

PRESS RELEASE

BY TRIANGLE PROJECT

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ZOLISWA NKONYANA MURDER TRIAL:

HATE AND INTOLERANCE CITED AS AGGRAVATING FACTOR IN SENTENCING

Triangle Project is relieved that the 4 men convicted of murder of Zoliswa Nkonyana have finally been sentenced. The sentence delivered by Magistrate Whatten, acknowledged that Zoliswa was murdered because “she exercised her right to live openly as a lesbian” and that the murder “was driven by hatred and intolerance”. The Magistrate considered this to be an aggravating factor in sentencing. Magistrate Whatten also referred to the report and testimony of Triangle Project and stated that this had comprehensively set out the impact of the murder of Zoliswa on the LGBTI (lesbian, gay, bisexual, transgender, intersex) community and gave great insight into discrimination faced by LGBTI persons.

Today, even after taking into account that the accused were under 18 years of age at the time of the murder, the Magistrate passed a substantial sentence of 18 years (with 4 of these years suspended for 5 years).

On the question of whether justice has been served, Triangle Project shares the sentiments of Magistrate Whatten who stated that “the court could only *attempt* to restore a sense of justice” and that Zoliswa could never be returned to her family. The sentence has however set an important precedent in the South African Criminal Justice System by acknowledging hatred and intolerance based on sexual orientation as an aggravating factor. Triangle Project acknowledges the crucial role played by the State prosecutors in the outcome of the trial. We also acknowledge all the activists who have mobilised in support of justice in this trial.