

# Ombudsman, LAC probe toddler's death

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**THE Office of the Ombudsman and the Legal Assistance Centre (LAC) have launched a high-powered probe into the death of a four-year-old toddler in the Wanaheda police holding cells on Thursday.**

The investigation into the death of Futuna Pehete, who died in the Katutura State Hospital, comes after the woman who allegedly killed him, Loise Kaambu (33), made her first court appearance yesterday in Windhoek.

Kaambu allegedly smashed Futuna's head twice against the police cell floor. The boy had been detained together with his mother who was arrested for shoplifting, and had failed to pay a N\$500 bail.

LAC director Toni Hancox, and the Ombudsman, John Walters, confirmed the investigation into the incident.

Walters yesterday said it is a very sad and unfortunate incident, which could have been prevented.

"It should never have happened," he said, adding that Namibians need to start being more proactive instead of being reactive to such incidents.

"Every time something [like this] happens, the nation wakes up from its sleep and cries for justice," Walters said.

He also said government should build facilities for trial-awaiting inmates, separate from police holding cells, which are usually "unhygienic and horrendous".

The Ombudsman further said children should not be detained with their mothers because it is "unacceptable".

Walters wants to know whether there was no family who could take care of the child; and whether the magistrate who presided over her first court appearance had enquired into the mother's circumstances.

He revealed that a children's advocate will be appointed in his office who will intervene in all matters relating to children.

Hancox yesterday said the LAC notes with great sadness the reports in the media in relation to the death of a toddler in holding cells.

"This incident is one that should never have happened and as a country, we should be ashamed that it has," Hancox explained, calling on government to take immediate action "to ensure that this does not ever occur again and that the principles of the Convention on the Rights of the Child, as ratified by government, are adhered to and respected".

Consequently, government is urged to take steps to ensure that mothers incarcerated with their children are kept in a place of safety and that social services are immediately involved and given the resources to take action to protect such children, she said.

She also said that the toddler's mother had been arrested for shoplifting - "a relatively minor offence".

"This once again raises the issue of alternatives to custody in these instances and government is urged to expedite action to ensure that those charged or convicted of minor offences repay their debt to society in a manner commensurate with such offences," Hancox further explained.

Meanwhile, the 33-year-old woman, who allegedly slammed Futuna's head against the cell floor, made a first court appearance yesterday, telling the magistrate that she did not care if she got legal representation or not although she initially insisted that she wanted to defend herself.

"I will defend myself. The incident took place in custody. The witnesses are all there. If you (the magistrate) don't want it (self-representation), it's fine," she said after Magistrate Suritha Savage had informed her, through an interpreter, that murder is a very serious offence.

The matter was postponed to 5 March for further police investigations.

Kaambu was denied bail, and the magistrate said should Kaambu want to be released on bail, she would need to lodge a formal bail application.

During the incident, she was in custody on a charge of assault with intent to do grievous bodily harm.

According to Inspector Stephan Nuuyi, she has also been threatening to kill fellow inmates, and when she was being removed on Thursday, she allegedly pointed at other women, saying they would be next.