



# SUPREME COURT OF APPEAL OF SOUTH AFRICA

## **MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

**FROM** The Registrar, Supreme Court of Appeal  
**DATE** 1 June 2017  
**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.***

***The State v Pilane 1362/16 [2017] ZASCA 71 (1 June 2017)***

Today the Supreme Court of Appeal (SCA) upheld an appeal against the decision of the North West Division of the High Court, Mahikeng.

The issue on appeal was whether the swearing in of witnesses by a court interpreter constituted a proper administration of the oath prescribed in the Criminal Procedure Act 51 of 1977 (CPA).

The high court found that by allowing the court interpreter to administer the oath, the regional court committed an irregularity that vitiated the proceedings. Consequently, it considered the evidence of three state witnesses, administered by a court interpreter, to be unsworn and therefore inadmissible. Aggrieved by the decision of the high court, the Director of Public Prosecutions applied to the SCA for special leave to appeal. Special leave was granted on a limited basis.

On appeal, counsel for the respondent raised numerous contentions in support of the argument that an oath administered by an interpreter is an irregularity. The SCA found each of its submissions untenable, holding that s 165 of the CPA authorises a court interpreter to administer the oath in the presence of or under the eyes of a judicial officer. It further held that this procedure is expressly authorised by the CPA and accords with long-established practice in criminal courts at all levels.