

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

Abraham Hamman, Faculty of Law, University of the Western Cape  
Windell Nortje, Faculty of Law, University of the Western Cape

### 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).

The primary aim of this contribution is to determine whether or not the identity of anonymous minor witnesses, victims and perpetrators should be published upon their reaching the age of 18. A further issue is whether a convicted 18-year-old offender should be treated the same as witnesses and victims or whether victims and witnesses have a stronger claim to the protection of their identity.

This discussion also refers to an English case involving a minor, James Bulger, who was brutally killed, and analyses how the courts dealt with the publication of the identity of the juvenile offenders when they turned 18.<sup>7</sup>

Moreover, the international position is examined, as well as the South African legislation regarding the position of witnesses, victims and offenders. The article concludes with a recommendation as to how future legislation could deal with the situation.

## **2. International position**

### **2.1 *Minimum Rules for the Administration of Juvenile Justice (1985)***

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice,<sup>8</sup> commonly referred to as the Beijing Rules, protect a juvenile's right to privacy. The Rules are not binding on sovereign states<sup>9</sup> and were created to help states with the administration of child justice in their respective legal systems. It is therefore important for South Africa to consider these Rules. The Rules focus specifically on minor offenders, and do not refer to the position of minor witnesses and victims.

Rule 8.1 requires that a juvenile offender's privacy must be respected at all times to prevent the juvenile from suffering any harm due to unnecessary publicity given to the juvenile's identity or by the process of labelling. Moreover, Rule 8.2 provides that no information that could lead to the identification of the minor should be published. The Beijing Rules also note that children are especially vulnerable to stigmatisation.<sup>10</sup> In particular, the publication in the mass media of the names of juvenile offenders and other information about the case can contribute to the trauma that juvenile offenders experience.<sup>11</sup> Criminological research has indicated that the permanent classification of young people as "young offenders" or "criminals" may lead to severe consequences for juvenile offenders.<sup>12</sup> The starting point should rather be the rehabilitation of the juvenile, instead of classifying the juvenile as a criminal.<sup>13</sup> However, the Beijing Rules, do not contain any provisions regarding the disclosure or further protection of the identity of persons when they turn 18.

### **2.2 *Convention on the Rights of the Child (1989)***

The Convention on the Rights of the Child (the Convention) is the most comprehensive treaty in the world regarding the protection of children's rights.<sup>14</sup> South Africa ratified the

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<sup>7</sup> *Venables & Thompson v News Group Newspapers Ltd* [2001] EWHC 32 (QB).

<sup>8</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985. The Beijing Rules was adopted on 29 November 1985 by General Assembly Resolution 40/33.

<sup>9</sup> See Happold (2008: 75, 84).

<sup>10</sup> Commentary on Beijing Rule 8; see also Jones, Finkelhor and Beckwith (2010: 348).

<sup>11</sup> Commentary on Beijing Rule 8; see also Jones, Finkelhor and Beckwith (2010: 347).

<sup>12</sup> Commentary on Beijing Rule 8.

<sup>13</sup> See Scott (2013-2014: 102); Pimentel (2013-2014: 100).

<sup>14</sup> The treaty was adopted on 20 November 1989 and ratified on 2 September 1990. See Currie and De Waal

treaty in 1995. According to the Constitution of South Africa, international law must be considered when a right in the Bill of Rights is being interpreted by a South African court. It therefore includes the provisions of the Convention relating to the protection of the identity of minors.<sup>15</sup> Article 8(1) of the Convention provides that States Parties to the treaty undertake to protect the identity of the child. In the case where a child is illegally deprived of part of or his entire identity, Article 8(2) provides that the States Parties must protect the identity of the child and re-establish the identity of the minor as soon as possible. Article 16(1) provides that no child shall be subjected to arbitrary interference with his privacy and violation of his honour and reputation.

Although the Convention does not specifically state that the identities of 18-year-old witnesses, victims or offenders must be protected, it does, however, require States Parties to take the necessary steps to ensure that the minor's physical, psychological and social reintegration is ensured.<sup>16</sup> An argument can thus be made that if such reintegration requires anonymity at majority, their anonymity should be allowed.<sup>17</sup> The same applies to minor offenders whose dignity is taken into account, and States Parties should promote the reintegration of such persons so that the person can play a constructive role in the future.<sup>18</sup> It will be much easier for such persons to make a constructive contribution to society if their identity is protected.

The reintegration of such persons will also be promoted if their identity is protected. Resultantly an opportunity is created especially for offenders to turn over a new leaf in their lives. As mentioned above, the Convention does not offer any protection in respect of minors who turn 18. Article 40(2)(vii), however, refers to the protection of the privacy of juvenile offenders during proceedings. Although the proceedings only refer to the proceedings of a minor accused, it could also be interpreted to include one who has attained the age of majority.<sup>19</sup> There is definitely room for further extension of this Article. The reference to "all stages of the proceedings" may include the privacy of the accused's identity even if he has since turned 18. This will be particularly relevant when a minor reaches the age of 18 years while the court proceedings have yet to be finalised. It should be stated here that the adverse effects of the disclosure of the minor's identity to the public is not removed just because he or she turns 18. The said disclosure of the identity can still have a negative effect on the life of the juvenile who has now become an adult.<sup>20</sup>

In view of the above problem, a discussion of the situation of minor witnesses, victims and offenders in South African law is warranted.

### **3. The position of minor witnesses**

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(2005: 604).

<sup>15</sup> Sections 39(1)(b) and 233 of the Constitution; see Cilliers (2012).

<sup>16</sup> See generally Robinson (2012: 81).

<sup>17</sup> Section 39 of the Convention on the Rights of the Child. See Scott (2013-2014: 101); Keating (2007: 201).

<sup>18</sup> Section 40 of the Convention on the Rights of the Child. Lafayette (2013: 325) notes that reintegration must play a prominent role in the life of a juvenile and states further: "Any child under the age of eighteen should be treated with the primary goal of rehabilitation and reintegration into society."

