

THE DEAD

Family still wants answers

MERISSA NAIDOO

THERE are too many "if-onlys" for Roshila and Lingse Naidoo – those things that could have turned out differently, those things that could have saved their daughter Merissa's life.

Merissa was 10 on September 15, 2005 when she was kidnapped from school by someone who claimed to be her uncle. Her kidnappers demanded R500 000, but a deal never happened. Three days after her kidnapping she was found in a flat in Benoni on the East Rand. She had been murdered and placed in a suitcase. When police stormed the flat the man inside apparently jumped to his death. Police suspected Lingse of the crime. He had to defend his innocence as he was grieving for the child he describes as his shy, quiet little girl.

He was cleared of any suspicion, but for the Naidoos there is still no closure, no straight answers and no justice for Merissa, eight years later.

Lingse keeps a file on the murder. It's far from a closed case for him. The Naidoos believe at least two men involved in the crime are still walking free. His file is filled with correspondence, copies of documents, notes pleading for renewed investigations. He says he will keep asking questions, keep up the pressure till he gets answers or dies.

For the Naidoos the errors and let-downs begin with the primary school releasing Merissa without so much as a phone call to either him or his wife; the security guard employed at the school without proper paperwork; the school's mixed version of events and details; bungled police work; bungled court proceedings; apparent cover-ups; irregularities; corruption; betrayal and empty promises.

"I support Lingse in what he's trying to do, but I am tired of talking all the time because it doesn't bring Merissa back. I wish I could do the investigation and handle the court proceedings, because I would do a better job," says Roshila Naidoo.

Roshila and Lingse still stay in Benoni in the home Merissa shared with them and her three siblings. For the first few years after her death the family couldn't bring themselves to celebrate Christmas. But eventually they realised their other children were being robbed of their enjoyment of festivities.

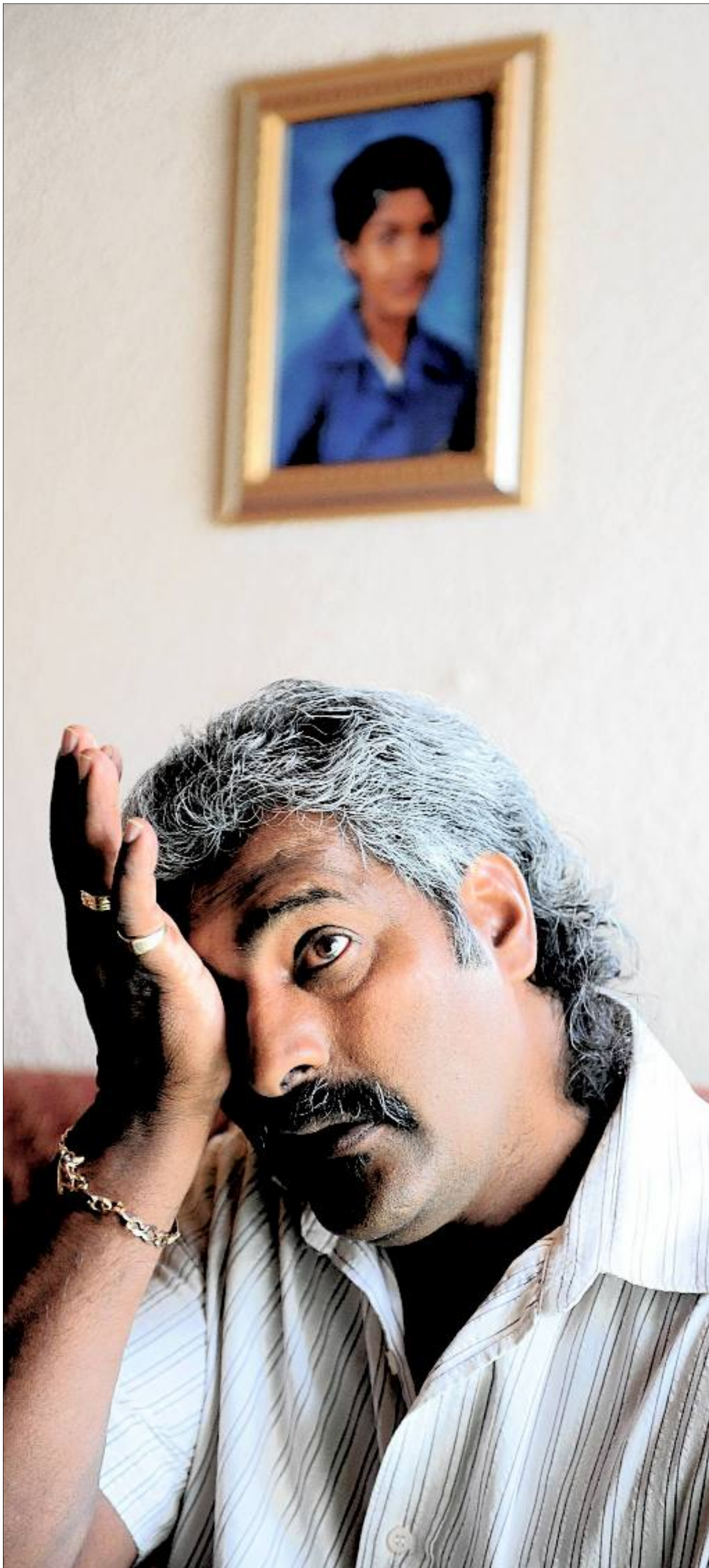
"We were always such a close family, we still are, but I can see the gaps and I know my children are so angry this happened to their sister. I don't want to see more people being hurt, but I want to see justice for Merissa," says Roshila.

