

Gaborone, Botswana, January 10 (Infosplusgabon) - Botswana's Court of Appeal on Tuesday set free a death row inmate, Tsholefelo Maselwa, who was arrested in April 2009 for murder in attempted robbery.

Maselwa was subsequently charged with the murder of Chifana Ndaya at Zwenshambe village in the northern part of Botswana after attempting to rob him of his old age pension of Pula 220 (approximately US\$22.34).

In September 2016, Justice Terrence Rannowane sentenced Maselwa to death.

However, the death row inmate this week convinced the highest court in Botswana to set aside the conviction and sentence through his lawyer Mishingo Jeremia.

A panel of three judges Lord Hamilton, Justice Fridzy Brand and Acting Chief Justice Abednego Tafa said the sentence and the conviction would be delivered on the 2 February 2018.

Maselwa was immediately released from custody after both his lawyer and the prosecution confirmed that he had no other case that warranted for his continued detention.

Attorney Jeremia had argued that evidence presented to court was not sufficient to justify conviction, and that the appellant's guilt had not been established beyond reasonable doubt.

Jeremia told the court that there were contradictions by state witnesses, adding that his client was assaulted and forced to make a confession statement while one of the envelopes containing crucial evidence was not sealed as expected.

“With all these having happened, we cannot rule out the possibility that some of the evidence especially the recovery of blood-stained clothes could have been planted by the police,” said Jeremiah.

Wedu Mbongwe, Directorate of Public Prosecution, argued that the appellant was accordingly convicted and sentenced.

Meanwhile, the postmortem report indicated that the deceased died as a result of shock and haemorrhage, due to head injury.

FIN/INFOSPLUSGABON/PZS/GABON 2018

© Copyright Infosplusgabon