<sup>19</sup> See Pimentel (2013-2014: 84, 100).

<sup>20</sup> See generally Pimentel (2013-2014).

In terms of current South Africa law witnesses in general, and minor's right to privacy and their identity, are regulated in terms of various statutes. Pursuant to section 154(3) of the Criminal Procedure Act, read together with section 63(6) of the Child Justice Act (CJA), no person shall disclose in any way and publish information of witnesses under the age of 18 years.<sup>21</sup> The identity of a state witness or complainant under the age of 18 years may also not be published during criminal proceedings.<sup>22</sup> The section also stipulates that no information regarding the minor may be published that could lead to his identification. It is recommended that any information that could lead to the identification of a minor must be protected in terms of this provision. Such information should include any photo and/or drawing of the minor's head and/or back that could possibly lead to his identification. It is submitted that the term "information" should be interpreted as widely as possible. However, section 154(3) only regulates the protection of the identity of minors and does not deal with minors who attain the age of majority.

In South Africa, numerous measures exist that protect the identity of witnesses during court proceedings. One of the most important measures is the use of intermediaries to protect vulnerable young witnesses.<sup>23</sup> The admission of evidence in certain circumstances by means of closed circuit television<sup>24</sup> and *in camera*<sup>25</sup> are also permitted. Section 170A(1) of the Criminal Procedure Act provides that an intermediary could be appointed to assist a witness who is under "the biological or mental age of 18 years" if it is the opinion of the court, that such a witness may be exposed to "unnecessary mental stress or suffering" during the trial.<sup>26</sup> Thus, the legislation explicitly makes provision for the biological or mental age of 18 years and is not restricted only to cases of those with the biological age of 18 years. Thus, the legislature, by means of intermediaries, recognised that when people reach the biological age of 18 years, it does not necessarily mean that they have reached the mental age of 18 years. Consequently, there is no reason why 18-year-olds (and even older persons) should not enjoy the benefit of anonymity when they have not reached the mental age of 18 years.

Giving testimony by way of closed circuit television is available to all witnesses and not limited to persons under the mental or biological age of 18 years.<sup>27</sup> Section 158(2) of the Criminal Procedure Act provides that a court may allow a witness or an accused to testify "by means of closed circuit television or by similar electronic media". However, this is only possible if the necessary facilities are available or reasonably obtainable. It will only be allowed, if a court determines that this type of testimony will not lead to undue delays, will cut costs and is more convenient. The court will also have to decide whether it will indeed be in the interests of the security of the State, public security or in the interests of justice to grant such an order. This protection is available to persons if it is established

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<sup>21</sup> Child Justice Act 75 of 2008 and the Criminal Procedure Act. In some cases, persons between 18 and 21 are regarded as "children" in accordance with section 4(2) of the CJA. Although they have certain rights enshrined in the CJA, the identity of these persons is not protected under the CJA and the Criminal Procedure Act.

<sup>22</sup> Section 63(6) of the CJA; Section 154(3) of the Criminal Procedure Act.

<sup>23</sup> Section 170(A) of the Criminal Procedure Act; Schwikkard and Van der Merwe (2009: 381); Bellengere (2013: 326).

<sup>24</sup> Section 158(2) of the Criminal Procedure Act.

<sup>25</sup> Section 153(2) of the Criminal Procedure Act; see also Steytler (1996: 254).

<sup>26</sup> Steytler (1996: 348).

<sup>27</sup> Steytler (1996: 254).

that by giving such evidence in open court, they may be harmed or may suffer prejudice if present during court proceedings.<sup>28</sup>

Section 158(4) of the Criminal Procedure Act provides that the court must ensure a fair and just trial, and it is required of the prosecution and the defence to question the witness and to observe his behaviour in open court. In light of this determination, the courts<sup>29</sup> stated that testimony by way of closed-circuit television does not violate the accused's right to a fair and open trial. The protection of the identity of 18-year-olds should therefore not violate or impede a fair trial.

Other witnesses who are also entitled to have their identities protected are journalists and informers.<sup>30</sup> Journalists and informers are granted a privilege which means that their identity may not be disclosed.<sup>31</sup> It is conceded that informers are essential for the effective combating of crime; however, the safety of the informer and his family is placed in jeopardy once his or her identity is revealed.<sup>32</sup> Similar protection is afforded to persons who provide information to the police in terms of the Financial Intelligence Centre Act<sup>33</sup> and the Protection of Constitutional Democracy against Terrorist and Related Activities Act.<sup>34</sup> If the above situations are scrutinised, the protection of witnesses and their safety is one of the primary reasons why they are entitled to anonymity. However, this type of protection is more applicable to witnesses - specifically state witnesses - and in some cases restricted to victims only. Some witnesses are also allowed to testify behind a screen in court. As mentioned above, there are numerous cases where witnesses may claim anonymity if it is for their own safety or if they have not reached the mental age of 18.<sup>35</sup> Once minor witnesses reach the age of 18 years, their right to protection of their identity ceases. Juveniles, who attain the age of majority, are still in a process of mental development.<sup>36</sup> As previously alluded to, section 170A of the Criminal Procedure Act refers to the mental age of 18-year-olds, but they are legally considered to be adults.<sup>37</sup> The identity of 18-year-olds should be protected in certain circumstances. On a daily basis evidence is presented in court where the safety of the witness is not the main consideration. It could be a disinterested witness or underage relatives of a complainant who was involved in a car accident. Evidence could also be provided for example by a minor against his minor co-offender friend, as a state witness, in a shoplifting case. In such a case, it is probably not necessary to protect the identity of the minor witness against his friend. The focus should be on 18-year-old witnesses in cases which receive wide publicity and witnesses' lives that could be placed in danger if the media reveals their identity after turning 18. If the disclosure of the witnesses' identity could also result

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<sup>28</sup> Section 158(3) (e) of the Criminal Procedure Act.

<sup>29</sup> *S v Domingo* 2005 1 SACR 193 (K) 199; *S v Staggie* 2003 1 SACR 232 (K) 252H.