"She would have been 18 this year, finishing school," Lingse says.

She was born into a generation of hope in a new South Africa, but Lingse says his hopes and dreams have evaporated with each dead end he's faced over the past eight years.

Maybe Merissa would have gone on to become a teacher, Roshila and Lingse imagine. She was the one who played teacher in her games with her siblings and relatives.

They will never know.



PAIN: Lingse Naidoo still cries for his daughter, Merissa (pictured in the background), who was murdered in 2005 and stuffed into a suitcase. PICTURE: PABALLO THEKISO

describe the loss of a child'

Two men received 28-year sentences for the murders. Their two accomplices got 15 years for kidnapping, hijacking and robbery. They became eligible for parole in 2011 and have had three hearings already.

To oppose bail Goldin and the Bloom family have had to state their case all over again.

Goldin reminds officials of the day she returned to the place her son was shot, where she lay down on the ground and imagined Brett and Bloom's last moments and the hours of hell they went through even before the trigger was squeezed.

She's determined that Jade Wyngaard and Nurshad Davids serve out their sentences.

She says: "You can be crushed and broken but you can't have a victim mentality. It's not the way my mom brought me up, it's not how I brought up my kids. I will stand up for the truth, for what I believe in."

And she will stand up, because her child no longer can.



STANDING UP FOR TRUTH: Denise Goldin fights on because her child no longer can.

Lynch's long battle to see DNA bill passed

VANESSA Lynch is the founding member of the DNA Project. When her father was brutally murdered in Johannesburg in 2004, she made it her mission to help educate South Africa about the vital role that DNA evidence can play in helping to convict criminals.

John Lynch was shot and killed in his Bryanston home as he tried to shield his wife from gun-wielding intruders.

In the drama of trying to save her father's life, paramedics rushed in and trampled all over the crime scene. Between them and the emergency room, medics and doctors discarded John's clothes, which could have provided clues.

Then, out of ignorance, neighbours and friends "cleaned" up the mess. They didn't want the family to be offended by all the blood. But Lynch doesn't blame them. The evidence was lost. The case went cold. The family would never know who was responsible.

Lynch sprang into action and started the DNA Project, which lobbied for the DNA Bill to be passed. Now Lynch's dream has come true.

Lynch writes: Sitting alone in the public gallery above the National Assembly in the early evening of August 22, I watched in disbelief as the long-awaited Criminal Law (Forensic Procedures) Amendment Bill B9-2013 was almost not voted into Parliament due to a technical glitch. Throughout that afternoon, it seemed one of the most technologically advanced pieces of legislation was going to be stalled yet again, due to the failure of technology. How ironic that the final voting on the bill had to be done by a head count – which realised a quorum. It seemed fitting drama to the nine-year struggle I have fought to see this bill passed into law.

The DNA Bill represents a welcome stand by the government to regulate this important area of the law, which has to date been operated in a legal vacuum. The DNA Bill establishes a National Forensic DNA Database for crime detection and investigation, the exoneration of convicted people and the identification of missing persons and unidentified human remains. The growth of South Africa's DNA database is directly linked to the implementation of this law, which will allow for the inclusion of profiles on the DNA database, and allow for comparative searching between different types of profiles.

This is important because the greater the number of profiles on the database, the greater the chance of finding a match between the crime scene profile and a known profile on the database.

