

Understanding the Criminal Justice System



The National Prosecuting Authority of South Africa
Igunya Jikelele Labetshutshisi boMzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

Developed by the National Prosecuting Authority (NPA), Tel. 27 12 845 6000



Published by Jacana Media, PO Box 291784 Melville 2109, Tel. 27 11 628 3200



© National Prosecuting Authority, 2008
1st edition 2008
ISBN 978-1-77009-529-8

000482 ENG



How to use

This book has been written by the **National Prosecuting Authority (NPA)** to help those people who are victims or witnesses of crime. The NPA wants to prevent further victimisation of victims. It wants all accused to be tried fairly in court for their alleged wrong-doings.

If you need to go to court, it will give you a better understanding of what takes place during the trial.

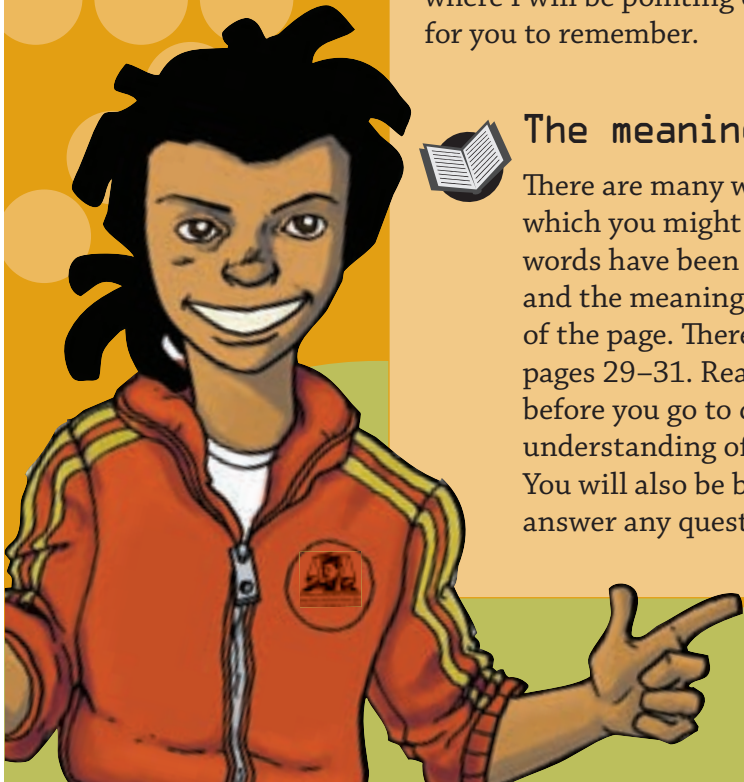
Look out for me!

My name is Mpho. Look out for me in the book where I will be pointing out important things for you to remember.



The meanings of words

There are many words used in court which you might not understand. These words have been made **bold** in the book and the meanings are on the bottom of the page. There are other terms on pages 29–31. Read through this list before you go to court, to have a better understanding of what is happening. You will also be better prepared to answer any questions.



Contents



Foreword	2
<i>Batho Pele</i>	4
How does the Criminal Justice System work?	5
The rights of victims and witnesses.	8
The responsibilities of the prosecutor	10
What happens to you?	12
What happens in court?	14
Good manners in court	18
Violence and trauma	20
Maintenance matters.	22
Witness Protection Programme.	24
Crime prevention tips	27
Different types of courts.	28
Words used in court.	29
Useful contact numbers.	32



Foreword

I would like to introduce you to the National Prosecuting Authority (NPA) and our services as lawyers for the people.

We have put a plan together called the NPA Strategy 2020, about how to deal with crime and to provide justice so that people can live in freedom and security. We have a vision to create a safer and more secure South Africa:



NPA VISION

Justice in our society
so that people can live in freedom
and security.

We need you to come and testify in court. I would like to thank you for giving up your time to do this. It makes your community a safer place for you, your family and friends, and all the people who live in that community.

The NPA is a part of South Africa's Criminal Justice System. We make sure that there is justice for the victims of crime. As lawyers for the people, we look after the interests of the victims of crime and the public. We work with our partners – the police, the prison authorities, the Department of Justice and others – to prevent and solve crime. The NPA does this by prosecuting people who break the law without fear, favour or prejudice.

I would like to assure you of our dedication and commitment to serve you, and to help build a better life for all.

Advocate Joseph Mokotedi Mpshe

Acting National Director of Public Prosecutions

As you read through this book, you will learn more about:

- South Africa's justice system
- Your rights as a victim of crime and as a witness
- What happens in the courts

Batho Pele

Batho Pele is a Sotho term for “people first”. It is Government’s plan to make sure that you, the people, get good service. This includes the people who use or are served by the NPA who are the lawyers for the people.

If we give good service, this means that we satisfy our customers. All public servants should comply with and adhere to the *Batho Pele* principles (see below).



