



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: 09 July 2021

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

Mabaso v The State (677/2020) [2021] ZASCA 98 (09 July 2021)

Today the Supreme Court of Appeal (SCA) handed down judgment upholding the appeal against the order of the Mpumalanga Division of the High Court, Mpumalanga (the high court).

The issue before the SCA was whether the evidence of a single witness was reliable and acceptable considering that the witness was declared a hostile witness.

The appellant was convicted of murder and sentenced to life imprisonment on the basis of inconsistent statements, implicating the appellant, made by her co-accused. The high court accepted that the State did not lead direct evidence implicating the appellant in the killing of the deceased and that a previous inconsistent statement is only admissible to discredit the witness and not as the evidence of the facts stated therein. However, after evaluating the evidence, the high court concluded that the previous inconsistent statement was interlinked with all the evidence which proved the guilt of the appellant.

The SCA held that the high court clearly misdirected itself by failing to recognise that the co-accused's previous inconsistent statement, was only admissible to discredit him. It was not admissible as evidence against the appellant. The fact that the co-accused was a single witness against the appellant, as well as an accomplice, the SCA held further, was an insurmountable obstacle against the State. The SCA concluded that the contradictions in all three statements made by the co-accused and his testimony should have alerted the high court to be on its guard and find the co-accused to be an untrustworthy witness and consequently find his evidence to be unsatisfactory. The SCA therefore upheld the appeal.

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