

SOUTH AFRICA / JUDGMENT

S v Sekonyela (CC03/2020) [2020] ZAECMHC 35 (14 August 2020)

[2020] ZAECMHC 35

COURT

Eastern Cape High Court, Mthatha

BEFORE

M.S. Jolwana

CASE / FILE NUMBER

CC03/2020

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IN THE HIGH COURT OF SOUTH AFRICA

EASTERN CAPE LOCAL DIVISION: MTHATHA

Case No. CC03/2020

In the matter between:

THE STATE

and

KABELO MAFERESANE SEKONYELA

Accused

JUDGMENT ON SENTENCE

JOLWANA J:

Introduction

[1] The accused was charged with seven counts of rape as defined in the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. The brief summary of substantial facts attached to the indictment reads as follows:

“1. Between 2014 and 2018, the accused (Kabelo Sikhonyela) (sic) committed a range of offences around the district of Mount Fletcher

targeting old and young women.

2. He attacked some of them in their homes and with the same modus operandi:
 - (i) By forcing them to have sexual intercourse against their will.
3. The accused was unknown to all the victims until when a forensic DNA profiling was done comparing the DNA of the accused to the swabs obtained from the victims to the rape charges.
4. The DNA of the accused matches the DNA found on the swabs from the victims.”
- [2] The accused who was, throughout the proceedings, represented by his attorney pleaded guilty to all the charges. He, together with his legal representative signed a statement in terms of section 112(2) of the Criminal Procedure Act 51 of 1977 (the plea statement). Having satisfied myself that he had admitted all of the elements of the offence in respect of each of the seven counts of rape, I convicted him as charged. I am now required to pronounce an appropriate sentence in respect of each of the offences.

The legal framework

- [3] The traditional approach to sentencing which is still applicable was explained as follows in *Director of Public Prosecutions, KwaZulu Natal v P* 2006 (1) SACR 243 (SCA) at 250 para 13:

“The so-called traditional approach to sentencing required (and still does) the sentencing court to consider the triad consisting of the crime, the offender and the interests of society. In the assessment of an appropriate sentence, the court is required to have regard to the main purpose of punishment, namely, the deterrent, preventive, reformatory and retributive aspects thereof. To these elements must be added the quality of mercy, as distinct from mere sympathy for the offender.”
- [4] In charging the accused the state invoked the provisions of section 51(1) of the Criminal Law Amendment Act 105 of 1997 read with Part 1 of Schedule 2 in respect of counts 2 and 4, which prescribes a minimum sentence of life imprisonment. This is because both victims in respect of those counts were under the age of 16 years of age when they were raped. The minimum sentence applicable in respect of the counts 1,3,5,6 and 7 is 15 years imprisonment for each count as prescribed in section 51(2) of the Criminal Law Amendment Act 105 of 1997 read with part 11 of Schedule 2. While the Court is obliged to impose the prescribed minimum sentences, the Court is equally empowered to depart from the prescribed minimum sentences if substantial and compelling circumstances exist which justify a departure from them. This legal position and the approach to section 51 which was authoritatively stated in *S v Malgas*
- [2001] 3 ALL SA 220 (A) para 25 is trite and need not be restated.
- [5] The circumstances in which these rapes were committed and how the accused got to be linked to these very serious crimes appear also from his plea statement as follows:

“

8.

Between 2014 and 2018, I did commit [the] range of offences around the district of Mount Fletcher targeting old and young women.

9.

I attacked some of them in their homes and with the same modus operandi, entering their rooms at their homesteads during late hours

of the night or early hours of the morning and then forcing victims to have sexual intercourse with me against their will.

10.

I was unknown to the victims until when a forensic DNA profiling were done comparing the DNA of myself to the swabs obtained from the victims in the rape charges.”

