

REPUBLIC OF NAMIBIA



IN THE HIGH COURT OF NAMIBIA, NORTHERN LOCAL DIVISION, OSHAKATI
REVIEW JUDGMENT

Case Title: <i>S v Bertha Haufiku</i>	CR NO: 4/2021 CASE NO: 135 /2020
	Division of Court: Northern Local Division
Heard before: Honourable Ms. Justice Salionga J <i>et</i> Honourable Mr Justice Munsu AJ	Delivered on: 29 January 2021
Neutral citation: <i>S v Haufiku</i> (CR 4 /2021) [2021] NAHCNLD 05 (29 January 2021)	
IT IS ORDERED THAT: <ol style="list-style-type: none">1. The conviction of arson is confirmed.2. The sentence is confirmed but the condition of suspension is amended as follows: 18 months imprisonment of which eight (8) months imprisonment are suspended for a period of five (5) years on condition accused is not convicted of a crime of arson in a domestic or non-domestic set up committed during the period of suspension.	

Reasons for the above order:

SALIONGA J (MUNSU A J concurring):

[1] The accused was convicted of arson read with the provision of the Combating of Domestic Violence Act, Act 4 of 2003 and sentenced to 18 months imprisonment of which eight (8) months imprisonment are suspended for a period of five (5) years on condition accused is not convicted of a crime relating to domestic or none-domestic violence (sic) committed during the period of suspension.

[2] I do not have a problem with the conviction and sentence imposed. However it is the formulation of the condition that this court is not satisfied with. The condition of suspension should be worded in such a manner that accused is not convicted of a specific or particular offence.

[3] In casu the condition that the accused is not convicted of any offence or crime relating to domestic and non-domestic violence is too broad and has to be amended or altered.

[4] In the result the following orders are made:

1. The conviction is confirmed.
2. The sentence is confirmed but the condition of suspension is amended as follows: 18 months imprisonment of which eight (8) months imprisonment are suspended for a period of five (5) years on condition accused is not convicted of a crime of arson in a domestic or non-domestic set up committed during the period of suspension.

**J T SALIONGA
JUDGE**

**D C MUNSU
ACTING JUDGE**

