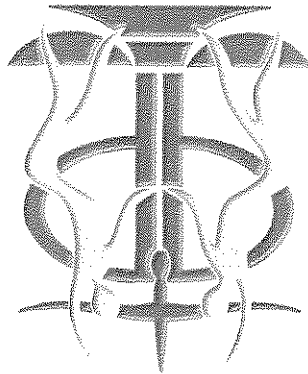


REPORT ON AN INVESTIGATION INTO AN ALLEGATION OF UNDUE DELAY
BY THE SOUTH AFRICAN POLICE SERVICE IN THE INVESTIGATION OF A
CRIMINAL CASE OF RAPE OF A MINOR

REPORT NO. 26 OF 2010/11

"JUSTICE DELAYED, IS JUSTICE DENIED"

PUBLIC PROTECTOR
SOUTH AFRICA



REPORT OF THE PUBLIC PROTECTOR IN TERMS OF SECTION
182(1)(b) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH
AFRICA, 1996 AND SECTION 8(1) OF THE PUBLIC PROTECTOR
ACT, 1994



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Executive Summary

- (i) On 10 December 2008 an article appeared in the *SOWETAN*, a daily newspaper, alleging that a woman, who was allegedly raped in 2000, and at the time was only 14 years old, had yet to see justice done, eight years after her ordeal. According to the article the relevant court case had been postponed in court 48 times. Due to the seriousness of the allegations contained in the article, the Public Protector decided to conduct an investigation on own initiative.

- (ii) The Public Protector's findings are:

- (a) The acts and omissions of the South African Police Service (the SAPS) fell far short of the acceptable standards of good administration in terms of section 237 of the Constitution of the Republic of South Africa, 1996 (the Constitution) and this constitutes maladministration;

- (b) The acts and omissions of the members of the prosecuting authority fell short of acceptable standards of good administration in terms of section 237 of the Constitution and this constitutes maladministration;

- (c) The SAPS, the members of the prosecuting authority and the Department of Justice and Constitutional Development (DOJCD) did not adhere to the standards set and the prescriptions of the *Minimum Standards on Services for Victims of Crime* (the Victims Charter) approved by Cabinet on 1 December 2004 and this constitutes maladministration;

- (d) The Victim suffered improper prejudice when her Constitutional rights to dignity, equality before the law and the right to, as a child, be afforded action in her best interest were not respected; and

- (e) The Victim suffered improper prejudice when she was not afforded the rights and protection provided for in the Victims Charter.



- (iii) The following remedial action is to be taken:
- (a) The National Commissioner of the SAPS; the National Director of Public Prosecutions (NDPP) and the Director General of the DOJCD should issue a letter of apology to the Victim for the delay in the finalising of the trial.
- (b) The Victim should receive compensation as provided for in the Victims Charter. The compensation should be calculated taking into account the number of postponements and should include travelling and subsistence costs incurred by the Victim and her Mother, who accompanied her.
- (iv) In addition, it is recommended that:

(a) The National Commissioner of the SAPS take urgent steps to ensure that detectives are properly trained in terms of the instructions of section 66(1)(a) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (the Sexual Offences Amendment Act) to prevent unnecessary delays and inefficiencies. Specific training should include training on the prescripts of the Victims Charter.

(b) The National Commissioner of the SAPS take urgent steps to ensure prompt compliance by investigating officers with instruction issued by members of the prosecuting authority in sexual offences and related matters, through regular inspections of case dockets by branch commanders.

(c) The NDPP take urgent steps to ensure that members of the prosecuting authority, tasked with the institution and conducting of prosecutions in sexual offence cases, are properly trained in terms of the provisions of section 66(2)(a) of the Sexual Offences Amendment Act to prevent unnecessary delays and inefficiencies. Specific training should include training on the prescripts of the Victims Charter.

(d) The NDPP take urgent steps to ensure that the provisions of section 342A(7) of the Criminal Procedure Act, 1977 (the CPA) are adhered to.

(e) The Director General of the DOJCD take urgent steps to efficiently and effectively implement the prescripts of the Sexual Offences Amendment Act and ensure compliance with, and administration of this Act.

**REPORT ON AN INVESTIGATION INTO AN ALLEGATION OF UNDUE DELAY
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Report of the Public Protector



1. INTRODUCTION

1.1 This report is submitted to the Minister of Justice and Constitutional Development, the Director General of the Department of Justice and Constitutional Development, the National Commissioner of Public Prosecutions in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (the Constitution) and section 8(1) of the Public Protector Act, 1994 (the Public Protector Act).

