

# FLAMES OF FURY!



BEATEN AND BLAZING...  
This is what happened to  
two suspected thugs!  
Photo by Japie Maritz

When crime-battered people have had enough! P2

## “COMMUNITY JUSTICE - A THREAT OR SOLUTION TO POLICING”

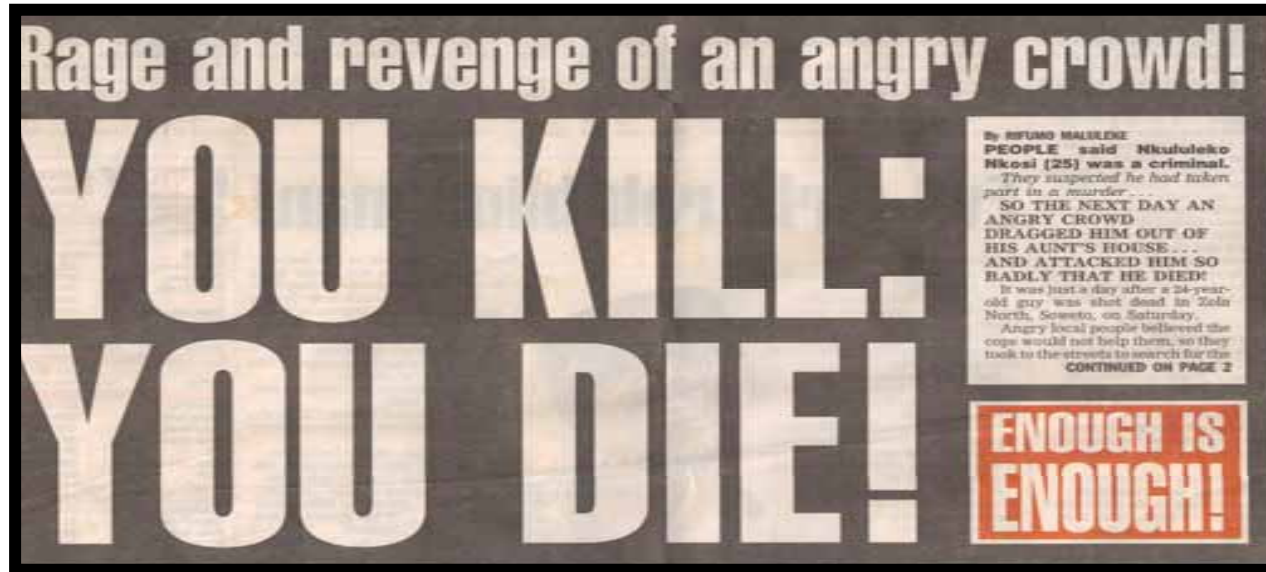
Presented by  
J.S. Horne

University of South Africa

- South Africa is still faced with a huge challenge to become a crime-free society.
- Statistics over period April 2007 to March 2008 released by the SAPS indicate:
  - 18,487 murders,
  - 36,190 rapes (April 2007 to December 2007),
  - 118,312 robbery with aggravating circumstances,
  - 210,104 assaults with the intent to inflict bodily harm.
- This is a clear indication that crime is embedded within a society that is affected on all levels.
- This criminality has a tremendous psychological effect on communities living in fear and anxiety to protect themselves and and their livelihood.



## THE RESULT:



**“COMMUNITY JUSTICE” - COMMONLY REFERRED TO AS:**

**“Mob Justice – Vigilantism –  
Popular or Informal Justice –  
People’s Court or Community Courts”**



# DEFINING KEY CONCEPTS IN A SA CONTEXT

## Community Justice

“Where members of the community come together to mete out punishment for a specific alleged crime”. (Singh, 2005)

## Mob Justice

“When a large angry mob takes justice into their own hands. Usually ends with somebody getting hanged, torched or pitchfork'd. A common method of dispensing justice in the more rural areas of a country.” (Urban Dictionary, 2008)

## Vigilantism

“Individuals in a community taking the law into their own hands and dispensing their own punishment on alleged criminals, who they see not being caught, convicted and sentenced.” (Minnaar, 2000)



# DEFINING KEY CONCEPTS IN A SA CONTEXT

## GENERAL CHARACTERISTICS

- Self-appointed law enforcement groups.
- Role as being that of defenders of the moral community.
- Community in danger requiring protection.
- They arise from inefficiency of the Police and criminal justice system.
- The threat of violence and the actual violence is pervasive.
- They generate fear and control through repression.





## HARD JUSTICE!

People who have had enough of crime fix the problem themselves!




**Full story on P2**

## FIRE JUSTICE!


One of the attacks set alight by angry residents.

