

JUSTICE IN SOUTH AFRICA
“IS THERE JUSTICE IN SOUTH AFRICA?”

By: Themba Ratsibe (Research Assistant)

DESCRIPTIVE ANALYSIS

Introduction

In this paper we investigate justice in South Africa. Since the term justice is very broad in the South African context we have decided to focus on criminal justice for the purposes of this paper. The reason for this is that crime is a serious matter in South Africa and it is reported on frequently by the media, for this reason it is the most common link that South Africans have to the term justice.

In order for us to investigate criminal justice, we have to define the term criminal justice and to identify how we are going to be using this term justice throughout this paper. For the purposes of this paper when we refer to criminal justice, we will be referring to the extent to which those who have broken the law have been found guilty for their crimes and those who have been wrongfully accused have been found not guilty for the crimes they did not commit.

In this investigation of criminal justice this paper takes the form of three Chapters. The first Chapter studies the criminal justice system and its shortcomings. Chapter 2 studies how justice in South Africa is sometimes achieved on the circumstances of that particular case and the individuals who are affected by it. The last chapter studies how sometimes in order for one to achieve justice in South Africa; they must have access to resources that many average South African citizens do not have access to.

The paper comes to a close at this point; it is also at this point that certain facts about the criminal Justice in South Africa are revealed. This thus allows the reader to make his or her own conclusion of whether or not there is justice in South Africa which is the sole purpose of this paper.

Chapter 1

The Criminal justice system in South Africa

Background

As it has been stated in the introduction thinking about justice in the South African context, one immediately thinks of crime and criminal justice. This is mainly due to the fact that it is omnipresent and it is the easiest way to judge whether or not there is justice in South Africa.

This section of this paper focuses on criminal justice, particularly violent crimes. Firstly we focus on the state of the country in terms of crime. It is here that we analyze what the problems are in our criminal justice system and what is being done to strengthen the criminal justice system in the country and to reduce the crime rate in the country

Research Methodology

In order to collect the necessary material for this section, we made the use of the internet. We found that the Google search engine (www.google.co.za) was very useful. It referred us to other websites of which news24.com (www.news24.com) was the most helpful. The reason for this is that it referred us to other links that provided us with very useful data. In this section these websites include www.anewsouthafrica.com and www.southafrica.info.

www.anewsouthafrica.com provided us with an overall view of crime in South Africa and www.southafrica.info highlighted what the downfalls of the South African justice system are and what is being done to improve and to strengthen the criminal justice system.

The criminal justice system in South Africa

- It seems that the criminal justice system in South Africa has had many short comings in recent times. According the article entitled “**Justice System undermines crime prevention**” which was published in 2007, crime statistics in the country during the period of April to September 2007 stated that robbery was up 7%, business robbery up by 29.3% and truck hijacking up by 53.3%
Safety and Security Minister Charles Nqakula stated that there are serious weaknesses within the criminal justice system in South Africa.
- Nqakula stated that “There are these people they have arrested suddenly waking the streets.” He made the example of the arrest of 22 people who were allegedly involved in a cash in transit heist. Seven of them were out on bail even

though they were linked to three other cases. He added that in these cases, they don't expect such people to be granted bail.

- In addition to this, he further commented on the crime statistics in the country. Nqakula referred to a man who had been convicted on 28 counts of bank robberies. He stated that "When we put people behind bars, people like that, it has the effect of reducing that type of crime".

The article entitled "**Criminal justice overhaul for South Africa**" also highlights other shortcomings of the justice system and where and how it can be improved.

- According to the Deputy Justice Minister Johnny De Lange a big weakness in the justice system is the lack of coordination between the big players of the justice system such as the SA Police service, The National Prosecuting Authority and the department of Justice and Correctional Services.

- The Sunday Times added that the new plan was influenced by a British review intends to empower those at the coal-face-with crime-battered citizens the ultimate winners. According to the Sunday times it aims for quick, equitable and fair criminal justice that has the confidence of the public and impacts heavily on crime.

- De Lange added that there would be no super-ministry to run the criminal justice system; instead the aim was to achieve one vision, one mission amongst all the departments involved in the criminal justice system.

- Other recommendations to aid this improvement also included the use of technology for example the use of a single data base for details of criminal suspects and prisoners. This would allow all departments to trace a single case throughout the system. In addition to this the use of video-transmission technology would allow the courts to hear bail applications and to postpone cases without the suspects being present.

- Lastly the involvement of communities to fight against crime, with community policing forces being given more resources and authority to demand crime reports from heads of local police stations.

- The article entitled "**Beefing up the criminal Justice system**" added to the above. Finance Minister Trevor Manuel stated that reducing the levels of crime and increasing the level of safety in the country was one of the five main priorities of this year's medium term budget policy statement. Therefore the government in partnership with communities and business aims to restructure the criminal justice system and to establish a more efficient and integrated system. This includes the initiative whereby the government would increase the number of personnel who specialize in crime prevention, detective work, crime intelligence and forensic work.

- Manuel added that the government would also focus on reducing the number of detainees facing trial, while also increasing the capacity of the country's correctional facilities. He stated that six new prisons were in the process of being built in the next three years.

- Lastly Manuel stated that the government will be taking steps to strengthen the South African borders and ports to prevent organized cross-border crime.

Conclusion

- From the above it would appear that the criminal justice system in South Africa is going through a reconstruction phase. However from all the negative qualities and the short comings that are imbedded in it at the moment, it is difficult for one to label the criminal justice system as a system that provides justice. In fact it seems that the government is trying to make the use of rhetoric to convince its citizens that they have identified the short comings of the criminal justice system, that they have plans in place to improve the system and that the situation is under control.

- Safety and Security Minister Charles Nqakula makes a good use of logos (in the inductive form) in his arguments in identifying some of the short comings of the criminal justice system. That is to say he reveals the apparent truth in his arguments. For example he stated that there are weaknesses in the criminal justice system, and he makes the example of criminal suspects being given bail even when they are linked to three other cases. This is an apparent truth which he has revealed through the use of an example.

- At the same time he reassures his audience or citizens through the use of the same technique. He uses logos in the inductive form by using the example of a criminal suspect who has been convicted on 28 counts for bank robberies, as the way to reduce crime in the country. Here he alludes to the fact that this is the “no tolerance level that the criminal justice system is looking to maintain.