1.2 It relates to an own initiative investigation into allegations of the infringement of the right of a victim of crime as a result of the failure by the South African Police Service (the SAPS) to investigate her complaint and to have the case finalised timeously before a court of law.

2. THE COMPLAINT

2.1 On 10 December 2008 an article appeared in the *SOWETAN*, a daily newspaper alleging that a woman, who was allegedly raped in 2000, and at the time was only 14 years old, had yet to see justice done, eight years after her ordeal.

2.2 According to the article, the trial had been postponed 48 times.

2.3 Due to the seriousness of the allegations contained in the article, it was decided to conduct an own investigation into the reasons for the alleged undue delay.



3. JURISDICTION OF THE PUBLIC PROTECTOR

3.1 The Public Protector was established in terms of Chapter 9 of the Constitution to support constitutional democratic requirements of the Public Protector are provided for by the Public Protector Act. Section 6(4) of the Public Protector Act empowers the Public Protector to investigate any alleged-

3.2.1 Maladministration in connection with the affairs of government at any level;

3.2.2 Abuse or unjustifiable exercise of power or unfair, capricious, discourteous or other improper conduct or undue delay by a person performing a public function, which results in unlawful or improper prejudice to any other person;

3.2.3 Act or omission by a person in the employ of government at any level, or a person performing a public function, which results in unlawful or improper prejudice to any other person.

3.3 The findings of an investigation by the Public Protector may, when he/she deems it fit but as soon as possible, be made available to the complainant and to any person implicated thereby.

3.4 The complaint falls within the jurisdiction of the Public Protector.

4. THE INVESTIGATION

4.1 Key Sources of Information

4.1.1 The Newspaper Article: SOWETAN

4.1.2 Correspondence: National Director of Public Prosecutions (NDPP).

4.1.3 Correspondence: South African Police Service (SAPS).



4.1.4 Correspondence: The Department of Justice and Constitutional Development (DOJCD).

4.2 The Newspaper Article: SOWETAN

4.2.1 The article alleged that the Victim was raped when she was 14 years old and in the 8 years since the incident, the criminal case had been postponed 48 times.

4.2.2 The article further alleged that her "family suspects that something underhand is going on after the Moutse magistrate's court yesterday postponed the case – again – to January next year without any explanation."

4.2.3 The victim told the reporter "Had I known that the justice system would let me down so badly I would not have reported the two men who raped me."

4.2.4 The article further alleged that neither the Victim nor her Mother was kept informed of the reasons for the postponements or the delay in prosecution.

4.3 Correspondence: NDP

4.3.1 According to the National Director of Public Prosecutions (NDPP) the details of the case concerned were the following:

"The State versus M H Matlanato and JF Skhosana. Dennyton 153/12/02: Case Number SH140/06. Groblersdal Regional Court: Middelburg Cluster."

4.3.2 The case number indicated that the matter was reported to the SAPS during December 2002. According to their information the matter was withdrawn or removed from the roll on a previous occasion.

4.3.3 The NDPP further stated that previous charge sheets in the matter were destroyed by the DOJCD. A report of the Control Prosecutor, Middelburg, on the matter therefore had to be compiled from information contained in the



case docket as well as daily statistical reports furnished by different regional court prosecutors.

4.3.4 It appears that the Complainant laid a charge at Denville Police Station after the incident and CAS number 153/12/2002 was allocated to this case. The first entry in the current case docket is dated 6 February 2003 and the docket is marked "Duplicate". The inference that this is a duplicate case file is further substantiated by the very first entry in the investigation diary made by the Detective Branch of the SAPS.

4.3.5 The report of the Regional Court Control Prosecutor in Middelburg to the NDPF, dated 16 March 2009, stated the following:

"The first information of crime in this docket was then received by CPU on 6 February 2003 and both the accused were arrested on the same day.

They appeared in the District Court Moutse and on 11 February 2003 the district court prosecutor wrote several inquiries in the investigation diary. The case was postponed to 12 February 2003 for the guardian of accused 2 and then to 18 February for a bail application.

Notes by the prosecutor of a bail application held are filed in the B clip of the docket. It is thus clear that a bail application was held. As the notes only indicate the testimonies of the accused it is impossible to say whether bail was opposed or not. It is also not indicated on the notes what the outcome of the bail application was. The case was then postponed to 6 March 2003 for further investigation."

