

Media Statement



Tel: +27 12 845 6000

Email:
media@npa.gov.za

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton
Pretoria

www.npa.gov.za

TO: ALL MEDIA

DATE: 07 JUNE 2016

RE: SERIAL RAPIST IMPRISONED FOR LIFE

The high court sitting in Palmridge sentenced 28 year old Xolani Emmanuel Kubheka to life plus 90 years imprisonment yesterday for rape.

Kubheka perpetrated five acts of rape on four different complainants during four separate incidents and further robbed the complainants of their belongings. His modus operandi was to lure his victims to an isolated spot where he wielded a knife and forcefully kissed them on their necks, grabbed them by their arms and thereafter demanded their property. He would then proceed to rape them.

The accused was positively linked to all four incidents by analysis of his DNA. This, coupled with positive identification of the accused during identity parade meant that the state had overwhelming evidence against the accused. The accused however pleaded not guilty and refuted the evidence with an out of town alibi which was successfully proven as a lie by the state during cross-examination.

These crimes are viewed by the state as crimes of an extremely serious nature in that the accused was brave enough to perpetrate these crimes in broad daylight.

The state argued that the accused operated from a comfort zone where he had resided for approximately 16 years. "The rapes occurred over a period of time dating back to 23 May 2011, it is submitted that the accused is a repeated offender. It is submitted that for this reason, Act 105 of 1997 provides for life sentences to be imposed if the accused has been convicted of more than one offence but not yet sentenced," said Advocate Nerisha Naidoo during aggravating for a just sentence. She requested the court to consider sexual assault without a condom as an aggravating factor due to the high rate of people living with HIV and Aids.

The accused having escaped after being arrested was used as another aggravating factor by the state in trying to portray the accused as a dangerous person who will stop at nothing to avoid incarceration.

The state asked the court not to deviate from imposing the prescribed sentence of life imprisonment as it was convinced that there were no substantial and compelling circumstances present, justifying such departure.

The NPA is satisfied that the court arrived at a just sentence that is proportionate to the seriousness of the crime.

Kind Regards

Hurbetin Phindi Louw

Regional Spokesperson: DPP South Gauteng

Enquiries: hlouw@npa.gov.za

083 402 4787