



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case no: CC 09/2023

In the matter between:

THE STATE

and

LUNGILE BUHLUNGU

ACCUSED

Heard: 17 June 2025

Delivered: 18 June 2025

Coram: Bhoopchand AJ

Summary: Criminal Law-Sentence- 39-year-old male. Serial sex offender. Serial Rapist. Convicted of six counts of rape, two counts of assault to do grievous bodily harm, four counts of kidnapping, one count of robbery with aggravating circumstances, and one count of possession of a firearm. A quartet of factors includes the crime, the criminal, the community, and the consequences for the victim. Whether deviation from prescribed minimum sentences is warranted. Rehabilitation of sexual offenders and serial rapists. Risk factors for reoffending.

JUDGMENT ON SENTENCE

Bhoopchand AJ:

[1] The Court found the Accused, Lungile Buhlungu (Buhlungu) guilty on six counts of rape, four counts of kidnapping, two counts of assault with intent to do grievous bodily harm, one count of robbery with aggravating circumstances, and one count of possessing a firearm. Each of these counts, except for that of assault with intent to do grievous bodily harm, carries the minimum sentence. The Criminal Law Amendment Act 105 of 1997, prescribes life imprisonment for the rape offences, fifteen years for robbery with aggravating circumstances, five years for kidnapping, and five years for assault with intent to do grievous bodily. The Court has a discretion to deviate from the prescribed sentences if the convict, Mr Buhlungu (Buhlungu), can demonstrate substantial and compelling circumstances to persuade the Court to deviate from the minimum sentences. The Court has the discretion to impose a fair sentence on the count of possession of a firearm.

[2] Counsel on behalf of Buhlungu indicated that the defence did not intend to lead any evidence in mitigation of sentence, but asked the Court to have regard to the State's witness who had the opportunity to consult with Buhlungu and his sister.

[3] The State led the evidence of Elmarie Alta Myburgh (Myburgh), a Lieutenant Colonel in the South African Police Service (SAPS) attached to the Investigative Psychology Section. She is a Criminologist with a BA Honours degree in Criminology and Psychology. She has more than 31 years of experience in the SAPS and has been attached to the Investigative Psychology unit since April 1997. She has attended numerous courses, including sexual offences investigations, sexual and violence risk assessment, forensic sex crimes investigations, and the assessment and management of stalking. She has provided training on, among others, serial

rape and attended and presented at local and international conferences. She is amply qualified to testify on the key offences involved in this case.

[4] Myburgh provided a pre-sentence report on Buhlungu, which was directed at Buhlungu's rehabilitative prospects. She listed her sources of information and defined certain key terms. She interviewed Buhlungu directly and his sister, Zukiswa Buhlungu, telephonically. She defined a serial sexual offender as a person who sexually offends another individual more than once. A serial rapist is a specific sub-type of a serial sexual offender, and the classification is made when an offender commits two or more separate rapes. The rapist engages in any unlawful intentional and non-consensual sexual penetration with two or more victims, at different occasions, over an extended period. Serial rapists have a psychological motivation to rape, yet can distinguish right from wrong and act under that distinction.

[5] Buhlungu had a previous conviction for theft committed on 13/10/2012. He was convicted on 27/02/2015 and released on parole on 17/11/2016. Buhlungu was convicted of six counts of rape which happened on two different occasions. He can be classified as a serial rapist. The evidence did not point to him being a stalker. His other convictions relate to violent crimes. The assessment of Buhlungu's risk for reoffending comprises a consideration of both positive and negative factors and the weight that is to be attached to the factors thus identified.¹ Myburgh provided a bibliography consisting of five papers relating to the subject matter of the offences committed by Buhlungu.

[6] Buhlungu's risk for future reoffending emanates from him being classified as a serial rapist, of threatening his victims with a firearm, of possessing an attitude that supports sexual violence, denial of the crimes, lacking remorse, personal history of violence, lacking insight, substance abuse, relationship problems and recidivism amongst serial sexual offenders.

[7] Myburgh testified that serial rapists do not stop raping women by themselves, and the only way that they will be stopped is by arrest. Rapists are one of the types

¹ Douglas, Hart, Webster & Belfrage, 2013 Historical Clinical Risk Management (HCR-20 V3) Version 3, Assessing risk for violence-user guide, Development and overview.

of sexual offenders that have the highest rates of re-offending, even after interventions aimed at addressing the issue have been undertaken. She stated the general belief that serial rapists cannot be rehabilitated and will continue doing so when they are released from prison. Numerous examples exist of serial rapists who re-offended after a period of incarceration.

