

NAME: SHAAMISTA THABIT

DATE: 30 JULY

YEAR: 2012

SUBJECT: LEGAL SKILLS 120 (RVD120)

TITLE: LEGAL FATALITY

FACULTY FESTIVAL WRITING PROJECT

SHORT STORY

LEGAL FATALITY

Deep in the Ngeni valley where the hills stretch as far as the eye can see, the sun blazed brightly on dark ebony skin of a man striking the earth. A pale figure loomed beside this man, yelling "dig deeper, there has to be more". The land that was being thrust into was his farm. Fortune was surely smiling upon the men as earlier that day they discovered that at the heart of the earth there were glimmering precious globules that dazzled in the sun's rays. Globules that millions of men have spent their entire lives searching for.

Diamonds! The most precious gift the earth could yield.

After a week of diligent digging the farmer summoned his devoted employee and said to him "Xolani I am not an ungrateful man, I have not forgotten that it is you who continued to serve me even when the fields did not yield their worth in crops. It is you Xolani, who has discovered our fortune; I say 'our' since it is yours as much as it is mines. Go to your family and may you live well".

After he spoke he released a handful of the dazzling stones in Xolani's hand. The man could not speak; even words would not be enough to express his heartfelt gratitude. Tears welled up in his eyes and this was enough to convey his appreciation to the farmer. With this fortune he would never have to work again.

Soon the darkness of night shadowed the earth. Xolani reminisced about his family, his adoring wife and baby daughter Viwo. Leaving them behind in the homestead was wounding but necessary. It had been long since he had written his family a letter and the news of his newly found riches' presented him with the perfect opportunity to write. So he wrote to the mother of his child about their wealth, promising her that by the time she received his letter she would be in his arms again.

At the crack of dawn Xolani began his tiresome journey. Xolani had to pass many borders before he reached the land of his people.

Several days passed before he reached the final border at "Bait Bridge". As he joined the queue he noticed it was moving slowly. Eventually it was his turn. He was accosted by two police

officers. A short portly lady with an angry face armed with a baton and a muscular, tall man who appeared to have been very sullen. The lady informed Xolani that there has been a murder and it was police protocol that everybody crossing the border had to be searched. Remembering the precious cargo on him he became a little anxious. However, he need not fear because he had not broken any laws and he legally owned the diamonds in his possession.

The tall muscular man conducted the search and unfortunately, much to Xolani's dismay, he discovered the gems. The officer's eyes gleamed maliciously as an ugly smirk crossed his face. He placed the parcel back in Xolani's pocket, grabbed his partner, retreated to a corner and maliciously began to whisper to her. The officers then barked at Xolani to follow them. This does not sound good to him and he becomes fearful but he acquiesces to follow them. Immediately upon reaching the station the officers start questioning him relentlessly.

Xolani said, " I have broken no laws and I have furnished you with all the documents stating that I am the legal and rightful owner of the gems therefore I should be released. " The officers stared at each other, bewildered by his response they broke down into ferocious laughter. The lady officer seized the documents and tore them up before Xolani's eyes. Xolani stood up to protest and he was immediately pulled back down by the man who then seized the diamonds from him. Knowing that he was in danger, Xolani swings a swift punch at the officer.

Startled by this the woman yelled for backup. Within minutes Xolani was grabbed and hurled into a prison cell. "Let me out!" he yelled. "That man stole my diamonds, let me out!"

The muscular officer appeared behind the bars, his mouth bloody "No one will come for you, especially since you have killed somebody!" he says to Xolani who was, now clearly stupefied. The officer continues sinisterly "We found a knife smeared with the victim's blood in your possession. When we took you in for questioning you attacked me and tried to escape".

Xolani could not believe his ears, " nobody will believe you " he cried.

"Why not?" said the officer sarcastically. "I am a police officer and you are just another ignorant village idiot who is now also a murderer. The law is on my side and with no proof your words a just words of another raving criminal", and with that he disappeared. Gone was Xolani's fortune taken by those very people entrusted to protect him.

For three months he was beaten daily in his cell by the police officers. His body was battered and bruised. It would only stop if he confessed to the murder and admitted to fabricating the existence of the diamonds.

One day, he managed to sum up the energy in order to pass a letter to the man in the cell next to him to smuggle out of jail. The officers didn't allow him to even make a phone call or write a letter. The letter was to be delivered to his beloved wife. He prayed that the letter would reach her so that she does not think he has abandoned her as well as their daughter. It had been months since he was first locked up and soon he began to lose track of time.

The following morning much to his surprise the guard announced that he had a visitor. He had never had a visitor before; nobody knew he was in there, so he was a little taken aback by the presence of the bald, middle-aged, white man that now stood in his cell. The man informed him that he was to be his attorney appointed for him by the state and he would represent him in his trial tomorrow.

The man saw the confusion written all over Xolani's face and so he began to explain, "You see, our law is very good and fair so the state appointed me to defend you. A trial is also provided for by our law. It is like a meeting except it takes place in a courtroom. I act as your voice telling the Judge your side of the story. The judge is the person who knows all the laws in our country, he listens to both sides of the story and then makes a decision. If you can convince the Judge that you have not broken the law and you are innocent he will let you go from this place".

Xolani saw a glimmer of the possibility that finally justice would prevail and the law would set things right for him. Not a minute was wasted as he began to narrate the series of unfortunate events that left him in his present predicament. By the time the man left, Xolani felt a renewed sense of hope. The next morning he was transported to the court for his trial. The row of seats was filled with only a handful of people that he did not recognize. On the one side stood the bald middle-aged man (his attorney) and in front another man, seated higher than the rest of them. That must be the judge thought Xolani.

Xolani was not sure as to what was happening around him. The people in the rows all stood up then sat down. His attorney began speaking. Xolani did not understand why he was speaking loudly to the Judge and why did he not just go up to him and tell him. The attorney had said

nothing yet about the corrupt police officers, the theft of his diamonds, the abuse in jail and above all the breaking of the law by all these people except him.

He tried to interrupt his attorney to tell him that he is forgetting about all the important things. He tried to interrupt to tell the judge the "truth", the "real truth". His attempts were only met by the judge silencing him and threatening to throw him out of the court should he have one more outburst. So he sat there silently feeling powerless as he watched his life being decided before him.

Eventually the judge reached a conclusion and it was time to give his verdict. He declared that Xolani was found guilty of murder in the court of law and was sentenced to life imprisonment. The attorney said nothing and was indifferent to the judge's decision. He calmly strode out of the court. A few police officers seized Xolani away as he pleaded to the judge to listen to him. The judge had handed down his verdict the case was over.

A few weeks later Xolani was discovered by the cell guard bleeding profusely in his cell. He was stabbed by one of the inmates. As his life slipped away he whispered to the guard with his last breath, "Boetie don't worry about me there is a lady coming to take me away she says she knows justice. There she is the law; she is coming to save me... the law... the law."

Brief Analysis: The protagonist of the story Xolani is a character who represents the majority of the African population. These mediocre people have similar backgrounds, poor uneducated people living in severe poverty. These are the people that take low paying jobs in order to support their families. It is these people that the legal system has failed. To them, the law is nothing more than "White men's" fancy words. They fear it, yet they fail to understand it. It neither benefits them nor protects them. To these common people, the law is a tool used by those in power to control them and deny them what is lawfully due to them (e.g. housing, food employment). It is an ideal, a word with a pleasant meaning and nothing more as the common people never get to experience the justice and benefits that the law provides.