4.3.6 The NDPF further reported that the Investigating Officer (IO), whose identity was not disclosed, was given certain instructions by the Prosecutor on 11 February 2003. Notes in the case docket indicate that the IO did not comply with these instructions when the case was again on the role on 6

March 2003 and on 28 March 2003. On the last date the case was postponed to 30 April 2003 for final investigation.

4.3.7 The case docket was thereafter sent to the Regional Court Prosecutor and on 14 May 2003 he issued further instructions in the investigation diary for the IO to comply with. The case was then postponed 3 times (20 June, 7 July and 14 July 2003) to give the IO an opportunity to comply with the instructions. On 7 July 2003 the Prosecutor indicated in the investigation diary that the IO must obtain a statement and that, if the witness concerned refused to submit a statement, he must be arrested.

4.3.8 On 14 July 2003 the Prosecutor wrote the following: "court refused postponement. Case withdrawn because you didn't even come to take the docket despite your branch commander's promise that you will arrest the witness and bring him to court."

4.3.9 On 24 August 2003 the Regional Court Prosecutor issued further instructions for the IO to comply with. The case docket went back to the IO and was only sent to a Prosecutor again during April 2004. On 29 April 2004 the District Court Prosecutor indicated that the case docket must be referred to the Sexual Offences Court Prosecutor in Middelburg and that the IO must deliver the case docket to them. The case docket went back to the IO and then to Middelburg.

4.3.10 On 1 August 2004 the Regional Court Prosecutor had further instructions and the case docket went back to the IO. On several occasions the IO was reprimanded by his superiors about this case. On 26 January 2005 he was instructed to "speed up and comply with B/C instructions dated 24 December 2004" (The instruction of 24 December 2004 was for him to comply with the Public Prosecutor's instructions). On 19 April 2005 Captain Poto, the IO's supervisor, wrote: "This type of work you are doing is unprofessional, where was the docket all the time."



4.3.11 Several entries later the case docket was again sent to the Regional Court Prosecutor and on 28 September 2005 a summons was issued for both accused to appear in the Regional Court, Groblersdal on 28 November 2005.

4.3.12 Due to various other factors relating to the availability of a Magistrate and partly heard trial matters, the matter finally went to trial on 13 October 2008, i.e. almost 6 years after the incident.

4.4 Correspondence: SAPS

4.4.1 The Divisional Commissioner: Detective Services of the SAPS was approached to respond to the information provided by the NDPF.

4.4.2 He acknowledged that the SAPS were accountable for the delays from 18 December 2002 until the matter was placed on the court roll on 28 November 2005.

4.4.3 The Divisional Commissioner further indicated that the SAPS are currently in the process of restructuring the Detective Services. In future, a specific group of investigators would be tasked with the investigation of all family violence, child protection and sexual offences.

4.5 Correspondence: DOJCD

4.5.1 The DOJCD was requested to provide a report on the implementation of the Victims Charter.

4.5.2 It was confirmed that the Victims Charter was approved by Cabinet on 1 December 2004.

4.5.3 The DOJCD drafted legislation that expands and qualifies the rights within the Victims Charter. The Sexual Offences Act, 1957 (the Act) now provides rights to dignity, privacy, information and assistance by the IO. The ultimate aim of the Act is to reduce secondary trauma to victims of sexual offences.



4.5.4 The DOJCD also developed projects, services and activities in order to implement the Victims Charter, but due to the absence of implementation plans for the Victims Charter programme, these could not be measured. During 2007 the DOJCD coordinated the development of national implementation plans for the Victims Charter. In 2008 provincial plans were developed in this regard.

4.5.5 The performance deliverables included training and capacity building, communication and public awareness.

4.5.6 It was further indicated that the DOJCD will finalise plans for addressing rights of victims of sexual violence which would include:

4.5.6.1 Finalisation of a policy on Sexual Offences, Restorative Justice and a Victim Impact Statement;

4.5.6.2 Training of all Judicial Officials;

4.5.6.3 Provision of intermediaries; and

4.5.6.4 Creation of victim/child friendly courts.

4.5.7 The DOJCD has set a target for the implementation of the above-mentioned during 2009/2010.

5. LEGAL AND REGULATORY FRAMEWORK

5.1 The Constitution

5.1.1 Section 7 of the Constitution states that the Bill of Rights is the cornerstone of democracy in South Africa and affirms the democratic values of human dignity, equality and freedom.



