



## **EFF STATEMENT ON IAIN WARES EXTRADITION JUDGEMENT**

Wednesday, 21 August 2024.

The Economic Freedom Fighters (EFF) notes the recent judgement by the Western Cape High Court to extradite Iain Wares, a former school teacher accused of at least 74 sexual offences against children in Scotland. This landmark decision signifies a crucial victory for justice and the protection of the most vulnerable members of society, however, it took an inordinate amount of time to occur.

Wares, who has been facing serious allegations of sexual misconduct in Scotland in the 1960s and 70s, challenged his extradition from South Africa under the Extradition Act, 67 of 1962. The Magistrate had previously decided that Wares was liable to be extradited to the United Kingdom, a decision that Wares opposed. However, the Western Cape High Court has confirmed the Magistrate's decision, ensuring that Wares will indeed face justice in the UK.

Wares, a paedophile who began his career as a teacher in South Africa during the 1960s, has a long history of abusing his position of authority to prey on the innocent. He was dismissed from his teaching job in South Africa due to his abusive nature but found refuge in the United Kingdom, where he continued his reign of terror. Despite multiple allegations at two boys schools, being caught many times and even his wife recommending that he should never be allowed to teach again, Wares was only removed from his teaching position after several more cases came to light.

In an appalling failure of due diligence, Wares returned to Cape Town and secured a position at the prestigious Rondebosch Boys' Prep School, where he remained for nearly 30 years, retiring in 2008. Wares even retired in a luxury resort in Cape Town, living comfortably while his crimes in Scotland were under investigation, and he was

eventually charged in 2018 and an extradition request made by Scotland to South Africa.

Earlier this year, it came to light that Wares had assaulted a child at Rondebosch Boys' High School, a revelation that highlights the horrifying reality that this paedophile likely preyed on countless more children in South Africa. Wares manipulated and weaponised the silence of the most vulnerable—children who were too frightened to speak out against a supposed figure of authority. His despicable acts are not isolated incidents but rather part of a calculated pattern of abuse, shrouded by the complicity and inaction of those who should have protected these children.

This case highlights the deeply troubling fact that South Africa harboured a paedophile for decades, allowing him to continue his predatory behaviour unchecked. The question must be asked: why was there no due diligence before allowing Wares to resume teaching in South Africa? How did we allow a known predator to infiltrate our education system and continue to harm the very children he was supposed to protect?

In his challenge, Wares specifically targeted Section 10(1) of the Extradition Act, which granted the Minister of Justice the authority to decide whether or not to extradite a person, even when all legal conditions for extradition had been met. Wares argued that this provision was unconstitutional as it vested excessive power in the hands of the Minister and endangered fundamental rights to freedom and fairness.

The Court indeed found merit in this challenge and declared Section 10(1) of the Extradition Act unconstitutional, which eventually aided in gaining the extradition. The Court highlighted that decisions as significant as extradition must be subject to proper judicial oversight, rather than being left solely to the discretion of a minister.

This decision has significant implications for South Africa's legal framework. The unconstitutionality ruling necessitates a revision of the Extradition Act to ensure that future extradition decisions are guided by clear criteria and subject to judicial scrutiny, thus protecting against potential abuses of power and safeguarding individual liberties. However, this is marred by the unacceptable delay of a staggering six years before

justice was finally set in motion. This agonisingly slow process is a glaring indictment of a system that drags its feet while the abused continue to suffer without justice.

While the EFF supports the Court's commitment to scrutinising legislative frameworks and making necessary amendments to uphold the principles enshrined in our Constitution, justice should not take this long. Additionally, the judgement by the Western Cape High Court serves as a reminder of the importance of international cooperation in addressing issues of criminal justice, albeit in a more timely and urgent manner.

**ISSUED BY THE ECONOMIC FREEDOM FIGHTERS**

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