

Good News

And give good news to those who do good (to others) – Holy Quran 22:37

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Crime and Punishment

‘Bring Back the Death Penalty’

Ebrahim Mohamed

In an interview on Cape Town TV’s *Time Out with GC* on September 7th, 2019, Grizelda Grootboom, a Women’s Rights Activist and Sex Trafficking Survivor and author of the book *Exit*, lamented the inadequacy of the current justice system in South Africa to deal with crime especially the much talked about ‘gender-based’ violence. When asked what she would like to see changed in the near future in this country, she, *inter alia*, called for a much improved justice system stating, ‘If they can’t give us the death penalty at least give us life’.

She was of-course referring to fitting punishments for the rising murders and rape of women in this country, being obviously cognizant of the opposition to the death penalty by the majority of people despite the heinous crimes committed on a regular basis.

Punishment should be proportionate to the crime committed

The high level of crime in this country has finally led to the President of the nation calling on religious leaders to lead prayers for the country. When man finally turns to Almighty God, we know the storm has become too much for the captain and crew to keep it afloat by themselves without Divine assistance. The dire state in our country calls for serious action and indeed more intense *prayers* for only

a deep sense of *accountability* to an Almighty God will prevent our depleting morality from disappearing entirely. It is in tatters at the moment and our institutions, our homes, our schools, places of worship should as a matter of urgency ‘uncompromisingly’ reinforce humane values as a start for attaining the much cherished reform of our societies that we all yearn for.

Corruption and the crimes associated with it from among the highest ranking officials in parliament to the ordinary man in the street, it seems, has become the order of the day. As we witness in horror the billions of rands stolen by corrupt government officials, the daily murders of innocent men, women and children, the devastating armed-robberies, the violence against and rape of our women, young girls even the elderly, the kidnapping of young children, the drug dealings, and the recent xenophobic killings – we exclaim from on top of our voices, ‘How

much more do we, the law-abiding, hard-working, tax-paying communities of this country have to endure?’

We should stop making excuses for crimes committed. Yes, the nation has to deal with unemployment and poverty. However, we ask, ‘Are these forgivable reasons to commit the heinous crimes we are being exposed to these days?’ Definitely NOT because these days we find that it is the stinking rich that are committing the worst of crimes or behind the crimes being committed by their lackeys.

Bring back the death penalty

It is thus time that this nation introduces a justice system that is effective in dealing with crime involving all members of society regardless of rank or file, equitably. More importantly, it is time that the punishment should be proportionate to the crime committed. To put it simply, conditions are such that it is time to bring back the *death-penalty*

and other forms of ‘controlled’ corporal punishment for those that disrupt and disrespect our educational institutions.

We have been listening for too long, at the expense of the lives of hundreds of thousands of innocent men, women and children, to the lame excuses of misguided politicians who do not have a clue how to solve the problems of crime in this country. It is time that the mantras ‘be soft on criminals’ and ‘let’s give the other cheek’ be buried permanently. For example, the argument that because our justice system is inadequate and unable to execute the death penalty equitably and thus it is possible that the innocent might end up on death-row, therefore the death penalty should be avoided, is absolutely *absurd*. For, by the same token that would apply to life sentences as well! But no one has yet suggested that the life-sentence as punishment should be removed because the justice system is inadequate to execute justice fairly and equitably! If the latter is

the case, then it is the justice system that must be corrected and not the most effective forms of punishment proportionate to the crime committed, removed. And then to say that nowhere in the world has the death penalty been proven to be effective is a blatant manifestation of an ignorant mind – the proverbial ‘ostrich head in the sand’ syndrome - than anything else.

The Gulf States for example have far lower criminal statistics, than South Africa where the death penalty was scrapped, to no avail, about twenty five years ago. In several visits to the Emirates, I was pleasantly surprised to see firsthand how tourists and citizens of both sexes, young and old, are able to walk freely at night in the city without fear of molestation, and how business owners can leave their shops unattended, without fear that someone will steal their goods. When enquiring why this was so from a tour guide, I was told that these countries have a severe penal code that includes the *death penalty*

for much of the crimes committed here in South Africa with impunity!

Guidelines provided by the Holy Quran in dealing with crime

God Almighty in the Holy Quran describes large-scale acts of criminality as ‘mischief in the land’ that are classed as ‘war against God and His Messenger’ for which ‘death’ is sanctioned as the primary form of punishment.