[8] Serial rapists often use violence or the threat of violence to control their victims. Some offenders resort to threats while others use weapons to obtain submission. Buhlungu's victims in the 2014 and 2019 incidents reported that they were threatened with a firearm, instilling fear of physical harm if they did not cooperate. Buhlungu indicated that he satisfied his sexual urges through the number of girlfriends he had, and when they were not available, he called upon sex workers to fulfil those needs. His cultural belief system requires women to surrender themselves willingly to him. Myburgh was questioned on whether she had any experience in dealing with the type of allegations Buhlungu attributed to his culture. She did not, but suggested that if this were so, then there would have been no reason for him to threaten his victims with a firearm. Myburgh was cross-examined on this testimony. It was put to her that she misunderstood what Buhlungu said. She checked her notes, which revealed that Buhlungu told her that some Xhosa girls would give sex willingly. The intended explanation was that where Buhlungu lived, if men socialise with women and buy them alcohol, they end up sleeping together. That is how it is done.

[9] She stated that an offender who has an attitude that supports or condones sexual violence may also lack empathy towards his victims. Myburgh was asked whether the visible distress Buhlungu's victims displayed in Court had any impact on him. It did not seem to have affected him. The Court needs to say little about the archaic views Buhlungu holds about women. It has expressed itself adequately about this topic.

[10] Myburgh reported that Buhlungu maintained his innocence, asserting that the sexual offences he was convicted of were consensual. The victims knew that they were lying in Court as they were aware they were not raped. He explained to Myburgh he was found guilty of the crimes because he failed to prove to the Court

he did not commit intentional rapes. He asserted further that in all cases, alcohol was involved. Myburgh interpreted his response to mean that Buhlungu did not accept personal responsibility for the crimes or the consequences thereof. She explained that denial is a cognitive distortion of a faulty thinking pattern to manipulate a person's thought patterns in order to avoid taking responsibility for their behaviour. This attitude permits errant behaviour to persist by denying that he harmed the victims and thereby avoiding interventions. Cognitive distortions are dynamic risk factors that reflect on the likelihood of an individual reoffending. The offender remains at risk until he assumes full responsibility for the offence, acknowledges the harm he has done to the victim, and seeks out ways of understanding and avoiding the commission of future offences.

[11] As Buhlungu did not acknowledge that he committed the crimes, he showed no remorse towards the victims. He was embarrassed about what his family would think of him being convicted for rape, rather than being remorseful. The expression of remorse motivates change, and the lack thereof raises doubts about whether Buhlungu would feel the need to change or be rehabilitated.

[12] A reasonable interpretation of Myburgh's definition of insight is that it refers to Buhlungu's ability to recognise, understand, and take responsibility for his thoughts, behaviours, or circumstances that led to him committing the crimes. It's not just about knowing what he did, but grasping the *why* of his actions, namely his motivations, the impact on others, and how his worldview may have contributed to his actions. When a person like Buhlungu lacks insight, he might minimise or deny his role, blame others or external factors, fail to see patterns in his behaviour, and struggle to empathise with his victims. The absence of reflection can be a red flag in rehabilitation settings because it suggests a person may not yet be ready to change. On the flip side, developing insight is often seen as a turning point, an essential step on the path toward accountability and personal growth. Myburgh asserted that Buhlungu lacked insight about the seriousness of the crimes he committed. A lack of insight might be one of the best predictors of poor outcome, perhaps because it engenders noncompliance with remediation interventions.

[13] Buhlungu's sister reported to Myburgh that he grew up in an unstable environment where he was often subjected to violence and severe physical abuse. Myburgh suggested that empirical evidence links child abuse to later criminality, general and sexual violence. She qualified the latter by stating that not all children from violent households become violent criminals.

[14] Buhlungu told her he began drinking alcohol at about ten years of age. His frequency of usage increased to the extent that he described his late teens and early twenties as a period of perpetual drunkenness. He described his involvement as a driver, whilst inebriated, in a high-speed motor vehicle accident in 2004. Myburgh associated substance abuse with a propensity for general and sexual violence.

