

McCallum v. South Africa

Follow Up (as of July 2011)

CCPR/C/100/D/1818/2008
Communication No. 1818/2008
25 Oct. 2010 (adoption of views)
23 April 2011 (180 days)

Recommendation and Implementation *Legend below

Recommendation	Implementation Grade
Investigation	B3
Prosecution	C
Reparation	C
Prevention of Similar Violation	C
Publication	C

Implementation

- State representative contacted victim's attorney, Mr. Oswald, and the attorney was able to reopen criminal proceedings. The case number is 51/5/2011 and the Investigating Officer is Captain Grobler.
- 180 days passed without significant implementation. The State has made initial contact with the UN explains the delay is due to counsel sickness and a backlog of cases.
- Mr. Oswald was contacted by the State Attorney asking for a copy of the complaints submitted to the United Nations.
- On 30/6/2011 the Victim's attorney was informed that the State will not prosecute the case further.

Assessment of Implementation

- The case has been referred back to the same Police Station which should have dealt with the matter initially. The local Police Stations are under-resourced. Mr. Oswald, the representing attorney believes that the matter should have been investigated from a national level. This would have been a more efficient approach, especially because there have been 234 complaints and many of those initially in custody have been release and have moved throughout the country.
- The most effective way of getting relief to Mr. McCallum and his fellow victims would be to ensure that the State settles the civil case as soon as possible. The State's delay is exhausting Mr. McCallum's limited resources, providing another hurdle to prosecuting the claim to finality.
- The victim's attorney is not aware of any publication of the Committee's views by the State.

Victim

Bradley McCallum has been released on parole. He is unemployed and is experiencing financial difficulties. The Eastern Cape suffers from a depressed economy and Mr. McCallum's attorney does not believe he has good prospects of finding employment in the near future.

Violations

- Article 7
- Article 7 in conjunction with article 2, §3
- Article 10, §1

Concerns

- Implementation steps have no positive effect on victim
- Concern about effective investigation
- Potential delay tactic
- Final decision made to not prosecute

Sources

- Egon A. Oswald, victim's attorney.

Legend

A: Fully Implemented

B1: Partially Implemented - Most of the requirements met

B2: Partially Implemented - Progress made, but additional action needs to be taken

B3: Partially Implemented - Initial action taken (no steps in the implementation)

C: Not implemented at all - No action taken by the State

Legend

A: Fully Implemented

B1: Partially Implemented - Most of the requirements met

B2: Partially Implemented - Progress made, but additional action needs to be taken

B3: Partially Implemented - Initial action taken (no steps in the implementation)

C: Not implemented at all - No action taken by the State