- 5.1.2 In terms of section 10: "Everyone has inherent dignity and the right to have their dignity respected and protected."
- 5.1.3 Section 9 states that everyone is equal before the law and enjoys the equal protection and benefit of the law.
- 5.1.4 The rights of children are provided for in section 28, which determines that children have the right to be protected from maltreatment, neglect, abuse and degradation. Subsection (2) determines that "A child's best interests are of paramount importance in every matter concerning the child."
- 5.1.5 Section 34 of the Constitution determines that everyone has the right to have a dispute resolved before a court of law or another independent and impartial forum.
- 5.1.6 The objects of the SAPS are referred to in section 205(3) as to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law.
- 5.1.7 In terms of section 237, all constitutional obligations must be performed diligently and without delay.
- 5.2 The Criminal Procedure Act, 1977**
- 5.2.1 Section 342A was inserted in the Criminal Procedure Act, 1997 (CPA) during 1996.
- 5.2.2 This section determines that a court before which criminal proceedings are pending shall investigate any delay in the completion of the proceedings. The court has to determine whether or not any delay is unreasonable and shall consider certain factors in the determination of the unreasonableness or otherwise. If the court finds unreasonable delay, it may issue any order as it deems fit to eliminate the delay.



5.2.3 Subsection 7 of section 342A of the CPA requires the NDPP to submit a report at the end of January and July of each year, to the Cabinet Member responsible for the administration of Justice, listing the particulars of awaiting trial prisoners whose trials have commenced, if he/she has been awaiting trial for periods of 6 to 18 months, depending on whether a High Court, Regional Court or Magistrate's Court have to hear the matter.

5.2.4 The CPA does make provision for the protection of children in proceedings involving sexual offences.

5.3 Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007

5.3.1 Section 2 of the Sexual Offences Amendment Act, states the objects of this Act as "to afford complainants of sexual offences the maximum and least traumatising protection that the law can provide, to introduce measures which seek to enable the relevant organs of state to give full effect to the provisions of this Act"

5.3.2 Section 2 envisages to achieve this by *inter alia* protecting complainants of sexual offences from secondary victimisation and trauma, promoting the spirit of batho pele, people first and ensuring effective and efficient investigation. The victim must be recognised through "timely, effective and non-discriminatory investigation and prosecution."

5.3.3 Section 2 further states that accountability of government officials should be entrenched and disparities in the provision of services should be minimised.

5.3.4 Section 66(1)(a) instructs the National Commissioner of the SAPS to issue and publish in the Gazette, instructions in respect of the manner in which reporting of alleged sexual offences should be dealt with and the manner in which these cases should be investigated.



5.3.5 In terms of section 66(1)(b) the National Commissioner of the SAPS must develop training courses, including social context training in respect of sexual offences. The aim is to ensure effective handling of sexual offence cases by as many police officials as possible.

5.3.6 Section 66(2) instructs the NDPP to "issue and publish in the Gazette directives regarding all matters which are reasonably necessary or expedient to be provided for and which are to be followed by all members of the prosecuting authority who are tasked with the institution and conducting of prosecutions in sexual offence cases,...."

5.3.7 These directives should inter alia include directives on the withdrawal and/or halting of prosecution, criteria to be used to apply evidence by means of closed circuit television as provided for in section 158 of the CPA, and the appointment of a competent person as an intermediary provided for in section 170A of the CPA.

5.3.8 The NDPP must develop training courses including training on social context training in respect of sexual offences.

5.4 Minimum Standards on Services for Victims of Crime (the Victims Charter)

5.4.1 The Victims Charter was approved by Cabinet on 1 December 2004.

5.4.2 The Victims Charter prescribes that a victim of crime has the following rights:

5.4.2.1 The right to be treated with fairness and with respect for dignity and privacy;

5.4.2.2 The right to offer information;

5.4.2.3 The right to receive information;

5.4.2.4 The right to protection;



5.4.2.5 The right to assistance;

5.4.2.6 The right to compensation; and

5.4.2.7 The right to restitution.

5.4.3 The Victims Charter promises a victim a speedy and efficient process, which will ensure that the case, in which he/she is involved, is tried in a court as soon as possible.

