

DNA PROFILING AND THE LAW IN SOUTH AFRICA**S de Wet,*****H Oosthuizen,******J Visser*******OPSOMMING**

DNA-getuienis is tans van wesenlike belang in die arsenaal van getuienis wat in strafsake gebruik word. Ten einde die optimale gebruik van DNA-getuienis in strafregtelike verrigtinge te verseker, is dit noodsaaklik dat regspraak met die wetenskaplike basis en die aanbieding van sodanige getuienis vertrouwd moet wees, sowel as die moontlike slaggate daarvan. In 'n poging om die regsprofessie met agtergrond van hierdie komplekse en bruikbare tipe getuienis te voorsien, word daar in hierdie artikel na die bio-chemiese aard van DNA, DNA profilering en die aanwending daarvan in strafsake, die versamelingsproses van DNA en ontleding in die Biologie Eenheid van die Forensiese Wetenskap Laboratorium van die Suid-Afrikaanse Polisiediens gekyk. Die aanbieding van DNA-getuienis in die hof word ge-evalueer en die toekoms van DNA-getuienis, insluitende wetgewende hervorming, asook die daarstelling van 'n DNA-databasis, word bespreek.

SUMMARY

DNA evidence is currently at the forefront of the arsenal of evidence employed in criminal trials. To ensure its optimum use in criminal proceedings, it is imperative that the legal fraternity is properly conversant with the scientific basis and presentation of

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such evidence, as well as with its potential pitfalls. In an effort to provide the legal profession with a background to this complex and useful type of evidence, this article looks at the biochemical nature of DNA, at DNA profiling and its use in criminal trials, and at the processes of DNA collection and analysis in the Biology Unit of the Forensic Science Laboratory of the South African Police Service. The presentation of DNA evidence in court is then evaluated and the future of DNA evidence, including legislative reform, and the creation of a DNA database are discussed.

KEYWORDS: DNA; Profiling; Evidence; DNA Analysis; Forensic; Scientific evidence; Criminal; Trial; Law of Evidence; Crime Scene