IN THE HIGH COURT OF SOUTH AFRICA,
FREE STATE DIVISION, BLOEMFONTEIN

Reportable:	YES/NO
Of Interest to other Judges:	YES/NO
Circulate to Magistrates:	YES/NO

Appeal No: A 106/2019

In the matter between:

THALITA SUSANNA CLOETE **APPELLANT 1**

FRANCOAIS STEPHANUS SCHUTTE **APPELLANT 2**

FRANCOAIS BENJAMIN SCHUTTE **APPELLANT 3**

and

THE STATE **RESPONDENT**

HEARD ON: **7 OCTOBER 2019**

CORAM: **MHLAMBI J *et* MURRAY AJ**

JUDGMENT BY: **MURRAY AJ**

DELIVERED ON: **19 DECEMBER 2019**

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[1] This is the judgement in an appeal against the Appellants' convictions and sentences on 17 July 2018 in the Regional Court Welkom of one count of contravening the National Environmental Management

Biodiversity Act, Act 10 of 2004, and two counts of contravening the Free State Nature Conservation Ordinance, Ordinance 8 of 1969. The appeal is before us with leave of the court *a quo.*

[2] The charges upon which the Appellants were convicted are the following:

2.1 COUNT 1: Appellants 1 & 2

RESTRICTED ACTIVITY INVOLVING THREATENED OR PROTECTED SPECIES WITHOUT A PERMIT:

"The Appellants are guilty of a contravention of Section 57(1) of the National Environmental Management Biodiversity Act, Act 10 of 2004, read with Sections 101(1)(a), as well as Sections 1, 56(1), Chapter 7 and Section 102 of the said Act, and also read with Government Notice R151 in the Government Gazette No. 29657 of 23 February 2007 (Listing of threatened or protected species) and further read with Section 250 of the Criminal Procedure Act, Act 51 of 1977, and further read with Government Gazette R69 in Government Gazette No. 30703 of 28 January 2008 as amended by the National Environmental Laws Amendment Act, Act 14 of 2009, published in the Government Gazzette No. 32267 of 27 May 2009.

In that the Appellants on or about 5 July 2016 and or near 10 Sabie Street, St Helena in the district of Welkom and within the regional division, Free State, unlawfully and intentionally carried out a restricted activity involving a specimen of a threatened – protected species – by Conveying – moving – translocating four cheetahs and four lions being a threatened – protected species without a permit issued in terms of Chapter 7 of the Act."

2.2 COUNT 2: Appellant 1

KEEPING A WILD ANIMAL IN CAPTIVITY

"*The Appellants are guilty of contravention of Section 14(1) of the Free State Nature Conservation Ordinance, Ordinance 8 of 1969, read with Sections 1, 40, 41 and 42 of the Ordinance.*

In that on or about 5 July 2016 and at or near 10 Sabie Street, St Helena in the district of Welkom and within the regional division, Free State, the Appellants unlawfully and intentionally kept in captivity four cheetahs and four lions which are wild animals or game without a permit issued by the Administrator."

2.3 COUNT 3: Appellants 2 & 3

FAILURE TO COMPLY WITH PERMIT CONDITION:

"The Appellants are guilty of contravention of Section 40(1)(b) of the Free State Nature Conservation Ordinance, Ordinance 8 of 1969, read with Sections 1, 37, 38,40, 41 and 42 of the Ordinance.

In that on or about 5 July 2016 and at or near 10 Sabie Street, St Helena in the district of Welkom and within the regional division, Free State, the Appellants unlawfully and intentionally contravened or failed to comply with any provision of the Ordinance or a condition subject to which a permit license or exemption was issued in terms of the Ordinance by not keeping the animals at the address specified in the permit and failure to report births of four cheetahs and four lions within five working days."

[3] The Appellants were then sentenced as follows:

3.1 Count 1: Appellants 1 & 2

To a Fine of R20 000.00 or one year's imprisonment each, half of which was conditionally suspended for 3 years;

3.2 Count 2: Appellant 1

To a Fine of R20 000.00 or one year's imprisonment, wholly suspended for 3 years.

5.3 Count 3: Appellants 2 & 3

To a Fine of R10 000 or one year's imprisonment each, half of which was conditionally suspended for 3 years.

