

Walvis axe killer convicted

By: WERNER MENGES



SELF-CONFESSED axe killer Wilbard Uushona Mbavu was swiftly convicted on charges of murder and robbery on the second day of his trial in the High Court in Windhoek on Friday.

On Friday morning, Mbavu (29) recounted the killing of Walvis Bay resident Gerda van Heerden (44) in her home at the harbour town on the morning of March 13 2007 to Judge Sylvester Mainga. By 15h45, Judge Mainga had handed down his verdict in Mbavu's trial, finding him guilty of murder and robbery with aggravating circumstances. Mbavu's conviction brought to an end eight months of freedom that he had enjoyed since being Wilbard Mbavu granted bail of N\$3 000 in the Walvis Bay Magistrate's Court on August 18 last year. With the verdict delivered, Judge Mainga ordered that Mbavu had to be kept in custody until his scheduled return to the High Court today for the start of the hearing of further evidence before his sentencing. Mbavu's trial started on Thursday with Mbavu telling Judge Mainga that he was pleading guilty to both charges that he was facing. Because he however did not admit that he intended killing Van Heerden when he struck her repeatedly with an axe, and also did not admit that he intended stealing a cell phone, N\$400 in cash and a .38 Smith & Wesson from Van Heerden when he took those items from her house after the attack on her, pleas of not guilty were noted by the Judge on Mbavu's behalf. Judge Mainga gave his verdict after hearing the testimony of four prosecution witnesses who were called by Deputy Prosecutor General Antonia Verhoef to give evidence, and the testimony of Mbavu himself.

In addition to that testimony, a confession that Mbavu had made before a Magistrate at Walvis Bay on March 16 2007

– the day after his arrest

– and the record of court proceedings during which Mbavu pleaded guilty to both charges that same day are also part of the evidence before the court. In his testimony, Mbavu told Judge Mainga that he and Van Heerden had worked together at an upholstery business. When

Van Heerden left this job, she told him that she was going to start her own business and that he could get work there and would be earning more than the N\$1 800 a month he had been earning at that stage, he said. Mbavu said he then left his job at the end of 2006. He started doing work for Van Heerden, but by March 13 2007 he had decided that he did not want to work for her any longer, he said. On the day of the incident he still went to her house to work on some couches, but she told him there was no work for him, he told the court. He then demanded that she should still pay him the money she had promised him, he said. Van Heerden did not pay him the money he was demanding from her, and opened a garage door through which he had to leave her house, he told the court. In the garage, he saw an axe, which he then picked up. Mbavu claimed VanHeerden did not see him pick up the axe. She however ran back into the house from the garage, and he pursued her with the axe, he said.

“I hit her on the head,” he told the court. “I hit her four times”. He claimed he hit her with the back of the axe blade. Walvis Bay medical doctor Esteban Blazic, who did an autopsy on Van Heerden’s body, however concluded that she had been struck with the sharp end of the axe blade. “I just thought to myself that she’s the one who told me to leave my job, and now she did not want to pay me,” Mbavu replied when his defence lawyer, Duard Kesslau, asked him why he attacked Van Heerden with the axe. Under cross-examination from Verhoef, Mbavu related: “I just hit her and then she fell to the ground.” He continued: “I hit her, she fell down, and then I continued hitting her. (...) I know that I hit her on the head and also on the throat.” Dr Blazic told the court on Thursday that injuries that he found on Van Heerden’s throat could have been caused when someone throttled her forcefully with his hand. Mbavu however insisted that he never laid a hand on her. “I only hit her with the axe, but I did not touch her with my hands,” he said.

After being struck with the axe, Van Heerden was still making sounds where she lay on the floor in a corner in the lounge area of her house, Mbavu said. He admitted that he then took a cushion from a chair in the lounge and hit her in the face with it. “I just hit her because she was making as if she wanted to talk,” he said.

He further admitted that when he struck Van Heerden with the axe, he knew that he could kill her. “I was angry,” Mbavu said.

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