[6] The offences that the accused has been convicted of are very serious and may have lifelong permanent implications for the victims. The suffering of the victims of the accused's crimes can best be described with reference to *S v Chapman* [1997] ZASCA 45; 1997 (3) SA 341 (SCA) at para 3-4. In that case Mahomed CJ had this to say:

“... Rape is a very serious offence, constituting as it does a humiliating, degrading and brutal invasion of the privacy, the dignity and the person of the victim. The rights to dignity, to privacy and the integrity of every person are basic to the ethos of the Constitution and to any defensible civilisation. Women in this country are entitled to the protection of these rights. They have a legitimate claim to walk peacefully on the streets, to enjoy their shopping and their entertainment, to go and come back from work, and to enjoy the peace and tranquillity of their homes without the fear, the apprehension and the insecurity which constantly diminishes the quality and enjoyment of their lives. The appellant showed no respect for their rights. He prowled the streets and shopping malls and in a short period of one week he raped three young women, who were unknown to him. He deceptively pretended to care for them by giving them lifts and proceeded to rape them callously and brutally, after threatening them with a knife. At no stage, did he show the slightest remorse....”

[7] The indictment in this matter read together with the accused plea statement paints a similar picture as that in *Chapman*. The difference is that the accused in this matter targeted victims in their homes and in some cases in their sleep where they would have thought that they were safe. He violated the sanctity and privacy of their homes and proceeded to rape them.

The personal circumstances of the accused

- [8] The accused did not testify or call any witnesses in mitigation of sentence. However, a number of submissions were made on his behalf in the detailed heads of argument prepared by his legal representative Mr Sakwe and in court. It appears therefrom that the accused did not have a good upbringing at his home. His father died whilst he was still very young leaving him with his mother. His mother turned out to be a drunkard and later left the accused with his extended family and went to stay with her boyfriend in the township.
- [9] This exposed the accused to abuse at the hands of his cousin who sexually molested him. The following appears from the presentence report procured on his behalf from a probation officer, Ms Yotwana:

“5.4. In 2009 when the accused person was 15 years of age her cousin (Dineo Sekonyela) arrived at Makhuleng village from Lesotho who is his uncle’s child. The accused person stated that this is the year which changed his life for good. The accused person stated that he was sexually abused by his cousin sister Dineo who was 19 years at the time and he was 15 years old. The first time the incident took place he was playing with other children when his cousin sister called him into the house and said she needed his help and told him she will need him to dance on top of her (by that dance she took his pants off and put his penis inside her vagina in today terms that will be rape).”

5.5. The accused person stated that his cousin sister told him not to tell anyone about what has happened. The incident happened again this time he was [with] his other sibling Toka (born in 1995) where he was told to show Toka how to dance as he did on the previous day and he had to repeat what was done previously and they were told not to tell anyone and the incident happened several times at times with Toka and mostly alone with his cousin sister. The accused person stated that after a while as he was not enjoying this he tried to tell Dineo’s mother who dismissed his allegations. Furthermore, the accused person stated that he went to Mount Fletcher police station to report the incident but the police official did not help him.”

- [10] It was also submitted that the accused involved himself with other youth of his age with whom he partook and abused alcohol and drugs. He also told the probation officer that the first time he preyed on his victim he was under the influence of substances such as dagga and alcohol. He started having uncontrolled urges for sexual intercourse. This led to what he called “hunting” where he would prowl the townships looking for any household whose security seemed weak, enter that household and rape anyone he found in that household regardless of their age. When he did this in most cases he was not under the influence of drugs or alcohol but was fulfilling his uncontrollable sexual urges. He told the social worker that he is grateful that he ended up being arrested and detained as he would still be doing the same thing if he had not been incarcerated after his arrest.
- [11] It appears from the charge sheet in connection with his previous conviction that he first appeared in court on the 13 March 2018 for some of his offences. It appears from the indictment in these proceedings that two of his last victims were then 21 years old Lerato Nchaka and then 15 years old Sanelisiwe Mpiti both of whom were raped on the 12 March 2018 at their home.