5.5 Applicable Case Law

5.5.1 The Constitutional Court addressed the provisions of section 28 of the Constitution in a recent ruling on the validity of certain sections of the CPA in respect of children.¹

5.5.2 Ngcobo J indicated that "until recently the law did not pay much attention to the stress that child complainants in sexual offence cases suffer when they testify in courts." The judge also indicated that section 28 of the Constitution required that the child's best interest is of paramount importance.²

5.5.3 Ngcobo J remarked that "Victims should not be subjected to additional and extended trauma occasioned by improper delays in the criminal justice system. In fact, the matter before us illustrates the harms that may befall victims when cases are delayed by the consideration of irrelevant issues."³

5.5.4 In the North Gauteng High Court in an unreported case the court stated that: "It is clearly in the best interests of the victim that her moment of closure is not delayed any longer than is absolutely necessary."⁴

¹ Director of Public Prosecutions v Minister for Justice and Constitutional Development & others, CCT 36/08

² Op cit, para [1] & [2]

³ Op cit, para [237]

⁴ S v A Mokoena and A Phaswane Case No CCT/07, the North Gauteng High Court, Pretoria, 24 October 2008, unreported at p 16.



5.5.5 The Constitutional Court recently expressed grave concern about the availability of intermediaries, their training and lack of court facilities for child complainants in sexual offence cases. The court indicated that it has serious consequences for the administration of justice.⁵

5.5.6 The Court further indicated that during February 2003 only 29 specialist Sexual Offences Courts were functioning and during February 2007 there were approximately 75 courts of which only 52 were still operating and dealing with sexual offences. At that time only 450 prosecutors had received training in dealing with child witnesses.⁶

5.6 International Law

5.6.1 The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power⁷ by the General Assembly of the United Nations, of which South Africa is a member, defines a victim as follows:

"A victim means someone who has suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through an act or omission that are in violation of criminal laws operative within a Member State";

5.6.2 The declaration further states that victims should be treated with compassion and respect for their dignity. Judicial and administrative mechanisms should be established and strengthened to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible.⁸

⁵ Director of Public Prosecutions v Minister for Justice and Constitutional Development, CCT38/08 para [189]
⁶ Op cit para [194] & [197]

⁷ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, General Assembly Resolution 40/34 dated 29 November 1985.

⁸ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, General Assembly Resolution 40/34 dated 29 November 1985.



6. EVALUATION OF EVIDENCE

6.1 The sequel of events in the finalisation of the trial under investigation can be summarised from the responses received from the NDPF, SAPS and DOJCD as follows:

6.1.1 The complaint was filed by the Victim during December 2002;

6.1.2 The initial case docket was misplaced and the investigation only commenced during February 2003;

6.1.3 The IO was given numerous instructions by the Public Prosecutor, which were not complied with as a result of which, the Public Prosecutor was forced to withdraw the charges and the matter was removed from the court roll on 14 July 2003. The Court refused further postponements for investigation;

6.1.4 The IO complied with the instructions of the Public Prosecutor during the second half of 2005 after being reprimanded by his/her superior;

6.1.5 The accused were summoned and appeared in court on 28 November 2005, more than 2 years after the case was initially withdrawn;

6.1.6 The charge was again withdrawn and the matter removed from the court roll on 28 July 2006 due to the fact that only one accused appeared on the charge sheet;

6.1.7 The case was then placed on the court roll on 26 September 2006 for trial;

6.1.8 The case was postponed as follows:

6.1.8.1 Postponed to 20 October 2006 and again to 17 November 2006 for the appointment of Legal Aid Attorneys;

6.1.8.2 Postponed to 14 March 2007 for trial;

6.1.8.3 Postponed to 5 July 2007 for trial;

6.1.8.4 Postponed to 13 August 2007 as both the Magistrate and Legal Aid Attorney were sick;

6.1.8.5 Postponed to 14 September 2007 as one accused did not appear. A warrant of arrest was issued;

6.1.8.6 On 14 September 2007 both accused were present in court and the matter was postponed to 13 November 2007 for trial;

6.1.8.7 On 13 November 2007 the matter was postponed to 22 February 2008 and then to 15 May 2008 for preferent partly heard matters to be finalised;

6.1.8.8 Although the accused pleaded on 15 May 2008, a conflict of interest arose between the accused and the Legal Aid Attorney and the matter was postponed to 9 June 2008, to 5 August 2008 and again to 13 October 2008; and

6.1.8.9 The trial started on 13 October 2008 when the Victim testified and was finalised on 28 March 2009. Both accused were found guilty and sentenced to 15 years imprisonment.

