

# Media Statement



Tel: +27 12 845 6000

Email:  
[media@npa.gov.za](mailto:media@npa.gov.za)

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

[www.npa.gov.za](http://www.npa.gov.za)

**TO: ALL MEDIA**

**DATE: 11 AUGUST 2017**

**RE: NPA SUCCESSFULLY OVERTURNS A PAEDOPHILE'S WHOLLY  
SUSPENDED SENTENCE**

The NPA has successfully opposed the urgent bail application of Andries Petrus Retief and his application for leave to appeal the denial of his urgent bail application. Now the convicted and sentenced paedophile must report to jail to begin his eight years direct imprisonment.

Retief brought an urgent bail application after the state successfully overturned a wholly suspended sentence against him. After losing that appeal, he was served with a notice to start his sentence but his legal representatives applied for an urgent bail appeal pending his appeal against the overturned sentence at the Supreme Court of Appeal in Bloemfontein.

On Monday, the state and the defence argued the urgent bail appeal. Opposing the appeal, Advocate Evadne Kortje said; "We are opposing the urgent bail appeal because we are sitting here with a child sex offender. The applicant's status has changed. He is no longer innocent until proven guilty. He is a convicted and sentenced person. There is a concern among some of the parents of the victims. His release will undermine public peace and security. There is nothing exceptional about his situation and the likelihood that another court will give him a non - custodial sentence is far from reality. The accused is delaying the inevitable."

Two judges of the high court agreed and denied Retief his urgent bail appeal. Immediately his legal representative applied for leave to appeal the few minutes old decision of the high court. Advocate Kortje again opposed that application for leave. She argued; "My Lord, this is a serious matter and there is no other appropriate sentence than direct imprisonment. This application has no prospects of success. This applicant is

a sex offender. No other court will come to another conclusion except direct imprisonment.”

The judges agreed with her arguments again. Retief was charged with 2 130 counts relating to child pornography and sexual exploitation of children. He pleaded guilty to all the charges which included sexual offences and related matters, sexual assault, the use of a child for the creation of child pornography and the possession, creation and the importation of child pornography. Some of the victims of the father of two and senior civil engineer were children of his neighbour and friend including two girls who were six and nine years-old at the time and his sister in-law who was a minor.

Retief’s evil deeds were discovered in December in 2010 when he went on holiday and asked his neighbour and friend to look after his house. The friend and neighbour had to use the accused’s computer to watch movies and upon having access to the gadget, he came across some pornographic material. He recognised his son who was eight years-old at the time and images of two minor girls. The images of the accused’s sister in-law were also in the computer. He informed the mother of the two girls and the accused was arrested.

He was later released on bail of R1000. Counts 4 to 17 of the charges attracted the prescribed minimum sentence of 10 years imprisonment. After a long trial at the Parow Magistrates Court, the presiding officer in the case found substantial and compelling circumstances to justify the imposition of a lesser sentence and took all 2 130 counts together for the purpose of sentence. She sentenced him on 03 August 2015 to eight years imprisonment wholly suspended for five years. Appalled by this, the NPA appealed the sentence on 23 June 2017. Advocate Evadne Kortje argued that the sentence was “shockingly lenient and disproportionate to the crime.

The two judges found that the magistrates misdirected herself. They overturned her wholly suspended sentence and replaced it with a ten year sentence of which two years is suspended.

The NPA welcomes the decision of the court and hope that the accused will report to serve his time in jail. The successful appeal of the wholly suspended sentence proves our resolve to fight the abuse of women and children.

Kind Regards,

**Eric Ntabazalila**  
**Regional Communications Manager**  
**Western Cape**  
**Tel: (021) 487 7308**