

of ANC president Jacob Zuma and his election campaign message that his administration will have zero tolerance for corruption.

Only weeks before the election, parliament has chosen to embark on an amazing expedition of buying the book containing the total debt owed by MPs to different creditors — including parliament itself.

This sordid affair commonly known as the Travelgate scandal, in which parliamentarians, in collusion with travel agents, defrauded the institution of millions of rands for personal gain at the expense of the taxpayer, will remain a blot on the legislature's credibility.

Since the scandal broke, leading to the conviction of some MPs who pleaded guilty and the issuing of summons against many believed to have defrauded parliament, the institution has suffered a credibility crisis.

Parliament should have proceeded with action to recover the debt instead of offering an escape path to the culprits. That would have given meaning to Zuma's message and would have set high standards for the new administration.

Sadly, parliament has chosen to take the opposite route.

Surely those thieves who are so used to lining their pockets from the Treasury are celebrating such an amazing gesture. It is a precedent.

multiple wounds. To this day, when I recall that scene, I can still smell the blood. It has a distinct smell — and there was lots of it.

In talking to survivors, it became clear that the marauders had singled out Xhosa speakers. That was how, in their depraved heads, an ANC supporter could be identified.

Almost all the dead and wounded were Xhosa-speaking men.

Hostel dwellers of other ethnic groups told us they had been told to leave the hostel so as not to disturb Inkatha's murder fest.

Only those who happened to share rooms with Xhosa speakers had become victims.

After speaking to the survivors, I wandered over to the perpetrators of the massacre, who were gathered on the hostel grounds, armed to the teeth and singing war songs under the friendly watch of the police.

not want to go back there

When I inquired about the massacre, they very proudly told me it was "in defence of the king". They rattled off a plethora of reasons why the king and the kingdom had to be defended.

They spoke about how the Xhosas in the ANC wanted to strip King Goodwill Zwelithini of his powers and virtually reduce him to a commoner, how the Zulu kingdom would lose its sense of self if it were just another province in a united South Africa and how Zulu traditions and customs would be degraded in a plural country.

You know, all the balderdash that the cantankerous chief from Ulundi used to spout at the time.

No amount of reasoning was going to dissuade these men from their narrow secessionist beliefs. They were

Forensics bill raises ethics issues

THE Criminal Law (Forensics Procedures) Amendment Bill of 2009, which includes provisions for the establishment of a national DNA database, is being marketed as an indispensable tool in the fight against crime.

But, as crucial as DNA can be in showing innocence or guilt, this bill should definitely not be passed in its present form. It does not sufficiently address issues relating to individual and family privacy, and some of its provisions are unethical. It also places far too much power in the hands of the SA Police Service without adequate oversight.

This bill updates relevant legislation to allow the police to extend their fingerprint and body print (the palm, for example) database, which is not particularly controversial. However, the provisions allowing for the SAPS to "establish and regulate the administration and maintenance of the national DNA database of SA" raise extremely important questions.

DNA carries the genes that define biological identity. Almost all human DNA is shared, but the way in which sequences in certain regions of the individual genome are repeated, known as Variable Number Tandem Repeats (VNTR), vary from one person to another. Although the probability of two people having the same VNTR is extremely small, there are similarities among family members. DNA thus has important implications for both individual and family privacy.

DNA, which can be cloned, has health implications, so it is of potential interest to powerful entities, including insurance companies and the pharmaceutical industry. Over 20% of the human genome has already been patented, often at the expense of populations in developing countries. Many see this appropriation as biocolonialism.

It is argued that only the VNTRs, not the whole genomic sequence, will be stored, minimising risks to individual privacy. However, this is not specified in the bill. Although, according to Wikipedia, only short tandem repeats are stored on the UK database, DNA samples containing complete genetic information are also stored and linked to the database. Will South Africa follow suit?

ANOTHER VIEW



Proposed law is not strict enough when it comes to access to people's genetic coding, leaving this open to exploitation and abuse, writes

Mary de Haas

The bill gives awesome powers to the police over this intensely private and commercially valuable material. No matter how junior, any member may take blood or a non-intimate sample, not only from people who have been arrested, but from any person, provided there are "reasonable grounds" to suspect involvement in crime.

A sample must be retained after it has fulfilled the purposes for which it was taken but, if there has been no conviction by a court of law, it must be destroyed after five years. Why should it be retained if a person has not been charged or convicted? In a unanimous judgment, the European Court of Human Rights ruled recently against the retention of the DNA of innocent people (in the UK), terming it a violation of the right to respect for private and family life.

Of concern, too, are provisions allowing police to instruct health professionals to examine people and take intimate samples, which raises ethical problems relating to patient privacy and informed consent.

Why give the police even more powers when some members abuse the power they already have?

Similarly, the stipulation that persons who voluntarily offer their DNA for storage may not withdraw informed consent once they have given it is contrary to international norms about the storage of donated human tissue.