<sup>30</sup> Section 202 of the Criminal Procedure Act; see *R v Abelsohn* 1933 TPD 227, 231; Schwikkard and Van der Merwe (2009: 165).

<sup>31</sup> The privilege of non-disclosure of the identity of an informant was declared constitutional in *Els v Minister of Safety and Security* 1998 2 SACR 93 (N).

<sup>32</sup> See *Els v Minister of Safety and Security*; *Swanepoel v Minister of Safety and Security* 1999 2 SACR 284 (T); see also Schwikkard and Van der Merwe (2009: 165); Bellengere (2013: 326).

<sup>33</sup> Section 38(3) of the Financial Intelligence Centre Act 38 of 2001; see also Schwikkard and Van der Merwe (2009: 170); Bellengere (2013: 326).

<sup>34</sup> Section 17(9) of the Protection of Constitutional Democracy Act against Terrorist and Related Activities Act 33 of 2004; see also Schwikkard and Van der Merwe (2009: 170).

<sup>35</sup> See Putnam and Finkelhor (2006: 119).

<sup>36</sup> See generally Fondacaro (2014).

<sup>37</sup> Section 28 of the Constitution; section 17 of the Children's Act.

in any form of emotional damage, it should rather be reconsidered. The concealment of the identity of a complainant or an eyewitness should rather be limited to cases where it is clear that the disclosure of the identity could lead to putting the life of the witness in danger or cause unnecessary emotional harm to him.

#### **4. The position of victims**

Child victims often find themselves in the line of fire of the media.<sup>38</sup> The Zephany Nurse case has been sensationalised in the media since 2015. This has caused her significant trauma.<sup>39</sup> As mentioned above, Zephany's birth name was given to her by her biological parents. She was only three days old when she was abducted from a Cape Town hospital in 1997. The name given to her by her kidnapper is the name that is being protected. The kidnapper had allegedly raised Zephany as her own child. Thus, Zephany knows that person as her mother. She was also exposed to an environment where she felt safe. The biological parents became suspicious when their youngest daughter and a girl at school became friends and people later noticed that their daughter and her new friend look like sisters. The daughter told her father of her new friend, and it was determined through DNA tests that Zephany, her new friend, was indeed also her sister.

Because Zephany was in matric in 2015, an application was made on her behalf to court requesting that the media not reveal her current name when she turned 18.<sup>40</sup> The order was granted by the High Court and the media also agreed not to divulge her true identity. Zephany was a victim of unfortunate circumstances. It was therefore crucial to protect her against the possible dangers of media exposure. She was further protected as she did not testify in the trial against her alleged kidnapper. The criminal trial against the person that allegedly kidnapped her from Groote Schuur Hospital started in the Western Cape High Court in February 2016.<sup>41</sup> The name of the accused in the case was also summarily withheld from the media in order to protect Zephany's current identity. The court therefore ruled that, despite the fact that legislation does not provide for the protection of the identity of 18-year-old victims such as Zephany, her current identity may not be disclosed.

#### **5. The position of offenders**

Minor offenders, witnesses and victims enjoy the protection and the non-disclosure of their identity during court proceedings.<sup>42</sup> The same protection is not afforded to offenders who turn 18. This discussion now turns to the case of the convicted "Griquatown youth" who was exposed to widespread media exposure when he became 18.

In 2012, a minor killed his family on a farm outside Griquatown. The Northern Cape High Court convicted him of murder, obstruction of justice and rape and he was sentenced to 20 years imprisonment.<sup>43</sup> His sentence was imposed on 13 August 2014.<sup>44</sup> His identity

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<sup>38</sup> Jones, Finkelhor and Beckwith (2010: 358).

<sup>39</sup> The trial of the person who allegedly abducted her when she was still a baby has been taking place since February 2016 in the Western Cape High Court.

<sup>40</sup> *Centre for Child Law v Media 24 Ltd* 23871/15.

<sup>41</sup> [Fisher](#) and [Gerbi](#) (2016).

<sup>42</sup> Section 154(3) of the Criminal Procedure Act.

<sup>43</sup> *State v DD K / S 46/2012*, sentencing hearing, para. 51. Frans Kgomo JP delivered the judgment on March 27, 2014.

<sup>44</sup> *State v DD K / S 46/2012*, sentencing hearing, paras. 51-2.

was protected at all times during the trial in accordance with section 154(3) of the Criminal Procedure Act. At times, the media published photos of the youth, but did not expose his face. The minor's identity was freely published by the media when he turned 18, only two days after the imposition of sentence, on 15 August 2014.<sup>45</sup> It was a traumatic experience for him and his response was: "It was extremely difficult and traumatic for me to deal with everything after the newspapers circulated the news of my identity when I turned 18."<sup>46</sup>

This statement reflects how vulnerable some juveniles may be to the disclosure of their identity upon reaching the age of majority. Indeed, after his identity was published, the public knew the identity of the Griquatown youth. It can be assumed that the situation was obviously very difficult for him. He is also currently involved in litigation to prevent the further disclosure of his name in the media.<sup>47</sup> The Centre for Children's Rights (the Centre) brought an application against all the country's media houses to bar journalists from identifying juveniles when they turn 18.<sup>48</sup>

Although the media has undertaken not to disclose Zephany's current name, the media is opposing the application of the Griquatown youth. The litigation by the Centre aims to protect the identity of the Griquatown youth and others who were convicted as minors, and is similar to the application of Zephany Nurse.<sup>49</sup> The Centre is of the opinion that the protection of the identity of an accused should not end when they turn 18 years old.<sup>50</sup> In addition, the applicants assert that the disclosure of the identity of children, even after they have turned 18 years old, may still inflict a measure of emotional damage on a juvenile offender.<sup>51</sup> For instance, several South African cases are referred to where the disclosure of the identity of the juvenile offenders after they reached the age of majority, had an adverse effect on them.<sup>52</sup> For example, the juvenile in the Eugène Terre'Blanche murder trial disappeared after the Centre tried to find him.<sup>53</sup> There are two other cases: one in which a juvenile planned her grandmother's murder,<sup>54</sup> and another where a juvenile played a role in her parents' murder.<sup>55</sup> Both juveniles, who are now adults, fear that their loved ones, who are not aware of the killings, will become aware of them.<sup>56</sup>

The Griquatown youth also submitted a supporting statement to the court in which he alleges that the case might be futile as everyone already knows who he is.<sup>57</sup> Nevertheless,

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<sup>45</sup> Media 24 (2014).