[4] During their trial all three of the Appellants pleaded not guilty and elected to file a written Plea Explanation in terms of Section 115 of the Criminal Procedure Act, Act 51 of 1977 in the name of Appellant 3, supported by confirmatory affidavits by Appellants 1 and 2. Their Plea Explanation was handed up as an exhibit, and relied on the defences of impossibility and necessity.

[5] The background to this matter, in a nutshell, is that Appellants 2 and 3 are farmers with a permit to breed lions and cheetahs which are listed protected species in terms of the Biodiversity Act on their farm Jachalskop in the Theunissen district. On 15 June 2016 during a night when the temperature dropped to between -4 and -8 degrees, nine cheetah cubs were born on the farm. By the next morning five had died and the remaining four were patently in distress. Appellant 2 took all of them to Dr de Vries, a veterinary surgeon in Welkom with a permit to treat TOPS species, to determine the cause of death of the dead ones and to treat the surviving four.

[6] Dr de Vries treated them with intravenous warm saline drips, antibiotics and anti-inflammatory medication and recommended that they be cared for by Appellant 1 who lived 2 blocks from the clinic, an experienced and successful breeder of rare dogs that needed intravenous feeding every two hours and constant monitoring as the cheetah cubs did, and who had all the necessary equipment and skills to help the cubs survive that the clinic did not have.

[7] The doctor explained that he wanted the cubs close enough and under constant observation so he could monitor their progress or attend to any deterioration in their condition. He wanted that done in an environment where they would not be exposed to virus- or bacterial infections from the sick animals being treated at the clinic. They were then left in Appellant 1's care as he recommended.

[8] On 27 June 2016 Appellant 2 was faced with a similar situation regarding nine approximately two-week old lion cubs of which several of the litter died and the remaining four plus the dead ones were taken to Dr de Vries to determine the cause of death and treat the surviving ones to determine if they were suffering from some disease. The veterinary surgeon likewise treated them with antibiotics and anti-inflamatory medication and recommended that they be taken to Appellant 1 to be cared for and monitored.

[9] From the evidence of Dr de Vries it is clear that he did not have the facilities to care for the cubs on the premises of the clinic and that the clinic did not have the required space in terms of the Ordinance to qualify for Departmental approval to do so, either. From the evidence of Appellant 3 it was clear, as well, that the farm did not at that time have the facilities to care for the sick cubs either.

[10] On 4 July 2016 an anonymous informant tipped off Mr A Schlemmer, an Environmental Management Inspector in the employ of the Department Economics, Small Business Development, Tourism and Environmental Affairs ("DESTEA") that someone was keeping lions on a residential property in Welkom. He then called a colleague, Mr W Geyer, an Environmental Management Inspector in charge of the Southern Free

State district, and the SAPS to accompany him to Appellant 1's residence on 5 July 2016 with a search warrant. There they found the approximately 3-week old lion and cheetah cubs being cared for by Appellant 1 in her house, ensconced in playpens in two separate rooms with infrared warming lights over the cheetahs. The erf was fenced with concrete, topped by electric wires.

[11] When Appellant 1 told them she was 'raising' the cubs (*"ek maak hulle groot")* they confiscated all eight of them and drove them to Bloemfontein to an approved rehabilitation centre, Zankita. One of the cheetah cubs died there two days later. Appellants 2 and 3 had to get an urgent court order for the return of the cubs. Three of the lion cubs died of stress within three weeks of being transported back to Appellant 2 and 3's farm.

[12] The problems that led to the charges against the Appellants were that Appellant 2 did not obtain transport permits prior to transporting the cubs to the veterinary surgeon, that Appellant 1 did not have a permit to keep wild animals on the premises, and that Appellants 2 and 3 failed to keep the cubs on the farm designated for their lion and cheetah farming enterprise, and allegedly failed to report the births and deaths of the cubs to the Department of Environmental Affairs within five working days as required.

[13] Dr de Vries, the veterinary surgeon who treated the cubs and who had a permit to treat TOPS animals, but for lack of the prescribed space of 1 ha per lion, did not have DESTEA approved premises to keep and care for the cubs at the clinic, was originally charged along with the Appellants. The National Director of Public Prosecutions declined to

pursue the charges against him, however, stating that he had acted in an emergency. He was then used as a Section 204 witness for the State.