While this bill aims to provide the SAPS with increased crime-fighting powers, existing problems in the service need addressing first. The use of DNA as evidence should go hand in hand with good detective work, especially as criminals may plant fake DNA at crime scenes. With notable exceptions, there are serious shortcomings in police detective work, including shoddy statement taking, and the failure to lift fingerprints at crime scenes. Crime intelligence is another area in need of urgent attention. There is already a serious lack of capacity in the forensics division, and clarification is needed about the role of private laboratories.

Why give the police even more powers when some members abuse the power they already have, with impunity, through assaulting suspects and carrying out malicious arrests. Guns are stolen regularly while in police storage.

If the SAPS cannot even look after guns should they be entrusted with the powers to take and store vast quantities of DNA?

While the bill makes it clear that DNA is to be used only for purposes relating to crime, and there are stiff penalties for transgressions, the lack of effective monitoring and control (the Independent Complaints Directorate lacks resources to deal adequately with existing problems) render these provisions toothless.

Full public debate, preceded by the provision of adequate information to the majority of South Africans, is essential before this bill is reworked.

Such debate should address questions relating to the right to privacy (for example, is there a role for encryption in data storage?) and the type of independent oversight which is essential to ensure transparency and professionalism in the handling of such precious material.

De Haas is an independent researcher on, among other things, violence and policing

Readers' Views

Get your facts straight on use of DNA to fight crime

MARY de Haas's article, "Forensics bill raises ethics issues" (March 15), was misleading insofar as she has failed to keep up to date with parliament's ad hoc portfolio committee's discussions in respect of the new bill to which she referred, as well as the latest working draft of the bill. Copies are freely available on the Parliamentary Monitoring Group website, www.pmg.org.

Had she done so, she would have found that full public debate had already been invited and taken place in respect of this bill — and that overwhelming support was received.

Furthermore, the manner in which DNA profiles are produced and stored on the DNA database — by using only 10 short tandem repeat markers to generate a DNA profile consisting of a sequence of numbers that may be used only to identify that individual — ensures that no genetic disposition or other distinguishing feature may be read from that profile.

That De Haas has not fully

researched this point is further evident from the fact that she confused the use of variable number of tandem repeats (VNTRs) and STRs.

VNTRs are outdated technology and have been replaced by the use of STRs by forensic science laboratories.

STRs satisfy all the requirements of a forensic marker: they are robust, leading to the successful analysis of a wide range of biological material; the results produced in different laboratories may be easily compared; they are highly discriminatory, especially when analysing numerous markers simultaneously; they are very sensitive, requiring only a few cells for successful analysis; the technology is relatively cheap; and there are a number of STRs that may be used for forensic purposes that do not have any biological significance or function.

The retention of a DNA profile, generated using internationally accepted forensic markers, is no different to the retention of fingerprints on a database.

The retention of the DNA

profile itself on a database will not impact on the individual in any way whatsoever, particularly if that individual has no intention of ever committing a crime, which is the only time when the profile would be used to establish a match.

It appears as if De Haas has made the common mistake of confusing the retention of the

It's no different to the retention of fingerprints on a database

DNA sample with the DNA profile.

The profile is merely a list of numbers acting as a unique identifier, while the sample itself contains all an individual's genetic material.

It's for this reason that the portfolio committee and police have conceded that the sample will not be retained once a satisfactory profile has been uplifted.

The extent of any alleged

intrusion on an individual's privacy by the retention of a profile on the database, therefore, should be seen against what type of information would be available that would possibly compromise that individual.

A sequence of numbers, just as a fingerprint, gives away absolutely no private or sensitive information about that person.

The way in which the DNA profile is uplifted is non-invasive — through a buccal (cheek) swab or a drop of blood from a finger prick.

It can't be construed as an "awesome" power given to the police.

If we consider that we already allow the police to demand a breathalyser test or blood sample when a person is suspected of driving under the influence of alcohol, then taking a swab from a person suspected of committing an offence is no more intrusive.

The use of DNA profiling to trace offenders is one of the most significant advances in tackling crime since fingerprinting.

When DNA profiling is used

judiciously, it provides valuable intelligence information, allowing for the earlier arrest of offenders.

It identifies individuals who commit multiple offences, identifies linked or serial crimes, allows for the exoneration of innocent suspects, can be used to identify bodies and acts as a crime deterrent.

The new bill takes positive steps towards the eradication of crime in this country.

It's surprising that efforts to implement a technologically advanced methodology to tackle crime are being undermined by sensationalist theories that lack substance and are not properly researched.

Any South African concerned about the levels of crime in our country should be welcoming constructive suggestions from the criminal justice review team, such as the expansion of the national DNA database.

It's time for criminals to be held accountable for their actions. — **Vanessa Lynch and Dr Carolyn Hancock, directors of the DNA Project, Vlaeberg**