

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. T. 31/03

REX

v

SANDILE SANDI SIFUNDZA

CORAM

Q.M. MABUZA -J

FOR THE CROWN

MISS ZWANE

FOR THE ACCUSED

IN PERSON

SENTENCE 22/6/07

[1] I have considered your request in mitigation that the Court be lenient with you and that you are a first offender. You were 20 years old when you committed the crime herein. The complainant was 10 years old a clear 10 years age difference. You were arrested on the 22/7/2001 and have been in custody since then. It is unfortunate that the trial only began during 2006. I was not told the reason why such a long delay.

[2] The crime of rape is highly prevalent in our society and must be stopped. There is an outcry in society that even the courts are not sensitive enough to pass sentences that will stop such offences.

[3] The crime of rape leaves the victim with a stigma for life. It is degrading and humiliating. Research has shown that the victim develops a low self-esteem is unable to keep relationships. The victim is often stigmatised in society as having asked for it. Even at school a rape victim is the subject of constant jeers and taunts. Sometimes even a marriage becomes unsuccessful because of the stigma and the trauma the victim constantly suffers. Grades at School drop and the victim often becomes dysfunctional.

[4] The complainant described how you set your dogs on both her and PW2 and how you even covered her young sister with branches so she would not see what you wanted to do to the complainants because you knew that what you were about to do was wrong. You assaulted her with a sling in order to make her submit. You did not use a condom. She was a virgin and had no sexual experience I cannot imagine the pain she must have felt.

Even an experienced grown up woman has to be prepared before engaging in sex. The complainant was just violated without warning. This must have induced a deep sense of shock in her. Total inhuman animal behaviour for which there can be no justification.

[5] I accordingly sentence you to 15 years imprisonment. The sentence is backdated to 23/7/2001.

Q.M. MABUZA -J