



THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CRIMINAL CASE NO. 124/002

In the matter between

REX

v

PAUL VELAPHI MAWELA

Coram

Banda, CJ

For the Crown

Mr. Dlamini

For the Accused

Mr. Bhembe

~~The Charge: I understand the charge and I plead not guilty~~ Court: Plea of
 not guilty entered.

1st Count: I understand the charge and I plead not guilty.

Court: Plea of not guilty entered.

JUDGMENT

Bhembe: My instructions are to proceed in terms of S 165 of the Criminal Procedure and Evidence Act; that the accused was, at the time of commission of the offences, insane so as not to be responsible for his actions. We are agreed with the Crown that the accused committed the offences and we have agreed on the statement. We feel we should admit the allegations of murder on both counts and we produce statement of admissions made under Section 272(1) of the Criminal Procedure and Evidence Act. My learned friend will read the statement to court.

Dlamini: I do confirm what my learned friend has told the court and with court's leave I will read the statement of admission (Counsel reads).

Counsel produced postmortem reports on John and Lindsay Glaum . Counsel also produced psychiatrist report signed by Dr. Walter Mangezi MBChB, MMed. Psychiatry (UZ).

Dlamini: We submit that court should find the accused guilty as\charged.

We ask court to make a special finding that accused person was insane at the time of the commission of the offences. In terms of the psychiatrist report it is clear that the accused had a history of mental instability. The doctor has opined that the accused was mentally disordered at the time of the alleged offences.

Finding: I have considered the admission statement which has been made in terms of Section 272(1) of the Criminal Procedure and Evidence Act and which has been produced before this court. I have also considered the psychiatric report which was made on the accused person. I am satisfied that the accused, at the time the murders were committed, was insane and in terms of Section 165(1) of the Criminal Procedure and Evidence Act I make the following special finding namely that the accused **PAUL VELAPHI MAWELA** committed the murders but was insane at the time he committed

them. I order that a report shall be made to the Attorney General for the information of His Majesty and meanwhile the accused shall be kept in custody as a criminal lunatic.

Pronounced in open court sitting at Mbabane on this 18th day of July 2007.

A handwritten signature in black ink, appearing to be 'R.A. Banda', written in a cursive style.

R.A.
BANDA -
CHIEF
JUSTICE