

IN THE HIGH COURT OF SWAZILAND

CRIM. CASE NO. 124/97

IN THE MATTER BETWEEN

REX

VS

VUSIE GINA

CORAM S.B. MAPHALALA - A J

FOR CROWN MR M. NSIBANDZE

FOR DEFENCE MR MAMBA

SENTENCE

(04/05/98)

I have considered the submissions made by your attorney in mitigation on your behalf. Before going to them I wish to comment on the previous conviction that you have. It appears that it happened in 1987 and I think at that time you were still a very young boy, and it is a very strange charge that you were found guilty of. We were surprised with Mr. Nsibandze here why such a charge was preferred against you.

Your attorney told me that you are twenty years old, and that you unmarried with one child, and that you are the sole bread winner of this child, and that you were arrested on the 27th April, 1997, and that you have been in custody since then that makes it about twelve months seven days. That before your incarceration you were employed as a labourer of a farm, that you are still a relatively young man with a full life ahead of you. A custodial sentence would not be beneficial to your interests. He further went on to tell the court that it appears from the facts of the case that the deceased was the aggressor.

I have looked at all the circumstances, I must say that this is a serious offence. The killing of another human being is a serious offence. The mere fact that you have taken the life of another human being will always haunt you for the rest of your life, and also in the society where you live people will always point at you. You will have a stigma as a killer, that on its own is a punishment. Also I must comment on the use of knives. This court has commented in a number of cases where knives were used in killing other people, and my brother Justice Dunn in this court also over the years commented on this

1

dangerous practice of men carrying knives. Despite harsh sentences to discourage this practice, but such practice is on an increase almost on daily basis we hear cases of men killing other men using knives. It looks like the carrying of knives in this country has become a fashion.

However, I have looked at your personal circumstances globally, and I agree with Mr. Mamba that a custodial sentence won't be beneficial to protect your interest. I am going to sentence you to five years, but the large portion of that sentence I am going to suspend. I sentence you to five years imprisonment, and four years of which is suspended for a period of three years on condition that you are not convicted of an offence in which violence is an element committed during the period of suspension. The sentence is backdated to the 27th April, 1997.

S.B. MAPHALALA

ACTING JUDGE