Batho Pele says that the **prosecutor** will:

- regularly consult with customers
- comply with service standards
- increase access to services
- make sure they are polite
- provide more and better information about services
- increase openness about services (transparency)
- address and apologise for mistakes
- give the best possible value for money

Source: DPSA, 1996

prosecutor
someone who brings the case against the accused (also called state prosecutor or public prosecutor)

police service
an organisation that tries to catch criminals and checks that people obey the law

investigate
find out the facts to learn the truth about something

prosecute
bringing a case against someone accused of breaking the law

presiding officer
the magistrate or judge who hears the case

judiciary
to do with the courts

sentences
suitable punishment by presiding officer

rehabilitate
to help the criminal to return to honest and useful work

probation officer
person who has to make sure that someone on probation behaves themselves

vulnerable
weak or easy to hurt

How does the Criminal Justice System work?



The South African Criminal Justice System has six main parts:

1. The police service
– they prevent crime, **investigate** crime, and catch suspected criminals. Officially known as the South African Police Services (SAPS).

2. The prosecution service
– they decide whether to **prosecute** or not. Officially known as the NPA.

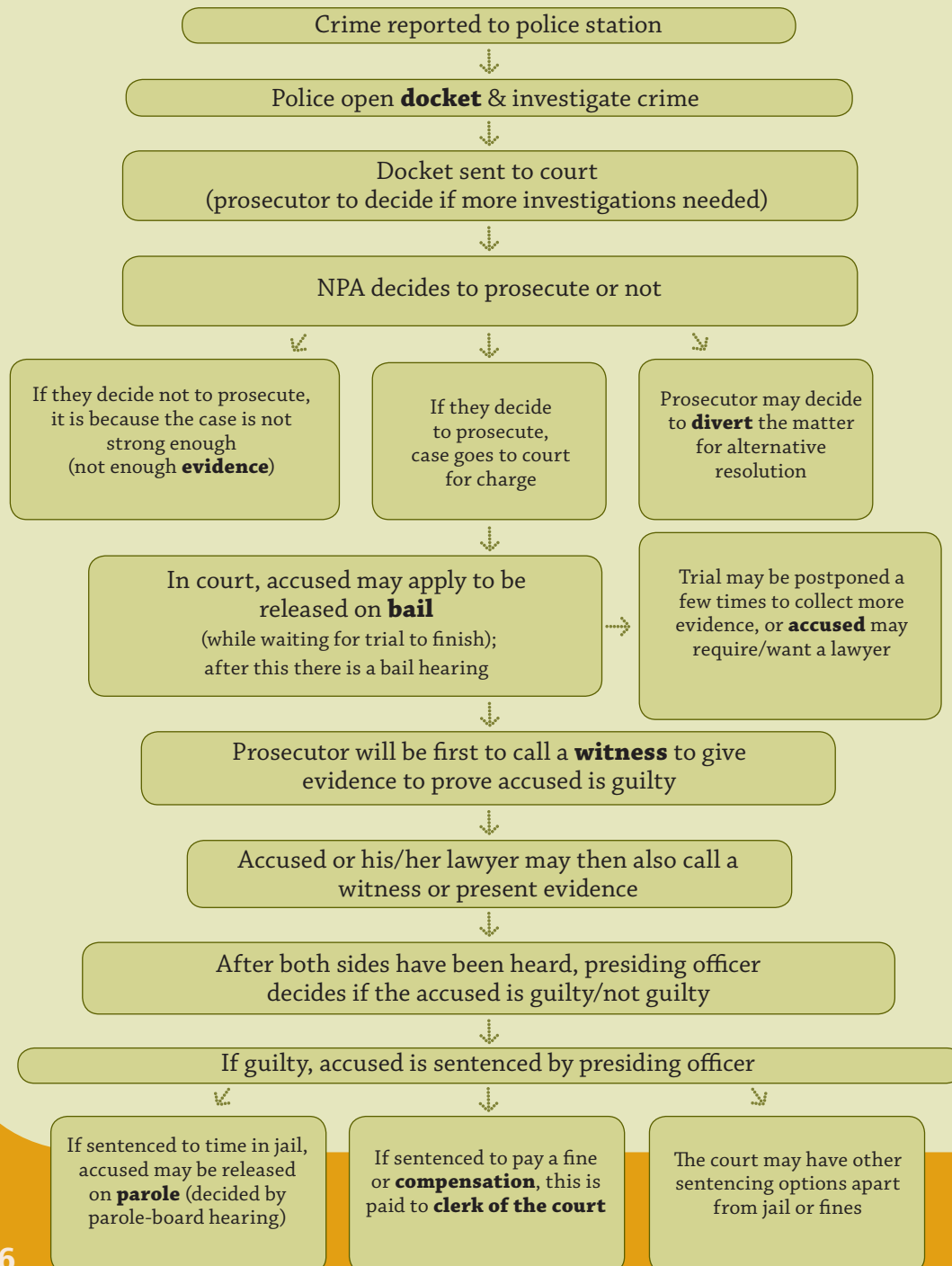
3. Presiding officer/ judiciary – they decide if the accused is innocent or guilty. They also decide what sentence should be given if someone is guilty.

4. The Department of Justice
– provides accessible and quality justice for all. Officially known as the Department of Justice and Constitutional Development (DoJ&CD).

