

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME
COURT OF APPEAL

FROM: The Registrar, Supreme Court of Appeal

DATE: 26 MAY 2010

STATUS: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

DAMGAZELA & ANOTHER v THE STATE

The Supreme Court of Appeal (SCA) today dismissed the appeals of the above two appellants against their convictions for rape and sentences of 18 years' imprisonment each. The SCA held that the complainant adduced credible and reliable identification evidence. The SCA also held that the differences between the complainant's oral evidence and her statement can be ascribed to the difficulties in the language spoken by her and the policeman who authored the statement. The court held further that the appellants' evidence had been correctly rejected as false by the trial court.

The sentence of 18 years' imprisonment on each appellant was confirmed. The SCA held that the sentence is not shockingly excessive.