[15] Myburgh spoke of Buhlungu's relationship problems. He had more than two girlfriends at a time. He lived alone, seeking their company when he desired sex. His relationships did not endure beyond six months, primarily because the women found out about his other relationships and his inclination for sex workers. He did not appreciate their interrogatories about his other relationships. Myburgh stated that offenders who could not sustain stable intimacy tend to reoffend more frequently. Buhlungu could only name one friend, his alleged accomplice in the crimes. Of his numerous siblings, he retains regular contact with just his older sister, who lives in the Eastern Cape. He is the father of six daughters, but has limited contact with them. During sentencing procedures, Counsel pointed out his two daughters and one of the mothers who were present in the Court. During his testimony, Buhlungu revealed that he has six daughters from different mothers. On an enquiry from the Court as to why the attendees did not testify during the sentencing proceedings, the Court was informed that it was a calculated decision not to call them. Myburgh stated that a good social support network may obviate the tendency to criminality, but the converse was true as well. She then addressed recidivism among serial sexual offenders. Rehabilitation among sexual offenders yields extremely varied outcomes. Recidivism rates are exceptionally high even after participation in specialised programmes presented by professionals. There are no rehabilitation programmes for serial rapists. The aetiological factors that create serial rapists are inconclusive, thus militating against effective interventions. If a serial rapist remains sexually active, he is at risk for reoffending.

[16] The factors that may decrease Buhlungu's risk for reoffending include the absence of a major mental disorder, absence of drug and illicit substance usage, physical health and employment. The Court notes that Buhlungu testified during the trial that he suffered from multiple drug-resistant tuberculosis and wore a mask for most of his court appearances. He indicated then that he had been cured of his tuberculosis and was not receiving any treatment. He had taught himself motor mechanics from observing other mechanics at an early age.

[17] Myburgh concluded that it was unlikely Buhlungu would benefit from any programmes or interventions that might be available to him. Buhlungu posed a significant risk for reoffending, has a poor prognosis and will probably remain a danger to society. She considered correctional supervision, the imposition of a fine or a suspended sentence, and found none to be suitable. She considered a lengthy period of imprisonment to be the appropriate sentence. The Court accepts these opinions as useful recommendations without relinquishing its obligations in sentencing.

[18] The Court enquired whether Myburgh had done a psychological assessment of Buhlungu. The expert stated that it was beyond her expertise, even though she had psychology qualifications. The Court conveyed its impressions about Buhlungu's cognitive capacity, gleaned whilst observing him and his interactions with his Counsel as well as during his testimony at the trial. Myburgh agreed that Buhlungu impressed her as an intelligent person. He did not benefit from an upbringing with his biological parents. His primary caregivers were adoptive parents. Under cross-examination, Myburgh conceded that Buhlungu's level of intellectual functioning might predispose him to benefit from therapy and the interventions she recommended. She was asked whether his abuse of alcohol from a young age could have a direct bearing on his criminality. Myburgh was inclined to agree with the proposition as she was, about the abuse and violence Buhlungu suffered. She did not elicit any history of childhood sexual violence inflicted on Buhlungu. She was challenged on her testimony that serial rapists reoffend. Myburgh conceded this proposition as well, but qualified her answer by stating that Buhlungu has a long road ahead. He must acknowledge that he has perpetrated these crimes. He has to

develop insight and display remorse. It would not be easy, but the possibility was there. He might respond to rehabilitation, but the risk of recidivism loomed high. She agreed that the Court should consider Buhlungu's childhood history of abuse as a mitigating factor. However, if Buhlungu did not see himself as a rapist, rehabilitation would not help him. The appropriate psychological interventions may help Buhlungu, but it would depend on his receptiveness to rehabilitation. Myburgh testified that if the appropriate psychological interventions were unavailable, then there would at least be the opportunity for Buhlungu to interact with social workers and non-governmental organisations.

[19] Myburgh testified that Buhlungu displayed some emotion during the interview. He cried a little towards the end because he was not guilty and could not prove his case. He said he has remorse, but never declared any remorse or empathy towards the victims. She did get the impression that Buhlungu attempted to manipulate her during the interview, more about his innocence than any regard for the victims.

[20] Myburgh responded negatively to Buhlungu's repeated assertions during the trial that he respected women. He told her that if a female drinks with him, she must be available to sleep with him. He hoped to meet his victims one day so that he could tell them they were wrong.

[21] Myburgh was asked about the impact that the offences would have had on the victims. She stated that they would suffer chronically and impact those around them. Each of them required immediate psychological interventions.

