

UCT COUNCIL ELECTIONS 2024 – CONVOCAATION NOMINEE



KELLY PHELPS

CONVOCAATION NOMINATORS

- Mr Anton Israele
- Mr Gary Locketz
- Mrs Kara-Lee Krupp
- Mrs Tanya Mosvsowitz
- Mrs Simone Sulcus
- Mrs Mandy Allen

STATEMENT OF INTENT

I am an independent criminal justice consultant working with research organisations, assisting legal teams, and consulting with local and international media organisations. I thus have a wealth of experience navigating complex and sensitive cases with discretion, integrity, and judicious critical analysis. This would be an asset to Council, as would my experience as a former UCT academic. During my 18 years lecturing on the LLB and LLM programmes I acquired an intimate knowledge of UCT, the challenges it faces and the kind of ethical leadership that is required to navigate them.

The tertiary sector generally, and UCT specifically, has experienced extraordinary volatility for several years. Funding challenges, leadership crises and recurring protests have all placed the institution under enormous strain. UCT has a long tradition of excellence but, for that to be preserved and built on, stable, responsible governance is critical. As a Council member I would provide this by applying my skills and experience with integrity, independence, and intellectual rigour.

BRIEF CURRICULUM VITAE

Education

29 March 2008 Conferred Master of Arts, University of Cambridge.
2002 – 2004 Bachelor of Arts in Law, University of Cambridge.
2001 Bachelor of Social Science (Honours), Criminology, UCT.
1998 – 2000 Bachelor of Arts, English Literature & Anthropology, UCT.

Employment

Current Independent criminal justice consultant: working with research organisations, legal teams and consulting with local and international media.
2007 – 2023 Senior Lecturer, Dept of Public Law, Law Faculty, UCT.
2005 – 2007 Teaching/ Research Assistant, Dept of Criminal Justice, Law Faculty, UCT.
2005 Intern Legal Resources Centre Cape Town – *Richtersveld* land-claim case: Consulting with Counsel; assisting trial prep of financial expert witnesses.
2001 – 2002 Freelance Criminological Research Work: Researcher for SAYStOP (South African Young Offenders Project); Researcher for Gun Free South Africa – drafting of regulations for the Firearms Control Act; Research Assistant to Prof Dirk van Zyl Smit & Prof Elrena van Der Spuy on transmission of criminal justice policies across borders; Research Assistant to Professor Dirk van Zyl Smit on Prison Policies in Malawi.

Selection of consultancy (full list on request)

Professional opinions provided to senior advocates on: the concept of a continuing crime; the crime of defeating the ends of justice; criminal legal consequences of rioting conduct; the application of parole laws (Constitutional Court); the application of mandatory minimum sentencing in rape cases (Constitutional Court).

Consultant member of the Pistorius defence team 2015 – 2016 (Sentencing and appeal cases). Special Advisory Commissioner for the South African Law Reform Commission, Project 25. Submission to Parliament and consultation with Dept of Education on sexual offences legislation. Advice provided for the NDPP on sentencing appeal case and Child Justice Bill.

Assistant Editor of the *South African Journal of Criminal Justice* 2006 – 2010.

Selection of peer-reviewed publications (full list on request)

K Phelps ‘**Sub judice in South African criminal law: What remains, and should it? Reflections in the aftermath of the Pistorius trial**’ in Schwikkard and Hoctor (eds) *A Reasonable Man – Essays in Honour of Jonathan Burchell* Juta (2019); K Phelps ‘**The Role of Error in Objecto in South African Criminal Law: An Opportunity for re-evaluation Presented by State versus Pistorius**’ (2016) 80(1) *The Journal of Criminal Law* 45; K Phelps and I Glenn ‘**The trials of the centuries: Murder and the media in South Africa**’ (2016) 8(3) *Journal of African Media Studies* 361; K Phelps ‘**Chapter 3: S4-7 Compelled Rape, Sexual Assault, Compelled Sexual Assault, Compelled Self-Sexual Assault**’ in *The Sexual Offences Commentary* 2011 Jutas; K Phelps ‘**Chapter 7: Superstition and Religious Belief: A ‘Cultural’ Defence in South African Criminal Law?**’ 2011 UCT Press; K Phelps ‘**A dangerous precedent indeed – A response to CR Snyman’s Note on Masiya v DPP**’ (2008) 125 *The South African Law Journal* 646.

Media analysis (full list on request)

Extensively quoted in local and international media, including CNN; ABC; ESPN; BBC; Times of London; The Independent; The Wallstreet Journal; The New York Times; The Sydney Morning Herald; Deutsche Presse-Agentur; The Associated Press.

Provided opinions and interviews on various criminal justice matters since 2007, frequently appearing on: Newzroom Afrika; ETV; ENCA; CNN; ABC; Channel 9 Australia; Sky News.

Appointed legal analyst for CNN for the Oscar Pistorius and Dewani trials.

Participant in 10 globally aired documentaries and 4 Podcasts, including for: Amazon Prime; Discovery+; ESPN; BBC; CNN; Carte Blanche; St Martin’s Challenge and WGN’s Legal Face Off (with Alan Dershowitz and Gloria Allred).