- [12] His conviction on 16 July 2018 was in connection with house breaking, armed robbery and two counts of rape all of which were committed on the 19 October
2016. It appears that he pleaded guilty to those offences and was sentenced to an effective term of imprisonment of 55 years. While I do not have full information and a complete record of those proceedings, from the record that was handed up by the accused's legal representative it appears that a lot might have gone wrong in those proceedings.
- [13] For instance in form J15 in respect of those proceedings where the magistrate is required to indicate the date of the accused's plea, date and judgment, the following inscription, "Guilty of intoxication" appears. The question that immediately comes to mind is, is there such as offence in our law? However, it appears from the plea statement in respect of those proceedings that the accused pleaded guilty to intoxication in terms of section 1(1) of the Criminal Law Amendment Act 1 of 1988 which reads:
- "1(1) Any person who consumes or uses any substance which impairs his or her faculties to appreciate the wrongfulness of his or her acts or to act in accordance with that appreciation, while knowing that such substance has that effect, and who while such faculties are thus impaired commits any act prohibited by law under any penalty, but is not criminally liable because his or her faculties were impaired as aforesaid, shall be guilty of an offence and shall be liable on conviction to the penalty which may be imposed in respect of the commission of that act."*
- [14] However, whether or not those proceedings were conducted correctly is for another day as Mr Sakwe pointed out, as those proceedings are not before me. In any event I am not even satisfied that I have a complete record of those proceedings for me to have any firm view about what happened in that court. In the circumstances counsel for the State conceded, correctly so in my view, that in all fairness and in addition to everything else, it is better if the accused is treated as having been convicted for the first time in this matter. After all, those offences were committed in the same crime spree period from 2014 to 2018 during which the accused committed the offences for which he has now been convicted and must now be sentenced.
- [15] It was also submitted that the accused showed remorse. This, so went the submission, he did by pleading guilty at the very commencement of these proceedings. He had done so even in the other matters that were before the Regional Court. It was emphasized this is consistent with a real possibility of rehabilitation. I must however, point out that as the accused himself admitted in his plea statement, he was connected to the crimes through DNA profiling evidence. Therefore, he was going to find it very difficult to explain the presence of his DNA on all the victims, if he was not the one who raped them. However, it often happens in this Court that despite the presence of strong DNA evidence linking the accused to the crimes, the accused maintains his innocence, wastes this Court's time with the State, at great expense, having to call witnesses to prove its case against him.

[16] In this case, the accused pleaded guilty and also expressed his remorse in his plea statement. The following also appears from the presentence report of the probation officer, Ms Yotwana:

“10.1. The accused person shows an element of remorse as he takes responsibility for his actions and realises the impact of the offence

and its lasting impact on the victims and their families. The accused person wishes to express his apology to the victims and their families for the traumatic experience he put them through as he now understands the impact he inflicted on them and their long lasting effects. Cognitive Behavioural Therapy is grounded in the belief that it is a person's perception of events rather than the events themselves that determines how he or she will feel and act.”

Aggravating factors

[17] In aggravation of sentence the state procured victim impact reports in respect of the two victims who were below the age of 16 years when they were raped by the accused and the one who was 18 years old. Ms Faku, a social worker makes the following observations about S[...] M[...], the victim in count 2 at para 4:

“...[P]sychologically the victim has suffered a severe traumatic experience which even led to her being unable to cope with day to day activities as she will sometimes faint at school and teachers will have to take her home. The victim stated that her mother for a couple of times had to rush her to the doctors. Furthermore, the victim's mother has brought the victim to the social worker several times as the doctors stated that she was showing signs of depression and several counselling sessions were provided. However, they seemed futile hence the victim was referred to a psychologist in Matatiele Dr L. Mpono who took over for further therapeutic services that the victim needed.

Furthermore as a result of this crime the mother of the victim was later diagnosed with heart disease as she was under duress stress constantly worried about her daughter whenever she is out of the house. The mother of the victim said “there is nothing painful than seeing your child suffer inside and there is absolutely nothing you can do to take that pain away”.

At school she struggled to cope as it seems she was having signs of Post Traumatic [Stress] Disorder where she will struggle to cope at school and most of the time had troubles breathing which led to her fainting within school premises. As a result the victim failed her grade 9 in that year however, she is currently doing grade 11 which shows improvement from the position she was in after the incident.”

[18] Ms Mhlaba, the social worker who prepared a victim impact report in respect of K[...] M[...], the victim in count 4 unfortunately prepared a report that left much to be desired. She seems to have been going through the motions of ensuring that a report was prepared and filed. This is a serious dereliction of duty on her part. Fortunately Ms Yotwana who prepared a presentence report also had sessions with most of the victims including K[...] M[...]. She makes the following observations about her:

“12.6. K[...] M[...], the first victim of rape perpetrated by the accused in 2015 when the victim was 15 years old. The victim stated that the incident affected her a lot as she ended up failing her grade reason being she could not leave her house for two months because of fear. The victim felt that she needed to be alone and did not want to be around anyone. However currently she is feeling much better although on certain days she has flashes of that day of the incident. The victim stated that she wishes that the accused person may be given an appropriate sentence.”

