An Examination of the Rise of Contract Killing in South Africa: Legal, Social, and Ethical Implications for Justice

Xolisile Khanyile ¹, Nqobizwe Mvelo Ngema ²

^{1,2} University of Zululand, South Africa.
² Corresponding authour: ngemaNM@unizulu.ac.za

© Authour(s)

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Abstract: The rise of contract killing, or murder-for-hire, has become a significant criminal concern in South Africa, posing serious challenges to the nation's legal system, social fabric, and ethical standards. This study investigates the proliferation of contract killings, examining its causes, trends, and implications for justice in the country. By analysing case studies, legal frameworks, and the socio-economic factors that contribute to this crime, the research explores how organized crime, corruption, and systemic weaknesses facilitate the commission of contract killings. Furthermore, it assesses the social and psychological effects on victims, communities, and the broader society, highlighting how the normalization of violence undermines social cohesion. The study also critically evaluates the ethical dilemmas law enforcement agencies and the judiciary face in addressing this form of homicide, including the effectiveness of current preventive measures and legal responses. Ultimately, the research aims to provide a comprehensive understanding of the complex dynamics surrounding contract killings in South Africa and propose actionable recommendations to strengthen justice, prevent further proliferation, and promote a safer society.

Keywords: Contract Killing, Murder-for-Hire, Legal Implications, Social Impact, Justice System.

Introduction

ver the past two decades in South Africa, violence has increasingly become a commodity that can be bought and sold. Although assassinations, also known as contract or targeted killings, make up a small proportion of the country's alarmingly high murder rate, their impact is profound and far-reaching. Political murders are a significant concern, as they not only result in individual fatalities but also have broader consequences for the state. These killings exacerbate intraparty tensions, erode the criminal justice system particularly when whistle-blowers are targeted and undermine democracy. They also enable criminal actors to gain control over profitable industries, such as the tobacco and taxi sectors (Matamba, 2023). In recent years, targeted killings have expanded into previously unaffected sectors, including the music industry and higher education. For instance, Sakhela Buhlungu, the Vice-Chancellor of the University of Fort Hare, who was vocal about corruption, may have been targeted when his bodyguard, Mboneli Vesele, was killed in Dikeni (formerly Alice) on 6 January 2023 (Rall, 2023). Similarly, in May 2018, Professor Gregory Kamwendo, the Dean of the Faculty of Arts at the University of Zululand, was allegedly murdered after uncovering a fraudulent PhD syndicate. He was shot at his home in Empangeni following the alleged placement of a R25,000 bounty on his head by his colleague, Selby Nkuna, who had hired a hitman (Singh, 2020).

The music industry has also been affected by targeted killings, with rapper Kiernan Forbes, known as AKA, being murdered in a hit on 10 February 2023 in Durban (McCain, 2024). In another instance, renowned MC and DJ Peter Mashata, also known as the Noise Maker, was reportedly shot and killed in a hit in Soshanguve, north of Pretoria, in April 2024 (Nkonki, 2024). On 11 July 2024, Zenzele Benedict Sithole, a former policeman and investigator with Group Forensics and Investigation Services (GFIS) in Johannesburg, was gunned down. At the time of his murder, he was conducting several high-profile corruption investigations, including one involving rogue members of the Johannesburg Metropolitan Police Department (JMPD) (Karim and Wicks, 2024).

In 2022, the Global Initiative Against Transnational Organised Crime (GI-TOC) recorded 141 assassinations in South Africa, which averages more than two per week (Matamba, 2023). In 2023, the GI-TOC recorded 131

targeted killings, categorized into four main groups: organised crime-related (46 cases, or 35%), minibus taxi industry-related (45 cases, or 34%), political assassinations (31 cases, or 24%), and personal assassinations (nine cases, or 7%) (Matamba and Tobela, 2024). These statistics highlight the growing prevalence and impact of targeted killings across various sectors in South Africa. The study examines the ethical challenges faced by law enforcement and the judiciary in addressing contract killings in South Africa. It assesses the effectiveness of current preventive measures and legal responses. The research aims to provide a thorough understanding of the complex dynamics of contract killings and offers actionable recommendations to strengthen justice, prevent their proliferation, and enhance societal safety.