<sup>46</sup> Scholtz (2016); see Putnam and Finkelhor (2006: 114); Jones, Finkelhor and Beckwith (2010: 347).

<sup>47</sup> Scholtz (2016). Information obtained from Carina du Toit, an advocate at the Centre for Children's Rights, on 11 January 2016, as well as media reports. No record of any court case was available at the time of writing this article. The case has not been heard by any court and the heads of argument have not yet been drawn up. On 10 December 2015, the Centre received a replying affidavit from the state. At the end of January, the Centre aims to submit a replying affidavit to the media respondent and state respondent. The Centre would then request a court date from the High Court. At the time of writing this article, a court date has not been set. The authors would like to thank Advocate Du Toit for her invaluable contribution to this article.

<sup>48</sup> Scholtz (2016).

<sup>49</sup> *Centre for Child Law v Media 24 Ltd* 23871/15.

<sup>50</sup> Scholtz (2016).

<sup>51</sup> Scholtz (2016). In *Roper v Simmons* 543 US 551 (2005) para. 574, the court ruled that the qualities that distinguish juveniles from adults, do not disappear when the juvenile turns 18 (see Fondacaro (2014: 412)).

<sup>52</sup> Scholtz (2016).

<sup>53</sup> *S v Mahlangu* [2012] ZAGPJHC 114; see also Scholtz (2016).

<sup>54</sup> The juvenile was 12 years old when she hired two men to kill her grandmother (see *DPP, KwaZulu-Natal v P* 2006 1 SACR 243 (SCA)). See generally Terblanche (2007).

<sup>55</sup> Scholtz (2016).

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*; see Putnam and Finkelhor (2006: 114).

he believes that the application could help other juvenile offenders, and says that "no child should be subjected to the same intense media onslaught to which I was exposed."<sup>58</sup> He goes on to explain that the media coverage could harm various aspects of his future.<sup>59</sup> For example, the media could write about his first job after his release, his wedding day, when he has children, and several other key events in his life.<sup>60</sup> His last words in his statement are: "I just want to get on with my life."<sup>61</sup> Indeed, it would be very difficult for him to continue with his life if the media is allowed to freely publish news about his whereabouts. The question arises whether it is at all possible for him to turn over a new leaf if his identity is revealed. Most of his actions in the future could be newsworthy; as a result, he will not be able to rely on his anonymity.<sup>62</sup> It can be concluded that the disclosure of the identity of the Griquatown youth is not in his best interest.

He has, however, not indicated at this stage whether his life is in danger or whether he has suffered emotional trauma as a result of the disclosure of his identity. Nonetheless, such disclosure may disrupt a person's "process of healing" and cause further traumatising, according to the Minister of Justice, Michael Masutha.<sup>63</sup> The Minister also supported the arguments of the Centre in his case against all the country's media houses with a view to preventing journalists from identifying juvenile offenders when they turn 18.<sup>64</sup> It may be too ambitious to protect the identity of all juveniles upon their reaching the age of majority. If such a person's life is not in danger, emotional damage is not foreseen, and there is no media coverage of the case, then an order protecting the identity of the juvenile should not be imposed.

Next, an example from English case law regarding the disclosure of the identity of minor offenders will be discussed.

## **6. The Venables and Thompson case**

On 12 February 1993, Jon Venables and Robert Thompson (names at birth), both 10 years old, kidnapped and murdered two-year-old James Bulger near Liverpool.<sup>65</sup> They walked four kilometres with the toddler while they assaulted him. They then killed him with an iron rod and left him on a railway line so that a train could ride over him.<sup>66</sup> The kidnapping was recorded on the shopping centre's security video system.<sup>67</sup> The murder made headlines across the world. The two children were arrested in February 1993 and detained pending the trial. The boys were charged with murder and kidnapping when they were 11 years old and were subsequently convicted of both charges in November 1993.<sup>68</sup> They were each sentenced to eight years in prison.<sup>69</sup> Due to the extensive media

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<sup>58</sup> *Ibid.*

<sup>59</sup> Scholtz (2016). Putnam and Finkelhor (2006: 114) notes that very little research has been conducted on the impact of the media on juveniles. Nevertheless, they contend that current theoretical and empirical results indicate that the media has a negative impact on juveniles when their identities are revealed. See Jones, Finkelhor and Beckwith (2010: 348).

<sup>60</sup> Scholtz (2016). See Putnam and Finkelhor (2006: 114).

<sup>61</sup> Scholtz (2016).

<sup>62</sup> See eg. Putnam and Finkelhor (2006: 114).

<sup>63</sup> Scholtz (2016); see also Jones, Finkelhor and Beckwith (2010: 347).

<sup>64</sup> Scholtz (2016).

<sup>65</sup> *T v the United Kingdom - 24724/94 [1999] ECHR and V v the United Kingdom - 24888/94 [1999] ECHR* para. 7 (*T v the UK*). These cases were heard by the European Court of Human Rights. See Terblanche (2007: 246).

<sup>66</sup> *T v the UK* para. 7.