[22] Myburgh recommended that Buhlungu should participate in any available treatment programmes and group sessions offered by the Department of Correctional Services or another relevant authority. He should attend regular psychotherapy with a Clinical Psychologist to explore further issues about his childhood, alcohol abuse, and subsequent behavioural problems. He is allowed to receive further training in vehicle mechanics, so that he will be able to make a living should he be released from prison. The Court enquired whether the Department of Correctional Services would pay heed to her report and whether they could provide the interventions and training she recommended. Myburgh stated that it depended

on the prison where Buhlungu would be incarcerated. There are two psychologists attached to her unit in Pretoria, but they contend with a heavy workload. Her report will be included in the documents accompanying Buhlungu. She did recommend that the Court include these interventions in the order it makes.

[23] Buhlungu's Counsel was asked to distil his argument on the number of counts of rape that his Client was convicted for. Each of the six attracted the minimum sentence of life imprisonment. He was asked to identify the substantial and compelling factors that would permit a Court to deviate from the prescribed minimum sentence. It was submitted that the Court should consider Buhlungu's circumstances cumulatively. They were the frequent instances of physical abuse he suffered as a child, his socio-economic circumstances, he was a first offender for these types of offences, he had developed a work ethic and had an innate ability to look after himself. He had spent four and a half years in prison awaiting trial. He learnt to repair cars by observing others. Buhlungu's Counsel pleaded that his Client should at least be given the hope that he could be released from prison sometime in the future.

[24] The State argued that Buhlungu's previous conviction for theft disqualified him as being a first offender. The chilling aspect of Myburgh's testimony was that Buhlungu wanted to meet with his victims to inform them that they were wrong and he never raped them. He was a serial rapist and deserved to receive the minimum prescribed sentence.

EVALUATION

[25] The judgment has thus far focused on Buhlungu, who had been convicted on fourteen of the twenty charges preferred against him. That is untenable in sentencing proceedings, for sentencing is a balancing act between the aggravating factors placed on one end of a scale and the mitigating factors on the other. The more the scale tips towards the aggravating factors, the harsher the sentence should be, or the lesser should be the inclination to deviate from a prescribed minimum sentence. The more the scale tips toward the mitigating factors, the milder a sentence should be, or the greater the inclination to interfere and deviate from a prescribed minimum sentence. Where the analysis leaves the scale equipoised, the Court should exercise

its discretion and impose a sentence that considers the quartet of factors of the crime, the convicted person, the community, and the consequences for the victims, with the requisite mercy the peculiar circumstances require. Where a minimum sentence applies, it should be imposed.²

[26] In balancing a sentence, the constitutional imperative demands that the impact of crime on the victims is not brushed off lightly in the sentencing regime.³ A Court in this division recently asked whether the time is not ripe to replace the triad⁴ With a quartet of factors: the crime, the criminal, the community, and the consequences, the latter being the consequences for the victim, both directly and indirectly. As an *aide-memoire*, the four Cs are those that a Court must consider and apply in unison without emphasising one over the other.⁵

[27] What would be the object of elevating the consequences for the victim on par with the traditional triad of factors? There are multiple reasons why a quartet of factors should replace the triad. Courts have, for some time, considered the impact of crime on the victims. Victim Impact statements are almost routinely considered in sentencing proceedings, and counselling is offered to many victims of crime, especially victims of rape by the National Prosecuting Authority. Neither materialised in this case, largely due to factors beyond the State Advocate's control. The Court acknowledges the effort she made and will continue to make to assist the victims of the crimes committed against them by Buhlungu. Courts and society have agitated for the elevation of the plight of victims to place the consequences of crime on them on par with the triad of factors.⁶ The latter is neither new nor novel. The consideration of the consequences for the victims of crime is essential to analyse the complete ambit of substantial and compelling factors in cases that warrant the imposition of a prescribed minimum sentence regime.⁷

² C.W v S (Appeal) (A301/2024) [2025] ZAWCHC 198 (13 May 2025), at para 34

³ S v Isaacs 2002 (1) SACR 176 (C) at 178 B-C, suggested that the triad is incomplete because it leaves the victim out of the equation.