5. The prison system
– makes sure that **sentences** are carried out. They also try to **rehabilitate** the convicted criminals in their care. Officially known as the Department of Correctional Services (DCS).

6. Probation officer/ social worker – provide social services for the poor and **vulnerable** people. Officially known as the Department of Social Development (DSD).

Steps to make the Criminal Justice System work:



We need justice in our society so that all people can live in freedom and security



docket
document with important information; see case docket

evidence
verbal accounts of events and supporting documents that are used as proof in a court case

divert/diversion
a system for giving a chance for a first time criminal defendant in lesser crimes to perform community service, make restitution for damage due to the crime, get treatment for alcohol or drug problems, and/or counselling for antisocial or mentally unstable conduct. If the defendant cooperates and the diversion results in progress, the charges could be dismissed. Diversion is not granted for a second offence.

bail
security, usually a sum of money, is paid in exchange for the release of a suspect from jail, on the understanding that the suspect will return for trial or forfeit the bail if he/she doesn't comply with the bail conditions. In most cases bail money will be returned at the end of the trial, no matter whether the person is found guilty or not guilty of the crime committed.

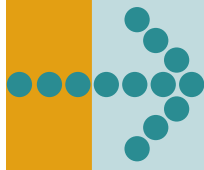
accused
a person charged with a crime

witness
person who saw, heard or knows something about a crime; they may give evidence in a court case

parole
being released from prison before your sentence ends as long as you do not misbehave

compensation
to receive money to pay you for the harm suffered

clerk of the court
official in the Magistrate's Court who receives and gives out legal papers



The rights of victims and witnesses

Your rights

The NPA works hard to make sure that all **victims** and witnesses appearing in court are treated with respect and dignity. Prosecutors will do their best to protect your interests and make sure that you are not **cross-examined** unfairly.

Your time in court may be difficult. See page 12 about what the prosecutor does.

If you have been a victim of crime, you have the following rights. The prosecutor will:

- treat you with fairness and with respect for dignity and privacy
- give information
- receive information
- protect you
- assist you



victim
a person who has suffered from an unlawful act, either a personal or a property crime; an identifiable person who has been harmed individually and directly by the defendant, and not by society as a whole

cross-examined
chance for the other side in a court case to ask you questions about your evidence

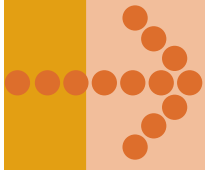


You have the right to ask why the prosecutor has made decisions. You can also complain if you feel that your rights are not being respected. See page 33 for the process.

Thank you

Being a witness is a brave thing to do and will help the police and the prosecution to make sure that justice is done. Thank you for your help. It is very important to us, and to the whole community.





The responsibilities of the prosecutor

What is a prosecutor?

- A prosecutor guides the police to collect the right evidence, presents this in court, and argues cases.
- The prosecutor decides to prosecute or not.
- He or she also makes sure that victims and witnesses are treated fairly.
- Unless the prosecutor proves guilt “**beyond reasonable doubt**”, the accused will be **acquitted**.
- The prosecutor may divert cases to rehabilitate, especially **juvenile** first **offenders**.
- The prosecutor helps the court to make a just **verdict** and impose a fair sentence.

See page 7 to see how the prosecutor fits into the Criminal Justice System.

The office of the prosecutor is clearly marked. The information desk can also help you to find him or her.



People can identify the prosecutor in the lower courts by the robe he or she is wearing.

beyond reasonable doubt
the amount of proof needed for someone to be guilty in a criminal trial – there must be no reasonable doubt at all

acquitted
found not guilty

juvenile
a person under the age of 18

offenders
perpetrators of a crime; usually used for crimes involving contact between the victim and the offender

verdict
the judgement that decides if someone is guilty or not



What happens to you?

Victims, witnesses and other people who provide information about crime, help the police to solve or prevent crimes. They can also help by giving evidence in court.

Making a statement

- If you have information about the crime committed, you will be asked to make a **statement**, under **oath** or **affirmation**, to a police officer. This statement will be used when you go to court.
- If you can read and understand the language, check the statement before you sign. If not, ask someone to read it or explain it to you. If anything is wrong, ask for it to be fixed before you sign.

Going to court

- The police will serve you a notice to appear in court. You will need to be there until you have **testified**. You could be arrested if you do not obey the **subpoena**.
- If you have any questions or information, give it to the prosecutor before you appear in court. There may not be time on the day of the trial.
- Tell the prosecutor when you arrive at court. Remember, you can ask to read your statement again any time before going to court.
- You will need to be there at least until you have completed giving evidence. Do not leave the court building without the permission of the presiding officer. The prosecutor will help you to get this permission.

statement
a written or verbal account of what happened, which could be used as evidence in court

oath
swearing that something is the truth

affirmation
a statement asserting the existence or the truth of something

testified
give evidence in court

subpoena
official notice used to tell witnesses they must come to court to give evidence

- A witness must not sit inside the courtroom until called to give evidence.
- If anyone tries to discuss the case with you, tell the investigating officer, or the prosecutor. Do not discuss the case with anyone except the prosecutor or medical doctor/psychologist who is helping with the case.

