

# Media Statement



Tel: +27 12 845 6000

Email:  
[media@npa.gov.za](mailto:media@npa.gov.za)

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

[www.npa.gov.za](http://www.npa.gov.za)

**TO: ALL MEDIA**

**DATE: 18 JULY 2021**

**RE: MEN CONVICTED ON CHARGES OF MURDER, ILLEGAL POSSESSION OF FIREARMS, POINTING OF FIREARMS AND ROBBERY WITH AGGRAVATING CIRCUMSTANCES**

The Strand Regional Court has convicted Kwanele Cuba and Sibusiso Fihla on charges of premeditated murder, two counts of illegal possession of firearms, two counts of pointing of firearms and robbery with aggravating circumstances. They were convicted last week.

During the trial, Advocate Peter - John Damon told the court that on 6 July 2016, Cuba and Fihla entered Phazamile Bula's house in Zwelihle, Hermanus, while he and his family were watching television. They proceeded to his bedroom where he was watching television with his wife, children and grandchildren. They took out firearms and threatened the couple demanding Bula's firearm. Fihla pointed his firearm at Bula's wife and children forcing them to lie on the floor and instructed to cover themselves with blankets. Cuba pointed his firearm at Bula who was lying on the bed and demanded his firearm. He denied owning a firearm. Fihla shot him several times. He died on the scene.

Bula's wife handed a key to his daughter who in turn opened Bula's safe. The daughter took out the deceased's registered firearm and handed it to two men. The two, dressed in distinctive leather jackets, left the house and jumped into kombi that was parked a few streets away. They were stopped by police in Grabouw as they were driving towards Cape Town. Police searched the kombi and found two firearms under the vehicle's pedals and two cellphones.

Ballistics linked one firearm, with a filed off serial number, to cartridges discovered at the murder scene and thus the murder weapon. Ballistics also determined the other firearm to be the registered firearm of the deceased. Forensic firearm tests performed on the two found gun residue on their hands. Cellphone records proved that they were in

telephonic communication prior to the murder and cellphone mapping established their movement from Cape Town to Hermanus.

Cuba was positively identified during a photo identification parade. During the trial, hey denied knowing each other prompting Advocate Damon to introduce Fihla's testimony which he made during his bail application. In the testimony, he admitted to knowing Cuba and that on the day of the offenses, they travelled from Cape Town to Hermanus to fetch Cuba's brother's clothing. This evidence revealed that both men lied to the court during their plea explanations that they met each other for the first time ever on the day of the trial.

After a protracted trial, since 2018, the regional court rejected bare denials of the crimes as false and that the prosecution proved its case beyond all doubt. The court found that the murder was committed in common purpose and therefore the minimum sentence of life imprisonment is applicable unless the accused is able to prove substantial and compelling circumstances to deviate from the prescribed sentence.

"Sadly, shortly before the judgment in this matter, the investigating officer Sergeant Johnwin Smith who had spent numerous man hours and done extensive investigation, succumbed to Covid-19 related complications without knowing the outcome of this case," Advocate Damon said after the judgment.

On 2 August 2021, when the matter returns to court for sentencing procedures, the state will lead evidence in aggravation of sentence in seeking that both accused are sentenced to life imprisonment.

**Eric Ntabazalila**

**National Prosecuting Authority**

**Regional Communications Manager**

**Western Cape**

**Tel: (021) 487 7308 Mobile: 073 062 1222**

**Email: [entabazalila@npa.gov.za](mailto:entabazalila@npa.gov.za)**