



## **EFF STATEMENT ON THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION'S CATEGORISING OF REMARKS BY CIC JULIUS MALEMA AS HATE SPEECH AND INCITEMENT OF VIOLENCE**

Wednesday, 09 November 2022

The Economic Freedom Fighters (EFF) has noted the media advisory issued by the South African Human Rights Commission, in which they detail various comments made by the Commander in Chief and President of the EFF, Julius Malema at the EFF Western Cape 3<sup>rd</sup> Provincial Peoples' Assembly. The Commission, incorrectly and ignorantly labels these comments as incitements to violence and hate speech, revealing a failure of appreciating political commentary in its metaphorical, literary and historical sense.

Firstly, any commentary taken out of its context, can be manipulated and distorted, which is the trap the Human Rights Commission has fallen into, at the altar of the egos and fragility of whiteness.

If anyone at the commission had taken an opportunity to engage on literature which is widely publicised and part of curricula in institutions of higher learning, they would be able to place the comments by the Commander in Chief in their literary and academic context. Frantz Fanon in his seminal text, *The Wretched of the Earth* reflects correctly on the necessity of violence towards a violent system. Fanon in the chapter *Concerning Violence* speaks lucidly on the necessity of violence in order to destroy the violent systems of white supremacy and colonialism. Fanon writes that **"violence ... frees the native from his inferiority complex and from his despair and inaction; it makes him fearless and restores his self-respect"**

When the Commander in Chief says that violence can only be ended by violence and by any means necessary, he operates correctly within the logic that the system of white-supremacy, the anti-blackness witnessed in Brackenfell where white people assaulted peaceful protesters and the monopoly of wealth by a white minority at the expense of a black majority, is violence. The experience of post-1994 has shown us that to confront violence with peace and reconciliation does not resolve injustice, and that is the context within which the utterances were made and could never constitute incitement.

When the Commander in Chief says, “. . .***it's a war between white supremacy and black consciousness, you must know the two will never meet. We are in a permanent war with white supremacists.***”, he refers to the concept of dialectical materialism, wherein contradictions are irreconcilable between the inhumane idea of white-supremacy and the humanising idea of black consciousness. It is an objective fact that the humanity of black people cannot live side by side with the idea that white people are inherently superior. White-supremacy must be confronted by strong black solidarity and black pride, in order for True Humanity to emerge. White-supremacy and Black consciousness simply cannot co-exist. To say that these two ideals are at war is an objective fact and cannot constitute hate speech.

It is unfortunate that an institution such as the Human Rights Commission, which exists in a society with such a deep and racially divided history, approaches political commentary without an appreciation of literature and historical facts.

It is a historical fact that Nelson Mandela was once upon a time a revolutionary who resolved as part of a collective to initiate an armed struggle against the system of Apartheid. This entailed the taking up of guns for purposes of killing an enemy that was suppressing the human rights of African people. To reflect on this historical fact and be inspired by the resolve of a globally celebrated icon to achieve liberation by any means necessary, cannot be viewed as incitement. It was Nelson Mandela who took up arms, not roses, for the purposes of killing, and this historical fact about him cannot be erased for convenience.

The idea of casualties, be it in the form of injury or death in a revolution constitutes yet another historical fact. Umkhonto We'Sizwe, the Azanian Peoples' Liberation Army (APLA) and many other forces of the Black Consciousness Movement engaged in active combat against enemies of the revolution, and there was death on both sides. To reflect on this while predicting the eventuality of it occurring in future, due to the socio-economic conditions confronting our people, cannot be incitement of violence.

As much as the Commander in Chief and President of the EFF reserves his legal rights, the EFF wishes to state categorically that the Human Rights Commission is pursuing and entering a path of frivolous litigation, which is similar to that of Afriforum. The Commission is entering the bounds of restricting free speech, due to their poor comprehension skills and misinterpretation of political speech.

The utter hypocrisy and selectiveness of the SAHRC is crippling the genuine pursuit of human rights. It is the same SAHRC who refused to investigate the torture of African women who were forcefully sterilised by the ANC Government. A complaint was lodged in September 2020 to the SAHRC that was based on the South African National AIDS Council (SANAC) – “The People Living with HIV Stigma Index: South Africa 2014” Report. This report stated that 476 women were forcefully sterilised. To date, there are 476 women that the SAHRC perpetuated secondary violence towards by not investigating the torture of women. However, when whiteness is touched, the SAHRC reacts in lightning speed, yet it outrightly rejected the 476 tortured women.

Furthermore, it must be noted that the Human Rights Commission concluded their investigation and reached findings that we must either retract or apologise within 10-days, without affording the EFF an opportunity to present its side of the story. Laws of natural justice demand that institutions like the Commission must hear both sides before making a determination. We will therefore not meet the 10-day deadline of the Commission or apologise until we are listened to by a neutral body

The EFF completely refutes the allegations made by the Human Rights Commission and categorises them as part of the nefarious attempts to erase the truth of our liberation history and an attempt to limit free speech. We call on them to reflect on how they assess matters relating to political speech and include amongst their mechanisms a deeper appreciation of history and literature.

**ISSUED BY THE ECONOMIC FREEDOM FIGHTERS**

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