

# Strengthening State Responsiveness to GBV: Media Articles

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Re: Mural, Free Gender, 19 December 2011

'THE COURT IS NOT THERE TO TAKE REVENGE'

## Pleas for mercy in Nkonyana case

Yazeed Kamaldien

THE four men found guilty of murdering Zoliswa Nkonyana winked and blew kisses to women seated in the court where their sentencing hearings unfolded yesterday.

Lubabalo Ntlati, Sicelo Mase, Luyanda Londzi and Mbulelo Damba appeared before magistrate Radia Wathen in the Khayelitsha Magistrate's Court. They have been jailed for differing periods at Pollsmoor Prison since they murdered Nkonyana in 2006 because – some believe – she was a lesbian. The trial, which

**'I am very sorry about what my son has done to your child'**

started in 2008, has been postponed at least 40 times.

Their lawyers offered arguments yesterday aimed at lessening the men's sentences.

State attorney Anthea Allchin called Correctional Services' officer Mbulelo

Mfanekiso, who testified that the killers had become involved with prison gangs.

He said some of the accused had other court cases – including accusations of murder and drug possession – against them.

"This has a negative impact on sentencing," he said.

Advocate Afzal Vallie, representing Mase, called Pamela Mase, the accused's elder sister, to the stand. Earlier, she gave Vallie chocolate and cigarettes for her brother.

"A person can make a mistake. He has showed signs of changing. When we visit him, we can see that he has

changed," Pamela Mase said.

Anchill argued that Mase had not shown remorse because he had tried to escape from the Khayelitsha court last year. He was arrested and is serving a 12-month sentence.

Allchin told Pamela Mase that the only sentence her brother should get was "one that he deserves".

"The only recourse for that family (of Nkonyana) is that your brother gets a good sentence," Allchin said.

"The court is not there to take revenge," Vallie retorted. "When sentencing is considered, the court must show a

measure of mercy."

Attorney Lindelo Jumba, representing Ntlati who has been jailed since 2006, called Phumzile Ntlati to give evidence on his son's behaviour.

Phumzile Ntlati said he wanted to take his son to initiation school so that he could grow from "a child to an adult".

"I'm requesting that the court has sympathy with my family. I'm not saying he did not do this. I don't know," Phumzile Ntlati said.

He also apologised to Nkonyana's family in court. "I'm very sorry about what my son has done to your child.

I would like us to forgive each other. We don't know what happened because we don't walk with our children."

"Prison will destroy my client," Jumba said. "It can only make him a hardened criminal ... Show mercy to my client. Give him a second chance. Consider a wholly suspended sentence."

The four were teenagers when they were arrested with five other men for killing Nkonyana when she was 19. They maintain their innocence, but the court found them guilty in October.

The trial continues today.

## Breaking down walls of discrimination

Yazeed Kamaldien

LESBIAN is a word that Pearl Mali's mother does not want to hear in her house.

When Mali, 19, from Khayelitsha told her family that she was a lesbian, her sister stopped talking to her. But that pushed Mali to advocate for an end to hate crimes against lesbians in the township where she lives.

She joined Free Gender, a Khayelitsha-based non-profit organisation aimed at stopping violence against lesbians in townships in Cape Town.

Free Gender yesterday unveiled a mural on Lansdowne Road, in the Makhaza section of Khayelitsha, to protest against lesbian murders. It commemorates Zoliswa Nkonyana, who was stoned and stabbed to death in Khayelitsha in 2006 because she was a lesbian.

Sentencing hearings of the four men found guilty of her murder are under way at Khayelitsha Magistrate's Court.

Mali reminisced about Nkonyana at the mural where women wrote messages on a wall demanding an end to discrimination against lesbians.

"I knew Zoliswa. She was older than me. She was a role model to me because I was also a young lesbian. She will

always be in our hearts," Mali said, adding that men in Khayelitsha beat lesbians because "they say we are not part of this community".

"I know lesbians who have been attacked. One of my friends was beaten up last week in a tavern. She went there to buy a cigarette. Guys beat her up and said that she's going to be straight. They said they were going to change her. They said she was not going to be a man," Mali said.

"Men feel threatened because they say lesbians take their girls away. We don't do that. Women don't say anything to help us because they are scared. If they support lesbians, they will also be beaten up. It hurts that nobody supports us."

Funeka Soldaat, chairperson of Free Gender, said lesbians had faced violence in townships since 2005, and noted an increase in young lesbians "starting to claim the space".

"There are many lesbians in Khayelitsha. We make sure they are visible in numbers when we deal with these issues in public. Lesbians face verbal abuse daily. People tell them they think they are men. They make a lot of accusations against them. We painted this mural to keep the community talking and have a conversation with us about this."



ARDENT: Women write messages on a mural opposing hate crimes against lesbians in Khayelitsha. Picture: YAZEED KAMALDIEN

Soldaat said the men who killed Nkonyana "deserve two sentences: one for the murder and the other for a hate crime".

A Human Rights Watch (HRW) report released this month showed that black lesbians in townships and rural areas face an overwhelming climate of discrimination and violence". The report, "We'll

Show You're a Woman", focuses on violence and discrimination against black lesbians and transgender men. It surveys at least 120 respondents in six local provinces.

HRW found "extensive discrimination and violence in their daily lives both from private individuals and government officials". Abusers acted

with "near-total impunity".

Respondents told HRW they "were reluctant to approach the police for protection or to report crimes ... Of the few cases of sexual or physical violence against lesbians that have been prosecuted, the significance of sexual orientation has been acknowledged in only one," HRW said.

"In many instances, interviewees said, police did not respond appropriately when interviewees sought justice, or even compounded the initial abuse. Virtually all of those interviewed who tried to report physical or sexual violence to the police faced ridicule, harassment, and secondary victimisation by police personnel."