

Protest-hit city businesses must not 'sit back'

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ners, who suffered damages during the recent city-wide protest action, have been advised not to "simply sit back and say that there is no justice" but rather to report the incident.

This is the advice of Northern Cape Chamber of Commerce and Industry (Nocci) CEO, Sharon Steyn, who said yesterday that the organisation had obtained legal opinion after having various meetings with government departments and the police.

"Those individuals who suffered damages during the strike have the option of either instituting a civil claim or to file a case in terms of the Criminal Procedure Act. In terms of the latter, if those individuals who were involved in committing malicious damage to property can be identified, a criminal case can be opened."

Steyn pointed out, however, that this was difficult as it was almost impossible to establish the identity of the person responsible, especially during a protest situation.

"Pursuing a civil claim (delictual claim for compensation) could be a better option. In a majority judgment of the Constitutional Court (SATAWU and others vs LM Moloto N.O. and Another), Chief Justice Mogoeng Mogoeng said the effect of the law was to place the organisers in the first line of fire when riot damage occurred," Steyn pointed out.

"In Judge Mogoeng's words 'innocent victims need not look any further than the organisers for compensation, or prove negligence on their part'. What one should take note of is the fact that most of these organisers are often not able to pay a claim for compensation brought against them."

Steyn added that both options were a frustrating uphill battle which could result in high legal costs and little to no personal satisfaction.

"Most businesses do have cover for these situations with SASRIA. This insurance is specifically designed for damages caused during lock-down, strikes or riots and normally does not influence the current premium one has to pay.

"Business owners should not simply sit back and say that there is no justice without reporting the case. If the NPA decides not to prosecute let it fall on them, at least they would have peace of mind that they did their part by reporting it," Steyn added.

