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19 July 2018

PRIVATE PROSECUTION

# AfriForum abusing court over land issue – Modise

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Lobby group AfriForum's bid to privately prosecute her smacks of abuse of judicial processes for narrow political ends related to the land issue, says National Council of Provinces chairwoman Thandi Modise.

Under South African law, private prosecutions are permitted in cases where the National Prosecuting Authority (NPA) decides to not prosecute. The

group has indicated it would pursue a culpable homicide case against Duduzane Zuma and a fraud and perjury case against Nomgcobo Jiba. It is also pursuing Grace Mugabe for assault and Alexis Bizos, son of struggle lawyer George Bizos, after he allegedly assaulted his wife.

AfriForum said on Thursday it would embark on a private prosecution of Modise for alleged animal cruelty at her North West farm within the next three months.

"[Modise] has noted the announcement by AfriForum today in the media that they will be pursuing private prosecution against her in connection with an incident ... at her farm ... in 2014," Parliament spokesman Moloto Mothapo said.

"It is important to note that the National Prosecuting Authority had abandoned its case, citing absence of prospects for successful prosecution. This is because she had delegated people she trusted to look after the

farm while she is away fulfilling her parliamentary responsibilities ... in Cape Town. Upon learning of the matter, she swiftly intervened and placed appropriate measures to address the situation and co-operated fully in the investigative process."

Modise respected the rule of law and the principle of equality before the law, Mothapo said. "However, she regards the motives of this grouping curious as they smack of abuse of judicial processes for narrow politi-

cal ends. The threat to privately prosecute coincides with the process led by Parliament regarding possible amendment to section 25 of the Constitution to expropriate land without compensation," he said.

"At the heart of the action was exploiting the incident to advance a narrow narrative of failure of black farming, as implicitly stated by the grouping's [AfriForum] spokesperson yesterday," Mothapo said.

In 2014, the Sunday Times

reported that SPCA inspectors had raided Modise's farm at Modderfontein, North West, and found scores of dead animals – including decomposing pigs, chickens, geese and sheep.

Modise said at the time her farm manager had left to attend to a family emergency. The newspaper reported the sole farmworker who took care of the farm had left the animals to die because he and his family faced starvation if they stayed.

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Thandi Modise