

NORTH GAUTENG HIGH COURT ASKED TO PROTECT IDENTITY OF CHILD VICTIM OF CRIME

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Today the North Gauteng High Court will hear an urgent application to prevent the publication of details revealing the identity of the child known as Zephany Nurse. Zephany Nurse was kidnapped from Groote Schuur Hospital when she was born and was raised by the woman who kidnapped her. She was only found at the age of 17.

The application aims to prohibit publication of any information or images that may lead to her identification, both before and after she turns 18. The order prohibiting the publication of her image or identifying details is only Part A of a broader application and the order will be in force pending the final determination of Part B of the application.

Part B of the application has two separate parts and will be dealt with at a later stage. Part B deals with the correct interpretation of section 154(3) of the Criminal Procedure Act 51 of 1977 ('CPA') which protects child witnesses and offenders by prohibiting the publication of any information that may lead to their identification. The applicants, the Centre for Child Law, Childline, Nicro and Media Monitoring Africa will be asking the court to provide an order in the following terms:

1. That the protection of the identity of a child concerned in legal proceedings in terms of section 154(3) of the CPA, applies to victims as well as witnesses and offenders who are under the age of 18 years; and
2. That children whose identities are protected in terms of section 154(3) of the CPA, victims, witnesses and offenders, do not forfeit the protection of their identity when they reach the age of 18 years.

In addition, the applicants are arguing that a person who was a victim, witness or offender when they were under the age of 18 may only be identified with the permission of a court after a determination whether the publication is in the public interest.

Ends.

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