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Day 3 of rhino poaching trial at Mtubatuba Regional Court

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Dumisani Gwala

Day three of the rhino poaching trial involving alleged 'kingpin' Dumisani Gwala and his co-accused Wiseman Mageba is under way at Mtubatuba Regional Court, following cross-examination of the State witness yesterday (Wednesday).

Magistrate Anand Maharaj, presiding over the case, on Wednesday cautioned State witness – former SAPS investigating officer of the case Jean Pierre van zyl Roux – about speculating about allegations that Gwala had the 'police in his pocket'.

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The court heard that Roux was dismissed from the SAPS for misconduct and that this was not related to the rhino poaching matter.

During the State prosecutor's cross-examination of Roux, the witness told the court that Gwala became a 'person of interest', a 'kingpin' who allegedly seemed 'untouchable', based on information from crime intelligence and various other sources, including suspects arrested in connection with rhino poaching.

Roux told the court that when he profiled Gwala, he learnt he had a previous conviction for the theft of a motor vehicle, and various cases of assault, theft, and one of murder, all of which were withdrawn.

The withdrawal of these cases, Roux told the court, raised 'red flags', signalling Gwala had the police 'in his pocket'.

However, Maharaj was quick to caution Roux on speculation and explained there are many other reasons those cases could have been withdrawn, and that this did not prove that Gwala had the police in his pocket.

Wrapping up her cross-examination of Roux ahead of the State prosecutor, Mpume Linda, for accused one Wiseman Mageba, dealt with the witness's testimony from the previous proceedings which were presided over by a magistrate who recused themselves following an application to do so.

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Roux agreed with Linda that he had previously testified that Gwala was the 'main target' of a 2014 SAPS operation established to dismantle a rhino poaching syndicate, and that he was allegedly 'living quite large', thanks to the proceeds of the alleged illegal sale of rhino horns.

Linda argued that Roux was willing to lose some rhino horns – some were never recovered following the operation – which were allegedly given to the accused for them to sell because he wanted to 'cover up and act as if you have accounted for' the horns.

"Your conduct was in pursuit of a fruitless prosecution. No law allowed this. The KZN High Court has pronounced in a similar case that this conduct is unlawful," Linda put it to Roux who retorted by saying the defence counsel had made up the allegations 'to suit her own purpose in the matter'.

The matter adjourned on Wednesday for resumption today (Thursday) when the retired undercover agent working on the operation, Thatia Moremi, will continue his testimony.