Threats and intimidation

- It is illegal for anyone to threaten or frighten you. If they do, tell the investigating officer or the prosecutor.
- It is against the law for anyone, including family members, to force or convince you not to be a witness.
- See pages 24–26.

If you are employed

- Tell your employer you have received a subpoena. Your employer must let you go to court.
- If you are not in the Public Service, your employer does not have to pay for this time off work. You can claim your lost earnings from the court. Ask the prosecutor about this. You will also be able to claim witness' fees.

Expenses

- Some expenses could be paid back, for example travel costs. Ask the prosecutor to complete a form after you have given evidence.



What happens in court?

Who will be in court?



- Presiding officer
- Assessor
- Witness
- Clerk of the Court
- Court Orderly
- Prosecutor
- Legal Representative /Lawyer
- Interpreter
- Accused
- Public



The interpreter

The trial will be in English or Afrikaans. If you need it, an interpreter (translator) will help you.

Bail

When an arrested person is brought to court for the first time, the presiding officer has to decide whether to release him or her on bail.

- If the victim of crime is afraid of the accused being released on bail, he or she must give reasons to the prosecutor or investigating officer.
- If the accused has been released on bail and contacts the victim in any way, he or she must inform the prosecutor or investigating officer.
- During the bail hearing, the magistrate may want to hear evidence. The court must decide on the bail.

Pleading

A trial starts with the prosecutor telling the accused what he or she is charged with. The accused then **pleads** to the charge. This means they say if they are “guilty” or “not guilty”. If they say “not guilty”, then the case goes to trial.

1.The State's case

During the trial, the prosecutor calls the witness to give evidence. The prosecutor gives the witness guidance so that he or she does not leave out anything important. A witness can be:

- The victim
- Anyone else who knows what happened or who knows something about the crime
- The police officer, **forensic** expert or other experts

pleads
saying “guilty” or “not guilty” to charges in a criminal case; also stating your defence in a civil action

forensic
a scientific way of solving a crime

2. Cross-examination

After each witness has given evidence, the accused or their lawyer may ask the witness questions. This is to test whether the witness' evidence is correct. It also gives the accused or their lawyer the chance of giving his or her version of the events.

- The lawyer of the accused may also question you. He or she protects the accused.
- The lawyer may seem unfriendly towards you and ask you difficult questions. Try to be calm and tell the truth, even if this means repeating yourself (read pages 18–19).

3. The accused's case

- After the State's case, the accused or the lawyer can ask the court to **discharge** the accused. This happens if they feel that the prosecutor did not prove the case against the accused.
- The presiding officer decides whether to discharge the accused, or proceed with the case.
- The lawyer presents evidence and calls witnesses, which may include the accused. The defence counsel will try to prove his client's innocence by creating "holes" in the State's (prosecutor's) case. They want to prove that the State's allegations are not true or are insufficient for the court to **convict** the accused.
- The prosecutor may now ask any of the defence witnesses questions. This includes the accused. Please see the guideline "On the witness stand" on page 18.

discharge
another way of saying a person is innocent

convict
found guilty of a crime by a court

argument
addressing the court so it can make a just decision

defence
legal reason to explain or excuse what you did

complainant
person who makes a criminal charge against someone else at a police station

4. Closing arguments

In the closing **argument**, the prosecutor will summarise and argue the case. He or she gives reasons why the accused should be found guilty. The accused or their lawyer is also given the same opportunity to persuade the court why the accused should not be found guilty.

5. Judgment

The court decides whether the accused is guilty.

- If the accused is found guilty, the prosecutor has proved their guilt "beyond reasonable doubt".
- If the accused is found not guilty, it is because the presiding officer has doubts. If there is doubt, the court has to acquit the accused. This means he or she goes free.

6. The sentencing stage

- When the accused has been found guilty, the presiding officer decides on a punishment.
- Both the prosecutor and the **defence** may call witnesses at this stage.
- The prosecutor may talk about how bad the crime was; how it affected the community and the victim; and may even call witnesses.
- The prosecutor may also ask that the **complainant** be



compensated if he or she suffered any loss as a result of the crime. The complainant must ask the prosecutor to apply for a compensation order before the accused is sentenced.



Good manners in court

Appearance and behaviour

- Be at the correct court by no later than 8:30am (or the time written on the subpoena).
- Dress neatly and behave well.
- Try to leave children at home as there are no caregivers or secure facilities to look after them.
- Do not wear sunglasses or hats in court.
- Don't chew gum.
- Turn your cell phone off while in court.
- Don't bring food or drinks into court.
- Weapons of any sort are not allowed.
- You must not have had any alcohol or drugs.
- Court starts at 9:00 in the magistrate's courts, and at 10:00 in the high courts. Court stays in session until cases are finalised, or 16:00.