- Deputy Justice Minister Johnny De Lange makes the use of epidictic speech in his arguments. That is to say he puts blame on the main departments of the criminal justice system stating that there was no coordination amongst them, hence the system is not effective. He reminds the audience of this fact but at the same time he shows them and reassures them what things will be like in the future. At the same time he makes the use of ethos by stating that communities must have more involvement in the criminal justice system. Here he touches on the emotions of those people in the communities who often feel that they do not receive enough support from the government in terms of crime prevention.

- Finance Minister Trevor Manuel also touches on the emotions of the communities by highlighting that reducing the crime rate was one of the top five priorities for the government in its medium term budget. This has an impact on the emotions of communities as it once again illustrates that the government recognizes the seriousness of the criminal justice system. He also makes the use of logos in identifying what the weaknesses of the criminal justice system are and what will be done to improve them.

- The above illustrates that government officials have done very well in public deliberation and in reassuring its citizens about the criminal justice system. However it is clear that it would be difficult to state that there is Criminal Justice in South Africa, especially when there are still criminals being released on account of bail.

Chapter 2

Research has concluded that South Africa is a violent society

Background

As the above Chapter has revealed, there are problems with the Criminal Justice System in South Africa. This has resulted with criminals and suspected criminals walking the streets in society without serving their time or full sentence in prison. In this Chapter we focus on some of the more violent crimes in South Africa such as children abuse, molestation and child rape cases. To do this, we focused on a case involving a local policeman, we also focused on crime statistics in the country, we also focus on the most violent province in the country during the 2008 festive season (December period) that being KwaZulu Natal (KZN).

Violent and rape related crimes in the country, especially those on young girls are very important in this chapter. Here the case involving the grand daughter of Transvaal Judge President Bernard Ngoepe also plays a big role as it illustrates the different ways in which this case was handled as compared to other cases like it. From this one can make their own conclusions as to how “just” South Africa or the South African Criminal Justice System really is.

Research Methodology

The gathering of material for this chapter was very strategic. Firstly we gathered material that was alarming to the South African public in terms of violent crimes; secondly we gathered material that focused on what was happening in terms of violent crime in the country currently. Lastly we gathered material that focused purely on the Makgabo case, this case is very important in illustrating the contrast of the procedures taken in this case as compared to other cases similar to it.

In order to gather the above material we found two websites to be very helpful, that being the news24 website (www.news24.com) as it provided us with relevant material and it also linked us to other websites such as www.news.iafrica.com.

South Africa is a violent society

- Due to recent statistics and alarming reports, South Africa has been labeled as being a violent society. This is to be expected especially when we have shocking reports stating that our law enforcers such as policemen are allegedly raping 9 year old girls.

- According to the article entitled “**Cop arrested for child rape**” a policeman allegedly raped a 9 and 11 year old girls respectively.
 - Spokesperson Superintendent Abie Khoabane stated that the 31 year old Constable Solomon Yende from the Amersfoort police station faced two charges of rape. He added that Yende allegedly raped two girls aged 9 and 11 years old at his late grandmother’s house.
 - Khoabane closed the statement by stating that Yende will be charged according to the SAPS discipline regulations. There will be a hearing to hear both sides of the story and a decision will be made there after.
 - The above is just one example of many cases involving the rape and abuse of children in South Africa. According to the article entitled “**Child murder on the rise**” youngsters are continuously bearing the brunt of crime in the country. An example of this is the increase in the number of children murdered in 2008 (22.4% increase).
 - Security and Safety Minister Charles Nqakula stated that children suffer most from cases of indecent assault and that the abuse of girls remained a major problem in the country. He went on to state that the headlines are always filled with the abuse of children, quoting examples of the kidnap and murder of 7 year old Sheldean Human and the recent murder of 11 year old Annestacia Wise whose body was found in the ceiling of her home.
- The above focuses on the abuse of young girls. The article entitled “**We are a violent society**” reveals some statistics of violent crimes in the country during the 2008 festive season in Durban (kwaZulu Natal) which seemed to be the most violent during this time. At the same time this article reveals what proportion of these crimes took place on young girls.
- According to this article The Provincial Health department stated that 1722 people were assaulted in KwaZulu Natal, 11 sustained gunshot wounds over the first 18 days of December. In addition to this 493 people were stabbed and 282 were raped, and 49 of these were child victims.
 - The Provincial Health MEC Neliswa Peggy Nkonyeni stated that she was very concerned about these figures that had occurred over the festive season. She stressed that these figures illustrate a society that continues to violate women and children.
- From the above articles it is clear that child rape and abuse is a big concern in South Africa. The following two articles focus on a specific child murder case, that of the Transvaal Judge President Bernard Ngoepe. According to the article entitled “**Ngoepe’s grandchild found dead**” the body of the Transvaal judge president Bernard Ngoepe’s four year old granddaughter was found dead under a bed in of the rooms at her parent’s home
- Spokes person Nthabiseng Mazibuko stated that the body was found after a 24 hour manhunt was launched. Mazibuko could not confirm any details regarding the incident but stated that forensic investigators were working on collecting evidence from the house

- The article entitled “**Suspects held over Makgabo murder**” added that the police arrested 3 men in connection with Makgabo’s murder in the Weilers farm squatter camp. According to the Star newspaper, these men had all confessed to the involvement in the robbery at the Matlala home in which Makgabo was strangled and left under a bed in her parents’ house.
- Matlala did not want to comment on these arrests as he realized that the men were only suspects and that they still needed to go to court which is a long process. He did confirm however that as someone who is involved with the law, he is satisfied with the way in which the police have handled the investigation.
- On the other hand National Police Commissioner Jackie Selebi came down on the police after it took them 27hours to find the body when it was under the bed all along. He stated that “It was the worst levels of incompetence I have ever seen”.
- The police however were happy with their efforts in finding and arresting the suspects as stated by Senior Superintendent Mary Martins-Engelbrecht.
- The suspects were at a later stage taken back to the Matlala house to point out certain scenes.
- Engelbrecht confirmed that the key to finding the men was ruling out four initial suspects, once they ruled them out, they were able to come up with the new ones.

