

Media Statement



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TO: ALL MEDIA

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RE: LENGTHY JAIL TERM FOR ILLEGAL TRADITIONAL SURGEON

Yesterday, the Mthatha Regional Court sentenced illegal traditional surgeon (*Ingcibi*) Avuyile Mfitshi (25) to an effective 17 year-prison term. The court convicted and sentenced Mfitshi to twelve years on a count of murder, three years for four counts of Assault with intent to do Grievous Bodily Harm (GBH), plus two years for five counts of Unlawful Circumcision in contravention of the Eastern Cape Health Standards in Traditional Circumcision Act of 2001.

Evidence presented in court was that Mfitshi, of Qhokama village in the district of Ngqeleni, did not possess a permit to perform traditional circumcision as required by law nor was he registered as a legal surgeon by the Eastern Cape Department of Health. Five teenage boys aged between 15 and 17 asked him to circumcise them and even though boys younger than 18 years are prohibited to undergo the rite without their parent's consent, Mfitshi circumcised them and they agreed to pay him R100 when they completed the course. But after a few days, on the night of 11 July 2015 the illegal surgeon went to the five initiate's illegal initiation school and demanded his R100 payment. When the initiates failed to pay him, Mfitshi, and his two 16 year-old accomplices severely assaulted the defenceless initiates to an extent that they had to be hospitalised. One of the initiates, Amahle Mhlekode (17) succumbed to his injuries and died in hospital.

During the trial, Mfitshi initially pleaded not guilty but only changed his plea to that of guilty after Regional Court Prosecutor, Gugulethu Madubela led evidence of his victims. In many cases involving traditional initiation, perpetrators escape unpunished because witnesses refuse to cooperate with law enforcement authorities due to the secrecy surrounding the ritual. This case was not different as the surviving initiates refused to hand over their medical records to the investigating officer, Constable Dumisa Maqhabatshane. To secure their attendance and witness testimonies, the court had to issue warrants of arrest against the four survivors.

In his plea explanation, Mfitshi claimed to have been extremely intoxicated when he assaulted the initiates, adding that he never intended to kill the deceased. Even though he was initially charged with four counts of attempted murder, the court accepted his guilty plea on assault and GBH charges. Mfitshi's two accomplices have not changed their pleas of not guilty and their separate trial is due to be heard on 13 November 2017.

Arguing in aggravation of sentence, prosecutor Madubela told the court that deaths of initiates in the hands of greedy illegal traditional surgeons was prevalent in the country and more particularly in the Pondoland area which includes Ngqeleni.

The state prayed for a lengthy sentence despite Mfitshi's plea of guilty. Magistrate Noxolo Mfobo agreed with the state that the plea of guilty by Mfitshi was not a sign of remorse but regret. The magistrate described the crime as "unpardonable" because someone lost his life for a meagre R100.

The NPA welcomes the sentence with the hope that it will serve as a deterrent to anyone contemplating running illegal initiation schools when the initiation season opens again.

Kind Regards,

Luxolo Tyali

Regional Spokesperson: DPP Mthatha

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