any of the violence.

SERI, together with Trudie Nicholls Attorneys in Durban, provided legal representation to the activists brought to trial.

Jackie Dugard, SERI's Executive Director, said after the verdict:

"It has been clear for some time that the Kennedy Road accused were charged not because they had done anything wrong, but because they were associated with Abahlali. Today's verdict is a complete vindication of Abahlali. It raises worrying questions about police complicity in attempts to repress Abahlali's legitimate and lawful activities on behalf of poor and vulnerable people living in informal settlements across South Africa. SERI has long been concerned about the police repression of peaceful political action in townships and informal settlements. That is why it was absolutely essential that we assist the accused in this case. We now call upon the police to launch a full and proper investigation into the attacks on Abahlali and to bring the real perpetrators of the violence to justice".

See <http://www.abahlali.org/taxonomy/term/1775> for more on the trial.

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sa.org-----

<http://www.abahlali.org>

<http://www.khayelitshastruggles.com/>

<http://www.antieviction.org.za> 潰疎 誹痲螻窠E窶0

STATEMENT BY BISHOP MICHAEL VORSTER  
NATAL COASTAL DISTRICT – METHODIST CHURCH OF SOUTHERN  
AFRICA

ON THE ACQUITTAL OF THE “KENNEDY 12”

In September 2009, a violent attack took place in the informal settlement known as Kennedy Road in Durban, wherein two people died. A group of young men from the shackdwellers’ movement, Abahlali baseMjondolo, were arrested, detained and eventually charged with several crimes, including murder. After many months and numerous delays two were released, leaving twelve who became known as the “Kennedy 12” and who were to face a long and protracted legal process which was fraught with suspicion and allegations of political interference.

Today we celebrate a victory as all twelve men were acquitted of all charges against them and released in the Durban Magistrates Court. We celebrate as these fathers, brothers and sons are able to finally reunite with their families and friends whose pain and suffering we can only imagine. This is a victory for the truth and a victory for the poor – indeed a wonderful gift on the birthday of Nelson Mandela!

Notwithstanding the joy we experience and share today, questions still remain unanswered; while our confidence in the judicial process is once again vindicated, we must ask why the process took so long – amounting eventually to a lengthy detention without trial for some of the accused. We must ask questions about the influence which was brought to bear on witnesses and the judiciary. We will need to ask the question – who was truly responsible for the attack and why?

This is indeed a victory – but the struggle of the poor and the homeless continues. Theirs is a daily struggle for decent housing and the provision of basic services to their communities, such as water, sanitation and electricity. We cannot ignore the huge scale of corruption in our country which has led to the enrichment of a few and continues to exacerbate the poverty of millions.

As a people of faith we are united in our commitment to stand in solidarity with all who struggle – and we remain committed to the truth – the truth which sets all people free. We wish the Kennedy 12 and their families well as we continue to pray for them, the community and for poor and homeless people everywhere.

Bishop Michael Vorster

18 July 2011 覲

## HALALA FOR the Kennedy 12

We see this as a great day for the 12, their families, their movement and the struggle of the poor in South Africa. From day we as the SDCEA were suspicious of the so called charges that were brought against Abahlali comrades ,we believed that these were trumped up to destroy the movement of the poor. We as the South Durban Community Environmental Alliance wish to extend our deepest congratulations to our comrades and our brothers in the movement for their steadfast resolve to challenge this injustice since their arrest.

We will continue to stand by the poor no matter what the situation . We have heard in the courts the false evidence presented from some of the witness presented and knew this could never stand the test of the truth as it was clear that there was no evidence against any of the accused and that there had been an attempt to frame them.

As SDCEA we believe that as we move forward as activist to challenge the government and big business as the movements many of us will be forced to pay a price to attain a just and equal society . The victory of the Kennedy 12 as well as their movement is a warning to the Politicians not to concentrate on power and corruption, but rather to start talking with communities about the issues that affect their lives and work together to improve their lives by providing the necessary resources for delivery of services.

This victory by the Kennedy 12 gives all of us hope .

Peace

Desmond D'Sa  
South Durban Community Environmental Alliance