



EFF STATEMENT ON THE PROVISIONAL WITHDRAWAL OF CHARGES AGAINST THE FOUR ACCUSED IN THE MURDER OF HILLARY GARDEE

Wednesday, 12 April 2023

The Economic Freedom Fighters (EFF) is disturbed by the decision of the National Prosecuting Authority (NPA) to provisionally withdraw charges against the four accused in the Hillary Gardee kidnapping and murder case, which was set to begin for trial at the Mpumalanga Division of the High Court today.

In yet another shocking display of the lack of coherence and seriousness within the justice system when it relates to Gender Based Violence, the charges against the accused have been provisionally withdrawn because the NPA cannot find the witnesses to testify at the trial. This is not only sheer incompetence, as the realization that witnesses are suddenly not forthcoming occurs on the day of the trial, but is also a demoralizing reflection of the unpreparedness of the state to prosecute perpetrators of Gender Based Violence.

The sudden disappearance of witnesses should be a cause for concern, as it raises the suspicion that they have either been intimidated or have been dealt with in a clandestine manner, which is all too frequent when it comes to whistleblowers in South Africa. Despite this, the withdrawal of the charges against the accused on the basis of the inexplicable disappearance of witnesses, is not a confirmation of innocence.

Too often, perpetrators of Gender Based Violence in South Africa are declared innocent on the basis of technicalities which in most instances arise from intimidation or delays, which either discourage victims or, as possible in this instance, discourages witnesses. The lack of decisiveness and speed by our courts to address these matters, casts a shadow of doubt within witnesses and victims, which enables an environment where perpetrators who thrive on fear and doubt, can escape justice.

The EFF condemns the NPA and the South African Police Services (SAPS), who have handled the matter irresponsibly from the onset. The incapacity of these institutions to utilize technology and forensic evidence as the basis of their investigation, has led to confusion, and immeasurable pain and suffering to the Gardee family and all those with a keen interest in the matter.

The ongoing delays and lack of certainty regarding the kidnapping and murder of Hillary Gardee, will further dampen the confidence of victims of Gender Based Violence in our justice system, which continues to blow hot air while women are crippled by fear in South Africa.

The EFF will continue to provide support to the Gardee family and will ensure that justice is served for Hillary Gardee despite the continued failures and shortcomings of our justice system.

ISSUED BY THE ECONOMIC FREEDOM FIGHTERS

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