

# Witch-hunts: scapegoating, unfair discrimination and criminal acts

31 March 2020

**'30 days of advocacy against witchcraft accusations and witch-hunts'  
29 March to 27 April.**



On Sunday morning, 15 March, an unnamed 83 year old woman and her 23 year old granddaughter became the first reported victims of witchcraft accusation in 2020. The grandmother was drowned by her assailants in a drum of water. Her granddaughter narrowly escaped being burned alive. The perpetrators alleged that the grandmother was guilty of bewitching a young man who was buried the day before in Majuba Village, Sterkspruit, in the Eastern Cape. [1]

These victims are the latest in a very long and growing list of individuals and families who have become scapegoats for unmerited blame in South Africa. [2]

In a new post-COVID19 world, it is plausible to expect the number of victims of false accusation and consequent hate crimes to increase. *'As the COVID-19 pandemic continues to spread around the globe, incidents of hate crimes, discrimination, and "witch-hunts" have been on the rise.'* News Editor of The Wild Hunt, Star Bustamonte. [3]

The Open Society Foundation of South Africa defines a 'hate crime' as an act considered a crime in terms of South African criminal law, including but not limited to arson, damage to property, assault, rape, attempted murder or murder. *'Hate Crimes are not simply crimes committed against vulnerable groups. Hate crimes are crimes committed against individuals because of a prejudice the perpetrator holds against an entire group of people, but which is directed at an individual victim. Hate crimes serve as a message of intolerance, and intimidate and harass not just the victim, but whole communities. As a result, they undermine social cohesion and the creation of a society based on equality.'* [4]

The Prevention and Combatting of Hate Crimes and Hate Speech Bill defines a 'hate crime' in sections 3(1) and 4(1) as:

*3. (1) A hate crime is an offence recognised under any law, the commission of which by a person is motivated by that person's prejudice or intolerance towards the victim of the crime in question because of one or more of the following characteristics or perceived characteristics of the victim or his or her family member or the victim's*

association with, or support for, a group of persons who share the said characteristics:

(a) age; (b) albinism; (c) birth; (d) colour; (e) culture; (f) disability; (g) ethnic or social origin; (h) gender or gender identity; (i) HIV status; (j) language; (k) nationality, migrant or refugee status; (l) occupation or trade; (m) political affiliation or conviction; (n) race; (o) religion; (p) sex, which includes intersex; or (q) sexual orientation.

4. (1) (a) Any person who intentionally publishes, propagates or advocates anything or communicates to one or more persons in a manner that could reasonably be construed to demonstrate a clear intention to—

(i) be harmful or to incite harm; or

(ii) promote or propagate hatred, based on one or more listed grounds, is guilty of an offence of hate speech.

(b) Any person who intentionally distributes or makes available an electronic communication which that person knows constitutes hate speech as contemplated in paragraph (a), through an electronic communications system which is—

(i) accessible by any member of the public; or

(ii) accessible by, or directed at, a specific person who can be considered to be a victim of hate speech, is guilty of an offence.

(c) Any person who intentionally, in any manner whatsoever, displays any material or makes available any material which is capable of being communicated and which that person knows constitutes hate speech as contemplated in paragraph (a), which is accessible by, or directed at, a specific person who can be considered to be a victim of hate speech, is guilty of an offence. [5]

In a ministerial briefing on the Bill in 2018, former Chief Whip of the African National Congress, Dr M Motshekga clarified a hate crime would be considered an aggravating circumstance in sentencing "on the base crime". [6]

The Bill, approved by Cabinet on 1 May 2018, [7] has stalled its process through the National Council of Provinces. We are unlikely to see its assent by the President anytime soon. [8]

Under the existing Witchcraft Suppression Act 3 of 1957, it remains an offence to **(a) impute to any other person the causing, by supernatural means, of any disease in or injury or damage to any person or thing, or (b) to naming or indicating any other person as a witch ("wizard")**. The punishment for both crimes include a fine of up to R400,000, or imprisonment for up to 10 years. [9]

Growing anxiety and fear by many South Africans, as a consequence of the 15 March Declaration of a State of National Disaster in terms of the Disaster Management Act by President Cyril Ramaphosa, [10] played no role in the murder and attempted murder of the as yet unnamed victims of witchcraft accusation on that day in the Eastern Cape. It would be short-sighted however to assume that scapegoating and hate crimes, motivated by suspicion of 'witchcraft', will not occur as the coronavirus infiltrates South Africa's rural and urban communities.