- [19] Lastly in respect of the victim impact reports, Ms Kilana, also a social worker prepared a report on C[...] M[...], the victim in count 7 who was about 18 years old when she was raped. She makes the following observations on how the incident affected her:

“According to social worker’s assessment, the victim is badly wounded by this incident and has triggered her to different kinds of feeling like anxiety, depression, dissociation, anger, and grief. According to the victim, this experience is scary and uncomfortable to think about it.

The victim is angry and vengeful. It is also going to be hard to regain control of her life. She no longer feels safe at home and with the community members. She is even afraid of going to school or town even during the day after the incident. The victim is emotionally affected by the incident, she was also crying during the assessment.

On the 25/02/2020, the victim and social worker had a session of post-traumatic counselling. She said that she felt much better than in 2018 with the support that she gained from the social worker and her family even though she failed grade 10 in 2018 due to the fact that she could not cope at school. She feels safe because of the fact that the alleged perpetrator is in prison and she can now cope at school.”

- [20] It appears from the probation officer’s report that even the victims who were above the age of 16 years some of whom were old enough to be the accused’s mother suffered traumatic experiences. They all suffered terribly from being violated through being raped by the accused who, in his own words, was wielding a knife when he raped them. There are no words that can be used to sufficiently and adequately describe what the victims of the accused’s crimes went through and will possibly go through for the rest of their lives as a result of what the accused did to them.
- [21] There is also evidence that the accused’s first victim of rape was his own sister. However, the accused does not mention that in the plea statement. He also never mentioned it to the probation officer. She discovered this incident after she interviewed a local headman from Makhuleng village in Mount Fletcher, where the accused was born and grew up and the accused’s aunt. His sister was said to have been seven years old at the time.
- [22] The accused was called to the witness stand to clarify his failure to disclose this incident. He testified that indeed he had raped one of his younger sisters. This, he said, was when he started his raping spree in that community after he had been sexually abused several times by his cousin. His explanation for not having mentioned it was that he focused on the charges he currently faced and did not think that he should mention the incident involving

his sister. He did not intentionally hide this incident and mentioned that he was in fact charged for it but did not know what happened to that case. This may very well be a plausible explanation which cannot be rejected outright.

The crimes and interests of society

- [23] The crimes the accused committed are serious beyond description. The victim impact reports and the presentence report point a very sad and painful picture of what the victims of the accused's heinous crimes experienced. The victims and the society seek no less and deserve no less than a sentence that fits the crime, as it were. However, that has to be considered together with the accused's personal circumstances. These, as stated above include the fact that he pleaded guilty and in his plea statement, expressed remorse. It also appears that even for the crimes which were committed during the same period as these ones he had pleaded guilty. This surely indicates very good prospects of rehabilitation and as such must be weighed together with all other relevant considerations.
- [24] These include the fact that the accused was himself a victim of sexual abuse at the hands of his older cousin who abused him several times. The accused says that when he got tired of this abuse, he tried to report it to the police who mocked and ridiculed him. The accused grew up in a dysfunctional home with a drunkard mother who eventually abandoned her children including the accused and chose to stay with a boyfriend away from her children. He expressed remorse for his crimes, has not partaken any drugs or alcohol since being incarcerated two years ago. He is also willing and has asked to be taken for counselling sessions.

The evaluation

- [25] An accused's personal circumstances must obviously be assessed within the prism of the factual matrix of each case. While it may be so that there is no evidence of any of the victims having sustained serious injuries of a physical nature, the traumatic scars and deep psychological wounds should never be lost sight of as, unlike most physical injuries, emotional and traumatic injuries tend to last longer if not permanently. Most of the issues that must be taken into account in rape cases were considered in the recent past by the Supreme Court of Appeal. Because of the importance and relevance of the principles the court explained in some detail in that case, I have decided to quote generously from it. After reflecting on its own recent judgments in *S v SMM 2013 (2) SACR 292 (SCA) Majiedt JA*, writing for the full Court, stated the following:

