



SOUTH AFRICAN HUMAN RIGHTS COMMISSION REPORT

File Ref. No.: MP/1213/0024

In the matter between:

Democratic Alliance

(Represented by Mr Anthony Benadie, MPL)

Complainant

and

Volksraad Verkiesing Kommissie

(Represented by Mr Paul Kruger)

Respondent

REPORT

1. Introduction

1.1. The South African Human Rights Commission (hereinafter referred to as the "Commission") is an institution established in terms of Section 181 of the Constitution of the Republic of South Africa Act, 108 of 1996 (hereinafter referred to as the "Constitution").

1.2. The Commission and the other institutions created under Chapter 9 of the Constitution are described as "state institutions supporting constitutional democracy".

1.3. The Commission is specifically required to:

1.3.1. Promote respect for human rights;

1.3.2. Promote the protection, development and attainment of human rights;
and

1.3.3. Monitor and assess the observance of human rights in the Republic.

1.4. Section 184(2) of the Constitution empowers the Commission to investigate and report on the observance of human rights in the country.

1.5. Further, section 184(2) (c) and (d) affords the Commission authority to carry out research and to educate on human rights related matters.

1.6. The Human Rights Commission Act, 54 of 1994, further supplements the powers of the Commission.

2. **The Parties**

2.1. The Complainant is Anthony Benadie, a Member of Mpumalanga Legislature, acting in the public interest and cited in her official capacity as a Parliamentary Leader of Democratic Alliance in the legislature (hereinafter referred to as "Complainant").

2.2. The Respondent is Volksraad Verkiesing Kommissie, herein represented by Paul Kruger, the chairman of the central committee (hereinafter referred to as "Respondent" or "VVK" depending on the context).

3. **The Complaint**

3.1. On 5 June 2012, the Complainant lodged a complaint with the Commission based on the brutal murder of a five (5) months old baby boy (child) and his 66 years day care mother (mother) on 22 May 2012 at the "de Goede's" residence in Delmas, Mpumalanga Province.

3.2. The Complainant alleged that following the incident and on 31 May 2012, "some hundreds of protestors who represented "Die Volksraad Verkiesing Kommissie (VVK)

(hereinafter referred to as the Respondent) and other "far-right" groups launched a protest in Delmas" in condemnation of the murder.

3.3. Further, the Complainant alleged that some of the protestors displayed placards containing hateful statements such as:

3.3.1. "*Bring my R4*";

3.3.2. "*Black cowards- leave our women and children alone*";

3.3.3. "*Steal, rape and murder: Ons is klaar met swart Suid Afrika*";

3.3.4. "*Barbarians leave our children alone*";

3.3.5. "*Volksraad: Ons volg julle na ons eie staat*";

3.3.6. "*VVK Volksraad Vryheid*"; and

3.3.7. "*FW de Klerk die vark in die verhaal*".

3.4. The Complainant viewed these statements as intentionally hateful and created a generalised impression of all black persons. Further, the Complainant viewed these statements as inflammatory and, as a consequence, submitted that they violate the Bill of Rights as they amounted to discrimination and incited hate speech against black South Africans.

3.5. In view of the above complaint, the Complainant requested the Commission to investigate and determine the nature and extent (if any) to which the Bill of Right has been violated by these statements.

4. Steps taken by the Commission

4.1. The Commission requested in writing and subsequently received the contact details of the Respondent from the Complainant on 5 July 2012.

4.2. On 18 July 2012, the Commission sent out an allegation letter to the Respondent. The Respondent provided the Commission with a written response thereto on 14 August 2012.

4.3. On 6 September 2012, the Commission sent the said response to the Complainant for the latter's attention and reply. On 7 September 2012, the Commission received a written reply from the Complainant.