The projection of displaced aggression as a result of real or perceived relative deprivation will regrettably result in hate crimes against those least capable of defending themselves, and innocent women and their families will be devalued and dehumanised by their accusers.

During the '30 days of advocacy against witchcraft accusations and witch-hunts' from 29 March to 27 April, this Alliance appeals to all South Africans to be mindful of the very real personal and communal struggles of our neighbours, whether friend or stranger. Act with compassion. Respect the dignity of others.

## References

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- [1] Seleka N "Man arrested after mob assaults, drowns gran suspected of witchcraft" 16 March 2020. <https://www.news24.com/SouthAfrica/News/mob-assaults-drowns-gran-suspected-of-witchcraft-then-burns-her-body-20200316> (Accessed 28 March 2020)
- [2] "Remember their names – Victims of witch-hunts in South Africa 2000 to 2020" Updated March 2020. South African Pagan Rights Alliance. <http://paganrightsalliance.org/remember-their-names/> (Accessed 28 March 2020)
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- [4] Hate Crimes Working Group. "Why does South Africa need hate crimes legislation?" January 2020. <http://triangle.org.za/wp-content/uploads/2020/01/Advocacy-Brief.pdf> (Accessed 31 March 2020)
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- [6] Parliamentary Monitoring Group "Prevention and Combating of Hate Crimes and Hate Speech Bill & International Crimes Bill: briefing, with Minister and Deputy Minister Chairperson: Dr M Motshekga (ANC)" Undated. <https://pmg.org.za/page/Prevention%20and%20Combating%20of%20Hate%20Crimes%20and%20Hate%20Speech%20Bill%20&%20International%20Crimes%20Bill:%20briefing,%20with%20Minister%20and%20Deputy%20Minister> (Accessed 31 March 2020)
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- [8] The Prevention and Combatting of Hate Crimes and Hate Speech Bill. (B9-2018) <https://pmg.org.za/bill/779/> (Accessed 31 March 2020)
- [9] South African Law Commission. "The Review of the Witchcraft Suppression Act 3 of 1957 - Issue Paper 29, Project 135". 2014. <https://www.justice.gov.za/salrc/ipapers/ip29-prj135-Witchcraft-2014.pdf> (Accessed 30 March 2020)
- [10] Statement by President Cyril Ramaphosa on measures to combat COVID-19 epidemic. 15 Mar 2020. <https://www.gov.za/speeches/statement-president-cyril-ramaphosa-measures-combat-covid-19-epidemic-15-mar-2020-0000> (Accessed 31 March 2020)

## Further reading

### 3 Cases of 'witchcraft' accusations - 2011, 2016 and 2018

South African Human Rights Commission Report - Nyalungu JB and Dumisani High School Learners (MP/2011/0035)

<https://www.sahrc.org.za/home/21/files/Nyalungu%20JB%20v%20Dumisani%20High%20School%20Learners.pdf> (Accessed 31 March 2020)

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*S v Xaba and Others* (CC48/2016) [2018] ZAKZPHC 28; 2018 (2) SACR 387 (KZP) (3 July 2018) <http://www.saflii.org/za/cases/ZAKZPHC/2018/28.html> (Accessed 31 March 2020)



 E-mail: [info@paganrightsalliance.org](mailto:info@paganrightsalliance.org) · Tel: (044) 850 1297  
P.O. Box 184 Hoekwil 6538 · Website: [www.paganrightsalliance.org](http://www.paganrightsalliance.org)