Photo by Robt All



## STONES OF JUSTICE!


More thugs face the people and die!



The body of a youth accused of terrorising his street is left on a pile of rocks at an outdoor court in Gqekezi Township.

## TIED UP ... LIKE A GOAT!


Residents give suspect some People's Justice



Angry residents set up this trap. Photo by London News

**COMMUNITY JUSTICE**


## JUSTICE —



**TAXI-STYLE!**

Beating — and isiwasho — for thieving thug!

## SJAMBOK JUSTICE!



A thug is beaten by angry members of the town's youth-club after he has stolen a woman's bag.

Photo by Simon Evans

# COMMUNITY JUSTICE IN CONTEXT

The Prosecutor

The Jury



The Court Room

The Judge

The Accused

## TRADITIONAL

## COMMUNITY

Government Agency	Public is also the police
Focusing on solving crimes	Broader problem solving approach
Detection and arrest	Absence of crime and disorder
Incident driven	Public cooperation
Report crimes and obeying request	Report crimes, obey orders, cooperate with police and provide assistance were possible
Crimes that are high value	Problems that disturb the community
Swift effective response	Keeping close to the community

(Parks, 2008)





# RESEARCH METHODOLOGY

- A **Qualitative** research approach was followed to get more clarity on the motive, application of violence of Community Justice and the belief in the Criminal Justice system.
- A **literature study** was conducted on the key concepts together with a document study of 35 randomly selected **newspaper reports** that was published during March 2007 to March 2008.
- A **semi-structured interview schedule** was developed for the community and police members respectively to specifically measure the occurrence, the motive for, and the communities trust and application of violence of “Community Justice”.
- **Snowball sampling** technique was used to obtain participants for the study from Olievenhoutbosch, Garankuwa, Mamelodi and Soshanguve (Gauteng Region). Face-to-face individual interviews were conducted with 46 members from the community.
- **Purposive sampling** was used to interview respondents from the South African Police Service who had encountered incidents of “Community Justice”. Face-to-face individual interviews were conducted with 6 members from the South African Police Service (Gauteng Region).
- Data was analysed based on Cresswell’s (1998) data analysis spiral.

## OCCURANCE

- Based on the reports in the Newspapers, Community Justice is widespread throughout South Africa and practiced by the majority of communities in informal settlements.
- The majority of the incidents based on the Newspaper reports took place in the Gauteng Region.
- All the respondents interviewed in the Gauteng Region indicated that they are fully aware of the practice of Community Justice within their communities.



## CRIME MOTIVE AND APPLICATION OF VIOLENCE (METHOD AND MODUS OPERANDI)

- The respondents from the community and police interviewed reported that Community Justice is applied irrespective of the type of crime that was committed.
- Newspaper reports supports this tendency with Community Justice applied in 32% - Contact related crimes and 69% - Property related crimes.
- The type of punishment by the community is not a reflection of the seriousness of the crime with newspaper reports stating - Death in 36% - Contact related crimes and 37% - Property related crimes.
- Based on the newspaper reports analysed, death or serious injuries occurred in the majority of these cases.
- Based on newspaper reports the police could only intervene in 32% of these incidents to protect the alleged suspect. This is substantiated by police members interviewed that in many of these cases no intervention is possible due to intimidation from the crowd.



# COMMUNITY JUSTICE

PRICE: R1,80 nationwide

FRIDAY 24 OCTOBER 2008

SEE PAGE

ARCHER'S BIGGEST DAILY SOUTH OF THE PYRAMIDS

## HORROR DEATH OF THE MAN THEY SAID SNATCHED HANDBAGS!



SLICED IN TWO... the broken body lies on the hard stones next to the tracks.  
Photo by Lindile Mkhutshwa

# THE WHEELS OF JUSTICE!

By MONDE DLAKAVU  
**"WE are gatvol, finish and klaar!"**  
*With these angry words, women took a terrible revenge...*  
**THEY GRABBED A GUY WHO THEY SAID WAS A THIEF... AND PUT HIM DOWN ON A RAILWAY TRACK**

**WHERE A TRAIN CUT HIM IN TWO!**  
The dead man was accused of snatching a woman's handbag early yesterday morning.  
The victim, frightened and hysterical, screamed for help.  
Other women, some still in night dresses, woke up... and came rushing to  
**CONTINUED ON PAGE 2**

