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Africa News

November 27, 2007 Tuesday

Botswana; Mentally Unstable Girl Raped

BYLINE: The Voice

LENGTH: 596 words

An 18-year old man from Gongwa cattle post, near Gweta village, could face 10-years or more in jail if the court finds him guilty in a case in which he is accused of raping a 16 year-old mentally unstable girl.

Humiliated Boitshoko Mabona, couldn't find a hole to creep into during the trial at Maun Magistrates' court last week, as the speech defected girl with stunted growth pledged her evidence in oath and shamed him before Magistrate, Rebecca Motsamai. She told the court that the accused had pulled her pants down, inserted his manhood and ejaculated inside her. She cried as she spoke.

The girl however, had difficulty in answering questions. She also could not clarify whether the incident was consensual or not.

Also in court to testify was a boy from Gweta Primary School, who said that he was near the scene when the incident occurred. He explained that the girl was raped on Friday 2nd March 2007, on their way from school to spend a weekend at their homes in Gongwe.

He and other children, amongst them the complainant, were walking home when Mabona came along the road riding a donkey cart and gave them a lift.

The boy went further to explain that when they were in the middle of the bush, Mabona stopped the cart. He pointed at some Morula trees far away and asked the children to check if they had ripe fruits. He also told them to leave the complainant behind because she was sick.

"When we were busy picking the fruits we heard the complainant screaming. We all ran towards the scene to see what had happened to her. On our arrival, we found her holding her panties. Grass was stuck on her head and clothing. Her dress also had a wet stain at the back", he said.

The boy also told the court that they had asked the complainant what had happened, but she kept mum and continued weeping. The children looked into Mabona's face for explanation, in response he told them to ignore the complainant because they knew that she was mentally retarded.

However, the boy said, he and the other children noted that the complainant's crying was due to the pain that she felt.

"After a short ride from the scene, I reached my destination and disembarked from the cart. I left Mabona to continue the journey with the other children and I don't know what transpired after that", he concluded.

The 48-year old, deaf mother of the girl testified that her child had arrived home a day after the incident. Mabona had dropped the girl at her aunt's place where she spent the night. The girl had narrated her ordeal to her aunt. The mother said that her sister told her that she had bathed the child and washed her clothes, because she had arrived dirty at her place.

According to Sergeant Makhura, who was recently transferred from Gweta to Mochudi Police station, the complainant and her mother reported the matter at Gweta Police station on the 3rd of March 2007. On their arrival at the station, he took the girl to Gweta Primary Hospital where a medical exam was done. A medical form filled by the doctor was presented in court as an exhibit. The examining doctor stated that the girl had fresh vaginal injuries.

State Prosecutor, Elijah Setshego, explained the state of the girl's mental illness, stating that even though at times her brain lapsed from thinking normally, there were moments when she spoke reasonably. To prove it's point, the state appealed to the court that the girl be sent to a psychiatric specialist who will analyse the girl's condition. When the case resumes next month, the state will be expected to bring the specialist's report and a last witness to seal its case.

LOAD-DATE: November 27, 2007

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newsletter