[14] In their Section 115 statement the Appellants explained that the few-days-old cubs transported to the veterinary surgeon in Welkom had a medical condition and had needed urgent medical attention. Since they were so small and sick, they had not yet been 'tagged', i.e. micro-chipped, which meant that they had not been been identified yet. In order for a permit to be issued, however, they needed to have been tagged. The Appellants explained that it had therefore been impossible to obtain permits for them, since, as was confirmed during the testimony of Messrs Schlemmer, Geyer and Mosia, the Departmental Policy was that no permit would be issued until the relevant animal has been identified or tagged.

[15] The Appellants explained, furthermore, that due to the limitations pertaining to the facilities at the veterinary clinic, they left the cubs in the care of Appellant 1 who was better equipped to care for them than the clinic. They explained that in terms of Section 11(1) of the **Animal Disease Act 35 of 1984** they had a legal duty to take reasonable steps to prevent infection and the spreading thereof regarding the cubs, especially since they were dealing with threatened species protected in terms of the law. Furthermore, that, as owners of the cubs, they were obliged in terms of the **Animal Protection Act, 1962,** to protect the cubs from unnecessary suffering.

[16] They pointed out, furthermore, that the **Draft National Norms and Standards for the Sustainable Use of Large Predators** issued in

terms of Section 9(1) of the Biodiversity Act which were issued on 28 January 2008 had provided for the exemption from permit requirements for the transport of sick or injured large predators in need of urgent medical treatment at an animal medical facility, provided that a veterinary surgeon at such medical facility certified that the animal was in need of urgent medical attention, but that, apparently, the said draft provision was not being applied in the Free State.

[17] They stated, furthermore, that they found themselves in an untenable position: they were required to get a permit before transporting the cubs but they could not do so because the cubs were too young to microchip or identify by their markings which on a cheetah only becomes permanent by the age of sixteen weeks. Yet DESTEA required such identification before issuing a permit, although there is no requirement in the Biodiversity Act or Regulations that baby lions or cheetahs have to be microchipped at birth (as Mr Schlemmer and Mr Geyer both conceded in evidence), or, according to them, that a permit could not be issued unless a cub was tagged.

[18] It was submitted that the Court *a quo* failed to consider that the impossibility of obtaining a permit to transport small lion or cheetah cubs was absolute and was something that continued and will continue for any future small cubs for as long as they are not microchipped, and according to undisputed evidence happens around 16 weeks of age, which means that DESTEA had introduced a system that would kill many small infant lions and cheetah cubs as a result of what could only be regarded as red tape.

[19] Regarding the defence of impossibility it is stated that an omission is punishable only if there is a legal duty upon somebody to perform a certain type of active conduct. A statute may place a duty on someone to act positively, as *in casu* to obtain a permit before transporting listed species such as the lion and cheetah cubs. Snyman in **Criminal Law**[1] stated that, like active conduct, a person's omission must be voluntary in order to result in criminal liability. An omission is voluntary if it is *possible* for that person to perform the positive act, but if it is not possible, the law cannot expect the person to perform that act. He stated that the objective impossibility of discharging a legal duty is always a defence when the form of conduct with which the person is charged, is an omission.[2]

[20] In my view the defence of impossibility is a valid one regarding the obtaining of permits for the cubs. Their age and health condition made it impossible to comply with the stated practice in the Free State, which was confirmed by Mr Schlemmer, Mr Geyer and Mr Mosia, all from the Department, namely that permits will not be issued without the relevant animal having been identified by way of a micro-chip implant. Which in turn made it impossible to comply with the Ordinance which determined that no listed large predator may be transported without a permit.

[21] Special permission from Mr Schlemmer or Mr Geyer, which they averred would have been obtainable, might have been useful for the transport issue, but would still not have resolved the permit requirement since, on their own version, neither of them is authorised to issue permits. Furthermore, such permission is not guaranteed, as appears

[1] 5th Ed, at 61
[2] Snyman, *supra,* at 62

from the evidence of Mr Schlemmer having refused such permission in February 2017 upon request of both Appellant 2 and Dr de Vries.

[22] Mr Masio, the administrative official responsible for the issuing of permits, in fact testified that even in an emergency situation, the person wishing to transport the cubs would first have to apply for a permit, which he would then take to the relevant officials who make decisions regarding permits, and ask for it to be issued fast, which according to him, could then happen within an hour. From the uncontested evidence presented, however, it is clear that the procedure is for the potential applicant first to obtain a reference number and a specific amount payable, then pay the said amount, and only then apply.