Conclusion

- From the above articles, one can deduce that violent crimes against women especially young girls are a very big issue in South Africa. What is even more concerning is that since our criminal justice system is not stable it is also very difficult to bring criminals and suspected criminals to justice, unless the case is very important in terms of the nature of the case and who exactly is involved or affected by the case. The way in which the case is communicated to the public, one can already sense that it is not just an average or an everyday case.
- If we take the article entitled “**Cop arrested for child rape**” the headlines themselves illustrates to the reader that this is a very serious case, before one reads it we can deduce that the ethos of a certain cop will be challenged.
- What is interesting to note however is that this story was reported in a manner that tries to best preserve the ethos of the cop even if it’s only to a small extent. The word allegedly is used constantly when stating facts about the case.
- Spokesperson Superintendent Abie Khoabane took the same approach in his statements.
- What’s important to note about this case is that the suspected criminal (the cop) was going to be brought to justice.
- There are many cases similar to this one throughout the country as the statistics have revealed, the majority of them do not get the same result.
- The article entitled “**Child murder on the rise**” illustrates that there a lot of perpetrators who are not brought to justice where violent crimes against children are concerned. It states that child murders increased by 22.4% in South Africa.

- Security and Safety Minister Charles Nqakula has tried to illustrate the seriousness of these stats by using pathos in order to appeal to his audience's emotions as well as logos in the inductive form by referring to recent violent crimes on children.
- The article entitled "**We are a violent society**" adds to this by highlighting the crime rate in KwaZulu Natal during the festive season. This article makes the use of pathos and logos by revealing the alarming statistics of crime in the province. These figures have an impact on the reader's emotions. These figures also demonstrate the apparent truth that the audience might not have been aware of (logos in the inductive form).
- The Provincial Health MEC Neliswa Peggy Nkonyeni statement about being concerned about these figures, demonstrates the use of emotive language, hence it is the use of ethos on her part. The audience recognizes her ethos (The Provincial Health MEC) and if she sees a reason to be concerned about these statistics, it is clear that this is a serious matter.

The above also illustrate one case (Cop arrested for child rape) where justice was more than likely going to be achieved. However at the same time it reveals the alarming crime rate in South Africa especially on young girls. The majority of these criminals and criminal suspects are often not brought to justice.

At this point we would like to focus on another case where justice was achieved. This being the Makgabo case, the granddaughter of Transvaal Judge President Bernard Ngoepe.

- According to the article entitled "**Ngoepe's grandchild found dead**" the judge president's 4 year old granddaughter was found dead under a bed in her parent's house. Because of the nature of the story, this article is reported in a manner that appeals to the readers emotions. That is to say it makes the use of pathos. The statement by spokes person Nthabiseng Mazibuko that the body was found 24 hours after a manhunt had been launched, depicts the emotional state that the family would have been in at this point.

- The article entitled "**Suspects held over Makgabo murder**" also makes the use of emotive language in covering the story. It depicts all the relevant details about the case, for example that Makgabo was strangled. This appeals to the readers emotions because it illustrates the brutality of the murder. The fact that the parents didn't want to comment on the murder and the fact that the family was still trying to come to terms with the murder is also another emotive tool (pathos) used by the reporter to indicate the tragedy that this family was going through to his readers.

- What must be noted here is that the suspected criminals were found in a matter of days as indicated by the date of the articles, and that justice would take its course. Makgabo's father was even asked if he was satisfied with the Police investigation. Do other everyday cases in South Africa receive these privileges?

- As we have stated before there are many cases like this one in South Africa as the statistics would indicate. However the majority of them do not have the same

result. Thus far in this paper it would seem that justice in South Africa is achieved when the case is shocking to the public i.e. a cop being arrested for child rape or if the victim involves someone that the public holds in high regard, for example a Judge President. Other everyday cases do not seem to be held in the same regard as these ones.

Chapter 3

ANC president Jacob Zuma in more court battles

Background

Thus far in this paper has illustrated that the South African criminal justice system has many short comings which leads to inconsistencies where achieving justice is concerned. What has been illustrated is that the nature of the case and the victims involved in it seem to play a significant role with how the case will be investigated in order to achieve justice. This chapter follows on from this; however it presents a slightly different scenario. It illustrates that the resources you have available to you as a victim also play an important role in achieving justice. In this instance we focused on the ANC president Jacob Zuma and his corruption trial.

Research Methodology

Gathering the relevant material on Jacob Zuma was not as challenging as gathering the material for the other chapters. We believe this may have to do with the fact that this case took place very recently. Once again www.news24.com was very useful. Searching on this search engine led us to other websites such as www.mg.co.za, www.iol.co.za and www.news.bbc.co.uk which provided us with the relevant material. In a nutshell the material that we collected illustrates the different stages that Zuma's case went through. Initially it went through a negative stage where many thought that he could be convicted, then he received the opportunity to present his argument which his lawyer did very well, at this point he received a lot support from many people across the country and finally the charges against him were dropped.

ANC president Jacob Zuma's corruption trial

ANC president Jacob Zuma was facing charges of corruption, fraud and money laundering relating to a multi-billion dollar 1999 arms deal. There was a lengthy court case that Zuma eventually won. Below is a brief summary of the final stages of this court case.

- According to the article entitled "**Zuma conviction very possible**" the state's advocate Wim Trengove believed that the state had a good chance of convicting Jacob Zuma
- Trengove went on to add that he was sure that they had a case with a reasonable prospect for conviction