Background

Historical Context of Crime and Violence in South Africa

South Africa's history of crime and violence is deeply rooted in its socio-political landscape, shaped by colonialism, apartheid, and post-apartheid challenges. The country's violent history began during colonial rule, where racial segregation, forced displacement, and the exploitation of indigenous people led to systemic violence and the establishment of a deeply entrenched racial hierarchy (Hirsch, 2001). This violent culture was further institutionalized during apartheid (1948–1994), where the state-sanctioned repression, human rights abuses, and unequal access to resources created widespread socio-economic disparities, fueling various forms of criminal behavior (Dugard, 2005). The apartheid era saw the rise of both state-sponsored violence, including massacres, torture, and political assassinations, and resistance violence, driven by movements like the African National Congress (ANC) and Pan Africanist Congress (PAC) (Giliomee & Mbenga, 2007). These political tensions, combined with the stark socio-economic divisions, created fertile ground for a range of criminal activities, including gang violence, which became prevalent in urban areas (Becker, 2008).

The transition to democracy in 1994, while bringing an end to apartheid, did not eradicate the legacies of violence and inequality. Instead, it introduced a new phase of violence, marked by an increase in both violent crimes, such as murder, robbery, and assault, and organized crime, including syndicates involved in drug trafficking and contract killings (Schonteich & Louw, 2001). Despite efforts by the post-apartheid government to strengthen law enforcement and rebuild the justice system, South Africa has struggled with high rates of violent crime, often linked to deep-rooted poverty, unemployment, and the social dislocation caused by decades of oppression (Mistry, 2004). The growth of contract killings is reflective of this complex history, with individuals seeking to resolve conflicts, often associated with business or personal disputes, through lethal means. These murders-for-hire often take place within a broader context of political, economic, and social instability, illustrating how crime in South Africa is not only a reflection of individual deviance but also a manifestation of deeply ingrained structural issues (Bennett, 2008). Furthermore, the widespread availability of firearms, coupled with a high level of distrust in the justice system, has compounded the challenge. Many South Africans feel that the state is unable to protect them, which has led to a culture where violence is perceived as an acceptable means of conflict resolution (Eaton, 2003). Consequently, the rise of contract killing can be understood not just as a criminal issue, but as a symptom of broader societal dysfunction, wherein the rule of law is often undermined by entrenched inequality and a fragmented society (Moser, 2004). The legacy of violence continues to shape the modern South African landscape, where crime and violence, including contract killings, remain pressing challenges for the country's legal and social systems.

What inspires Targeted Killings

The motives behind contract or targeted killings are diverse, requiring a thorough understanding of each case's specific context. These motivations can be categorized into several types. First, politically motivated killings are intended to influence political outcomes, often linked to competition and rivalry between political parties (Matamba, 2023). Second, economically motivated assassinations aim to manipulate economic outcomes, frequently emerging from competition within industries. Individuals may be targeted to eliminate rivals or retaliate against perceived threats. A significant example is the taxi industry, where the GI-TOC's Murder by Contract report found that between 2015 and 2020, 51% of contract killings were linked to this sector (Thomas, 2021). Another form of economic motivation includes targeting individuals due to life insurance policies, such as the case of Hlompho Mohapi, who was fatally stabbed in July 2018 after being deceived into taking out a life insurance policy (Matamba, 2023).

Moreover, contract killings are not restricted to the political or economic domains, as they also occur for personal motives, contributing to a broader market of organized violence and intimidation. These killings send a menacing message to the victims' communities, families, and colleagues, instilling fear, silencing activists, and undermining

democracy (Thomas, 2021). This form of violence enables criminal actors to achieve their objectives and destabilizes society.