<sup>67</sup> *Ibid.*

<sup>68</sup> *T v the UK* para. 15.



coverage of the trial, there were concerns that the boy's lives would be in danger after their release.<sup>70</sup>

The publicity as well as the negative effect of the trial on the psychological development of the children were emphasised in court by Sir Michael Rutter, Professor of Child Psychology at the Institute of Psychology, London University.<sup>71</sup> It was also held that a minor accused's situation and psychological development could not be compared to those of an adult.<sup>72</sup>

Prior to their release in 2001, a civil case was filed by Venables and Thompson's lawyers to protect their client's identities.<sup>73</sup> On January 10 2001, Judge President Butler Sloss issued a lifetime ban forbidding the media from publishing any information about Robert Thompson and Jon Venables upon their release later that same year.<sup>74</sup> According to her judgment there was an agreement with Thompson's and Venables's lawyers which determined that their clients right to life took precedence over the media's right to freedom of expression.<sup>75</sup> She further held that in exceptional circumstances, the state had an obligation to protect the identity of individuals especially if there was a risk of injury or death because of the public knowledge of the identities of the individuals. In this regard she was satisfied that Venables and Thompson were uniquely notorious and that there existed a serious risk of attacks by members of the public as well as relatives and friends of the murdered child. She was satisfied that there was compelling evidence indicating that some members of the public had a serious desire for revenge in case the two young men would be allowed back into the community.<sup>76</sup> She regarded the threats to be so serious that new identities were granted to Venables and Thompson upon their release. She further ruled that considering how the media covered the case in the previous eight years, she could not rely on certain sections of the press, and requested that Thompson's and Venables's anonymity be respected and protected.

She also stated that she had considered previous media campaigns against paedophiles that were caused by the publication of their names and addresses. As a result, a number of innocent people's houses were set alight and numerous physical assaults occurred.<sup>77</sup> Because of the exceptional circumstances of this case, and the application of English law and the right to life embedded in Article 2 of the European Convention of Human Rights,<sup>78</sup> the judge came to the conclusion that the court was obliged to protect Thompson and Venables.

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<sup>69</sup> *T v the UK* para. 20.

<sup>70</sup> See Williams and Gye (2013).

<sup>71</sup> *T v the UK* para. 18.

<sup>72</sup> See *Media 24 Ltd v National Prosecuting Authority (Media Monitoring Africa as amicus curiae): In Re S v Mahlangu* 2011 2 SACR 321 (GNP); see also Scott (2013-2014: 96).

<sup>73</sup> *Venables & Thompson v News Group Newspapers Ltd* [2001] EWHC 32 (QB); see also Barendt (2009: 865).

<sup>74</sup> *Venables & Thompson v News Group Newspapers Ltd* [2001] EWHC 32 (QB); see generally Bradley (2003); Hyland (2001).

<sup>75</sup> *Venables & Thompson v News Group Newspapers Ltd* [2001] EWHC 32 (QB); see also Barendt (2009: 865); Butler (2005: 349).

<sup>76</sup> Sloss JP refers to the potential dangers of the media in this case when she says: "I am, of course, well aware that, until now, the courts have not granted injunctions in the circumstances which arise in this case. It is equally true that the claimants are uniquely notorious. On the basis of the evidence presented to me, their case is exceptional. I recognise also that the threats to the life and physical safety of the claimants do not come from those against whom the injunctions are sought. But the media are uniquely placed to provide the information that would lead to the risk that others would take the law into their own hands and commit crimes against the claimants." See *Venables & Thompson v News Group Newspapers Ltd* [2001] EWHC 32 (QB); see also Barendt (2009: 865).

<sup>77</sup> *Venables & Thompson v News Group Newspapers Ltd* [2001] EWHC 32 (QB); see also Johnston (2001).

<sup>78</sup> European Convention on Human Rights, 1950. The convention was adopted on 4 November 1950 and ratified on 3 September 1953.

She also noted that newspapers had made bids to acquire certain information about the boys. As an example, she mentioned that pictures of Venables and Thompson that were taken when they were 16 years old, were offered to various newspapers for thousands of pounds. Agents and intermediaries were also appointed to gather evidence from those individuals who had come into contact with the boys while they were in custody.<sup>79</sup> The ruling by Judge Butler Sloss is a damning indictment of the reactionary and anti-democratic character of the British media. The court conceded that the press and the media have certain freedoms, but that these did not prevail over the rights of Thompson and Venables.

Subsequent to their release after more than a decade, and with new identities, Thompson and Venables were not exposed to any negative effects related to their offence. The fact that Venables and Thompson can lead a normal life after their release is a success story related to the changing of their identities, since the case received worldwide media coverage and led to numerous changes in the English juvenile justice laws. South Africa can learn several lessons from this case.

### **7. The media's right to publish**

Everyone has the right to freedom of expression.<sup>80</sup> This includes the freedom of the press to publish information that they deem newsworthy.<sup>81</sup> In contrast, juveniles have a right to anonymity and privacy.<sup>82</sup> Due to the fact that the press cover newsworthy cases, it often happens that they attend cases involving juveniles. The press's presence in such cases is accompanied by an understanding between it and the courts that the identity of juveniles has to be protected at all times.<sup>83</sup> The South African media agreed not to divulge the current identity of Zephany Nurse; however, it is opposing the application of the Griquatown youth.<sup>84</sup>

Susan Smuts of the Times Media Group believes that the application of the Centre is too broad as it would deprive children of an opportunity to tell their side of a story if they wished to do so.<sup>85</sup> Blum points out that the disclosure of the identity of the juvenile offender gives the public an ideal opportunity to express their dissatisfaction with the crime.<sup>86</sup> However, according to Blum, this statement should not be seen as a catalyst for possible vigilantism against the minor.<sup>87</sup> The media code of conduct which regulates the actions of journalists, provides that journalists should take a measure of care when reporting certain news. Such a wide ban, as is the case with the Centre's application, may cause practical difficulties.

It is important to note that not every juvenile case will attract the same degree of media attention. Some juveniles appear in court and the media will never cover the case. Thus, a

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<sup>79</sup> *Venables & Thompson v News Group Newspapers Ltd* [2001] EWHC 32 (QB).

<sup>80</sup> Section 16(1) of the Constitution.

<sup>81</sup> Section 16(1) (a) of the Constitution; see also Steytler (1996: 254); cf.. Kintzinger (1980: 1471).

<sup>82</sup> Section 14 of the Constitution.

<sup>83</sup> Steytler (1996: 254); cf.. Kintzinger (1980: 1471).