- Zuma's defense in the form of Kemp J Kemp argued that the warrants issued by Transvaal judge president Bernard Ngoepe were authorized without a case being made to Ngoepe
 - Trengove's retort was that the Constitution does make the provision for the attachment of an affidavit as suggested by Kemp.
 - After debating the merit of the raid Trengove emphasized that the searches were a continuation of the trial originating from Shabir Shaik, Zuma's former financial advisor who was convicted for corruption relating to a R500 000 bribe Zuma is alleged to have received from him.
- It was at this point that the courts started to hear Zuma's argument. According to that article entitled "**Courts start hearing Zuma argument**" Zuma's lawyer made very strong arguments based on his interpretation of section 179 (5) (d) of the constitution.
- Zuma claimed that the National Director of Public Prosecutions (NDPP) was obliged in terms of that section to allow him to make representation before it decided to prosecute him in 2005 and 2007
 - Kemp argued that if the writers of the constitution had intended section 179 (5) (d) not to apply to the NDDP, they would have stated it in the Constitution.
 - Kemp hammered this point by stating that he did not see the ambiguity or the uncertainty in the matter.
 - He later stressed the point that the state did not adhere to these conditions and they twice prosecuted Zuma without giving him a chance to defend himself in June 2005 and December 2007.
- The above arguments by Kemp gave Zuma and his supporters a lot of hope in terms of this case. According to the article entitled "**Zuma's our man**" ANC Youth League Leader Julius Malema gloated that The National Prosecuting Authority did not have a case and that they will lose
- Malema was also very quick to add that they (ANC Youth League) will accept the out come. He further stated that Zuma respected the Judiciary and he always subjected himself to the rule of law, and for that reason there was no doubt that he would also accept the outcome.
 - Malema was weary of the fact that this was not the end of the road and that there will be other charges brought against Zuma. Malema was quoted stating that whatever charges are brought forward, "we will proceed to the Constitutional Court and if we don not succeed in the Constitutional Court we will bring an application for a permanent stay of prosecution because Zuma will not get a fair trial"
 - Malema concluded his statement by stating that "There's no court Zuma will attend without our support. He's our man"
- According to the article entitled "**SA court rejects Zuma graft case**" Malema's interpretations were correct. Zuma succeeded in his case. According to a judge in Pietermaritzburg there was reason to believe that the decision to charge Zuma was politically motivated.

- At this point thousands of Zuma supporters celebrated. Zuma addressed his supporters by leading them in singing his trademark anti-apartheid song “Umshini wam” (Bring me my machine gun). After this he stated to the crowd that “This is a lesson that we should never keep quiet when those in power break the law”
- Judge Chris Nicholson stated that the decision to prosecute without consulting Zuma was invalid and it caused the charges to be set aside. The charges could be brought up again but correspondents state that the prosecutors will be under immense pressure to drop the case completely.
- After a lengthy court battle, a jubilant Zuma embraced his lawyer after the ruling.

Conclusion

- Zuma’s trial came in two parts. The first part is that which tries to defend Zuma and his ethos, this was done by his lawyer Kemp. The second part comes in form of the opposing lawyer from the state who is trying to get Zuma convicted and in doing so he was attacking Zuma’s ethos.
- According to the article entitled “**Zuma conviction very possible**” Kemp made the use of Forensic speech as he showed the injustice that had been done to Zuma in terms of the legality of the warrants issued by Transvaal judge president Bernard Ngoepe
- He thus carried on using forensic speech to go on and win the trial. According to the article entitled “**Courts start hearing Zuma’s argument**” Kemp argued against the constitutionality of not allowing Zuma to have a defense or representation in 2005 and 2007. This highlights once again an injustice that was done to Zuma and therefore this can be noted as the use of forensic speech from Kemp.
- These arguments brewed up a lot of support for Zuma. The reason for this is that the arguments to a certain extent restored Zuma’s ethos.
- The article “**Zuma’s our man**” illustrates how the ANC Youth League leader Justice Malema uses emotive speech (pathos) to emphasize his support for Zuma. He goes as far as to passionately state that Zuma is a law abiding man and that they will support him in every court that he goes to because he is their man. Having recognized leaders passionately supporting Zuma even though it is by association enhances Zuma’s ethos to his audience.
- Finally when Zuma had won the case, according to the article entitled “**SA court rejects Zuma graft case**” there were celebrations outside the court room by thousands of Zuma supporters. By Zuma leading his supporters in singing his trademark song “Umshini wam” he unites them in celebrating his victory together, this can be seen as a rhetoric tool.
- When Zuma stated to his audience that this is a lesson that we should never keep quiet when those in power break the law, here he makes the use of ethos because he illustrates he’s fair-mindedness and his trustworthiness. The reason for this is that he is indirectly encouraging the public to challenge the leaders in the country when they break the law. Zuma is alluding to the fact that he is a

leader in the country who is in power and he doesn't mind being challenged (perhaps because he has nothing to hide).

In the context of this paper and more importantly in this chapter, what this case illustrates is that justice can be achieved when one has the correct resources. Here as far as Zuma is concerned justice had been achieved. In this instance one could argue that Zuma had the resources of a good lawyer and the financial resources to carryout this court battle for a long period of time. Not to mention the public support he received from other leaders in the country, as well as the media exposure which surrounded the case. Other cases in the criminal justice system do not have such privileges. Therefore a question to ask here is, "Has justice been achieved where these other cases are concerned?"

It is at this point where we would like to close this paper. At this point different facts about criminal justice in South Africa have been revealed. It would seem that one could argue that there is justice in South Africa, but there are many factors that will determine whether or not justice will be achieved in a certain case, such as the nature of the case, the victims involved in the case, as well as the resources that a suspect or victim has available to them. That is to say there are many inconsistencies where justice in South Africa is concerned. Others would argue against this by stating that the mere fact that there are inconsistencies with our criminal justice system means that there is no justice in South Africa because pure justice includes affording individuals in a society fair treatment and impartial benefits (http://en.wikipedia.org/wiki/Social_justice).

Be that as it may, an important fact that has been revealed in this paper is that the South African criminal justice system is crying for help and it needs to be attended to immediately.

DATA

Chapter 1

The Criminal Justice system in South Africa

<http://anewsouthafrica.com/2007/12/07/justice-system-undermines-crime-prevention/>

Downloaded on the 22nd November 2008 at 11:50am

Justice system undermines crime prevention

Posted on December 7, 2007 by Rick Crouch

Courtesy Natal Witness

Sapa

07 Dec 2007

There are “weaknesses” in the criminal justice system that need serious attention, Safety and Security Minister Charles Nqakula said yesterday.

These include the granting of bail to people arrested for serious crimes, despite police objections, he said in reply to questions at the release of the police’s latest crime statistics.

“There are these people they have arrested suddenly waking the streets.”

A case in point was the recent arrest of 22 people in KZN for alleged involvement in cash-in-transit heists.

Seven of are were out on bail, even though some of them were linked to three different cases.

“In these circumstances, you don’t expect such people to be granted bail,” said Nqakula.

The police announced yesterday that house robbery, business robbery and truck hijackings had increased in the six months from April to September.

