

CL-AB.13- forensic ammendment bill.txt- K Chibba.txt
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From: kavita chibba <kavitachibba@yahoo.com>
To: <jmichaels@parliament.gov.za>
Date: 2009/10/22 09:27 PM
Subject: forensic ammendment bill

Dear Sir /Madam

Let me begin by introducing myself, My name is Kavita Chibba and I am Forensic Anthropologist. I have recently been enlightened regarding the recent amendments which are hopefully to be passed with to the Criminal Law (forensic Procedures) bill. I would like to express my utmost support for the amendment. I believe it SHOULD BE PASSED!!

I would like o support my decision with the following points:

The current Bill: the current bill states that obtaining finger prints from a suspect is done under voluntary conditions; therefore a perpetrator can choose not to submit fingerprints. However, this is the exact reason that our country sees so few prosecutions and high levels of crime.

I further understand that with the new bill, it will be compulsory for every arrested individual to submit a DNA sample and fingerprints to increase the size of the current DNA database in an effort to increase prosecutions and curb repeat offenders from committing more serious crimes. This raises the issues of Privacy where human rights organisations and the public will be disillusioned into believing that private information about the individual will be made public. However this is no more different than giving fingerprints for the purposes of Identity documents, Passports, driver's licenses etc. This can however be addressed by stating that:

a). DNA profiles obtained from a sample of evidence provide alphanumeric sequences of DNA which are matched to similar sites on perpetrator and victim, perpetrator and crime scene and does not give any information about predispositions

b). in passing this bill human rights of the offenders are most often considered however there is a failure to admit that the human rights and the rights of the victim with regard to safety and security have just been violated. The current situation favours the criminal where the greater aim of this country to let the perpetrator off for violating someone else's human rights.

In this bill, DNA extraction will be a non intrusive method incorporating buccal (check) swabs to be administered by all police on individuals arrested. Statistics from the United Kingdom show that with a DNA database

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In this bill, DNA extraction will be a non intrusive method incorporating buccal (cheek) swabs to be administered by all police on individuals arrested. Statistics from the United Kingdom show that with a DNA database of over 4.5 million profiles they achieve greater than 52.2% success in prosecutions. However, in South Africa the size of the DNA database is 123 323 profiles with success rates of 0.02%. Critical evidence why a system with higher numbers of profiles benefits a country riddled with crime.

Another Advantage of the bill's ammendment is that the retrospective nature will allow older cases to be analysed and compared. For this reason it is suggested that DNA PROFILES rather than the sample should be attained for an indefinite period. It must also be stressed that these samples will only be used for lawful process and it recommended that an ethics committee be set up to ensure the proper administration of the bill and to ensure these factors are not breached.

Also I believe that the processing of DNA sample to get a profile should not only be done if there is a suspect but should take place in every case. If there is a capacity problem, private labs need to be contracted by issuing government tenders

Regards
Kavita Chibba