<sup>84</sup> See Scholtz (2016).

<sup>85</sup> *Ibid*; see also Blum (1996: 391).

<sup>86</sup> Blum (1996: 391).

<sup>87</sup> *Ibid*.

complete ban on the publication of the identity of all minors upon reaching the age of 18 is not justified. The protection of the identity of an 18-year-old should therefore be limited to cases that received wide publicity. If the disclosure of their identity through publication in the media leads to negative consequences for such persons, there should be a remedy available. Nevertheless, even in cases which are not widely published, a person may still be affected by the disclosure of his or her identity. The consequences can range from life-threatening situations, such as in the Venables-Thompson case, or emotional harm, as was the case in the Zephany Nurse trial. Under these conditions, the parties involved still have the option of resorting to the courts.

## **8. The shortcomings in legislation**

From the above, it seems that there is definitely a gap in our law with respect to the disclosure of the identity of certain 18-year-olds. The negative effects associated with the disclosure of such identity require further analysis.<sup>88</sup>

It is possible that 18-year-olds (witnesses, victims and perpetrators) may lead disrupted lives if their identity is revealed. They are still in a development phase as young adults and cannot be compared to an adult in his or her late twenties who may be more advanced in terms of their development.<sup>89</sup> The further development of these 18-year-olds could be placed in jeopardy if their identities are revealed.<sup>90</sup> The authors agree that the current identity of a person like Zephany Nurse should not be disclosed, unless she agrees to the disclosure and is able to deal with it. At the present stage of her life, it cannot be expected of her to deal with the publicity. No person should endure the additional media coverage that Zephany will have to tolerate, especially since she was not even aware that she had been abducted as an infant.<sup>91</sup> Moreover, her life is now in turmoil, because the person whom she has always known as her mother, is accused of kidnapping her at birth. She is also confronted with the fact that she has biological parents of whose existence she was previously unaware. It is recommended that legislation be amended to protect the identity of minor witnesses and victims like Zephany, so that their identity is not disclosed by the media upon their attaining the age of 18.

The question now arises whether a convicted youth like the Griquatown minor should be afforded the same protection regarding the non-disclosure of identity as Zephany. It evokes the question of whether his situation is unique? It is conceded that Zephany is an innocent victim and the Griquatown youth is a convicted offender. It is further conceded that the crimes against his family cannot be justified. However, it ought to be questioned whether it is justifiable in our society to prevent such youths from leading normal lives upon their release. If the Griquatown youth's identity is freely distributed by the media, there is a possibility that he could lead a secluded life in the future.<sup>92</sup> If he gets involved in a relationship or gets a job, the media might not hesitate to reveal the news. This will not only complicate his life but also those of his (future) family, friends and colleagues.

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<sup>88</sup> Laubenstein (1995: 1901); see also Jones, Finkelhor and Beckwith (2010: 349).

<sup>89</sup> See Cauffman, Woolard and Reppucci (1998-1999: 404); Crofts (2002: 84); Keating (2007: 194-5, 200); Than (2006).

<sup>90</sup> Laubenstein (1995: 1897); See also Jones, Finkelhor and Beckwith (2010: 348).

<sup>91</sup> Quintal (2016).

<sup>92</sup> Kintzinger (1980: 1486); see also Jones, Finkelhor and Beckwith (2010).

The question is whether these arguments are sufficient to justify the future concealment of his identity. His name has been repeatedly published in the media and the possibility of further publicity about his life cannot be excluded. The publicity could be detrimental to him over an indefinite period. The "severe consequences" of the publication of their identity mentioned in the Beijing Rules,<sup>93</sup> must not be swept under the rug, but should rather be viewed as a direct result of the disclosure of the identity of juvenile offenders. It is submitted that he will have to prove that future media coverage will have a detrimental impact on his emotional development.

Can the situation be justified if the identity of victims such as Zephany is protected, but not that of offenders, like the Griquatown youth? This can amount to discrimination if minor victims, and possibly witnesses', identities are protected when they turn 18, but the identity of a juvenile offender is disclosed upon reaching the age of majority.

Section 9(1) of the Constitution states the following: "Everyone is equal before the law and has the right to equal protection and benefit of the law." In addition, perhaps the discrimination with regard to the disclosure of identity might not be fair in terms of section 9(5) of the Constitution. Thus, it may constitute a violation of the Griquatown youth's constitutional rights since he is not receiving the same protection as Zephany.<sup>94</sup>

The difference between Zephany Nurse and the Griquatown youth is that he was found guilty of murder and that she was an innocent victim. Perhaps one should rather look at the possible harm that is caused due to the disclosure of the identity of persons. As already mentioned, a threat to life and emotional harm are risk factors that should be taken into account. When there is evidence of emotional harm, and the Zephany Nurse and Griquatown youth cases are not treated equally, it may be a ground for discrimination on the basis of a criminal offence. However, it must be borne in mind that according to section 9(5) of the Constitution, discrimination on the basis of a criminal offence is not a listed ground for unfairness.

The right to dignity is enshrined in section 10 of the Constitution.<sup>95</sup> Although the Constitution protects the dignity of persons as a result of the past indignity suffered by many South Africans, it can be made applicable to minor offenders as well. Such discrimination cannot be justified under section 36 of the Constitution.<sup>96</sup>

As mentioned above, the identity of all underage children who commit crimes are not made public when they turn 18. Debatably, if a case has not been widely reported by the media, then such a child's name will not be disclosed. For example, the media will not report about a case where a boy stole a chocolate at the age of 11 and later became a law-abiding citizen of society.

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<sup>93</sup> Rule 8(1) of the Beijing Rules. See Jones, Finkelhor and Beckwith (2010: 349).

<sup>94</sup> Sections 9 and 10 of the Constitution.

<sup>95</sup> In *Dawood, Shalabi, Thomas v Minister of Home Affairs* 2000 3 SA 936 (CC) para. 35, the Constitutional Court decided as follows: "It cannot be stated that there is a more specific right that protects individuals who wish to enter into and sustain permanent intimate relations than the right to dignity in section 10."