Murder; rape; attempted murder; assault with the intent to do grievous bodily harm; common assault; aggravated robbery and common robbery are down.

The DA said the increases made a mockery of Nqakula’s assurances to business leaders, locally and overseas, that the crime rate was under control.

The statistics proved the public was not safe because of crime, added the Freedom Front Plus.

They also proved that the police were not using their resources to target priority crimes, said the Inkatha Freedom Party.

However, the police said it was precisely because of their interventions that certain types of crimes were starting to drop off in certain provinces.

A police report on trends from April to September found that house robbery was up seven percent, business robbery 29.3 percent, and truck hijacking 53.3 percent.

There were 6711 house robberies in the six months from April to September, up from 6271 over the same period last year.

Most were in Gauteng (3568), followed by KwaZulu-Natal (1648), and fewest in the Northern Cape (3).

However, Gauteng was one of three provinces where house robberies declined — down 7.7 percent from 3865.

It seemed some of the operations and initiatives taken in Gauteng and certain other provinces were starting to pay off, said police crime information management head Dr Chris de Kock.

The police study found that house robbers operated in small groups, struck at night and held up their victims with firearms after forcing their way into their homes.

Robbers usually stole cellphones, money, dvd players, clothes, jewellery, televisions, sound systems and vehicles.

Money was also the most frequently targeted item in business robberies.

Business robberies went up from 3433 in 2006 to 4438 between April and September this year, with 2007 between April and June, and 2431 from July to September.

“When people think about business robberies, they usually think of large groups (10-14) of heavily armed men ‘attacking’ shopping centres and malls,” the report noted.

“Such incidents do indeed occur, but account for only a small proportion of business robberies.”

By far the largest number of business robberies affected medium to small factories and conventional shops in central business districts and suburban areas, the report found.

Freight was the target of truck hijackers, said De Kock.

The number of truck hijackings rose from 390 in 2006 to 598 in 2007, but was still nowhere near the 1895 in the same six month period in 2001.

De Kock cautioned that there was such a big increase because the number of incidents was low.

“When a group of truck hijackers (a syndicate) forms, they will regularly commit this crime and that will generate numerous cases which will push the percentages up dramatically,” the report noted.

“When they are apprehended and successfully prosecuted, this may have an equally dramatic downward influence on the figures.”

Nqakula said a man was convicted of 28 counts of bank robbery on Wednesday. “When we put people behind bars, people like that, it has the effect of reducing that type of crime,” he said.

According to the police statistics, murder went down 6.6 percent, rape 3.6 percent, attempted murder 7.6 percent, assault with intent to do grievous bodily harm 2.8 percent, common assault 5.1 percent, aggravated robbery 9.7 percent and common robbery 12.3 percent.

Nqakula said the Centre for Violence and Reconciliation was studying the reasons crime in South Africa was so violent.

The police had already received its preliminary report, but the final version would be presented to the government only in January 2009. He gave no indication of the preliminary findings.

<http://www.southafrica.info/news/crime-151107.htm>

Downloaded on the 21st November 2008 at 12:00

Criminal justice overhaul for SA

16 November 2007

South Africa's criminal justice system is in for a series of far-reaching changes after the Cabinet last week approved a turnaround strategy that goes to the heart of the problems with the country's anti-crime methods and structures.

Speaking to reporters in Cape Town last week, Deputy Justice Minister Johnny de Lange underlined the radical scope of the recommended changes, saying specific details would be made public in President Thabo Mbeki's State of the Nation address in February.

It was no longer a case of "tinkering" with the system, De Lange said; the government was now looking at a fundamental transformation of the system as a whole, with "huge financial and organisational implications".

The overhaul plan came out of a review of SA's criminal justice system initiated by Mbeki's government-big business working group on crime.

The review, according to De Lange, identified as a major weakness the lack of coordination between the different players in the country's criminal justice system, particularly the SA Police Service, the National Prosecuting Authority and the departments of Justice and Correctional Services.

According to the Sunday Independent, the new plan, "influenced by a British review of that country's criminal justice system, intends to empower those at the coalface - with crime-battered citizens the ultimate winners.

"It aims for quick, equitable and fair criminal justice that has the confidence of the public and impacts massively on crime."

The fundamental changes envisaged in the plan centre around better coordination between departments, better planning, better resource management, better training and improved incentive schemes that reward expertise and experience.

While De Lange stressed that there would be no "super-ministry" to run the entire criminal justice system, he said a structure would be set up that encompassed all the elements of the multi-departmental criminal justice system, with an individual being appointed as a "champion" of better coordination among departments.

The aim, he said, would be to achieve "one vision, one mission" among all the departments involved in the criminal justice system.

Other recommendations involve the greater use of information and communication technology, such as the development of a single database for details of criminal suspects and prisoners. This would allow all departments, from police stations to courts to prisons, to trace a single case throughout the system.

Greater usage of technology - such as video-transmission technology - would also allow the country's courts to hear bail applications or to postpone cases without the suspects being present. This would improve the overall efficiency of the courts process, while reducing the risk of dangerous awaiting-trial prisoners escaping while being transported to and from the courts.

De Lange said the government was looking at implementing the occupation-specific dispensation salary schemes already being implemented by other departments, saying it was vital to retain the skills of experienced officers such as detectives.

Other proposed changes include strengthening community involvement in the fight against crime, with community policing forums to be given more resources - and possibly even the authority to demand crime reports from heads of local police stations.

Chief government spokesman Themba Maseko told reporters on Thursday that a task team made up of all the key role players would be set up immediately to start planning the implementation of the approved recommendations.

He said a report would be presented to the Cabinet in January and formally announced by Mbeki when he opened Parliament for the new year.

*S*Ainfo reporter and [*BuaNews*](#)

<http://www.southafrica.info/about/democracy/crimeb-221008.htm>

Downloaded on the 22nd November at 12:12pm

Beefing up the criminal justice system

22 October 2008

Reducing the levels of crime and enhancing citizen safety was one of the five main priorities of this year's medium term budget policy statement, unveiled by Finance Minister Trevor Manuel in Cape Town this week.

Addressing members of Parliament in Cape Town, Manuel said the government would intensify the fight against crime through "strengthening the criminal justice sector, especially detective and investigative services, and by improving court processes".