On the witness stand

- When you take the oath, look at the presiding officer and say, in a clear voice, "So help me God". Instead of saying this, you could also say "I will tell the truth, the whole truth and nothing but the truth." This is called affirmation.
- You are expected to stand during your testimony, but you can ask to sit down. Speak clearly and loudly.

objects

to be opposed to something or to express your opposition to it in words



- Listen carefully to the question. Make sure you understand it or ask for it to be explained. Look at the person when you answer, and only answer the question you are asked.
- Do not shake your head to indicate a "yes" or "no" answer. Use words to answer every question.
- If the prosecutor or lawyer **objects**, stop talking. Wait for the presiding officer to decide on the objection, and continue when told to do so.
- If you do not want to answer a question, do not ask the presiding officer whether you must answer it. If it is an improper question, the prosecutor will state an objection. If he or she doesn't, you must answer the question or the court will stop the lawyer.
- Don't argue or allow yourself to become angry. This will not help you.
- If you make a mistake, admit it. Nobody is going to hold it against you, but they will if they think you're lying.
- Know your facts, but don't say your evidence as if you memorised it. Otherwise you will get confused when questions are not in the same order.
- You are allowed to say "I don't remember" if you have forgotten some details.
- If a question is repeated, give the same answer as before.
- Most important of all, you have taken an oath or made an affirmation to tell the truth. If you're caught lying, you may be prosecuted. It also makes your whole testimony suspicious, and can allow a criminal to walk away free.

Violence and trauma

Domestic violence and sexual offences

There are many different kinds of sexual offences and domestic violence. Sexual offence cases include rape and indecent assault (where you are exposed to any unwanted sexual act) and other **statutory offences** in line with the relevant **legislation**.

Domestic violence includes physical, sexual, emotional, verbal, psychological and economic abuse by a spouse, partner, boyfriend/girlfriend (or anyone with whom you are having or have had a relationship).

What do you do when you are a victim of a sexual offence or domestic violence?

For sexual offences:

- Report it at any police station, hospital/clinic or **Thuthuzela Care Centre** (TCC).
- If you report it to the police, they will investigate the case. The NPA will then decide whether to take it to court. You will have to testify in court about what happened. If the **perpetrator** is found guilty, he may go to jail.

For domestic violence:

- Go to the clerk of the court in your nearest Magistrate's Court to get a Protection Order.
- If the act of domestic violence amounts to a crime, you can also lay a charge at the nearest police station.

statutory offences
if you break the law as prescribed in an act that was passed in Parliament

legislation
laws passed by parliament

Thuthuzela Care Centre
care centre for victims of gender-based violence; victims of these offences can report the crime at the centre and receive services (also see page 32)

perpetrator
people who commit crimes

traumatised
very upset, afraid or shocked because of a bad experience

On page 32, you will find:

- organisations that give more information on domestic violence
- organisations that offer counselling for traumatised victims and witnesses of crime
- contact numbers for the Thuthuzela Care Centres (TCCs)

Coping with negative effects of crime

Sometimes people are shocked by what happened to them or what they saw. They need professional help. Some police stations and courts have people who can help **traumatised** witnesses.

Find out if these services are available or how you can get help to deal with the trauma. Getting help is important. It will make it easier for you to deal with your trauma and to give a better testimony if you are called to court.





Maintenance matters

Courts may order a person to help provide financial support for another person. This is called maintenance. It is usually regular payments of money. Child support is mostly the responsibility of the biological or adoptive parents.

When do I take action?

- If the father or mother of your child is not regularly providing assistance for the child.
- If the person legally responsible for the maintenance is not obeying the Maintenance Order.

How do I claim maintenance?

The **maintenance officer** at your local court will help you to fill in an application form and tell you what to do. You need the following documents:

- Your ID, and if available the ID number of the person you wish to claim maintenance from.
- Your contact number and address; if available the address and contact number of the person you wish to claim maintenance from; and if possible the address of his or her employer.
- Your children's birth certificates.
- Your bank statement if you have a bank account.
- A list of the needs of your children.
- Water and electricity bill, grocery receipt, clothing accounts and medical records.
- Divorce decree and divorce agreement (if you are divorced).

maintenance officer

the person that handles maintenance matters at court; all public prosecutors are maintenance officers; other people can also be appointed

What happens next?

- The maintenance officer will give you a case number and a court date, if the father/mother is able to be found.
- He or she will issue a subpoena for you and the person you are claiming maintenance from to appear in court.
- On the court date, the maintenance officer will discuss with both of you the amount to be paid.
- If agreement cannot be reached, the case will go to court.
- After it has been heard in court, a Maintenance Order will be granted. This says how much maintenance needs to be paid, how it is to be paid, and who needs to pay.