[23] It is clear from the evidence that his averment that it would only take an hour, and the averments by Messrs Schlemmer and Geyer that such a permit could be issued fast in an emergency situation could not realistically apply in the case of these cubs who were still too young and too sick to be tagged. That it is unrealistic was illustrated, furthermore, by the incident testified to when Dr de Vries confirmed a request for a permit for the transport of an injured cheetah that needed treatment at the clinic and which took a month to process.

[24] It is clear from the evidence, also, that the DESTEA administration is everything but user-friendly or efficient and that it is not a given that e-mails or telephone calls would succeed or that an authorised DESTEA official would indeed be available to act in a given emergency situation.

[25] The Appellants stated that their only other option would have been to leave the cubs to suffer and die rather than drive them to a veterinary surgeon for treatment without a transport permit, which would, in turn, have constituted non-compliance with the *Animial Disease* and *Animal Protection Acts***.** They referred, also, to the statement by the Supreme Court of Appeal in **SA Predator Breeders Association and Others v Minister of Environmental Affairs and Tourism**[3] that "the very purpose of this Act is the protection of the species", which is exactly what they were trying to do by taking the sick and distressed cubs to the veterinary surgeon in a hurry.

[26] At issue in this case, in my view, is not whether the Appellants failed to comply with the provisions of the Act and the Ordinances. From the evidence it is clear that they did not comply when they transported the cubs without permits, when they allowed Appellant 1 to care for the cubs at her home instead of at the farm, and when Appellant 1 cared for the cubs in her home without a permit. The real question is, however, whether they were justified in doing so. What needs to be determined, then, is not whether they failed to comply with the statutory provisions, but whether their actions were correctly held to constitute unjustifiable criminal offences in the particular circumstances of this case.

[27] In that respect one needs to determine whether the defences that the Appellants raised, namely impossibility and necessity, indeed absolve them from criminal liability. Necessity as a defence is defined as follows:

> "A person acts in necessity and his act is therefore lawful if he acts in protection of … his property or other legally recognised interest which is

[3] 2011 SCA (29 November 2010)

> endangered by a threat of harm which has commenced or is imminent and which cannot be averted in another way[4] … provided that the interest protected by the protective act is not out of proportion to the interest infringed by the act."

[28] Snyman[5] explains that it does not matter whether the rescuing act is directed at the interests of another person, or at a legal provision. The question is merely whether the person pleading necessity was faced with a situation of emergency. According to the learned author:

> "Necessity is a ground of justification if the person finds himself in an emergency situation, has to weigh two conflicting interests against each other and then infringes the interest which is of lesser importance according to the legal convictions of the community, in order to protect the interest which is of greater importance."

[29] Snyman explains, furthermore, that necessity excludes unlawfulness, for instance in a situation where a person finds himself in an emergency situation in which he has to decide which of two opposing interests he has to infringe and decides to infringe the interest which according to the convictions of society is the less important, in order to protect that which is of greater importance.

[30] As Snyman indicated, such a situation would arise, for instance, if someone has to exceed the statutorily defined speed limit in order to get his sick child to the emergency room on time. In such a case the interest in the child's health outweighs the community's interest that everyone should adhere to the speed limit. When charged with contravening the traffic regulations, the person may successfully rely on

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[4] CR Snyman: Criminal Law, 5th Ed. at 115.
[5] *Supra,* at 244.

necessity as a ground for justification. He cannot be held liable for criminal conduct then, even though he acted intentionally and with awareness that he was transgressing the law.

[31] In the present case the interests which the Appellants were protecting were obviously the lives of the cubs as well as their legal interest in the survival of the cubs as the owners of the very expensive animals. It is hard to imagine that the legal convictions of society would regard the observance of a transfer permit requirement, which is impossible to obtain at the age of the relevant cubs in any case, as a more important interest than that of the survival of the cubs, and the financial interest of their owners.

[32] The next question to determine, then, is whether the circumstances in which the Appellants acted contrary to the statutory provisions indeed constituted an emergency that would justify their actions. In that regard, I agree with Mr Murphy that the evidence of Dr de Vries, the veterinary surgeon who treated the cubs and recommended that they be cared for by Appellant 1, is crucial.

