

In the matter of:

**REX**

**VS**



**IN THE HIGH COURT OF  
ESWATINI**

**HELD AT MBABANE**

**CASE NO CRI 42/2018**

**SIPHO SHONGWE**

**RULING**

- [1] The Accused is charged with the Crime of Murder, it being alleged that on or about the 14<sup>th</sup> day of January 2018 and at or near Ezulwini, Galp Filling Station, acting in furtherance of a shared or common purpose, with other persons named in the Indictment, he unlawfully and intentionally killed Victor Gamedze.
- [2] The composite summary of the evidence gives very little information on the motive for the commission of the offence. The very scant evidence that has been led thus far, however, would seem to shed some light in this regard. I cannot and should not make any factual finding on this aspect of this case at this stage of the proceedings. Suffice to say that the name of Mbabane Swallows Football Club, of which the deceased was a Director, features prominently in the evidence.

[3] When I joined the office of the Director of Public Prosecutions in the early 1980s, my boss was an ardent follower of Manzini Wanderers Football Club whilst his Deputy was an active fanatic of Mbabane Swallows Football Club, and, my colleague and office mate, was a fervent follower of Mbabane Highlanders Football Club. Almost every Monday, the talk or conversation amongst these three was centred around the football matches that had been played over the past weekend. I did not take part in the discussions although I listened attentively. This would prompt my boss to ask me “unguliphi wena” - meaning, what is your favourite team. I would reply that I had none and I truly meant it. This is still true even today. I am not affiliated to any football team in the country. But, that cannot be said of some of my closest relatives, friends, and acquaintances with whom I interact on a friendly and daily basis both in private and public life and fora. Some of them are former office bearers of Mbabane Swallows Football Club whilst the rest are mere supporters or fans of the team. For example, Bongani (Under Control) Mamba is an active and vocal former Public Relations Officer of the Team.



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MAMBA J.

[6] Lastly, I fully recognise the fact that this ruling shall cause or result in a

delay in or to the conclusion of this case. This ruling is, however, the better of two evils as a mistrial would be a complete failure of justice.

*Delivered in open Court on this 3<sup>rd</sup> day of June 2019.*

Adv. M.R. Hellens (SC) (Assisted by Mr A. Makhanya)

For the Crown .

Adv. L.M. Hodes (SC) (Assisted by Messrs L. Howe & B.J.  
Simelane)

For the Defence.