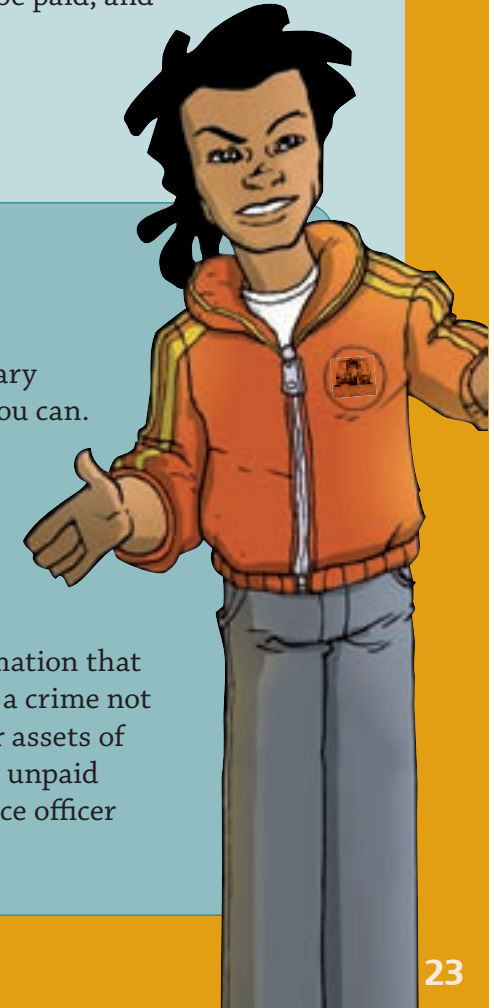


Important

Do not be discouraged if:

- You don't have all the necessary documents – bring in what you can.
- You do not know where the father or mother of your child is. A maintenance investigator can help to find this person.

They will also gather other information that may be needed for your case. It is a crime not to pay maintenance. The salary or assets of the person can be used to recover unpaid maintenance. Ask the maintenance officer to help you with this.



Witness Protection Programme

What is witness protection?

- If you are a witness and are afraid for your safety, you can apply for witness protection. You and your family, who are threatened, will be taken away from the dangerous situation as soon as possible.
- Anyone in your household or family, or who is close to you in any way, can apply for protection for you if you are unable to do so.
- You cannot be forced to be part of the programme. You must want to join it.

How do you apply?

You must report your fears to any of the following people, who will help you to make an application:

- The officer investigating the case in which you are a witness.
- The station commander at any police station.
- The public prosecutor in the case in which you are giving evidence, or the senior public prosecutor in court.



What happens when you apply for witness protection?

- You will be removed as soon as possible from the immediate danger area. You will be kept in temporary protection.
- During this time a witness protection officer will investigate your application and conduct threat assessments.

The protection agreement

- If it is decided that you be placed on the programme, you must sign a protection agreement, and provide full personal details.
- The agreement is for your safety and the safety of the witness protection officers and everyone else in the programme.
- You must obey the rules of the programme.

When you are placed on the programme, you and any related people will be provided with support services.

Witness Protection Support and related services

→ You and your extended family, where necessary, will be placed in a safe house.

→ You will be moved away from the danger area.

→ A clinical psychologist will do a trauma and psychological assessment and help you with any trauma you might be having.

→ You will be part of an induction programme. This will help you know the rules, and what to expect.

→ If you are unemployed, you will get an allowance for your basic needs.

→ If you are employed, you will get a replacement salary.

→ If your children are with you, arrangements will be made so that they can go to school.

→ Some other costs will also be covered, such as schooling, transport, clothing and medical costs.



→ **Do not** break any of the rules or abuse the protection programme or you will be discharged from it.

→ **Do not** tell anybody where you are or any details about the safe-house.

→ **Do not** disclose any information about the protection programme. This is a serious offence.

Crime prevention tips

Start by getting involved in your area

Organise or join a neighbourhood programme like the Community Policing Forum (CPF). This is where you and your neighbours get together to learn how to protect yourselves, your family, your home and your property. This can help to get criminals off your block and out of your area.

There's safety in numbers and power through working with a group. You'll also get to know your neighbours and your area better.

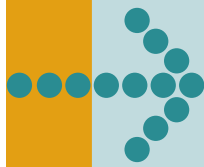
By working with them you can:

- Reduce crime
- Develop a more united community
- Provide communication between police and citizens
- Establish on-going crime prevention techniques in your neighbourhood
- Renew interest in community activities
- Take part in a community court in your area



Start by fighting crime in your area – join the CPF!

You can also visit www.saps.gov.za or call your nearest police station for more crime prevention tips.



Different types of courts



The type of court	What the court deals with
Constitutional Court – the highest court in the country. Its decisions are final and no other court can overrule its decisions.	Only with the laws of the country. It makes sure that Acts of Parliament follow the Constitution – including the Bill of Rights .
Supreme Court of Appeal – the final court of appeal in all matters except those constitutional. No lower courts can object to the decisions made.	All criminal appeal cases from the High Court. Civil matters.
High Court	Serious crimes like murder, rape and treason. Serious and complex fraud . Appeals and reviews from the district and regional courts. Civil matters.
Magistrate’s Court • Regional Court • District Court	Most matters except treason. The less complex and less serious matters.
Small Claims Court – the decisions are final and there is no appeal to a higher court.	Civil claims not more than R7 000.

Bill of Rights

a list of rights and freedoms for all people living in a country, which is part of the law of that country; South Africa has a Bill of Rights in our Constitution

Supreme Court of Appeal

the highest court in the country (except for the Constitutional Court)

fraud

cheating another by means of lies and dishonesty, resulting in injury/harm

Regional Court

a court that hears more serious cases

District Court

a district court has jurisdiction within a particular magisterial district



Words used in court

There are many words used in court that you will probably not have heard before. Here is a list of some of the most common ones. There are other words made bold in the text that are explained at the bottom of the pages.