<sup>96</sup> Section 36(1) of the Constitution provides: "The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including..."

In South Africa, both witnesses and victims enjoy the protection of their identities in criminal cases. Their identity is protected because they can deliver anonymous testimony and testify behind closed doors.<sup>97</sup> It is so that the identity of the persons will at times be divulged to the court, the prosecutors and the defence. The reason why these witnesses' names are usually not published upon attaining the age of 18 is that it may not be an important story for the media. The publication of information about juvenile offenders like the Griquatown youth is, however, a different story. It is newsworthy and especially economically beneficial for the sales of printed media. It is therefore important to set a limit in relation to the media coverage that the media creates in such cases.

In general, minor offenders also have a right to rehabilitation. If their sentences have been served and they have turned over a new leaf, the media should rather not remind everybody of their past. There is also a possibility that disgruntled family members, as in the Thompson-Venables case, may take the law into their own hands and target such prisoners upon their release.<sup>98</sup> One of the reasons for the abolition of the death penalty in South Africa was the fact that such a sentence has the effect that a person cannot rehabilitate himself.<sup>99</sup> If a person is sentenced, the general public will forget about him or her after a few years. The problem with the disclosure of the identity of 18-year-olds is that the media may actively report on such a matter even though it is no longer newsworthy.

The risk of disclosing the identity of juveniles who turn 18 is that they not only lose their right to privacy insofar as their identity is concerned, but also jeopardise their own identity and psychological development.<sup>100</sup> It is interesting to note the decision in *F v Minister of Safety and Security*.<sup>101</sup> The complainant was raped at the age of 13 by a policeman and instituted a civil claim against the Minister of Safety and Security when the complainant turned 18. Both the Supreme Court of Appeal<sup>102</sup> and the Constitutional Court<sup>103</sup> referred to her as "F" or "Ms. F". There is no indication in the court documents that she requested that her identity not be disclosed; however, both courts protected her identity notwithstanding the fact that she was already 26 years old when the matter was heard.

It is proposed that the protection of the identity of anonymous children upon attaining the age of 18 should be considered as follows. It is not proposed to protect each and every minor's identity upon attaining the age of 18. First, it must be determined whether such persons have reached the mental age of 18 years. If this is not the case, then even if they are 18 years old or older, they should not be legally regarded as 18-year olds. Their identity must be protected despite the fact that they have reached the biological age of 18 years. Secondly, this protection should only be granted to witnesses, victims and offenders who are involved in cases that are widely reported by the media. Thirdly, there should be an onus on the witness, victim or offender to indicate that during the widely

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<sup>97</sup> Section 153(2) of the Criminal Procedure Act.

<sup>98</sup> *Venables & Thompson v News Group Newspapers Ltd* [2001] EWHC 32 (QB).

<sup>99</sup> *S v Makwanyane* 1995 6 BCLR 665 para. 240.

<sup>100</sup> Than (2006).

<sup>101</sup> *F v Minister of Safety and Security* 2012 1 SA 536 (CC).

<sup>102</sup> *Minister of Safety and Security v F* [2011 3 SA 487](#) (SCA) para. 2.

<sup>103</sup> *F v Minister of Safety and Security* 2012 1 SA 536 (CC) para. 5.

published trial the disclosure of their identity would jeopardise their safety and cause possible emotional harm in the future. In the case of a minor offender the onus should rest on the defence to prove that the grounds are met, while in the case of minor witnesses and victims the onus should rest on the state. The court will then have to decide whether or not the applicant's identity should still be protected upon attaining the age of majority. It is once again important to note that not all minor witnesses', victims' and offenders' identities need protection when they turn 18. As already mentioned above, and with reference to the *Thompson-Venables* case, the right to life of a juvenile should take precedence over the media's right to publish information. The identity of the juvenile should be protected at all times in the event that the publication of information about the juvenile could lead to a life threatening situation for the juvenile or when emotional harm may occur.

## **9. Conclusion**

The disclosure of the identity of minor witnesses, victims and offenders upon attaining the age of 18 is a sensitive matter that should be treated with respect, privacy and care. On a daily basis, courts hear applications where the media would like to report on a case where a minor is involved. Courts are therefore under a lot of pressure to protect the rights of juveniles, while at the same time considering the rights of the media.<sup>104</sup> Witnesses and victims, such as Zephany Nurse, must be given an opportunity to continue with their lives without the potential dangers posed by the media. When a person like the Griquatown youth is convicted of a crime, he should be punished. This does, however, not mean that such a person should walk with a Cain's mark for the rest of his life. Once he has served his sentence, he has certainly earned the right to be treated as a normal citizen. It cannot be expected of these offenders to continue with a normal life if their identities are not protected and if the media has *carte blanche* to report about their lives. If the disclosure of the identity of anonymous minors upon attaining the age of 18 could lead to a threat to life, loss of life and emotional harm on the part of the minor, then it is proposed that the identity of such persons should be protected. The legislature is therefore urged to pay attention to this issue.

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<sup>104</sup> Section 16 of the Constitution; Currie and De Waal (2005: 343). See also *New York Times Co. v United States* 403 US 713 (1971).

