

Mom locked up for hiding girls from their father

Woman alleges her daughters were sexually assaulted by dad

LYSE COMINS

A DURBAN doctor, who is serving time in Westville prison for hiding her children from their father who she alleges has sexually assaulted them, has appealed to President Jacob Zuma and police chief Bheki Cele to intervene.

The mother, in an interview at Westville Prison on Mother's Day, which was also her birthday and her youngest daughter's fifth birthday, said she had defied a court order giving joint custody to her former husband to protect her five and six-year-old daughters from alleged rape by the father.

In an e-mail to the justice department on April 27, Freedom Day, she claimed the justice system and government agencies had failed to protect them.

However, her former husband, a wealthy local businessman who can not be identified, has categorically denied the allegations. He has hired a private investigator, Pieter Kitshoff, to find the children, saying he is concerned for their safety.

The examining district surgeon's report, dated March 24, said the "general findings are consistent with genital penetration" and police are investigating a case of rape. The mother was arrested last week, the day before she was due to meet the public prosecutor.

The parents have been involved in a bitter custody battle for four years with both laying charges against each other, culminating in the arrest of the mother last week at the Pietermaritzburg Magistrate's Court. She was facing a fraud charge brought by her former husband. The case was adjourned for further investigation.

She was then arrested for two incidents of contempt of court for refusing to give access to the children and is serving a 60-day sentence.

However, she claims she is

protecting her children and will only disclose their location if the court assures her they will be taken to a place of safety.

"In the eyes of the law I have done something wrong. I defied the court order. But my conscience is clear before God - in the eyes of God I have done nothing wrong. I am making the ultimate sacrifice a mother can make. It's better for me to be in here than to give my children to their abuser," she said.

"I appeal to the president and to Bheki Cele to intervene. The law says that if a child is abused you must do something about it but because I am their mother and I took it to the police to report it I am here. If they had run and told a neighbour it would have been okay," she said.

However, the father, who has joint custody, said he was desperate to find them and wanted police to "speed up" his prosecution on the rape allegation.

"The police can never take my children and put them in a place of safety. The kids have to be found and given to their father," he said. "I want the police to prosecute me... I am innocent. I want my day in court. I have nothing to hide."

In response to questions regarding the mother's claim that the justice system had failed her and what the authorities would do to protect the children, NPA spokeswoman Natasha Ramkisson said: "The matter has been referred back to the SAPS for further investigation. All issues raised by the complainant will be considered."

The mother's lawyer, Barry Ngcobo, said he would lodge an application in the High Court to appeal the custody order.

Police spokesman Jay Naicker said a rape case had been opened.

"We can't find the kids. The prosecutor can't put them on the stand without interviewing them," Naicker said.