Legal Framework Addressing Murder for Hire and Its Effectiveness in South Africa

In South Africa, the legal framework addressing murder for hire, also known as contract killings, is multifaceted, involving various laws and policies aimed at both preventing and punishing such crimes. The core legal instruments include the Criminal Law provisions related to murder, conspiracy to commit murder, and organized crime. South Africa's Criminal Procedure Act (CPA) allows for the prosecution of individuals involved in the commission of contract killings, including both the perpetrators and those who commission the crime (South African Law Reform Commission, 2017). Under South African law, murder for hire falls under the definition of murder as outlined in the Criminal Law Amendment Act 105 of 1997, where an individual intentionally kills another person with premeditation and unlawfully. The offence carries severe penalties, including life imprisonment. However, contract killings are often complicated by the involvement of multiple actors and the clandestine nature of the crime, which can make it challenging for authorities to gather sufficient evidence for a conviction (Matamba, 2023). Additionally, the Prevention of Organized Crime Act (POCA), particularly Section 2, criminalizes involvement in organized criminal activities, which includes conspiracy to commit murder. This framework is intended to address the organized nature of many contract killings, often linked to criminal syndicates or illicit industries such as the taxi sector (Thomas, 2021). Despite these legal measures, challenges persist in enforcing these laws effectively. Investigations often struggle due to the covert nature of contract killings and the influence of organized crime networks, which hinder efforts to bring perpetrators to justice (Khumalo, 2020). One key limitation of the legal framework is the difficulty in establishing clear motives, particularly in cases where contract killings are motivated by financial gain, such as insurance fraud or business rivalries. This requires extensive forensic investigation and often involves uncovering complex financial or personal ties that can be difficult to prove in court (Mokoena, 2019). Furthermore, law enforcement agencies are sometimes undermined by corruption or intimidation, which further complicates the prosecution of contract killings (Mahlangu, 2022).

In practice, while South African law provides a solid legal basis for addressing contract killings, its effectiveness is limited by challenges in investigation, evidence collection, and the influence of organized crime. As a result, there is a call for stronger preventive measures, improved witness protection programs, and enhanced training for law enforcement agencies to address the growing prevalence of contract killings in the country.

Causes of Murder for Hire

The motives behind murder for hire in South Africa are deeply rooted in economic disparities and organized crime, which are both influenced by the country's socio-economic dynamics. Economic inequality, often referred to as the "income gap," is a significant concern in South Africa. The richest 20% of the population earn 70% of the national income, while the poorest 20% earn a mere 2% (StatsSA, 2020). Despite national efforts such as Black Economic Empowerment (BEE) and Affirmative Action, poverty remains widespread, with 55.5% of the population living below the poverty line (StatsSA, 2020). The majority of South Africans struggle to meet basic needs, facing inadequate housing, nutrition, and clean water. This dire situation leads to frustration, depression, and feelings of hopelessness, especially when individuals perceive no opportunity for improvement. Economic disparity fuels the motivation for crime, as individuals, particularly those who are ambitious or capable, may view crime as the only viable option to escape poverty and improve their circumstances (Rau, 2000). While both the wealthy and the poor may engage in criminal activities, it is the socio-economically disadvantaged who are often more vulnerable to being recruited into the world of organized crime, including murder for hire (Governor, 2004).

Organized crime plays a pivotal role in facilitating murder for hire, particularly within impoverished communities. Rau (2000) argues that South Africa's deeply divided society, with a higher premium on financial gain, creates an environment conducive to the proliferation of contract killings. As a result, murder for hire is not only a product of personal economic desperation but also a reflection of a broader commercialized and commoditized crime environment. Governor (2004) highlights the link between socio-economic vulnerability and criminal behavior, noting that individuals in disadvantaged communities are often enticed into murder for hire to escape poverty. These individuals, who have limited access to education, job opportunities, and social services, are more likely to be recruited into criminal enterprises, where financial gain is promised in exchange for violent acts. This perpetuates a cycle of poverty and crime, with organized crime syndicates targeting the vulnerable and exploiting their desperation (Governor, 2004).

The influence of organized crime is further exacerbated by the socio-economic exclusion faced by many black South Africans, especially in the post-apartheid era. Despite government initiatives like BEE and Employment Equity, the economic divide persists, leaving large portions of the black population in poverty and dependent on low-income, insecure jobs. As a result, desperation grows, and individuals are often drawn to crime, including contract killings, as a means of financial survival. Economic inequality creates a fertile ground for organized crime to thrive, where murder for hire becomes a tool for financial advancement, particularly for those on the fringes of society (Thomas, 2021). Research also shows that poverty and crime are closely linked, with areas of high economic disparity witnessing higher rates of violent crimes, including homicides (Thomas, 2021). Therefore, addressing economic inequality and offering alternative means of financial stability are critical to reducing the prevalence of murder for hire in South Africa.

