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believed to be dead, was born to her. While those with her wanted to bury her baby there and then, she clutched the little fellow to her breast and he started breathing. It is natural and it is indeed the custom of the Bushman people that the mother keeps her baby with her after birth.

At the hospital, however, where she was taken to, she was put into a ward, her baby was put into an incubator in another room. She understood that the incubator was intended to help the baby, but this was an alien development in her life. In the hospital, no-one could talk to her, and she could talk to no-one. Her language was not understood, and she did not understand any other language. After she was admitted to the hospital, her husband, and those who had brought her to the hospital, left for Bushmanland. Whatever support this young and simple little girl had in those most traumatic circumstances, whatever support she had then, was whipped away from her.

The evidence was that after birth women often become depressed and can do strange things, including killing themselves or their babies. Dr Liebenberg thought the accused may indeed have been depressed. And Ursulla Araes, who witnessed the baby being thrown to the floor, thought accused was disturbed. There was however no evidence that this was the case. For a woman, clearly attached to her first child, to have done something of this nature to a second child, she must indeed have been extremely distraught.

spoke to her afterwards, she could not understand what he said, but she heard the word "trunk", which she knew meant prison. Since then she must have lived in fear of going to prison.

Being four to five months pregnant now, her ordeal is beyond comprehension.

For the rest of her life she must carry in her heart the knowledge that she terminated the life of her little boy. Can there be a greater punishment? It is argued that a suspended sentence will hang over her head as a deterrent in the future. Her suffering is her deterrent. She needs no sentence to remind her of the horror which she has experienced.

I sentence you to be detained until the rising of this Court.

A handwritten signature in black ink, appearing to read "J. Levy", is written over a horizontal line. The signature is cursive and somewhat stylized.

LEVY, JUDGE

In the matter between

THE STATE

versus

HAUPINDI NTOSE

CORAM: TEEK, J.

JUDGMENT

TEEK, J.: The accused in this matter, Haupindi Ntose, a 28 year old male of Namibian nationality, is charged with the crime of murder. In that on or about the 1 December 1991, and at or near Mupini in the district of Kavango, the accused unlawfully and intentionally killed one Kapumburu, a male person.

On the 25 March 1993, when the matter was called before me and before accused pleaded, the prosecution, handled by Mr Potgieter, applied for a postponement and let the evidence of the investigating officer, Serg. van Wyk, in support of this application. The application was apposed by the Defence which is handled by Mrs. Turck.

Serg. van Wyk, in essence testified that the key witnesses are absent, though he received the subpoenas in January