⁴ S v Zinn 1969 (2) SA 537 (A), at 540G

⁵ C.W v S supra, at para 39

⁶ C.W v S supra at para 39

⁷ Van der Merwe & Mitchell 'The use of impact statements, minimum sentences and victims' privacy interests: a therapeutic exploration' 2020 De Jure Law Journal 1-18 <http://dx.doi.org/10.17159/2225-7160/2020/v53a>. In 2010, VIS was statutorily introduced in cases

[28] The purpose of formalising the consequences to the victim as a factor that a sentencing Court should consider is multifold. It would emphasise the principle of restorative justice and the need for sentencing to reflect the full impact of the crime and incorporate the victim's voice in the sentencing process. It would recognise the spectrum of harm a crime causes, including the physical, psychological, social, and financial consequences the victim suffers. It engenders public confidence and reinforces public trust in the justice system.⁸

[29] The crimes that Buhlungu has been convicted of are rampant in a country battling to keep afloat under the weight of criminality. South Africa is descending. Our uncontrolled descent into the abyss has received global exposure, and pleas for technological assistance have been openly sought from other countries. The communities, particularly the informal ones, as this case has once again exposed, are the hardest hit and are reeling from the level of lawlessness that has woven its clutches into the fabric of everyday existence. The factors of the crime and the community militate against leniency in sentencing.

[30] The victims affected in this case, regrettably, did not get the exposure they deserved in the sentencing procedure. The Court is satisfied, though, that they were allowed to tell their stories in a protected environment, to face their assailant without fear, and to gain some closure for the trauma and scars, both physical and mental, that they and their closest ones have endured for years. The Court alluded to the magnitude of their distress in its judgment on conviction, which is best captured in the quotation that follows. The State Advocate opened her written argument with a profound paragraph which deserves repetition. She stated:

'A life sentence. That is what each of the Complainants received on the respective dates when these atrocious crimes were committed against them. It is clear from the evidence of these brave women that the harrowing, degrading and

involving child offenders. The Service Charter for Victims of Crime in South Africa (2007) also highlights the victim's right to provide information to the sentencing court.

⁸ Guide to Victim Impact Statements, Child Witness Institute, <https://lawlibrary.org.za/akn/za/doc/guide/2022-11-16/guide-to-victim-impact-statements/eng@2022-11-16>

traumatic experiences they were forced to endure at the hands of the accused had a profound, adverse emotional effect on all of them. The 2014 incidents happened 11 years ago, whilst the 2018 incidents happened 7 years ago, yet the complainants are still plagued with nightmares. According to A[...] M[...], she and her children are being ridiculed by the community. The trauma that they all suffered at the hands of the accused was tangible as they were forced to relive the incidents when they testified. They teared up and cried during the trial as they faced their rapist. The proceedings were often interrupted to accommodate the complainants in that regard. Their bravery should be commended as this leads not only to the conviction of a serial rapist, but also to protecting the community and women, in particular, from the spree of destruction by the accused.’

[31] The Court then turns to consider the four purposes of sentencing, namely retribution, prevention, rehabilitation and deterrence.⁹ The four purposes of sentencing guide a Court in determining an appropriate sentence. The principles underlying retribution, prevention, and deterrence preclude leniency in this case. Serious crimes usually require retribution and deterrence to be effective, and rehabilitation of the offender consequently plays a relatively smaller role.¹⁰ Buhlungu has committed serious offences, and he shows no remorse for his actions. His attitudes towards women derive from a distant past that has no place in a society founded on the principles of freedom, equality, and human dignity. He chose not to testify in mitigation of sentence, relying rather on the content of Myburgh’s report and testing her evidence to tap the Court’s leniency. That was regrettably misconceived. The latter approach does not mean that the Court will abandon any opportunity or effort to rehabilitate him, pointless and irrational as the enormity of the task may seem.

[32] Courts assess whether rehabilitation is appropriate based on the offender’s willingness to participate, his risk profile, and the nature of the crime. Not every sentenced person must undergo rehabilitation while in prison. If this Court considered deviating from the prescribed minimum sentence, it would have had to at least enquire into whether the Appellant could be rehabilitated and whether the

⁹ *S v Rabie* 1975 (4) SA 855 (A)

¹⁰ *S v Swart*, 2004, vol 2, SACR, page 370, SCA at para 12

prison authorities could provide goal-specific rehabilitation to sexual offenders and serial rapists. A deviation from the minimum sentence contemplates an early release of an offender back into the community. A Court has to ensure, to the extent that it can, and from the guidance provided by the necessary experts, including a criminologist, social worker and psychologist, that an offender would not re-offend when reintegrated into society. The Court has to be informed about the nature of the interventions in place to rehabilitate sexual offenders.¹¹ A Psychologist would have had to evaluate the Appellant's psychological profile, recidivism risk, and his amenability to potential treatment.