Organized Crime-Related Killings

In 2023, organized crime-related killings were responsible for most assassinations, with 46 cases making up 35% of the killings recorded. These victims primarily included suspected drug dealers, gang members, and law enforcement officers investigating gang-related criminal activities such as extortion and protection rackets. Additionally, business owners and individuals from the entertainment sector, including DJs and musicians, were also targeted. While the exact motives behind these killings are not always clear from public reports or court documents, it is speculated that some may be linked to extortion rackets or failed business deals (Newzroom Afrika, 2021; McCain, 2022).

Gauteng recorded the highest number of such killings, particularly in Mamelodi, where the Boko Haram gang, involved in extortion, was a key player. Rival gang tensions led to violent incidents, such as the mass shooting in May 2023, which resulted in the deaths of four Boko Haram members (Bhengu & Mthethewa, 2023). In the Western Cape, gang conflicts in 2023 were exacerbated by territorial disputes and infighting. Notable cases include the March killing of a prominent 28s gang member, Simon Stanfield, and the arrests of alleged high-profile gang leaders, including Nafiz Modack, involved in significant cases like the 2020 murder of Anti-Gang Unit Lieutenant Colonel Charl Kinnear (Cruywagen, 2024; Marks & Dolley, 2024). These cases are anticipated to influence future gang dynamics in the region (GI-TOC, 2023).

Although none of the assassinations in the organized crime category in 2023 were explicitly linked to politics, gang violence in South Africa is closely intertwined with governance issues. Criminal gangs exert territorial control over communities, filling gaps in service delivery and often influencing local government processes. For instance, there have been allegations of collusion between municipal officials and underworld figures, particularly involving businesses like construction companies. In the Western Cape, allegations emerged that municipal employees manipulated tenders to favour companies with criminal connections (Duval, 2023).

Organized crime-related assassinations are also connected to the erosion of key state institutions, particularly investigative bodies, through corruption. The murder of court-appointed liquidator Cloete Murray and his son in Johannesburg in March 2023, for example, impeded the ongoing case against the government contractor Bosasa (Horti, 2023; South African Government, 2023). Additionally, violence targeting professionals serves as a deterrent, discouraging others from fulfilling their duties due to safety concerns. This atmosphere of fear forces qualified professionals to abandon their roles, compromises investigations, and fosters a sense of impunity among criminals (Stanyard, 2020).

Taxi Industry-Related Killings

In 2023, the South African Observers (SA-Obs) recorded 45 assassinations related to the minibus taxi industry, which accounted for 34% of all targeted killings. These killings were largely driven by competition over routes and disputes between taxi drivers and associations (Thomas, 2021). While the highest number of cases had previously been recorded in Gauteng during the 2018 Kempton Park taxi war (Matamba, 2023), in 2023, the Eastern Cape recorded the highest number of taxi-related killings. This violence primarily stemmed from a conflict between the Uncedo Taxi Association and the Border Alliance Association over the Mathambalele route, with many incidents occurring in Mthatha, Port St Johns, and Lusikisiki (Nyembezi, 2024; Ndlanya, 2024). In response, the associations signed a peace agreement in Mthatha in early 2024, aiming to end the violence (Nyembezi, 2024). Furthermore, violence in the public transport sector extended beyond taxis, with long-distance bus drivers from Intercape also targeted. The company faced numerous threats, particularly in the Eastern Cape, from the taxi industry, which tried to control routes and fare pricing (Nombembe, 2022; Child, 2023). In KwaZulu-Natal (KZN), the second-highest number of taxi-related killings was recorded, mainly linked to taxi boss murders in Verulam, which had been ongoing since 2022 (Ngema, 2022). Despite a drop in cases, the Western Cape continued to face conflicts over taxi

routes, with 11 recorded cases of violence in 2023 (Matamba, 2023). The taxi industry is intertwined with organized crime and political interests, particularly in KZN, where taxi-related violence is often connected to money laundering, political assassinations, and criminal activities (Thomas, 2021). Efforts to regulate the industry are hindered by the involvement of politically connected individuals, making it challenging to curb violence effectively (Matamba, 2023).