The DNA Bill, with its compulsory taking of DNA samples from suspects and convicted offenders,



THE DNA PROJECT: Executive officer Vanessa Lynch. PICTURE: JONATHAN JONES

ensures that the database is populated for this purpose. But how will this translate into crime resolution and how will it help secure convictions in South Africa? In essence, entering DNA profiles obtained from samples from all those suspected and convicted of a Schedule 8 offence, and comparing those with profiles obtained from biological evidence left at crime scenes, will achieve the following:

The earlier arrest of offenders: mandatory collecting of DNA samples from suspects means identifying criminals earlier in the criminal justice process.

Quick identification of linked or serial crimes: by helping to convict or rule out a suspect at an early stage, a DNA database saves valuable police and other crime detection resources.

Valuable criminal intelligence: linking crimes, even where there is no known suspect, and identifying serial offenders and patterns of criminal behaviour.

Earlier exoneration of innocent suspects: the exclusion of a suspect from an investigation frees the innocent as soon as possible.

Easier identification of bodies or missing persons: especially where the degradation of a body prevents identification through visual recognition or fingerprints.

Crime reduction and deterrence: persons identified by DNA are convicted and removed from the community, preventing them from committing more crimes and deterring them from reoffending on release due to their profile remaining on the database.

The bill is linked to the seriousness of the initial offence – Schedule 8 offences which range from treason, rape, murder and human trafficking to robbery and assault.

The bill puts safeguards in place to ensure the integrity of the database, with severe penalties for any misuse of stored information.

The successful implementation of the DNA legislation will depend largely on the continuous oversight and guidance of the National Forensic Oversight Ethics Board which will be established in terms of the provisions of the bill.

The board will have 10 members, five of them selected from the public with knowledge and experience in forensic science, human rights law or ethics relating to forensic science, nominated by the public and appointed by the minister of police.

The chairperson will be a retired judge or senior advocate. A representative from the SA Human Rights Council will also be appointed.

The night-time walkers who help to make Alex a little safer

UFRIEDA HO

APOLLO lights in Alexandra township stretch high into the night sky, standing sentinel over the township sprawl. But there are places the orange glow doesn't penetrate, places where crime festers.

It's into these places a group of Alex residents ventures. They're foot patrollers who take to the dark streets over weekends with the sole aim of making the place they call home a little safer.

At the helm is Bulldog. His real name is Alfred Rathokolo, but he prefers Bulldog. It's a fitting name because the head of the Alex Community Police Forum is serious about fighting crime, and serious about not letting go until he gets the results he's satisfied with.

"I joined the local CPF back in 1994. I've lived in Alex nearly my whole life. There was a time when crime was so bad the cops didn't even come in unless they were in armoured vehicles. People didn't trust the police," says Bulldog, 52.

Now nearly 20 years since he joined the first CPF, Bulldog says things are better in Alex. Most important, the community works with the police. However, violent fights and rape do top the list of serious crimes in the township.

It's why the 350 foot patrollers (more than half of them women) give up their weekends to walk in groups, in uniform and with police back-up, across Alex.

Bulldog says a hard week's work, and even freezing Highveld winter nights don't keep him from getting out and doing a shift that can last from 9pm till 6am. He's even had one of his hands shot



ON PATROL: Community Police Forum (CPF) members patrolling 15th Street in Alexandra township. PICTURE: MOTSHWARI MOFOKENG

when he tried to stop a man who was threatening to kill his wife. As the man surrendered the gun, it discharged, wrecking Bulldog's hand. Still he hits the streets.

"I did save a life that night; he could have shot his wife. The foot patrols are a hobby for me. Walking the streets is a like watching a football match – you can be tired, but when the game starts you get up and watch," he says.

Another volunteer is 24-year-old Benjamin Chisari. His peers may be more interested in jols and chilling out over pumping weekends in Alex, but Chisari sees a bigger picture that is about making the township a place that offers him a future. He's been part of the foot patrols since he was 16.

"I have to say I'm a book slave, I don't drink or smoke because I see what it does to people, especially young people," says Chisari.

Chisari also works on the youth desk of the CPF. It's another arm of

the CPF that he says is important to steer young people away from criminality.

"It is tough to see violent crimes in the community and to know there are problems because of unemployment and drinking but I see it as a challenge to be able to do something about the situation," he says.

Chisari is also responsible for patrols at Alex's 18 schools. He and his team receive a stipend from the Department of Education and he puts the money towards his pararegular studies.

Understanding the law is critical for Chisari, not just for his career plans but also to educate people about the consequences of criminal behaviour.

He says citizens have rights, but responsibilities too. Importantly people have a choice: sit back and do nothing or make a difference. Chisari and Bulldog's choice is clear.