[33] Lieutenant-Colonel Myburgh's testimony proved invaluable in determining whether Buhlungu is amenable to rehabilitation. Her overall opinion was that the risk factors of his reoffending were high, and his profile and propensity to receive effective therapy were low. This is not to say that the Court will abandon Buhlungu. As Myburgh testified, rehabilitation depends upon him. He has to undergo a mindset change under the guidance of the appropriate specialists. As a gesture of the Court's mercy, it shall craft an order along the lines recommended by Myburgh to assist the process.¹²

[34] The Court has considered the written and oral submissions made on behalf of Buhlungu and the State. The conundrum in this matter is that Buhlungu's convictions attract six life sentences for multiple rapes. The Court has considered that Buhlungu has been incarcerated for over four years, his harsh upbringing in an adopted family, his exposure to violence, and his circumvented education. The Court has considered that he has taken care of himself by learning about vehicle mechanics and securing work as a freelance driver. He seems to have made an effort to be a productive and respected member of society, as Ms Xhosana had believed him to be. Yet his dark side and primitive views about women and propensity to resort to crime overshadow these factors. Cumulatively, the factors identified are neither substantial nor compelling, or substantial and compelling to warrant a deviation from the minimum sentence regime where the respective charge requires it to be imposed. The Court

¹¹ The type of interventions associated with the rehabilitation of sexual offenders include Cognitive Behavioural Therapy, Risk-need Responsivity model, Recidivism Reduction, Multisystemic Therapy and Community Reintegration

¹² *S v Holder* 1979 (2) SA, *S v Rabie* 1975 (4) SA 855 (A)

considers that a long period of imprisonment is the only appropriate sentence in the circumstances. On count 22, the possession of a firearm, the Court considers the imposition of a five-year sentence to be appropriate.

ORDER

In the circumstances, the Court makes the following order that is to be read in conjunction with the amended indictment:

1. **Count 6:** Kidnapping of N[...] M[...] on the night of 11 July 2014: **5 years imprisonment,**
2. **Count 7:** Kidnapping of A[...] M[...] on the night of 11 July 2014: **5 years imprisonment,**
3. **Count 9:** Sexual intercourse with A[...] M[...] on the night of 11 July 2014 without her consent: **Life in Imprisonment**
4. **Count 10:** Sexual intercourse with N[...] M[...] on the night of 11 July 2014 without her consent and acting with common purpose: **Life in Imprisonment**
5. **Count 14:** Sexual intercourse with N[...] M[...] by an unknown suspect on the night of 11 July 2014, without her consent and acting with common purpose: **Life in Imprisonment.**
6. **Count 20:** Kidnapping of S[...] B[...] on the night of 12 May 2018: **5 years imprisonment.**
7. **Count 21:** Kidnapping of M[...] T[...] on the night of 12 May 2018: **5 years imprisonment**
8. **Count 22:** Possession of a firearm on the night of 12 May 2018: **5 years imprisonment**
9. **Count 23:** Assault with intent to do grievous bodily harm to S[...] B[...] on the night of 12 May 2018: **5 years imprisonment**
10. **Count 24:** Assault with intention to do grievous bodily harm to M[...] T[...] on the night of 12 May 2018: **5 years imprisonment**
11. **Count 25:** Robbery with aggravating circumstances relating to M[...] T[...] on the night of 12 May 2018: **15 years imprisonment**

12. **Count 26:** Sexual intercourse with T[...] and with a common purpose with an unknown assailant on the night of 12 May 2018 without her consent: **Life Imprisonment**
13. **Count 27:** Sexual intercourse with S[...] B[...] without her consent: **Life Imprisonment**
14. **Count 28:** Sexual intercourse with M[...] T[...] on the night of 12 May 2018 and without her consent: **Life Imprisonment**
15. As a sentence of life imprisonment has been imposed, the other sentences automatically run concurrently,
16. In terms of section 103(1) of the Firearms Control Act 60 of 2000, Mr Buhlungu is declared unfit to possess a firearm, and the Registrar of Firearms is to be notified accordingly.
17. The Department of Correctional Services,
 - a. shall submit Mr Buhlungu to a psychological evaluation within six months of this order, and for him to attend any follow-up to determine whether he will benefit from any psychological intervention available to the department for his sexual behaviour, and if so, then to implement that intervention.
 - b. Shall facilitate Mr Buhlungu's further training in vehicle mechanics, if that training is available at the venue of his incarceration.

BHOOPCHAND AJ

Acting judge

High Court

Western Cape Division

Judgment was handed down on 18 June 2025

Prosecutor: Advocate E Erasmus

Instructed by the DPP

Accused's Counsel: I M Sebueng

Instructed by Legal Aid