[33] It was submitted that the Court *a quo* failed to take into consideration that the emergency situation surrounding the cheetah and lion cubs was an ongoing emergency according to the evidence of Dr de Vries. In my view Dr de Vries' evidence is the pivot around which this whole matter turns. He is the medical expert, qualified and certified to treat TOPS predators, who could determine whether the cubs were sick and needed emergency care, as they did. The State did not call any other expert witnesses to prove the contrary. As such, the doctor's evidence stood undisputed.

[34] On his own evidence Mr Schlemmer with his 26 years of experience as a nature conservationist, could not see that the cheetah cub which died two days after being confiscated and transported to Bloemfontein, was sick He thought it wise to remove the cubs from the camp-cot where they were being treated under an infrared lamp in a controlled temperature environment, and drive with them in a crate in the back of a canopied bakkie the more than 160 kms through the winter cold to Bloemfontein just because Appellant 1 did not have a permit to treat them and gave the unfortunate answer that she was raising them rather than that she was nursing or caring for them to help them survive.

[35] On Mr Schlemmer's own version the reason for the requirement for micro-chipping was to prevent smuggling and the illegal trade in lions and other listed species. In this instance there was no indication that the Appellants intended to do anything other than get proper medical care for the cubs so as to ensure their survival. On his own version Appellants 2 and 3, whom he knew, were regarded as law-abiding farmers who have always 'wanted to do the right thing'. It is then astonishing, as Mr Murphy submitted, that they would be charged with criminal offences in what was evidently an emergency situation for which the doctor was exempted but they were not.

[36] Dr de Vries testified that on the morning of 15 June 2016 Appellant 2 brought the new-born cheetah babies to the clinic. They were born during the night, an extremely cold one of between -4 and -8 degrees on the farm. Of the nine born, five had already died. Four were still viable and could be treated.

[37] He put them on drips and treated them with antibiotics to prevent possible viral or bacterial infections. They were hypothermic, weak and dehydrated and unable to drink by themselves. They therefore needed immediate specialist nursing care which he did not have available at the veterinary clinic.

[38] In his report which was made part of the record he stated that because of the compromised state of the cubs he wanted them under 24-hour care. They had to be fed every 2 hours, monitored for any decline in their *habitus*. He also wanted them kept away from harmful viruses and bacteria at the clinic. Since he could not do that at the clinic, he recommended Appellant 1 whose premises were clean and hygienic and equipped to care for and help the cubs survive.

[39] He therefore recommended that they be taken to Appellant 1 who had all the necessary equipment to give them the best possible chance of surviving. She had special feeding tubes, syringes, playpens in which to keep them, heat lamps to restore their body temperatures, temperature control devices to regulate their body heat, and the experience and knowledge to take proper care of them.

[40] He reported that on 17 June one of the cheetah cubs needed another drip which he administered at Appellant 1's house. On 4 July 2016 Appellant 1 brought the one cub to the clinic for a serious eye problem which he had to operate on under anaesthesia to prevent the cub from going blind. On 5 July 2016 she brought all four of them. They all presented with fever and an elevated white cell count. He had to treat all of them with antibiotics and arrange for follow-up treatment on the same day to prevent them from dying.

[41] On 27 June 2016 Appellant 2 brought four live and an unknown number of dead lion cubs to the clinic. Dr de Vries stabilized the live ones and treated them with antibiotics and anti-inflammatory medication in case they had some latent disease since he could not establish whether the other four died of some disease to which the four surviving ones could have been exposed. He pointed out that the incubation period for most viral and some bacterial infections was 7 – 10 days and therefore also recommended that they be taken to Appellant 1 for proper specialized nursing care and observation.

[42] In his view, the entire situation should have been treated as special circumstances which the clinic did not have the facilities to cater for. The premises were only two blocks from the clinic, so he could easily monitor the cubs' conditions and would be within easy reach if he was needed. He stressed the importance, furthermore, of caring for them in an environment where they would not be exposed to the sick animals visiting his clinic and to possible viral and/or bacterial pathogens. He also explained why they still needed to be kept under observation by the time they were confiscated, namely the incubation period for viral and some bacterial infections which would mean that only after the said 7 to 10 days would it become clear whether the cubs had been infected or not.

