

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: 04 FEBRUARY 2020

RE: LIFE TERM SENTENCE FOR RAPING A MINOR

Petros Lungu (53) of Macekeni area at Empangeni was last week sentenced to an effective life term imprisonment by the Empangeni Magistrates Court, in Kwazulu Natal on charges of rape.

The accused was a tenant at the complainant's homestead for a very long time, and was charged with raping the complainant between the period December 2017 up to 18 April 2018.

On 18 April 2018, the complainant's mother caught the accused raping the complainant in his room. This escalated to a case being opened and the complainant reporting multiple counts of rape. Upon the doctor's examination on the complainant, it was established that she was pregnant with the accused child. She later gave birth to a baby boy at the age of 13. The accused is denying paternity. The state handed in the DNA results in respect of the rape.

At the beginning of the trial the accused elected to remain silent and the defence did not reveal any version. After the DNA results became available, the accused version changed to consensual sexual intercourse, but only in respect of the incident in April 2018. This posed a problem because the State did not have the paternity results available. In the middle of the trial the State tried by all means to expedite the paternity results, but to no avail.

The age of the complainant was an aggravating factor, including the fact that the complainant trusted the accused. She looked up to him as a father figure, as he is known to the complainant and her family for quite a long time. The family trusted the accused more than they trusted the complainant. When she reported at first about the accused touching her, the family did not believe her. The complainant's life was devastatingly

affected by the repeated sexual assault, to such an effect that she had to leave school when she fell pregnant and she had a life time responsibility.

The state argued that there was an outcry from the community regarding this epidemic and that the offence is serious in nature. The trauma the complainant suffered will haunt her for the rest of her life and she will be reminded of it every day by the baby, prosecutors further argued.

In arguing for life imprisonment, the state argued that the accused showed no remorse for his actions; he just feels sorry for himself that he was caught out. The legislation has put in place minimum sentences and there are no substantial and compelling circumstances put before the court to deviate from the minimum sentence of life imprisonment and that personal circumstances does not qualify as compelling and substantial circumstances.

The Director of Public Prosecutions in Kwa-Zulu Natal, Advocate Elaine Zungu commends the Prosecutors that dealt with matter. The prevalence of GBV cases in the Province is being addressed. The accused was in a position of trust as the complainant looked up to him as a father figure, and he abused the trust that the family had placed on him.

The NPA welcomes the sentence and hope's that such sentences will continue to have a deterrent effect on would be offenders.

Kholiswa Mdhuli
The National Prosecuting Authority
Media Relations
Tel: 012 845 6968
Cell: 082 964 4319
Email: kmdhluli@npa.gov.za