



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 30 November 2011
STATUS Immediate

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

ROOKSANA KARRIM v THE STATE (480/08) [2011] ZASCA 230 (30 NOVEMBER 2011).

The Supreme Court of Appeal (SCA) dismissed an appeal against an order of the North Gauteng High Court, Pretoria. The appellant, Rooksana Karrim, was convicted of murder in the Circuit Local Division of the Eastern Circuit District of the North Gauteng High Court and was sentenced to life imprisonment.

The appellant was denied leave to appeal, but after a petition to the SCA she was granted leave to appeal to the full court as well as leave to lead further evidence. After hearing the application to lead further evidence the full court postponed the appeal sine die and granted the appellant leave to call four witnesses in her defence. After the adduction of the further evidence the appeal was referred back the full court, which ultimately dismissed the appeal.

The appellant successfully applied once more for special leave to appeal to the SCA. A few days before the appeal was to be heard the appellant filed another application to lead further evidence from one Patricia Dube who had testified in the previous hearings. The appellant stated that Dube indicated that she was prepared to give evidence to the effect that she had lied in her previous testimony to the trial court and that the appellant was not involved in the crime of which she was convicted. Once again the SCA remitted the matter back to the trial court with directions for the court to hear further evidence from Dube and any other witnesses which the parties might wish to call in light of the evidence given by Dube. The trial court was also directed to furnish the SCA with their credibility findings in relation to the new evidence and to refer the matter back to the SCA for the appeal to be heard.

The trial court found that Dube told the truth when she testified initially and that her latest evidence, recanting her earlier evidence, was in fact false. The SCA considered the appeal in light of the further evidence from Dube and the other four witnesses who testified. Thereafter, the court took into account the credibility findings furnished by the trial court. The SCA found that Dube's earlier evidence was true and that as she herself had admitted, she had no motive to falsely implicate the accused. As a result the appeal against sentence and conviction was dismissed.