

# Citizen Participation versus the Rise of Gangsterism

We welcome the formation of a new bloc to give the fight-back against State Capture some more impetus. Why is another citizen uprising useful again like it was two years ago when Save South Africa marched several times in different cities? This is because what some call a “mafia state” is the result of a decided lack of decisiveness in the Judiciary. The result has been a kind of political gridlock. This was, of course, intentional – brought to you by the “vindictive triumphalists” who tried to weaken law enforcement so that they could have their way with our collective future.

The example most often cited is the closure of the Scorpions, which was quintessential. (Long after this happened, it was declared unconstitutional.) Driven by the vanguard party – then controlled by the vindictive triumphalists – it was rammed through a sham process and closed down. Why? Reason number one was that it combined both investigative and prosecutorial powers. The solution to this was “divide and conquer”. Having a notoriously inept police force to handle investigations of dockets to be handed over to a (100 percent captured) prosecuting authority, was the optimal recipe for this shift in our tectonic plates. From decency and honesty to self-interest and self-preservation.

What we have now are “bunji courts”. We have a system of dispensing justice that works something like bunji jumping. You get charged for an offense – and find yourself in free-fall about to crash on the floor of the canyon – namely Correctional Services. But just before that fateful impact, something bounces you back. It could be a *condonation*. The courts hand these out generously. Your lawyer forgot something so they ask the court’s indulgence. Boooooiiing!

Or was it a *rescission*? These work wonders. You can forget about attending Pre-trial and even boycott the Trial. Why waste your time on due process when you can always approach the court, after it issues the Court Order to you in favour of your opponent? You just go and winje at the court and they will hit the reset button. Years of waiting can turn into decades. Boooooing!

How about *interference* in due process? We all know how Mafias operate. They have their contacts inside the police force, among the prosecutors, and inside the court houses. It’s not hard to have the court send a document to you, but to lose the copy that it must also send to your opponent. Another excuse to hit the reset button on your case. Booiiing!

One favourite manoeuvre is for the police to misplace a docket or to forget to deliver it to the prosecutor by the court date. This means that your opponent pitches up with their attorney (whose meter is running, of course) only to have the matter postponed. From my experience, I would guess that at least 50 percent of *remands* are manipulation of due process. The courts are so indecisive that they just shamelessly give you another date and move on. Boooooiiing!

Why do criminal syndicates manipulate process for there to be repeated remands? This is because they know that they could lose the Trial. So they want to penalize their opponents with high legal fees - even before the matter ever comes to Trial. Plus it gives them time to intimidate their opponents in gangster fashion - and with any luck their opponent might back off.

Citizen participation is the only remedy for a deep lack of decisiveness in the criminal justice system. The new bloc is backing the fight-back against State Capture. Because it realizes that the gangsters have lawyers too, clever lawyers. Make no mistake! Lawyers do not only work for the good guys.

Criminal syndicates have very astute lawyers too - and plenty of loot to pay them. Loot that has been robbed from every scam you can think of - from plundering the SOEs down to gangsters robbing pensioners while they try to draw cash at an ATM.

When the crimes are reported to the police, the indecisiveness begins. Should they open a case or just conduct an investigation first? They have weekly meetings with their prosecutors to look at emerging cases and dockets. Some cases are “withdrawn” before they are ever investigated, and no one bothers to inform the victim. Citizens need to mobilize and to demand progress reports from the police.

Then when the dockets reach the prosecutors, they are so often deficient. The Minister of Police told Parliament that only one case out of three opened is ever prosecuted. He did not say how many incidents reported ever become registered as cases – the police handle that entry-level decision very subjectively. Once again, victims are citizens and they should be vigilant about this or sheer laziness can cause the police to lose dockets, which can mean losing Trials.

Citizen participation should engage Gangsterism at all levels – not just at the high altitude of State Capture. The problem is that tenants-rights tie the hands of landlords. Gender-rights make it look like women never commit crimes. Employee-rights mean that employers are guilty until proven innocent. The systems are so porous that influence peddlers penetrate the police, the prosecutors and even the judges. Maybe not right in their offices, maybe at a shebeen after hours? Like in Saxonwold...

This kind of systemic indecisiveness is the “organization culture” that was intentionally imposed on the Judiciary by the Vindictive Triumphalists. It created the conditions for gangsters to prosper. For example, to be investigated for “organized crime” according to POCA, the gang must have a name that it operates under. Like the “Hell’s Angels”? Get serious! One essential ingredient of criminality is anonymity. Yet a prerequisite of prosecuting under POCA is that the gang have a name.

What we are seeing at the Zondo Commission is that State Capture was not masterminded by one individual. It is way bigger than that. No one is that smart. If you see Zuma as the godfather of State Capture, think again. It was endemic. It was systemic. There are many linkages noted – think of the Guptas, Gavin Watson, Agrizzi, various Cabinet members, CEOs of the state enterprises like Molefe and so on. But they did not operate as “Vindictive Triumphalists (Pty) Ltd” ! Anonymity consists of a wink, an elbow in the ribs, a brown paper bag, a cryptic WhatsApp message, code-language, etc. Criminals don’t like to get caught and they do generally work as teams. But organized crime at its best is a No-Name product. So you get this disconnect that Parliament has entrenched in legislations like POCA. This causes lack of decisiveness by the Judiciary which in turn has created optimal conditions for the gangsters to get away with murder.

In 2011, a group of twelve eminent law enforcement officials visited Mpumalanga province to investigate the January Murders. The report of that investigation has never been released. But David Mabuza has risen through the ranks of the ANC and is currently Deputy State President. His answer is that he has never been charged with any crime. He even dared to intimidate (and diminish) the ANC’s apparatus for reviewing top appointments to government using this twisted logic.

Well Al Capone was never caught for being a gangster either. For a long time, he too was never charged for any crime. But he was not a politician, he was a notorious gangster and everybody knew it. They finally got him on some minor traffic or tax violation, and used that to take him into custody. The fact that he was not a politician meant that he was never in a position to subvert the system. Like Mabuza was, and like Zuma was. They weakened the systems to protect themselves. The result is one and the same criminal justice system that protects some people (who don't deserve it) while targeting other people (who don't deserve it).

Only high doses of citizen participation can save us now. Zondo has opened a window on the proportions of gangsterism. If the people shall govern, then the party should stand aside and let that happen. Citizens of South Africa, unite! And never, never give up!