- Adjourn** – to take a short break in court for tea; or to finish for the day
- Affidavit** – a written statement in front of a commissioner of oaths that is sworn to be the truth – it can be used as evidence in court
- Alibi** – proof that you were doing something else at the time of the crime
- Alleged/allegation** – when an accusation has not yet been proved in court
- Appeal** – asking a higher court to overrule the judgment, sentence or decision of a lower court
- Attorney-client privilege** – whatever a client tells an attorney is secret and cannot be told to anyone else without the client’s permission
- Bona fide** – in good faith, believing that you are doing something you have a right to do
- Case docket** – file or document opened by police when investigating a crime
- Charge sheet** – the paper in the Magistrate’s Court that lists all the crimes that someone is charged with
- Children’s Court** – special Magistrate’s Court that decides cases affecting the welfare of children
- Commissioner of Oaths** – person in front of whom an affidavit can be sworn – police, ministers, postmasters, bank managers
- Confession** – admitting that you committed a crime
- Contempt of Court** – breaking a Court Order or showing disrespect for the court
- Court Order** – an official order by a presiding officer telling someone to do something or to stop doing something
- Court orderly** – maintains order in the court
- Court preparation officer** – appointed at certain courts to support and assist witnesses
- Criminal charge/case/action** – court case against someone who committed a crime
- Criminal Court (district, regional and high courts)** – where the accused is tried for a crime
- Criminal record** – list of all the crimes you have been found guilty of; also called previous convictions
- Customary African law** – the indigenous laws of African tradition
- Customary union/marriage** – marriage according to African customary law
- Divorce Court** – where people can go to have divorce cases sorted out quicker and cheaper
- Excluded** – people who struggle to get services
- Expert/expert witness** – someone who has special knowledge of something and who could be called to court to give evidence on their subject
- Finding** – decision of a court or a Commission of Enquiry
- Guardian** – person who has legal authority over a child if there are no parents

Hearsay evidence – something you heard from someone else

Identity parade – where you try to point out someone who committed a crime

Illegal – against the law; breaking the law

In camera – a hearing or court case without members of the public present

Inquest – a legal investigation to check if someone is responsible for the death of a person who did not die of natural causes

Interdict – a Court Order to protect someone or to force someone to do something

Intermediary – person who sits with the victim in a separate room (camera room) outside of court and helps victims understand questions being asked in court

Intermediary room – camera room

Judgment – decision made by presiding officer (judge/magistrate)

Jurisdiction – the powers and functions of a court or other institution

Juvenile Court – special court at the Magistrate’s Court where the accused is a juvenile

Legal aid – state assistance to someone who can’t afford a lawyer

Legal Aid Board – provides lawyers and advice for people who have very little money

Legal capacity – ability in law to take legal action or to have action taken against you

Legal representative – general name for someone who has a legal qualification; lawyer

Maintenance Court – every Magistrate’s Court that is considered a Maintenance Court can handle maintenance cases

Maintenance prosecutor – a public prosecutor that has been appointed to specialise in handling maintenance matters

Marriage (civil) – registered marriage that takes place in front of a magistrate or a minister of certain religions

Marriage (common law) – living together without being legally married

Means test – test used to decide whether someone is poor enough to get legal aid or state grants

Mediation – using somebody to help sort out a disagreement between two people

Messenger of the court – court official who delivers court papers in the Magistrate’s Court

Misrepresentation – making a false or incorrect statement

Mitigation/mitigating factors – reasons why someone who has been found guilty of a crime should get a light, easier sentence

Notary public – an attorney who specialises in certifying or writing legal documents

Perjury – the crime of lying under oath in court or in a sworn statement

Plaintiff – the person who makes a civil claim

Post-mortem – medical examination of a dead body to find the cause of death

Prejudice – to form an opinion that is one-sided

Prisoner’s friend – a Magistrate’s Court official who can help with things like getting money to pay for bail or fines

Probation – a trial period where people have a chance to prove that they can behave

Proof – enough evidence to win or make a good case

Public defender – government-employed lawyers who have the job of defending people who can’t afford lawyers in criminal cases

Public protector – public official appointed by the government to investigate complaints of corruption and unlawful actions by government officials or civil servants

Receipt – paper to prove money was paid or to claim back things taken away from you

Reformatory – a special kind of prison for juveniles

Return day – the date when a person with a court application (or an interdict) will come back to court for a decision; also called a “rule nisi”

Review – higher court looking at decisions made by a lower court or authority, to see if anything was done incorrectly

Self-incrimination/right against self-incrimination – the right to stay silent and not to say things that can be used against you in court

Specialist prosecutor – someone who has been trained to prosecute specific cases, such as sexual offences

State prosecutor – someone who brings the case against the accused (also called a prosecutor or public prosecutor)

State witness – witness used by the prosecutor to prove the case against the accused

