

# Media Statement



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**TO: ALL MEDIA**

**DATE: 12 OCTOBER 2015**

**RE: CONTRACT KILLER SENTENCED TO TWO LIFE TERMS FOR MURDER, RAPE & ROBBERY**

The Bhisho High Court sentenced Malibongwe Tomose to two life terms for rape and murder and a further 15 years for robbery of Nolitha (Nomalizo) Tyali in 2012. It is alleged in court papers that the accused and two others were hired by the husband of the deceased to kill her as they had been having marital problems. The accused confessed to the crimes.

On 08 March 2012, the accused and his two accomplices went to the home of the deceased, forced two minor children into a separate bedroom and forced the deceased into her room where they held her down and two of them raped her. After raping her they ransacked her bedroom taking two cellphones, a laptop and approximately R200. They then left the scene. According to the confession of the accused before court they were each paid R5000 for committing these offences.

At first there was no evidence against any of the perpetrators as well as the husband of the deceased. The SAPS were unable to secure any further evidence besides the confession of the accused before court as well as a confession made by one of the other co-accused. However, in the co-accused's confession there were false statements and therefore the confession was not satisfactory. Under the guidance of Senior State Advocate, Luxolo Mbusi of the Bhisho office, a decision to prosecute Malibongwe Tomose based solely on the contents of his own confession was taken.

The accused denied the confession and a trial within a trial to determine admissibility was done. The confession was admitted and Advocate Anthony French successfully argued that it was sufficient evidence to convict the accused in terms of Section 209 of

the Criminal Procedure Act 51 of 1977. The state also called the brother of the deceased in aggravation of sentence and the accused was subsequently convicted.

The NPA welcomes the sentence. We are doing our best to curb the scourge of crime that is gripping our communities and we will continue to do so until justice is achieved.

Kind Regards,

**Tsepo E Ndwalaza**

**NPA Regional Spokesperson**

**Eastern Cape: DPP Grahamstown, Bhisho, PE, EL, & Queenstown Cluster**

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