6.2 Section 342A of the CPA was never invoked by the Presiding Magistrate in order to expedite the finalisation of the case.

7. OBSERVATIONS

7.1 Excessive duration of legal proceedings violates the principle of due process of law and is inconsistent with the interests of the victim and the public. A



situation where a case is not heard for more than 8 years, cannot be justified under any circumstances.

7.2 Victims report crimes because they require justice, need to recover from the negative effects of crime and want to prevent a recurrence. Police officers need to be well trained to enable them to be sensitive to the needs of victims when they report a crime.

7.3 Although the Constitution provides equal access to all citizens to our courts, as well as to fair and public hearings and to legal protection in practice, it is often the case that court proceedings are delayed for an unreasonable long period of time.

8. FINDINGS

8.1 The acts and omissions of the SAPS fell far short of the acceptable standards of good administration in terms of section 237 of the Constitution and this constitutes maladministration.

8.2 The acts and omissions of the members of the prosecuting authority fell short of acceptable standards of good administration in terms of section 237 of the Constitution and this constitutes maladministration.

8.3 The SAPS, the members of the prosecuting authority and the DOJCD did not adhere to the standards set and the prescriptions of the the Victims Charter approved by Cabinet on 1 December 2004 and this constitutes maladministration.

8.4 The Victim suffered improper prejudice when her Constitutional rights to dignity, equality before the law and the right to, as a child, be afforded action in her best interest were not respected.

8.5 The Victim suffered improper prejudice when she was not afforded the rights and protection provided for in the Victims Charter.



9. REMEDIAL ACTION

9.1 In terms of section 182(1) (c) of the Constitution and section 6(4)(c)(ii) of the Public Protector Act, the following remedial action should be taken:

9.1.1 A letter of apology to the Victim for the delay in the finalising of the trial should also be forwarded to her by the National Commissioner of the SAPS, the NDPP and the Director General of the DOJCD.

9.1.2 The Victim should receive compensation as provided for in the Victims Charter. The compensation should be calculated taking into account the number of postponements and should include travelling and subsistence costs incurred by the Victim and her Mother who accompanied her.

9.2 In addition, it is recommended that:

9.2.1 The National Commissioner of the SAPS take urgent steps to ensure that detectives are properly trained in terms of the instructions of section 66(1)(a) of the Sexual Offences Amendment Act, to prevent unnecessary delays and inefficiencies. Specific training should include training on the prescripts of the Victims Charter.

9.2.2 The National Commissioner of the SAPS take urgent steps to ensure prompt compliance by investigating officers with instructions issued by the members of the prosecuting authority in sexual offences and related matters, through regular inspections of case dockets by branch commanders.

9.2.3 The NDPP take urgent steps to ensure that members of the prosecuting authority, tasked with the institution and conducting of prosecutions in sexual offence cases, are properly trained in terms of the provisions of section 66(2)(a) of the Sexual Offences Amendment Act to prevent unnecessary delays and inefficiencies. Specific training should include training on the prescripts of the Victims Charter.

9.2.4 The NDPP take urgent steps to ensure that the provisions of section 342A(7) of the CPA are adhered to.

9.2.5 The Director General of the DOJCD take urgent steps to efficiently and effectively implement the prescripts of the Sexual Offences Amendment Act and ensure compliance with, and administration of this Act.

10. MONITORING

10.1 The Director General of the DOJCD must submit a progress report on the Service Charter for Victims of Crime before 31 October 2010.

10.2 The National Commissioner of the SAPS must submit a copy of the instructions issued and published in the *Gazette* in terms of section 66(1)(a) of the Sexual Offences Amendment Ac.

10.3 The NDPP must submit a copy of the instructions issued and published in the *Gazette* in terms of section 66(1)(a) of the Sexual Offences Amendment Act.

10.4 The Public Protector will monitor the implementation process on an ongoing basis.



11. ACKNOWLEDGEMENTS

The Public Protector wishes to express her gratitude for the cooperation and submission of comprehensive reports on the matter by the National Director of Public Prosecutions (Office of the Chief Prosecutor: Middelburg), the South African Police Service (Divisional Commissioner Detective Services) and the Department of Justice and Constitutional Development (Chief Directorate: Promotion of Rights of Vulnerable Groups).

ADV T M MABONSELA
PUBLIC PROTECTOR
OF THE REPUBLIC OF SOUTH AFRICA

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