The Department of Safety and Security's budget increases significantly over the medium term, enabling an increase in the number of police officers to more than 200 000 by 2011, up from some 131 000 in 1997/8.

Manuel pointed out that while general crime levels have been on a downward trend since 2003, with the all-crimes rate falling by 18.2%, reducing crime - particularly violent crime - remained a pressing challenge.

• Partnership with communities, business

He said this was mainly because the criminal justice system had experienced coordination failures, and suffered from poor management and ineffective systems.

"In partnership with communities and business, government aims to restructure the criminal justice process and establish a more modern, efficient and integrated system," he told Parliament.

"Funding priorities include the rollout of the integrated electronic docket management system, a case management system, upgrading of network and associated infrastructure in all police stations and national fingerprint identification."

He said the government would prioritise an increase in the number of policing personnel who specialise in crime prevention, detective work, crime intelligence and forensics.

In addition, provision for additional expenditure will be made to cover the cost of increased operations during next year's general elections.

- **Correctional services**

Manuel added that the government was also placing focus on reducing the number of detainees facing trial, while also increasing the capacity of the country's correctional facilities.

"Six new prisons that are more focused on rehabilitating offenders before release are expected to be completed over the next three years," he said.

- **Securing borders**

Manuel said that the government was also taking steps to strengthen security at South Africa's borders and ports of entry, increasing patrol capacity and upgrading technology to prevent organised cross-border crime.

Such efforts were also aligned with the country's preparations to host the 2010 Fifa World Cup, he said.

The South African Revenue Service will establish a national centre to coordinate all border activities, including emergency response and integrated intelligence, while customs will monitor imports, exports, transit, excise and travellers across the region.

"The Department of Home Affairs will install a passenger information system and establish a port control unit," Manuel said. "The passenger system will allow for new pre- and post-departure clearance processes and act as an early warning system."

Sainfo reporter

Chapter 2
Research has concluded that South Africa is a violent society

http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2256006,00.html

Downloaded on the 11th December 2008

Cop arrested for child rape
22/01/2008 09:48 - (SA)

Johannesburg - A case of rape against a police officer was on Monday postponed in the Amersfoort Magistrate's Court, Mpumalanga police said.

Spokesperson Superintendent Abie Khoabane said 31-year-old Constable Solomon Yende, stationed at the Amersfoort police station, faced two charges of rape.

"Yende allegedly raped two girls aged nine and 11 on Sunday at his late grandmother's house," he said.

It is alleged that Yende met the two girls on the street in Amersfoort, Jabula section and requested them to accompany him to his late grandmother's house.

On arrival at the house, he sent the 11-year-old to buy him beer.

"He was left with the nine year-old and allegedly raped her. When the 11-year-old returned, she found the nine-year-old crying. She enquired why she was crying, she told her that Yende had grabbed her," said Khoabane.

The nine-year-old ran home, and left the 11-year-old behind who was not aware that her friend had allegedly been raped by Yende.

"He allegedly also raped the 11-year-old and, only let her go home at 21:00. Both victims did not tell their parents that they had been raped," said Khoabane.

However, the 11-year-old's mother demanded to know why she had arrived home late, he said.

The 11-year-old told her mother that she had been doing her computer lesson with a teacher from her school. However, her mother did not believe her.

"The 11-year-old's mother, took her to the teacher's house but did not find anyone. She then confessed to her mother as she was bleeding," he said.

Police were alerted and Yende was arrested at a local tavern while drinking.

"He will be charged in accordance with the SAPS discipline regulations. A hearing will be set up to hear both sides of the story and a decision will be made thereafter," said Khaobane.

Yende's case was postponed to January 30 for further investigation and he was denied bail.

- SAPA

<http://news.iafrica.com/sa/1004380.htm>

Downloaded on the 11th December 2008

Child murders on the rise

Mon, 30 Jun 2008 17:45

Youngsters are increasingly bearing the brunt of violence in crime-ridden South Africa with statistics released Monday showing a 22.4 percent jump in the number of children murdered in one year.

The number of children murdered increased by 22.4 percent and the number of those falling victim to attempted murder increased by 13.7 percent, showed police figures for the period March 2007 to April 2008.

Statistics showed overall contact crimes had dropped 6.4 percent, while murder was at its lowest rate in five years.

However, Safety Minister Charles Nqakula said levels of crime "continue to be unacceptably high" and decreases in rape and indecent assault statistics did not prove the scourge was lessening.

"Children suffer most from cases of indecent assault," he said, adding that social crimes, especially the abuse of girls, remained a major problem in the country. Crimes against children often dominate headlines in South Africa, such as the kidnap and murder in Pretoria of seven-year-old Sheldean Human, and the recent murder of 11-year-old Annetstacia Wiese — whose body was discovered in the ceiling of her home — causing outrage in the crime-weary country.

Child rape is also prolific, and stories of toddlers and young children being raped abound.

Rape, which accounts for the highest number of crimes committed against women and children, decreased by 8.8 percent while cases of indecent assault decreased by 2.1 percent.

While South Africa's murder rate decreased between April 2007 and March 2008, with 18 487 cases of murder were reported to police, compared to 19 202 in the previous year and 21 533 in 2002/2003.

Government has aimed to decrease contact crime by between seven and 10 percent a year since 2004.

"Government would have wanted to see a more drastic decrease in the levels given," Nqakula said at the presentation of the statistics in Pretoria.

Other crimes on the rise included carjacking and robbery.

http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2445202,00.html

Downloaded on the 12th December 2008

'We are a violent society'
23/12/2008 19:12 - (SA)

Durban - A total of 1722 people were assaulted in KwaZulu-Natal and 111 people sustained gunshot wounds over the first 18 days of December, the provincial health department said.

Another 493 people had been stabbed, and 282 raped (49 being child victims).

Provincial health MEC Neliswa Peggy Nkonyeni said she was extremely concerned about these figures, which had been incurred over the festive season.

"These statistics indicate a violent society that continues to violate women and girls. The department also notes with concern the role of alcohol and drugs in promoting these unsocial behaviours."

She said violence could not only lead to death but had effects on health - including brain injuries, bruises and scalds, chronic pain syndromes, and irritable bowel syndrome.

"Injuries and violence are threats to health in every country of the world. While violence and road traffic injuries account for the greatest proportion, other injuries such as drowning, burns, rape and suicides make up nearly 50% of all fatal injuries."