**DAILY**



## BELIEF IN THE CRIMINAL JUSTICE SYSTEM

Interviews:	Newspaper reports:
<ul style="list-style-type: none"> <li>• The community has had enough of crime.</li> </ul>	<ul style="list-style-type: none"> <li>• The community has had enough of crime.</li> </ul>
<ul style="list-style-type: none"> <li>• The community is tired of living in fear.</li> </ul>	<ul style="list-style-type: none"> <li>• The community is tired of living in fear.</li> </ul>
<ul style="list-style-type: none"> <li>• The community want to send a message to thugs.</li> </ul>	<p>– Reported in some of the cases.</p>
<ul style="list-style-type: none"> <li>• Law protects criminals.</li> </ul>	
<ul style="list-style-type: none"> <li>• Bail is granted to easily to criminals.</li> </ul>	
<ul style="list-style-type: none"> <li>• Police are doing nothing to protect them.</li> </ul>	<ul style="list-style-type: none"> <li>• Police is doing nothing to protect them.</li> </ul>
<ul style="list-style-type: none"> <li>• Police failed to serve the community.</li> </ul>	<ul style="list-style-type: none"> <li>• Police failed to serve the community.</li> </ul>



## BELIEF IN THE CRIMINAL JUSTICE SYSTEM

- All of the respondents interviewed indicated that no arrests were made by the police during incidents of Community Justice.
- Based on the newspaper reports analysed, it was found that in the majority of the cases where Community Justice was applied, a case was opened but no arrests were made by the police.
- Police interviews confirmed that the investigation of such cases are basically impossible due to a lack of evidence, secrecy and no information or cooperation from the community.



## COMPARISON BETWEEN COMMUNITY JUSTICE AND COMMUNITIES BELIEF IN THE CRIMINAL JUSTICE SYSTEM

ELEMENTS	COMMUNITY JUSTICE		CRIMINAL JUSTICE SYSTEM	
Investigation	Subjective Perception	<input type="checkbox"/>	Objective Evidence	<input checked="" type="checkbox"/>
Procecution	Immediate	<input checked="" type="checkbox"/>	Long Term	<input type="checkbox"/>
Sentencing	Immediate	<input checked="" type="checkbox"/>	Long Term	<input type="checkbox"/>
Repeat of crime	Low	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>
Victim protection	High	<input checked="" type="checkbox"/>	Low	<input type="checkbox"/>
Prepertator protection	Low	<input type="checkbox"/>	High	<input checked="" type="checkbox"/>
Resources	Low	<input type="checkbox"/>	High	<input checked="" type="checkbox"/>
Community involement	High	<input checked="" type="checkbox"/>	Low	<input type="checkbox"/>



## NEW PARADIGM OF COMMUNITY JUSTICE

“**Community Justice** is a strategic method of crime reduction and prevention, which builds of enhances partnerships within communities. Community Justice policies confront crime and delinquency through pro-active, problem-solving practiced aimed at prevention, control, reduction and reparation of the harm crime has caused. The goal is to create and maintain vital, healthy, safe and just communities and improve the quality of life for all citizens”. (Council on Children and Families, 2008)

“**Community Justice** is about engaging with the local community, making the court more responsive to local people and working in partnership with criminal justice agencies, support services and community groups to solve the problems caused by offenders in the local area”. (Mckenna, 2007)





- For any criminal justice system to be effective it must be built on credibility and trust that cannot be compromised. This credibility and trust must also be supported by traditional policing practices such as quick responses to crime, effective prosecution, protection and support of victims, and fast detection, arrest and prosecution.
- The question is: How to get the community actively involved to become a legitimate role player in fighting crime under the internationally understood terminology of Community Justice (**solution** to policing) in the same manner that they are currently involved in Community Justice (**threat** to policing).



# RESEARCH RECOMMENDATIONS

## IMPROVING THE COMMUNITIES ATTITUDES TOWARDS THE CRIMINAL JUSTICE SYSTEM

- Access to the courts needs to be improved.
- Public awareness campaigns on the workings of new laws such as the bail law, the rights of the accused etc.
- Enhancing clear and open two-way communication between communities and the police.
- Forming of partnerships between the police and the community, and within communities.
- Importance must be placed on the community and their concerns.

# RESEARCH RECOMMENDATIONS

## IMPROVING THE CONVICTION RATE

- Good responsive investigations should be followed by well-prepared and in-time prosecutions.
- A prison system that can accommodate those who are awaiting trials and those who receive prison sentences.
- Enacting laws and punishments that are tough on offenders.
- Victim support and feedback.

**“Freedom would be meaningless without security in the home and in the streets.”**



**“I greet you all in the name of peace, democracy and freedom for all!”**

***Nelson Mandela***

# QUESTIONS

“It's not just enough to change the players. We've got to change the game”.

*Barack Obama*

“You never change something by fighting the existing reality. To change something, build a new model that makes the existing model obsolete”.

*Buckminster Fuller*