Sub judice – being heard in court; usually used to say to the media (newspapers/TV) when they cannot comment on a case because it has not been finalised

Summons – a document calling a person to come to court to stand trial for breaking the law

Suspended sentence – part of a prison sentence or fine is put off or postponed and will only happen if the same crime is committed within a stated time

Sworn statement – something sworn under oath, which is strong evidence in court; also called affidavit

Trial – when the evidence against the accused on the charge or offence committed is presented to the court

Unlawful – breaking the law

Victim Impact Statement – a written or verbal statement by the victim of a crime; it can also be written by a family member in matters involving death, or by a professional; it can be read out in court

Warning/released on warning – released without bail, and warned to appear on a certain date

Warrant – a document issued by the presiding officer (or sometimes a police officer who is a lieutenant or higher) that gives permission for things like arrests, searches and evictions

Witness’s friend – a person at the Magistrate’s Court who explains the witness’s rights and pays his or her transport costs in certain circumstances

Useful contact numbers

Director of Public Prosecution's contact numbers

DPP Bophuthatswana Division
Tel: 018 381 9002
Fax: 018 381 9033

DPP Eastern Cape Division
Tel: 046 602 3000
Fax: 041 502 1437

*DPP Natal Provincial Division
Pietermaritzburg*
Tel: 033 845 4405
Fax: 033 394 6891

DPP Orange Free State Division
Tel: 051 410 6000
Fax: 051 448 2671

DPP Transkei Division
Tel: 047 501 2655
Fax: 047 501 2653

DPP Transvaal Provincial Division
Tel: 012 351 6700
Fax: 012 321 8176

DPP Western Cape Provincial Division
Tel: 021 487 7000
Fax: 021 424 7825

DPP Witwatersrand
Tel: 011 220 4122
Fax: 011 333 0402

Legal Aid Board

Provides lawyers and advice for people who have very little money
Tel: 086 1053 425/011 877 2000

Public Protector

Checks out complaints from the public against government agencies or officials
Tel: 0800 112 040

SAPS Crime Stop

For reporting criminals and criminal activities Tel: 08600 10111

SAPS Emergency Number

For calling the police in a hurry
Tel: 10111

SAPS Women Abuse Helpline

Police helpline for women who have been treated violently or cruelly
Tel: 0800 150 150

Thuthuzela Care Centres

Eastern Cape
St Barnabas Hospital
Libode, Umtata Tel: 047 568 6274

Cecilia Makiwane Hospital
Mdantsane, East London
Tel: 043 761 2023

Gauteng
Mamelodi Hospital Tel: 012 801 2717

Natalspruit Hospital
Tel: 011 9091002/3/6/9

Chris Hani Baragwanath Hospital, Soweto
Tel: 011 933 1229/3346

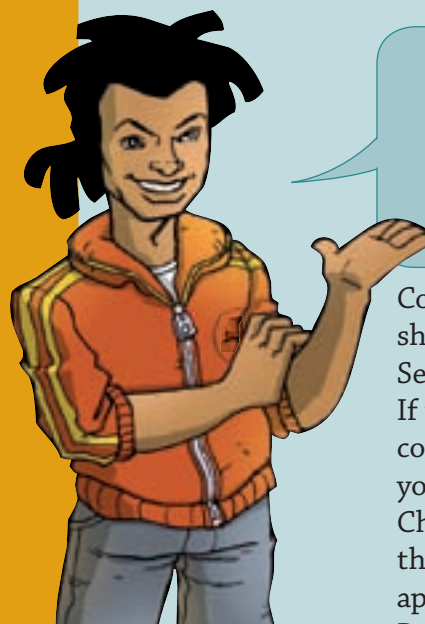
KwaZulu-Natal
Prince Mshiyeni Hospital
Umlazi Tel: 031 907 8496

Phoenix Crisis Centre
Mahatma Gandhi Hospital
Durban Tel: 031 502 2338

North West
Mafikeng Hospital Tel: 018 383 7000

Northern Cape
Kimberly Hospital
Galeshewe Tel: 053 830 8900

Western Cape
GF Jooste Hospital, Mannenberg
Tel: 021 691 6194



If you are not satisfied with the way a complaint is handled, contact the following people...

Complaints or queries about a lower court should be addressed in writing to the Senior Public Prosecutor of that court. If you don't like the result, or if your complaint concerns the Senior Prosecutor, you can take the matter up with the Chief Prosecutor in that area. Should the response not satisfy you, you may approach the Director of Public Prosecutions for that cluster. Please

submit a short written complaint that includes the case number and police CAS number. The name of the accused and his/her last day of appearance will help the NPA to address the matter speedily. The NPA tries to resolve all queries as quickly as possible.

For more information, go to www.npa.gov.za or phone the NPA at 012 845 6000 to obtain the required telephone numbers and addresses.

Court Preparation Programme

The court preparation programme is a programme to prepare and support witnesses (especially children) to give evidence in court. This service is not provided at all courts. To find out whether the service is provided at the court where you will testify, please contact the local Senior Public Prosecutor.

National Prosecuting Authority head office: 012 845 6000