

Media Statement



Tel: +27 12 845 6000

Email:
media@npa.gov.za

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton
Pretoria

www.npa.gov.za

TO: ALL MEDIA

DATE: 30 JULY 2021

**RE: MAN SENTENCED TO 25 YEARS DIRECT IMPRISONMENT FOR
RAPING GIRLFRIEND'S NIECE**

The Upington Regional Court has sentenced Gerrit Brian Mienies to 25 years of direct imprisonment for raping his partner's niece.

On 27 April 2019 the uncle and the niece who at the time was 25 years old, were alone at home and while she was watching television the accused overpowered her and took her to the bathroom where he raped her. Out of fear of her aunt's reaction and that of the accused the victim hid the incident from her aunt.

On 04 May 2019, the two were again home alone, and for the second time, the uncle again overpowered raped her. Later that evening, she reported the incident to her aunt who assaulted her. The niece subsequently reported the rapes to the neighbour who contacted her parents who were residing in Postmasburg, and the case was reported to the police the following day. As the complainant is deaf, the police were able to record her statement through the assistance of her mother who understood her gestures and signs.

Because the complainant was unable to communicate efficiently and without reliable and accepted sign language medium, this posed a considerable prosecutorial challenge as prosecutors could not effectively consult with her. Court preparation could also not be done. This challenge would have left her without a voice and unable to re-count her evidence, logically and comprehensively in court.

The National Prosecuting Authority, in recognising this challenge, partnered with the Deaf Federation of South Africa (DeafSA) in Upington who were able to provide formal legalised training. She was then able to successfully master the art of South African sign language (SASL). Owing to this training, the victim was able to have her voice heard as she was ready and well equipped to testify successfully in court and managed to withstand vigorous cross-examination when the trial commenced.

At the conclusion of the trial, the accused was found guilty on two counts of rape. He was sentenced to 10 years imprisonment on count one and 15 years imprisonment on count two. The court ordered that the sentences not run concurrently, he will thus effectively serve 25 years imprisonment.

The NPA would like to applaud the efforts and hard work of the prosecution “tag-team” led by Mr. Henley Sass (who started off the prosecution) and Mr. Friedle Du Plessis who took over the prosecution mid-trial after the transfer of Mr. Sass to another province. Even though this was a very difficult case, the prosecution ensured that the accused was successfully prosecuted. The NPA would also like to acknowledge the important work that was done by Court Preparation Officer, Anna Isaacs, investigating officer Detective Sergeant, Oamogetse Loabile for his thorough investigation amidst the unique challenging case and Ms. Refilwe Motlodi of DeafSA Upington for her valuable contribution in expanding the communication abilities of the victim and giving her a voice.

Mojalefa Senokoatsane

NPA Regional Spokesperson: Northern Cape

MSenokoatsane@npa.gov.za

073 423 3539