

# Media Statement



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**TO: ALL MEDIA**

**DATE: 09 JUNE 2017**

**RE: RENOWNED INTERNATIONAL ARTIST SENTENCED TO DIRECT IMPRISONMENT**

Renowned international artist, Zwelethu Mthethwa was last week sentenced to 18 years direct imprisonment for the murder of Nokuphila Khumalo despite attempts by defence and its expects that he be sentenced to community service.

Anne Cawood, a social worker recommended house arrest, relevant stringent period of community service, full supervision by the Correctional Services Department, no use of alcohol or drugs and restorative justice by contributing financially to the family of the deceased and substantial support of a relevant charity or NGO.

Clinical Psychologist, Martin Yodaiken told the court, "Little is known about Nokuphila Khumalo, the victim. However, her being a sex worker would suggest that she comes from the position where there are inadequate funds to support her family. In the name of restorative justice it would be appropriate for Zwelethu to make a long-term contribution to her family by way of restitution for the murder of Nokuphila. In addition, it is recommended that any sentencing of Zwelethu includes extensive community service in which his considerable talents can be used in the service of the community at large. A custodial sentence is unlikely to a be of much benefit to either society or to Zwelethu and by punishing him in this way it will also deprive society of his invaluable contribution both to individuals, NGO's which he supports, South Africa and the Art World at large. It is therefore recommended that the honourable court give consideration to the possibility of an extensive non-custodial sentence, which includes extensive community."

Advocate Christhenus Van der Vijver strongly argued against this and for a direct imprisonment. The Western Cape High Court agreed with him. "I am satisfied with the sentence as we have asked the judge to go beyond the prescribed minimum sentence of 15 years," he said after the sentencing.

This four year old trial started at the Corner Lounge Tavern in Gugulethu where the accused said he consumed alcohol. He told the court through his lawyer that he cannot recall what happened after that. He did not take the stand to testify in his defence and explain to the court how his vehicle, Porsche Carrera, was in Vredehoek and then drove to Ravenscraig in Woodstock.

For a period during the trial the case hinged on the credibility of CCTV footage which showed the accused disembarking his vehicle, kicking and stomping the tiny sex worker repeatedly. As a result she suffered severe blunt blows, fractures on the ribs consistent with stomping and kicking and 400ml of blood found in her abdomen. Her liver was broken in half in both lobes and she died of liver injuries which led to cardiac arrest.

The defence contested the footage of CCTV cameras but the court accepted the video footage evidence. The court then concluded that the driver and the kicker of Nokuphila were the same person and sentenced the accused accordingly.

The NPA welcomes the sentence as it is another evidence of its resolve to prioritise violence against women and children.

Kind Regards,

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