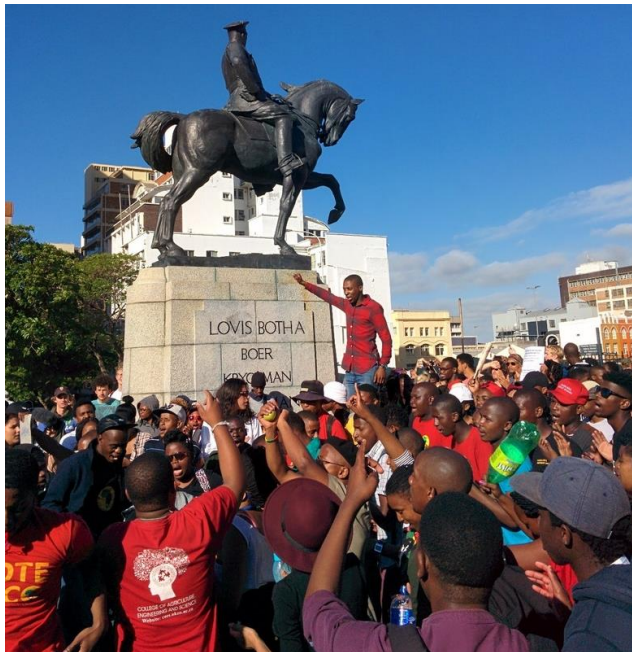


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STUDENT ACQUITTAL REAFFIRMS THE RIGHT TO PROTEST



The Freedom of Expression Institute (FXI) joins celebrations concerning the dropping of charges against 28 students who were arrested outside parliament in October 2015 during a protest against tertiary education high fees in South Africa. The group was initially charged with treason and charges were later changed “to contravening the Regulation of Gatherings Act (RGA)”, public violence and trespassing. The FXI notes with interest the reasons that led to the dropping of charges.

It is clear that the prosecution applied a sober mind when considering the law (RGA) in conjunction with the section 17 of the Constitution that guarantees the right to protest. The prosecution acknowledged the fact the primary condition for exercise of the right is that participant do so peacefully and unarmed.

This is in contrast with what transpired in a matter concerning 21 Social Justice Coalition (SJC) members in Cape Town who were also exercising their constitutional right in a peaceful manner in 2013 over the provision of sanitation. The court eventually convicted 10 of the accused in February 2015 and they were “cautioned and discharged”. They now have criminal records for merely exercising their right in line with the constitutional provisions – peacefully and unarmed. The group is appealing the matter.

The FXI supports the appeal and with the developments emanating from the students’ experience. We hope that the SJC member will be cleared. The FXI continues to call on authorities, including the courts, to consider a consistent interpretation of the RGA.

Image from GroundUp.org.za

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