

Trial of alleged MNR bandit closes

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THE trial of the alleged MNR bandit John Mataveya wound down in the High Court yesterday with the State and defence counsels summing up their cases. Judgment will be passed on Friday next week.

Both cases centred on the admissibility of evidence given by several witnesses who identified Mataveya as the person who committed the crimes he is charged with.

Mataveya pleaded not guilty to two counts of murder, one of attempted murder, three of armed robbery and one of possession of

arms of war before Mr Justice Ebrahim sitting with assessors Mr Patrick Musengezi and Mr Misheck Nyandoro.

In his defence Mataveya maintained that he entered Zimbabwe from Mozambique after the murders had been committed. He said he took part in two armed robberies but even then he played a passive role. His cousin Simon Matido who is still at large committed the robberies while Mataveya only helped carry the "loot," the court heard.

Summing up the State case, Mr Ray Goba of the Attorney-General's Office said

the witnesses who picked Mataveya at an identification parade in Chipinge as the perpetrator of the crimes were "honest and credible."

"The court will have to satisfy itself on whether the identification parade was properly done," he said.

Quoting from several reference cases he said evidence by witnesses on identity should not be taken at face value. "Such evidence — unexplored, uninvestigated and untested — would leave the door open to the possibility of mistake."

On Mataveya's allegations that the police assaulted him and threatened to kill him

which he brought up towards the end of the State case Mr Goba said it was a "fallacy and untenable."

"It was an afterthought," he said, "an attempt to extricate himself from the web of overwhelming evidence against him."

He said the alleged MNR bandit had been lying throughout the proceedings and had, under cross-examination, always anticipated what the prosecutor was leading to and keeping in store ready-made answers.

In reply, Mr Bruno Mugabe, of Mugabe, Mutezo and Partners, appearing pro Deo for Mataveya said if his

client had been lying "through and through" as the State alleged which of his warned and cautioned statements would be taken as true?

Mataveya allegedly admitted to committing armed robberies in the warned and cautioned statements confirmed by a Chipinge magistrate but denied involvement in the murders at Ratelshoek Tea Estate in April 1987.

Taking the case of the identification parades Mr Mugabe said there was a possibility that the witnesses could have mistaken him for the perpetrator of the crimes.