[43] On the versions of both Mr Schlemmer and Mr Geyer the Environmental Management Inspectors have a discretion when it comes to the application of the provisions of the Ordinance. One would certainly have expected of such experienced inspectors to exercise that discretion properly and with common sense and to investigate the

matter properly to determine what would be in the cubs' best interests before summarily acting in the way they did. It appears from the evidence, however, and I would have to agree with Mr Murphy in that regard, that they were more interested in enforcing adherence to the letter of the law, and to make an example of the otherwise law-abiding farmers, rather than to assess and act in the best interests of the cubs.

[44] Confirmation of the fact that this matter should have been treated as an emergency situation that would warrant exceptional treatment, as averred by Dr de Vries, is to be found in the NDPP's decision not to charge the doctor because he had acted in an emergency situation. That decision is in stark contrast to the conviction and sentencing of the Appellants on exactly the same circumstances, the same animals and the same Act and Ordinance.

[45] As stated, to succeed with a defence of necessity, there must have been an emergency situation which was already occurring or was imminent. In both instances when the cubs were transported to the veterinary surgeon without a transport permit, some of the cubs were dying and some had already died without an obvious cause. The emergency situation was therefore already occurring.

[46] On the undisputed evidence of Dr de Vries it was indeed an ongoing and continuing emergency. He testified that the surviving cubs were still in Appelant 1's care, with the one cheetah cub having had to be operated on to prevent blindness on 4 July, the day before the confiscation, and all four of them having to be treated with antibiotics and anti-inflammatory medication again on 5 July, with all four of the

cheetah cubs having been scheduled for a follow-up visit on the afternoon of 5 July, the day on which they were confiscated.

[47] That the cubs still needed special care is confirmed by Mr Schlemmer's evidence that he was told that one of the cheetah cubs was sick, so that he requested a veterinary surgeon to see the cubs on arrival at the Zankita centre after their confiscation, and by the fact that the cub died two days later. And furthermore, by the fact that three of the four lion cubs died within three weeks of being returned to the farm.

[48] In my view, then the State did not prove beyond a reasonable doubt that the Appellants did not act in an emergency situation which was still ongoing at the time that the cubs were confiscated on 5 July 2016. They had to choose between their interest in the survival of the cubs and infringing the provisions of the Ordinance, the latter certainly being the less important interest of the two, especially given the obstacles in the way of compliance with the prescriptions thereof in an emergency situation. And one can certainly not say that their protecting action, which was in accordance with the stated purpose of the Biodiversity Act, namely to protect the survival of the species, was out of proportion to the interest infringed by their action, namely to prevent smuggling of which on Mr Schlemmer's own version they were not suspected.

[49] Even if I were to be wrong about the success of the defence of impossibility regarding the obtaining of permits, in my view, in the particular circumstances of this case, the Appellants' actions in protecting a legally recognised interest in face of the emergency situation testified to by Dr de Vries, were justified and lawful and their defence of necessity therefore has to succeed. In view of that

conclusion I do not find it necessary to address the numerous other grounds of appeal raised on behalf of the Appellants.

[50] The only remaining charge not covered by the impossibility and necessity defences, namely that of failure to report the births and deaths of the cubs within five working days, in my view cannot stand either.

[51] It is trite that an accused's evidence should not be evaluated and dissected piecemeal. In **R v M**[6] the court held that, even if the State's evidence is not rejected, the accused is entitled to an acquittal if the version of the accused is not proved to be false beyond a reasonable doubt.

[52] That court held, furthermore, that it does not have to believe the appellant's version in all its details. It is sufficient if it thinks that there is a reasonable possibility that it may substantially be true.

[53] In my view sufficient doubt remains regarding the evidence of the witnesses regarding what was or was not submitted, or what was or was not discussed with whom on what dates. I therefore cannot, as the Court *a quo* did, find that Appellant 3's version is beyond a reasonable doubt false.

[54] Consequently the convictions and sentences imposed by the Court *a quo* cannot stand and the appeal has to succeed.

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[6] 1946 AD 1023 at 1027

[55] There is no reason why costs should not follow success.

WHEREFORE I MAKE THE FOLLOWING ORDER:

1. The appeal against the convictions and sentences of the Appellants succeeds and the order of the Court *a quo* is set aside with costs.

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MURRAY AJ

I concur and it is so ordered.

MHLAMBI J

On behalf of the Appellants:	Adv A J Murphy Instructed by Mr L Strating Attorney for Appellants Symington & de Kok 169b Nelson Mandela Drive BLOEMFONTEIN
On behalf of the Respondent:	Adv E van Rensburg The Director of Public Prosecutions

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