

Media Statement



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TO: ALL MEDIA

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RE: BRITISH NATIONALS PLEAD GUILTY TO OBSTRUCTING JUSTICE AND IMMIGRATION VIOLATIONS

Today, British nationals, James Hackett and Erkan Bali, pleaded guilty to defeating/obstructing the Administration of Justice and contravention of the Immigration Act, when they illegally entered South Africa on 11 April 2020, disregarding all COVID-19 Regulations and Directions in terms of the management of foreign nationals entering the country.

Both men arrived in South Africa in February 2020 (on different dates) and departed together to Swaziland on 18 March 2020. Then on 11 April 2020 (during the nation-wide lockdown), they went to the Golela port of entry in an attempt to re-enter South Africa. They were denied entry and asked to leave. The men left the border and returned shortly afterwards, entering the country by driving straight through the port and ignoring the border officials present. They drove to a guesthouse in the Glenwood area where they were later arrested.

In court, Acting Regional Court Prosecutor, Ronitha Singh stated that the offences were serious as the accused entered South Africa during a state of disaster. Their actions caused a cross-provincial search, resulting in expenditure of human and financial resources of the government and private sector. In addition, they showed a blatant disregard for the safety and bodily integrity of South African citizens, when they failed to notify a medical practitioner so that the relevant COVID-19 procedures could be implemented.

For defeating/obstruction of justice, both accused were sentenced to a fine of R40 000 or 12 months imprisonment, suspended for five years on condition that they are not convicted of the same offence during the period of suspension.

They were also sentenced to a fine of R10 000 or 3 months imprisonment for contravention of the Immigration Act. This sentence is suspended for five years on condition that they are not convicted of the same offence during the period of suspension.

As a form of good faith to the people of South Africa, Hackett and Bail have each paid an amount of R15 000 to the Solidarity Fund in an attempt to contribute to Government's response to the COVID-19 crisis.

They also undertook to pay the expenses related to their detention, maintenance, custody and deportation – so they alleviate any further burden on the state.

The accused have been handed over to immigration authorities pending deportation.

The Director of Public Prosecutions in Kwa-Zulu Natal, Advocate Elaine Zungu applauds the prosecution and members of the SAPS for their tireless efforts in the prompt finalisation of this matter. She said, "We view matters of this nature in a serious light and will deal with them accordingly."

Natasha Kara

Regional Spokesperson: DPP KZN

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