

Media Statement



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TO: ALL MEDIA

DATE: 27 AUGUST 2020

RE: MAN GUILTY OF SEXUALLY ASSAULTING DISABLED SEVEN YEAR OLD

The Upington Regional Court found Elvin Davids of Upington, guilty for sexually assaulting a physically and mentally disabled child which was seven years-old at the time. The child also has speech impairment and is wheelchair bound because of cerebral palsy and has a vocabulary of a five year-old. The victim who is now 14 years old, finally got justice when the accused was sentenced to an effective eight years imprisonment and his particulars were also included in the Register of Sexual Offenders.

On 24 August 2012, the victim was lying on a couch watching television alone at her home when the accused, who is the husband of the aunt of the victim's mother, arrived and gave the victims chips. The accused then continued to sexually assault the victim, knowing that the victim would not be able to report what had happened because of her speech impairment. The matter was then reported to the police by the victim's mother upon realising what happened to her child.

Due to the fact that the victim has various disabilities, the prosecution as well as the court had to adapt the facilities and technology had to be brought to ensure that the victim's version of events was heard by the courts and that she was able to be heard even though she could not speak. A recently developed electronic computer tablet developed by Professors Tonsing and Van Wyk from the University of Pretoria, was utilized as an alternative and augmentative communications medium to ensure that the victim has a voice.

Advocate Martin April argued that even though the victim had disabilities, through the alternative and augmentative system, she was able to tell the court what actually happened to her and that the court should take her evidence as true reflection of what happened on the day. When passing the sentence, the magistrate put it to the accused that he did not show any sign of remorse or regret. The magistrate concluded that the

GBV crimes against women and children had reached pandemic proportions and this was worrying.

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