Personal Assassinations

The frequency of personal killings has remained relatively stable from 2022 to 2023, with eight cases recorded in 2022 and nine in 2023. These killings often arise from romantic conflicts or insurance fraud. For example, in November 2023, Agnes Setshwantsho was arrested for allegedly murdering family members to claim life insurance payouts. Setshwantsho faces charges of murder and fraud, particularly in relation to the poisoning death of her niece. There may be other similar cases, but due to the covert methods involved, such as poisoning, these crimes often go unnoticed. The ease with which insurance policies can be taken out on individuals without their knowledge further complicates detection (Thamm, 2024). In 2023, two police officers were victims of personal killings tied to insurance fraud. Captain Zwelakhe Ntombela, a metro police officer from eThekwini, was murdered in May 2023 by a hitman allegedly hired by his wife, Nongcebo Ntombela. The hitman, who later became a state witness, provided key details about the murder plot, which led to the arrest of Nongcebo and her accomplice, Khulani Cele. At the time of writing, the case was ongoing in the Umlazi Magistrate's Court, with reports indicating that the hitmen were promised R300,000 for the job (Thamm, 2024). Similarly, in August 2023, Warrant Officer Nkosinathi Ntinga was kidnapped and murdered in a separate but related incident. Ntinga's body was found in an abandoned vehicle, and his wife, along with two other suspects, was arrested in connection with the crime (Thamm, 2024).

Recommendations and Conclusion

To address the ongoing violence within South Africa's taxi industry and personal killings related to insurance fraud, several actionable recommendations can be implemented to strengthen justice, prevent further proliferation, and promote a safer society. First, the establishment of a national regulatory body overseeing the taxi industry would enforce policies to reduce violence and corruption. This body should work alongside local law enforcement to ensure consistent regulation and encourage transparency in taxi associations. Additionally, an independent arbitration system could mediate disputes between taxi associations, promoting peaceful resolutions and reducing violent confrontations. Strengthening law enforcement is crucial, and more resources should be allocated to specialized police units focused on investigating organized crime, including targeted killings within the taxi industry. Regional task forces should be created in high-risk areas, and witness protection programs should be expanded to encourage individuals to testify against criminals. Addressing the root causes of violence requires community engagement, such as implementing conflict resolution programs and empowering local communities to collaborate with law enforcement. In the context of personal killings related to insurance fraud, tightening laws around life insurance policies by requiring informed consent and making it illegal to take out policies without the insured's knowledge could prevent future abuses. Stronger legal consequences for individuals involved in insurance fraud should be enforced, while financial crime units must investigate connections between insurance fraud and organized crime. Public awareness campaigns about the dangers of organized crime and insurance fraud, coupled with support for victims and survivors, will further deter participation in these criminal activities. Lastly, strengthening the judiciary by fast-tracking cases involving violence and creating specialized courts for organized crime would ensure timely justice and prevent criminals from exploiting delays. By implementing these recommendations, South Africa can reduce violence, improve public safety, and restore trust in its justice system, laying the foundation for a safer and more just society.

In conclusion, the persistent violence and targeted killings within South Africa's taxi industry and personal killings linked to insurance fraud reflect broader issues of lawlessness and socio-political instability. The taxi industry, marked by territorial disputes, often intersects with organized crime and political patronage, exacerbating the challenges of regulating the sector. Similarly, personal killings driven by insurance fraud highlight the darker side of financial motivations, with cases such as that of Agnes Setshwantsho underscoring the ease with which individuals can exploit systems for personal gain, often with tragic consequences. Both forms of violence, whether within the taxi industry or stemming from personal disputes, reveal deep-seated issues in South African society, including corruption, lack of regulation, and an erosion of trust in institutions. Tackling these crimes requires a multifaceted approach, involving stricter law enforcement, better regulation of the taxi industry, and a more robust legal framework to address fraudulent schemes. As these issues persist, it is essential for communities, government

authorities, and civil society to collaborate in efforts to reduce the impact of such violence, ensuring greater safety and accountability for all South Africans.

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