The figures for December showed 118 suicide cases, 1008 vehicle accidents, 17 drownings and 139 burn victims.

"Although the greatest cost of injury is in human suffering and loss, the financial costs are far from trivial. The burden of injuries is greatest amongst the poor," said Nkonyeni.

She urged holidaymakers and residents to be safe and vigilant and not to indulge in drugs.

http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_1895200,00.html

Downloaded on the 12th December 2008

Ngoepe's grandchild found dead
09/03/2006 15:30 - (SA)

Johannesburg - The body of Transvaal Judge President Bernard Ngoepe's four-year-old granddaughter was found underneath a bed in one of the rooms of her parents' Lenasia home, police said on Thursday.

Makgabo Bernice Matlala was found at her parents' house after a 24 hour manhunt was launched, spokesperson Nthabiseng Mazibuko said.

Mazibuko could not confirm if there were any injuries on the body of the child, but said forensic investigators were working on collecting evidence from the house when the discovery was made.

"You remember when working on the scene we called in the crime expert and the procedure has been to work on one room until all evidence is collected," Mazibuko said, when asked why the body was found at the scene of the crime, after so many hours in searching for her.

Judge-President Ngoepe and Makgabo's immediate family were informed of the discovery by police late on Thursday afternoon.

No further information was immediately available.

- SAPA

Downloaded on the 12th December 2008

Suspects held over Makgabo murder

March 13, 2006 *Edition 2*

Lee Rondganger

"We have lost our baby and it is devastating and traumatic ... There is now a gap in our lives that will be visible for a long time to come."

These were the heartfelt words of Stephen Matlala, speaking yesterday for the first time since his 4-year-old daughter Makgabo was killed by robbers at their Lenasia South home on Wednesday.

Police dramatically arrested three men in connection with Makgabo's murder during an early morning swoop in the Weilers Farm squatter camp, south of Johannesburg, yesterday.

The Star has established that the men, who are all 20 years old, have confessed to their involvement in the robbery at the Matlala home during which Makgabo was strangled and left under a bed in her parents' house.

Matlala opted not to say much about the arrests. "They are only suspects at the moment. I cannot say how I feel about the arrests. There is still a long process as they still have to appear in court. I do not want to comment about how the police have handled the investigation, because I am in the legal profession, but I am satisfied," he said.

Matlala, who is a magistrate at the Springs Regional Court and is married to Transvaal Judge President Bernard Ngoepe's daughter Joan, said his family were still trying to come to terms with Makgabo's death.

"Memories keep coming back, only for us to realise she is no longer with us."

National Police Commissioner Jackie Selebi last week slammed the police after it took them 27 hours to find Makgabo's body, when it was under a bed in her home all along, saying it was "the worst levels of incompetence" he had ever encountered.

Yesterday, however, the police were understandably pleased with their work that led to the arrests.

"It was sterling work by the investigating team. It was a case of following up on information," said provincial police spokesperson Senior Superintendent Mary Martins-Engelbrecht.

Police found two cellphones in the men's possession, which had been stolen from the Matlala house. Martins-Engelbrecht refused to elaborate on whether the phones had provided the breakthrough, but sources confirmed that the men were arrested after officers monitored the stolen cellphones.

It is believed that a relative of one of the gang members led the police to their hideout. The first suspect was arrested at 3am when police pounced on a shack in the Finetown squatter camp at Weilers Farm, near Vereeniging.

The Star has established that:

*€The three suspects have confessed to the murder of Makgabo and the gang rape of the family's domestic worker, as well as other major crimes in the area;

* Crime intelligence officers who, after interviewing Matlala's neighbours, discovered that no one had seen the thieves leave the house with Makgabo, had then asked for a second search of the house, which led to the discovery of the boy.

Martins-Engelbrecht said the key to finding the men was in clearing four initial suspects whose identikits were put out shortly after investigations began. "Once we had managed to eliminate those original suspects, we were able to come up with the new ones.

"We can't reveal the methods we used in finding these men. If we do, we will be giving criminals an unfair advantage," she said.

The suspects have been charged with murder, rape and robbery and are likely to appear in the Vereeniging Magistrate's Court tomorrow.

Gauteng Community Safety MEC Firoz Cachalia said he was relieved that there had been arrests.

"We have never doubted the commitment and dedication of the police." he said.

The SAPS yesterday took all three suspects back to the Matlalas' house so that they could point out certain scenes.

Police cordoned off the road and did not allow the media and residents anywhere near the house.

A brother of one of the arrested suspects said he was awakened by hordes of police arriving at their shack just after 3am, screaming at his brother and demanding his gun.

"They slapped him and asked where his gun was. I could hear he was not alone in the room when police knocked. I think he had been sleeping with some of his friends," the brother said.

Neighbours described the suspect as a "talkative boy who smoked too much weed and had many friends".

"He was still limping after an incident in which he was shot last year. We knew he mixed with the wrong people, but never thought he was part of their crimes."

Neighbours, who spoke on condition of anonymity, said the man's room had often been used to store stolen goods.

Makgabo will be buried on Wednesday. The service at the Destiny Ministries Church in Lenasia South will start at 10am, with a procession from her home due to start at 9.30am.

Selebi's spokesperson, Senior Superintendent Vishnu Naidoo, confirmed yesterday that an internal investigation had been launched into the murder probe.

Chapter 3

ANC president Jacob Zuma in more court battles

http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2286627,00.html

Downloaded on the 27th of December 2008

Zuma conviction 'very possible' 12/03/2008 12:12 - (SA)

Johannesburg - The State believes it has a good chance of convicting [Jacob Zuma](#) on corruption, its advocate Wim Trengove told the Constitutional Court on Wednesday, as he fought for the right to keep documents seized in the investigation against Zuma.

"We are sure that we have a case, not merely a prima facie case, but a case with a reasonable prospect of conviction," Trengove said, with Zuma sitting behind him in the front row of the public gallery.

He said the difference between interpretations of the search warrants used in the searches, by the state on the one hand and Zuma, arms company Thint and Zuma's lawyer Michael Hulley on the other, was "extremely narrow".

Thint argued that the warrants issued by Transvaal Judge President [Bernard Ngoepe](#) were authorised without a case being made to Ngoepe.

