

# PRESS RELEASE



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**TO: ALL MEDIA**

**DATE: 24 JUNE 2020**

**RE: A RAPIST, HIS MOTHER AND AUNT OF VICTIM SENTENCED**

This morning, the Wynberg Magistrate's Court sentenced a man, his mother and the aunt of his victim on charges of a rape and human trafficking victim to collective 80 years imprisonment.

This is subsequent to their conviction on several charges including rape, human trafficking, kidnapping and assault with intent to cause grievous bodily harm.

The court convicted Malibongwe Gudwana of rape, human trafficking, kidnapping and assault with intent to cause grievous bodily harm. He was sentenced to 55 years imprisonment: 25 years for rape, 25 years for human trafficking, 3 years for kidnapping and 2 years for assault with intent to cause grievous bodily harm. The sentences are to run concurrently. Thus, he will serve 25 years imprisonment.

His mother, Thandiwe Gudwana, was convicted of human trafficking and kidnapping. She was sentenced to 10 years for human trafficking and 3 years for kidnapping. The court ordered her sentences to run concurrently, and will effectively serve 10 years imprisonment.

The aunt, who cannot be named to protect the identity of the victim, was convicted on human trafficking only and sentenced to 12 years imprisonment.

Prosecutor, Senior State Advocate Maria Marshall, told the court that the 14 year-old girl was trafficked from Mount Fletcher in December 2011. After losing her father, her aunt badly treated the girl and told her that she was sending her to Malibongwe in Cape Town who was looking for a wife.

On 21 December 2011, the aunt packed her clothes in a bag and went to a neighbour to borrow *ixakatho* (a small blanket) worn by newly wedded women.

The girl protested that she did not want to go to Cape Town and she was young to be married. On 22 December 2011, the aunt put her in a taxi, instructed the taxi driver not to let her off anywhere except Philippi and gave the driver Malibongwe's cellular phone number.

She arrived in Philippi in the early hours of 23 December 2011, met Malibongwe, and his mother at the taxi rank. After they arrived at their house, the mother pointed out Malibongwe's bedroom and told the girl that she would sleep with her son. She told her there was an arranged marriage. She protested again that she did not want to be married and wanted to go home. Malibongwe told the victim that he had paid for her father's funeral. That evening and the period between December 2011 and January 2012, he demanded sex, beat her up, undressed her and raped her.

She managed to persuade them to allow her to register at a school in Philippi. She reported her trauma and suffering to the school towards the end of January 2012 and was taken to a safe house where the matter was reported to the police.

Advocate Marshall argued in aggravation of sentence: "She never consented to any marriage, there was no marriage ceremonies nor did she consent to any sexual intercourse. She was recruited and the aunt traded her to Malibongwe when he requested that he was looking for a wife. He procured her by paying money into the account of the aunt to facilitate the transportation of the complainant. "He forced himself on her, raped her on several occasions, telling her not to make noise when she cried and resisted. His mother forcefully dressed her in *amadakhi* (makoti attire), despite the fact that the complainant resisted from the very beginning and told her that she did not want to get married. She had no parents - her father passed away on 7 December 2011 and was clearly in a vulnerable position and the accused abused that vulnerability of the complainant," she argued.

The NPA welcomes this sentence as it reinforces its commitment in the fight against the rising crimes against children who are trafficked under the guise of *ukuthwala*.

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