"[13] The court below found no substantial and compelling circumstances to deviate from the prescribed minimum sentence of life imprisonment for the rape of the child and imposed that sentence on the appellant. For the reasons that follow I am of the view that the court below erred in this regard. I deem it necessary to provide a detailed exposition of this court's recent judgments in such cases. I hasten to add that it is trite that each case must be decided on its own merits. It is also self-evident that sentence must always be individualised, for punishment must always fit the crime, the criminal and the circumstances of the case. It is equally important to remind ourselves that sentencing

should always be considered and passed dispassionately, objectively and upon careful consideration of all relevant factors. Public sentiment cannot be ignored, but it can never be permitted to displace the careful judgment and fine balancing that are involved in arriving at an appropriate sentence. Courts must therefore always strive to arrive at a sentence which is just and fair to both the victim and the perpetrator, has regard to the nature of the crime and takes account of the interests of society. Sentencing involves a very high degree of responsibility which should be carried out with equanimity. As Corbett JA put it in S v Rabbie:

‘A judicial officer should not approach punishment in a spirit of anger because, being human, that will make it difficult for him to achieve that delicate balance between the crime, the criminal and the interests of society which his task and the objects of punishment demand of him. Nor should he strive after severity; nor, on the other hand, surrender to misplaced pity. While not flinching from firmness, where firmness is called for, he should approach his task with a humane and compassionate understanding of human frailties and the pressures of society which contribute to criminality.’

[14] Our country is plainly facing crisis of epidemic proportions in respect of rape, particularly of young children. The rape statistics induce a sense of shock and disbelief. The concomitant violence in many rape incidents engenders resentment, anger and outrage. Government has introduced various programmes to stem the tide, but the sexual abuse of particularly women and children continues unabated. In S v RO I referred to this extremely worrying social malaise, to the latest statistics at that time in respect of sexual abuse of children

and also to the disturbingly increasing phenomenon of sexual abuse within the family context. If anything, the picture looks even gloomier now, three years down the line. The public is rightly outraged by this rampant scourge. There is consequently

increasing pressure on our courts to impose harsher sentences primarily, as far as the public is concerned, to exact retribution

and to deter further criminal conduct. It is trite that retribution is but one of the objectives of sentencing. It is also trite that in certain cases retribution will play a more prominent role than the other sentencing objectives. But one cannot only sentence to satisfy public demand for revenge – the other sentencing objectives, including rehabilitation, can never be discarded altogether, in order to attain a balanced, effective sentence. The much quoted Zinn dictum remains the leading authority on the topic. Rumpff JA’s well-known reference to the triad of factors warranting consideration in sentencing, namely the offender, the crime and the interests of society, epitomises the very essence of a balanced effective sentence which meets all the sentencing objectives. More than 40 years ago Schreiner JA had the following to say about the balance which has to be struck:

‘While the deterrent effect of punishment has remained as important as ever, it is, I think, correct to say that the retributive aspect has tended to yield ground to the aspects of prevention and correction. That is no doubt a good thing. But the element of retribution, historically important,

is by no means absent from the modern approach. It is not wrong that the natural indignation of interested persons and of the community at large should receive some recognition in the sentences that Courts impose, and it is not irrelevant to bear in mind that if sentences for serious crimes are too lenient, the administration of justice may fall into disrepute and injured persons may incline to take the law into their own hands.’

...

[19] Life imprisonment is the most severe sentence which a court can impose. It endures for the length of the natural life of the offender, although release is nonetheless provided for in the Correctional Services Act 111 of

1998. Whether it is an appropriate sentence, particularly in respect of its proportionality to the particular circumstances of a case, requires careful consideration. A minimum sentence prescribed by law which in the circumstances of a particular case,

would be unjustly disproportionate to the offence, the offender and the interests of society, would justify the imposition of a lesser sentence than the one prescribed by law”

[26] I have been urged by Mr Pomolo, counsel for the State to impose the minimum sentences of life imprisonment in respect of counts 2 and 4 and 15 years each in respect of counts 1, 3, 5, 6 and 7. He went on to submit that the sentences in respect of the latter counts which is 15 years for each count should run concurrently with the sentences amounting to 55 years which the accused is currently serving for his previous convictions so as to address the aspect of the cumulative effect of the sentences.