Zuma's lawyer, Kemp J Kemp, said there was no affidavit with information on the investigation attached to the warrants.

Trengove said neither Section 29 of the National Prosecuting Authority Act nor the Constitution made provision for the attachment of an affidavit as suggested by Kemp.

Challenging the raid

While the searches had to be done in a dignified manner that respected privacy, the person being searched was not entitled to start challenging the state's interpretation of the authority on the scene.

He was only entitled to be told on what authority it was being done and was entitled to have his questions answered.

"Of course that afternoon he (a person being searched) can go to his lawyer," said Trengove.

He said the admissibility of the documents could also be decided at trial.

In court papers Hulley said that he left his offices for the airport on the morning of the raid and it was only on his way to the airport that he tried to challenge the raid and secure an affidavit, nor was he familiar with what he could have done on the scene. He only received an affidavit the following day.

The court heard that he pointed out boxes of financial records that the searchers wanted.

Trengove said the annexes on the warrant saying what was sought gave an indication of the type of investigation.

The investigating officer, Johann du Plooy, had also justified his application for the warrants in a sworn statement to Ngoepe.

'There is a case'

Trengove said the searches were a continuation of the investigation originally done for the purposes of the trial of [Schabir Shaik](#), Zuma's former financial adviser, who was convicted of corruption relating to a R500 000 bribe Zuma is alleged to have received from him.

"There is a case, a reasonable prospect of conviction," said Trengove.

Zuma and Thint are trying to overturn a Supreme Court of Appeal decision that the documents may be used in Zuma's forthcoming August 4 trial, on the grounds that the warrants that allowed the searches were invalid.

Downloaded on the 27th December 2008

Court starts hearing Zuma argument

The Pietermaritzburg High Court started hearing argument on Monday on why the corruption case against ruling party leader Jacob Zuma should be dropped.

His lawyer, Kemp J Kemp, presented arguments around his interpretation of section 179(5)(d) of the Constitution.

Zuma is claiming that the National Director of Public Prosecutions (NDPP) was obliged in terms of that section to give him the opportunity to make representations before it decided to prosecute him in 2005 and 2007.

The softly-spoken Kemp told the court that if the section did not apply to the NDPP, it would allow the state to change decisions constantly without representations being made.

Kemp, who was asked by Judge Chris Nicholson to speak louder, said that if the writers of the Constitution had meant that section 179(5)(d) did not apply to the NDPP, they would have expressly included it in the Constitution.

Asked by Nicholson if there was any ambiguity in the relevant section, Kemp said: "I don't see the ambiguity and I don't see the uncertainty."

Nicholson questioned whether it was ever contemplated that the NDPP itself would take decisions to prosecute when the section of the Constitution was written.

Kemp is arguing that the state did not adhere to the conditions and twice decided to prosecute Zuma -- in June 2005 and December 2007 -- without offering him the opportunity to defend himself.

Zuma is claiming that the decision to prosecute him was a reversal of a decision taken by the former NDPP, Bulelani Ngcuka. He announced in August 2003 that the National Prosecuting Authority would not prosecute Zuma, because it did not believe that it had a "winnable case".

Downloaded on the 27th December 2008

'Zuma's our man'

By Ella Smook

The ANC Youth League will respect the outcome of the Appeal Court judgment on January 12 whether it overturns or upholds Judge Chris Nicholson's ruling that ANC president Jacob Zuma's prosecution was unlawful.

However that doesn't mean the league will allow a renewed prosecution flowing from an unfavourable ruling.

Youth League leader Julius Malema said on Tuesday: "They (the National Prosecuting Authority) have a right to charge him if they have a case, we can't stop them, but they don't have a case and we all know that for a fact. We are not shaken by any intention to charge. They will lose."

About accepting a ruling favourable to the NPA, Malema said Zuma respected the judiciary and has always subjected himself to the rule of law.

"We don't understand why there would be any reason we should doubt that the president will not accept the outcome," he said.

Legal commentators have publicly expressed the belief that the Appeal Court will overturn the Nicholson judgment. After such an event it is likely that the National Prosecuting Authority will reinstate charges of fraud, racketeering and money-laundering against Zuma.

Malema, however, warned that, while accepting an adverse ruling by the Appeal Court, "that won't be the end of the road".

"We will proceed to the Constitutional Court and if we do not succeed in the Constitutional Court we will bring an application for a permanent stay of prosecution because Zuma will not get a fair trial."

He also said a large turnout of supporters could again be expected outside court for next month's judgment.

"There is no court Zuma will attend without our support. He's our man."

<http://news.bbc.co.uk/2/hi/africa/7612233.stm>

Downloaded on the 28th December 2008

SA court rejects Zuma graft case

A South African court has ruled that a corruption case against ruling party leader Jacob Zuma cannot go ahead.

He was facing charges of corruption, fraud and money laundering relating to a multi-billion dollar 1999 arms deal.

A judge in Pietermaritzburg said there was reason to believe the decision to charge him was politically motivated.

His words were drowned out by cheers of supporters outside the court. The decision means Mr Zuma is likely to become president in polls next year.

The BBC's Jonah Fisher in Pietermaritzburg said there were scenes of celebration outside the court, where thousands of people had gathered - some since Thursday evening for an all-night vigil.

After leaving court, Mr Zuma addressed the crowds, and led them in his trademark anti-apartheid guerrilla song, "Umshini wami" (Bring Me My Machine-Gun). "This is a lesson that we should never keep quiet when those in power break the law," he told the crowds in his mother-tongue, Zulu.

Judge Chris Nicholson said the decision to prosecute without consulting Mr Zuma, 66, had been invalid and ordered the charges to be set aside - for the moment.

"I must repeat that this application has nothing to do with the guilt or otherwise of the applicant. It deals only with the procedural point relating to his [Zuma's] right to making representations before the respondent [the prosecution] makes a decision on whether to charge him," AFP news agency quotes him as saying.

The judge said the charges could be resubmitted but correspondents say prosecutors will come under huge pressure to drop the case altogether.

A jubilant Mr Zuma embraced his lawyer after the ruling, AP news agency reports.

Our correspondent says Mr Zuma's lawyers are due back in court before the end of the year to try and get a permanent stay of prosecution.

Under South African law, a president does not have immunity from prosecution.

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