



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 31 March 2022

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Abdullah v The State (Case no 134/21) [2022] ZASCA 33 (31 March 2022)

Today the Supreme Court of Appeal (SCA) dismissed the appeal by the appellant. The SCA confirmed the order of the Western Cape Division of the High Court (Salie Hlophe, J). The appellant was convicted with his co-accused on murder, possession of firearm and possession of ammunition contrary to the Firearm and Ammunition Act 120 of 2000. He was sentenced to an effective 29 years of imprisonment.

The central issue in this appeal was the identification of the appellant as one of the attackers. Aligned to this was the high court's refusal to grant an application to recall the sole eyewitness to the shootings (Mr Carelse) after an inspection *in loco* had been held, and after the appellant had changed his legal representatives.

Apart from the question of identification, the second prong of the appellant's attack is that the high court erred in not granting the application to recall Mr Carelse after an inspection *in loco* had been held. This, it is contended, had an impact on his constitutional right to a fair trial which includes the right to adduce evidence and challenge evidence.

The SCA held, the high court cannot be faulted for accepting Mr Carelse's identification evidence of the appellant as one of the men who shot the deceased, as credible and reliable. Nor did the court err in refusing to allow the application for the recall of Mr Carelse.

In the result the SCA dismissed the appeal.

~~~~ends~~~~