

## The disclosure of the identities of anonymous minors upon the age of majority: clean slate or dismal fate?

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### 1. Introduction

The identity of minors (juveniles under the age of 18 years) is protected during court proceedings. However, when they turn 18, their identities are no longer withheld by the courts and the media. This article examines two different cases of 18-year-olds who made media headlines. The first is that of Zephany Nurse, who was kidnapped as a baby. Her abductor(s) registered her under a different name and it is this identity that is at stake. Zephany is the name given to her at birth by her biological parents. Although she is known in the media as Zephany, she requested that the name given to her by her kidnappers should not be revealed by the court. In terms of a court order the media undertook not to disclose Zephany's current name.<sup>1</sup>

The other case is that of the Griquatown youth who killed his family and whose identity was disclosed to the press on the day of his 18<sup>th</sup> birthday.<sup>2</sup> Although his identity was protected throughout the trial, it was revealed during sentencing proceedings when he turned 18. Various provisions of South African legislation and international law protect the identity of witnesses, victims and offenders under the age of 18 years and declare that their identities should not be disclosed.<sup>3</sup>

Usually a pseudonym is used in the case of such minors, or he or she is known as Mr. X or Ms. X, respectively.<sup>4</sup> Consequently, the person is granted an opportunity to continue with a normal life.<sup>5</sup> Because there is no provision protecting the identity of 18-year-olds, it may be published by the media. This applies to 18-year-old witnesses, victims and perpetrators.<sup>6</sup>

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<sup>1</sup> *Centre for Child Law v Media 24 Ltd* 23871/15. See also section 8.3 of the South African Press Code.

<sup>2</sup> *State v DD K / S* 46/2012. The authors decided not to mention the minor's name in this article.

<sup>3</sup> Section 74 of the Children's Act 38 of 2005. Section 153(2) of the Criminal Procedure Act 51 of 1977 deals with witnesses and Section 154(3) with suspects.

<sup>4</sup> See *S v Nzama* 1997 1 SASA 542 (D).

<sup>5</sup> See Putnam and Finkelhor (2006: 113).

<sup>6</sup> Section 17 of the Children's Act determines that when a child reaches the age of 18, he or she will be deemed to be an adult. Section 28(2) of the Constitution of South Africa states that a child is a person under 18 years. See Currie and De Waal (2005: 599).



































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