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State reinstates charges against rhino poacher Gideon van Deventer

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27 Oct 2022



The firearms case was dropped when a prosecutor at Bronkhorstspuit decided not to prosecute without giving an explanation.

The national prosecuting authority (NPA) has reinstated charges and re-enrolled an eight-year-old case against known rhino poacher Gideon (aka Deon) van Deventer, after it emerged the original case had been quashed and struck from the roll under dubious circumstances.

The state's 2014 Bronkhorstspuit firearms case against Van Deventer was re-opened in June this year after a whistle-blower tipped off law enforcement authorities and court officials about a miscarriage of justice that occurred at the Bronkhorstspuit magistrate's court on 24 July 2015.

The case has now been placed on the roll at Bronkhorstspuit magistrate's court for Friday. Van Deventer was also served a 175 notice at the Makhado Correctional Services facility to appear at court.

According to the whistleblower, the former acting control prosecutor at Bronkhorstspuit, Solly Leballo, signed a *nolle prosequi* decision (not to prosecute) in the docket without explanation, effectively scuttling the case against Van Deventer.

Leballo was arrested by the Hawks in a trap in 2018 after he allegedly agreed to scupper a murder docket in exchange for R100 000.

NPA spokesperson Lumka Mahanjana said Leballo resigned from the prosecuting authority after his arrest. He is on trial facing corruption charges in the Pretoria commercial crimes court.

This latest development comes just six months after Van Deventer and his brother, Nikolaas, were sentenced to 10 years and 15 years' imprisonment respectively for killing and dehorning several rhinos over the 2016-17 New Year weekend. They had previously both been declared unfit to possess firearms.

Limpopo trial prosecutor Norman Makhubele said Nikolaas received a longer sentence than Gideon for the same crimes committed over the 2016-17 weekend, because a 2012 Mpumalanga conviction for an unlicensed firearm counted against him as an aggravating factor when sentence was passed.

In 2006, the brothers were caught attempting to leave the Hluhluwe iMfolozi Park in KwaZulu-Natal with four freshly cut rhino horns, three unlicensed firearms, bloody knives and gloves, two-way radios and false vehicle registration plates.

When *Mail & Guardian* contacted the Bronkhorstspuit magistrate's court to verify the outcome of Gideon's 2014 unlicensed firearms case for illegal possession of two hunting rifles fitted with a silencer and a telescopic site, and 46 rounds of ammunition, it became clear the matter had been quietly dismissed and buried, with zero consequences.

Court documents show that Gideon's bail application was not opposed on March 19 2014, when he was released on R5 000.

After several district court appearances, the matter was transferred to the regional court on 27 October, where it was postponed for three months for the investigating officer to comply with the regional court's instructions to submit certified documents to the court.

When the case resumed on 12 January 2015, the work had still not been done, according to the senior regional court prosecutor, Hannah Conradie.

"I provisionally withdrew the charges against the accused and once again instructed the investigating officer to comply with the court's request to finalise the docket. I never saw the case docket again, until this year when I learned the case had been torpedoed, after a whistle-blower contacted the court.

"After a new investigator was assigned by the SAPS on June 20 this year, I reviewed the previous investigation docket's diary entries.

"I was stunned to see that Solly Leballo had signed a *nolle prosequi* on 24 July 2015 without consulting me, and gave no written reasons or explanation for his decision. The only inference I can make is that there was a statement from the investigating officer he could not trace/find the accused, and did not know his whereabouts.

"But that is not a normal or valid reason to *nolle* the docket, or dismiss charges. A J50 warrant of arrest for Gideon van Deventer should have been applied for and circulated by the SAPS until he was picked up," Conradie said.

The corruption case against Leballo is set down to continue in a Pretoria court next Thursday.