

# Media Statement



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**TO: ALL MEDIA**

**DATE: 20 FEBRUARY 2020**

**RE: POLICE OFFICERS FAIL IN THEIR BID TO OVERTURN MIDO MACIA MURDER RULING**

A unanimous decision by a full bench (3 Judges) of the Pretoria High Court upheld the ruling that found eight Daveyton members of the South African Police Service guilty of murdering Mido Macia (the deceased) on 26 February 2013.

Mishack Malele, Thamsanqa Ngema, Percy Jonathan Mnisi, Bongani Mdluli, Siphon Sidwell Ngobeni, Lungisa Gwabada, Bongani Kolisi and Linda Sololo were convicted by the Pretoria High Court on 25 August 2015 and sentenced to 15 years imprisonment each for their collaboration in dragging the deceased from a moving police vehicle in full view of the public, resulting in his death.

Subsequent to their sentencing, all police officers brought an application for leave to appeal with the Pretoria High Court, which was dismissed. They later petitioned the Supreme Court of Appeal which granted them leave to appeal on conviction and directed that the matter be heard by a full bench.

Their grounds for appeal was that the trial court misdirected itself factually when it found that all the surrounding circumstances, holistically considered with all established facts from which inference was sought to be drawn, were proven against them beyond reasonable doubt.

In dismissing the appellant's application on Monday 17 February 2020, the full bench ruled that there was no justification for interference on its part since the trial court was not misdirected in finding that all officers were present at the scene of crime, they intended to make common cause when they jointly conducted themselves in a manner that amounted to a criminal offence in that, they handcuffed the deceased to a bench at the back of a moving police vehicle on a tarred road with his body hanging outside the

vehicle, foresaw that the deceased might sustain injuries that could result in his death, yet reconciled themselves with the danger that might ensue and failed to prevent it. Furthermore, that upon arrival at the police station, though being alive to the fact that the deceased sustained visible injuries, failed to summon medical help but instead continued to detain him in that state and subjected him to further assaults at the holding cells.

A postmortem report submitted to the trial court indicated that the deceased died as a result of extensive soft tissue injuries and hypoxia. These injuries were found by the trial court, to have been inflicted by the accused persons.

The full bench therefore concurred with the trial court that the state discharged the onus of proving beyond any reasonable doubt that all accused are guilty of murder under the principle of *dolus eventualis*.

The NPA congratulates Senior State Advocate Grace Moseitha for successfully arguing the doctrine of common purpose.

"Police brutality must be condemned and this ruling serves as a deterrent and we hope it will encourage police officers to conduct themselves in accordance with the law" says Acting Director of Public Prosecutions, Advocate George Baloyi.

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