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JANUARY 2017

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JUDGMENTS OF INTEREST IN THE JANUARY EDITIONS OF THE *SALR* AND THE *SACR* LAW REPORTS

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SOUTH AFRICAN LAW REPORTS

Foreign witnesses via video link

This judgment deals with the continually developing response of our courts to the marvels of modern technology, specifically, the use of video link to procure the evidence of witnesses based in Paris and Dubai who were not available or willing to attend court in Johannesburg. *Uramin (Incorporated In British Columbia) t/a Areva Resources Southern Africa v Perie* 2017 (1) SA 236 (GJ)

Demolition of national monuments

While the building sought to be demolished was not worthy of protection, the surrounding area was, due to its large concentration of art deco buildings, which were conservation-worthy, so conditions were issued for the replacement building to be harmonious with its surroundings. *Gees v Provincial Minister of Cultural Affairs and Sport, Western Cape and Others* 2017 (1) SA 1 (SCA)

Extending rights to a view

Building plans were submitted that, if put into effect, would have obscured the view of other owners, in a group housing development. There were two rows of houses facing the sea, the first row single storey and the second row double storey. Could the concept of 'harmonious architectural entity' be extended to create rights to a view? *Gerstle and Others v Cape Town City and Others* 2017 (1) SA 11 (WCC)

SOUTH AFRICAN CRIMINAL LAW REPORTS

Extraterritorial jurisdiction

The offences related to bombings that took place in Nigeria. The accused was a leader of a militant group opposed to the government's handling of oil exploration in the Niger Delta. He was in Nigeria at the time of the bombings and his acts relating to those offences were committed outside of South Africa, however, it was found that the appellant conspired, planned and instructed people in relation to the execution of a bombing while he was in South Africa. *S v Okah* 2017 (1) SACR 1 (SCA)

Mothers in jail

In circumstances where the court a quo was dismissive of the interests of the children, whose primary caregivers were being sent to prison, and when there had been no investigation as to the care the children would receive in their absence, the magistrate had misdirected herself, and the sentences imposed accordingly fell to be set aside. *S v Maliswane and Another* 2017 (1) SACR 26 (ECG)

Drug-induced amnesia

The accused was charged with the murder of his girlfriend, who was found dead with a plastic bag over her head. The accused had no knowledge of the death of the deceased and claimed that this was because of a combination of alcohol and crack cocaine, thus laying the foundation for his defence of lack of criminal capacity. *S v Ramdass* 2017 (1) SACR 30 (KZD)

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Kind Regards

The Juta Law Reports Team

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