Substantial and compelling circumstances

[27] The view that I take of the matter is slightly different from the one proposed by counsel for the State. First, I am of the view that the personal circumstances of the accused and the totality of the factual matrix in this matter calls for a different response. Those personal circumstances are, briefly, that the accused committed these crimes during the same violent crime spree of rape he embarked upon from 2014 to 2018, with those for which he has already been convicted and is currently serving. There is therefore a valid argument for him to be considered a first time offender. Second, all those criminal activities committed between 2014 and 2018 were preceded by some rather unfortunate failure of his mother to be there for all his children including the accused. She, instead, chose to abandon them and enjoy life away from the limitations that come with being a mother.

[28] Third, that abandonment led to the accused being raised by relatives in a somewhat difficult environment at a very young age. Fourth, he was sexually abused and victimised by his own cousin for her sexual gratification. Fifth, he pleaded guilty, not only in this Court but even in the Regional Court where he was convicted and sentenced to a total of 55 years imprisonment. He ventured into the abuse of drugs and alcohol with other youth who were doing drugs and abusing alcohol. Sixth, he did express remorse to what he did to the victims both in his plea statement and when submissions were made on his behalf.

[29] All of these factors are, in my view, and especially taken cumulatively, substantial and compelling circumstances that justify a departure from the prescribed minimum sentences. I must point out that the provisions of section 51(3) which, give the trial court a discretion to depart from the prescribed minimum sentences must also not be rendered meaningless. Doing so would in itself render the discretion, and the provisions of section 51(3) of the Act meaningless, if, on all egregious and heinous crimes such as the ones the accused committed in this case, would result in all the circumstances of an accused, whatever they may be, being said to recede into the background. That is not my understanding of *S v Vilakazi* 2009 (1) SACR 552 (SCA) at 574.

The cumulative effect of the sentences

[30] This brings me to the consideration of the fact that the accused has been convicted of no less than seven counts of rape including the rapes of two females who were below the age of sixteen years when they were raped. All these offences call for stiffer sentences even if a departure from the minimum sentences is justified.

[31] That brings into the fore the cumulative effect of whatever sentences are imposed. It makes no sense to depart from the prescribed minimum sentences and then impose sentences with an effective term of imprisonment whose cumulative effect makes the departure meaningless. That is not, in my view, the striking of an appropriate balance between the crime, the offender and the interest of society in sentencing the accused.

[32] It is also not, in my view, a correct application of giving meaning to the finding that there are substantial and compelling circumstances justifying a departure if the said departure is rendered meaningless by the cumulative effect of the aggregate sentences imposed. In *S v Velebhay* 2015 (1) SACR 7 (ECG) Plasket J stated as follows at [32]:

“Once the appropriate sentences have been imposed in relation to each offence of which an accused has been convicted, it is necessary for the trial court to consider the cumulative effect of the sentences on several counts may be arbitrarily reduced to adduce a reasonable result when taken together.” [R v Abdullah 1956 (2) SA 295 (A) at 300 A] The court must, in the words of Trollip AJ in S v Young 1977 (1) SA 602 (A), ask itself ‘despite the gravity of the individual offences, is the cumulative effect of these sentences too harsh?’”

[33] In the result the following sentences are, in my view, appropriate in this matter:

1. In respect of counts 1,3,5,6 and 7 the accused is sentenced to undergo 10 years imprisonment for each count.
2. In respect of counts 2 and 4 the accused is sentenced to undergo 30 years imprisonment for each count.

3. A period of 5 years imprisonment is suspended for a period of 5 years in respect of each of the sentences imposed for counts 2 and 4. The said period of suspension is on condition that the accused is not convicted of a sexual offense as defined in Criminal Law (Sexual Offences And Related Matters) Amendment Act 32 of 2007 committed during the period of suspension.
4. The sentences in respect of counts 1,3,5,6 and 7 are ordered to run concurrently with each other and also to run concurrently with the sentences in respect of counts 2 and 4.
5. The sentence in respect of count 4 shall run concurrently with the sentence in respect of count 2.
6. All these sentences are antedated to the 16 July 2018 being the date on which the accused was sentenced in Case No. RCM 31/2018 and are to run concurrently with the sentence of 55 years imprisonment which the accused is currently serving in respect of Case No. RCM 31/2018.

M.S. JOLWANA

JUDGE OF THE HIGH COURT

Appearances

Counsel for the State: L POMOLO

Instructed by: NPA

MTHATHA

Counsel for the Accused: M SAKWE

Instructed By: LEGAL AID SOUTH AFRICA

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