## Bibliography

- Barendt, E. 2009. Freedom of expression in the United Kingdom under the Human Rights Act 1998. *Indiana Law Journal*, 84(3):851–66.
- Barrett, R. 2016. Out of prison, out of work: Ex-inmates face struggles after release. <http://www.jsonline.com/business/out-of-prison-out-of-work-ex-inmates-face-struggles-after-release-b99469453z1-297945041.html> (accessed 15 April 2016).
- Bellengere, A. e.a. 2013. *The law of evidence in South Africa (basic principles)*. Cape Town: Oxford University Press.
- Blum, A.R. 1996. Disclosing the identities of juvenile felons: Introducing accountability to juvenile justice. *Loyola University Chicago Law Journal*, 27(2):349–400.
- Butler, D. 2005. A tort of invasion of privacy in Australia? *Melbourne University Law Review*, 29(2):339–89.
- Cauffman, E., J. Woolard and N.D. Reppucci. 1998–1999. Justice for juveniles: New perspectives on adolescents' competence and culpability. *Quarterly Law Review*, 18(3):403–19.
- Celliers, C. 2012. *Die beskerming van kinderegte in die Suid-Afrikaanse reg in die lig van die Kinderwet 38 van 2005* (The protection of children's rights in South Africa in light of the Children's Act 38 of 2005); dissertation submitted at Unisa, September 2012.  
[http://uir.unisa.ac.za/bitstream/handle/10500/8615/dissertation\\_celliers\\_c.pdf?sequence=1](http://uir.unisa.ac.za/bitstream/handle/10500/8615/dissertation_celliers_c.pdf?sequence=1) (accessed 14 August 2015).
- Crofts, T. 2002. *The criminal responsibility of children and young persons: A comparison of English and German law*. Aldershot: Ashgate.
- Currie, I. and J. de Waal. 2013. *The Bill of Rights handbook*. 4<sup>th</sup> edition. Cape Town: Juta.
- Dowd, N.E., D.G. Singer and R.F. Wilson (eds.). 2006. *Handbook of children, culture, and violence*. Thousand Oaks: Sage Publications.

- Fisher, S. and G. Gerbi. 2016. Accused in Zephany Nurse case found guilty on all 3 charges. <http://ewn.co.za/2016/03/10/Woman-who-kidnapped-Zephany-Nurse-found-guilty-of-all-3-charges> (accessed 11 April 2016).
- Fondacaro, M.R. 2014. Rethinking the scientific and legal implications of developmental differences research in juvenile justice. *New Criminal Law Review*, 17(3):407–41.
- Happold, M. 2008. Child soldiers: Victims or perpetrators? *University of La Verne Law Review*, 29:56–87.
- Hyland, J. 2001. Two boys convicted of Jamie Bulger killing win anonymity ruling. <https://www.wsws.org/en/articles/2001/01/bul-j10.html> (accessed 4 August 2015).
- Johnston, P. 2001. Free in days: The killers of Jamie Bulger. *The Telegraph*, 23 June 2001. <http://www.telegraph.co.uk/news/uknews/1312390/Free-in-days-the-killers-of-Jamie-Bulger.html> (accessed 2 May 2016).
- Jones, L.M., D. Finkelhor, and J. Beckwith. 2010. Protecting victims' identities in press coverage of child victimization. *Journalism*, 11(3):347–67.
- Keating, H. 2007. The “responsibility” of children in the criminal law. *Child and Family Law Quarterly*, 19(2):183–203.
- Kintzinger, A.R. 1980. Freedom of the press vs juvenile anonymity: A conflict between constitutional priorities and rehabilitation. *Iowa Law Review*, 65(5):1471–96.
- Lafayette, E. 2013. The prosecution of child soldiers: Balancing accountability with justice. *Syracuse Law Review*, 63(2):297–325.
- Laubenstein, K.M. 1995. Media access to juvenile justice: Should freedom of the press be limited to promote rehabilitation of youthful offenders? *Temple Law Review*, 68(4):1897–939.
- Mason, J. 2011. Confidentiality in juvenile delinquency proceedings. *Juvenile Law Bulletin*, 1:1–28.
- Media 24. 2014. Media now free to name Griekwastad killer <http://www.news24.com/SouthAfrica/News/Media-now-free-to-name-Griekwastad-killer-20140815> (accessed 10 February 2016).
- Pimentel, D. 2013–2014. The widening maturity gap: Trying and punishing juveniles as adults in an era of extended adolescence. *Texas Technological Law Review*, 46(1):71–102.
- Putnam, C. and D. Finkelhor. 2006. Mitigating the impact of publicity on child crime victims and witnesses. In Dowd, Singer and Wilson (eds.) 2006.
- Quintal, G. 2016. “Respect my privacy” – Zephany Nurse's emotional plea to media. <http://www.news24.com/SouthAfrica/News/respect-my-privacy-zephany-nurses-emotional-plea-to-media-20160306> (accessed 10 February 2016).
- Robinson, J.A. 2012. The right of child victims of armed conflict to reintegration and recovery. *Potchefstroom Electronic Law Journal*, 15(1):46–101.
- Scholtz, H. 2016. “Jeugmisdadigers: ‘Media mag nooit sê wie hulle is.’” (“Juveniles: Media my never say who they are”) *Netwerk 24*, 10 January 2016. <http://www.netwerk24.com/Nuus/Hof/jeugmisdadigers-media-mag-nooit-se-wie-hul-is-20160110?mobile=true> (accessed 11 January 2016).
- Schroeder, F. 2015. Zephany in fight to keep name. <http://www.iol.co.za/news/crime-courts/zephany-in-fight-to-keep-name-1996963> (accessed 11 April 2016).
- Schwikkard, P.J. and S.E. van der Merwe. 2009. *Principles of evidence*. 3rd edition. Cape Town: Juta.



- Scott, E.S. 2014. "Children are different": Constitutional values and justice policy. *Ohio State Journal of Criminal Law*, 11(1):71–105.
- Steytler, N.C. 1996. *Constitutional criminal procedure – A commentary on the Constitution of the Republic of South Africa*. Durban: Butterworths.
- Terblanche, S.S. 2007. Sentencing a child who murders – *DPP, KwaZulu-Natal v P* 2006 (1) SACR 243 (SCA). *South African Journal of Criminal Justice*, 20(2):243–55.
- Than, K. 2006. "Brains of young adults not fully mature".  
<http://www.livescience.com/7005-brains-young-adults-fully-mature.html>  
(accessed 6 April 2016).
- Williams, A. and H. Gye. 2013. Jon Venables freed again: James Bulger killer "secretly released from jail and given FOURTH new identity". *Mail Online*, 3 September 2013. <http://www.dailymail.co.uk/news/article-2409521/Jon-Venables-freed-James-Bulger-killer-secretly-released-jail-given-FOURTH-new-identity.html> (accessed 28 August 2015).