‘The only punishment of those who wage war against Allah and His Messenger and strive to make mischief in the land is that they should be killed (i.e. the perpetrators or breakers of the law in the case of war or uprisings with the intent to kill), or crucified (i.e. executed by following the due process of law), or their hands and their feet should be cut off on opposite sides, or they should be imprisoned. This shall be a disgrace for them in this world, and in the

Hereafter they shall have a grievous chastisement.’ – 5:33

‘War against Allah and His Messenger’ or ‘mischief in the land’, here, embrace all heinous crimes that have a huge impact on the safety and well-being of society such as:

- The persecution of people and the destruction of places of worship that causes loss of lives of innocent people.
- All forms of violent rebellion against ‘law and order’ that leads to anarchy and causes large scale destruction and deaths.
- Armed robbery.
- The misappropriation and theft of huge sums of money by government officials and executives of large corporations that negatively impacts large sections of the community and the economy.
- Drug and human trafficking.
- Female murders and rape.
- Murders in general.

- Xenophobic and other mob-related violence, etc.

The Holy Quran makes it clear that the perpetrators of such crimes should all face the death penalty as a *primary* form of punishment if found guilty without mitigating circumstances.

This is what this nation, where hardened criminals have so much control, now desperately needs.

Dealing with mitigating circumstances

According to the verse of the Holy Quran, where there are mitigating circumstances, the death penalty should be spared and limbs of the guilty parties removed to prevent their moving about freely in society. Whilst some take this provision literally others are of the opinion that it is a metaphor for a 'life sentence' or an equally long prison sentence. Where there is an even a higher degree of mitigating circumstances and a definite hope for rehabilitation exists and the

offender is not a hardened, habitual criminal, a lesser prison sentence should be resorted to and all forms of corporal punishment waived. The verse thus calls for such punishment that is proportionate to the crime committed. The message, although implied, is clear that it does not help to be soft on hardened, unrepentant criminals that commit crimes that have a huge impact on the safety and peace of mind of all law abiding citizens let alone the economy as a whole. We have learnt the truth of this fact the hard way in this country. For too long we have shown lopsided empathy for the criminal instead of the victim.

Even so, we re-iterate, it does not mean that every murderer or killer should be sent to death row. In fact, where there are mitigating circumstances, *blood-money* may be resorted to as alternative punishment for murder according to the Holy Quran - (2: 178; 4:92).

In some cases where the guilty parties have shown visible remorse sincerely, even *forgiveness*

may be a deciding factor if such action would be the most effective remedial action to take under such *exceptional* circumstances. Thus the Holy Quran states:

‘And the recompense for evil is punishment like it, but whoever forgives and amends, he shall have his reward from Allah’ – (42:40)

This golden rule is of very wide application, since it applies to offences to individuals and societies as a whole. We have seen this play out effectively in the ‘Truth and Reconciliation’ processes in this country.

Therefore, if supported by appropriate legislation, a judge will no doubt have the latitude to pass judgment according to the nature and severity of the crime and based on the criminal record of the guilty party. The expectation is not that an offender would be arbitrarily sent to the gallows but that the due process of the law would be followed. We have ample provision in our judicial system in this country to ensure this

will be the case at all times. Even under current legislation provision is made for more stringent punishment for a *hardened* criminal than a first offender.

Scrapping of the death penalty was a serious error of judgment

The death penalty should remain the primary and ultimate form of punishment for those high level crimes mentioned above, as it alone will serve as a deterrent for would-be criminals. We now know that doing away with the death penalty many years ago was indeed a serious error of judgment that we have since been paying a heavy price for. We have since seen more innocent people die as a result of this error than any potential number that might have ended up on death-row as a result of an error on the part of the judiciary. Thus, unless we raise the standards of morality all round to start off with and immediately jack up our policing and justice system by changing our legislation to deal more stringently

with criminals from all walks of life, starting with government officials right down to the man in the street, the chances of beating crime permanently in this country and restore the confidence in our institutions to bring about the peace of mind all law-abiding citizens deserve, will continue to remain slim.



We strongly condemn all forms of human rights and environmental abuse. We especially condemn the ruthless killings of all innocent parties in general and those committed in the name of Religion or State!

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Editor : Ebrahim Mohamed

Contact Details: P.O. Box 13744

Goodwood, Cape Town, South Africa 7463

Email: emuhamed@mweb.co.za

Publications: Ahmadiyya .Anjuman Isha'at
Islam Lahore (South Africa)
Reg. P.B.O. 930050262