

"I Was Forced To Rape Her": Says State Witness

Written by Rudi Prinsloo

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A 17-year-old State witness on Wednesday told the Durban High Court he was forced to rape a young woman at knifepoint.

"Accused one pointed a knife at me saying 'get onto her'," he testified at the trial of his four co-accused.

"I was afraid. He told me not to mention that as long as I was in the police station."

The youth last year pleaded guilty to taking part in gang-raping Jessica Foord. He cannot be named as he is a minor.

The four remaining accused, 26-year-old Mbotho Boto Msomi, 19-year-old Lindani Maphumulo, 18-year-old Siyabonga Ntinga and Nthutuko Chili, 18, sat in the dock listening attentively to the testimony.

They face charges of rape, sexual assault and robbery with aggravating circumstances.

Msomi, Maphumulo and Chili pleaded not guilty to the crimes on Tuesday. Ntinga denied the rape charge, but pleaded guilty to robbery.

During Wednesday's proceedings, the witness contradicted himself saying: "He had pointed a firearm at me".

Msomi's lawyer, Deen Govender pounced on the statement and asked: "First you say he pointed a knife at you, then you say it was a firearm... which is it?"

The witness said he had made a mistake and it was in fact a knife.

On March 2 last year, Foord, then aged 21, and her dad Tim were walking their dogs at the Polo Pony Dam in Hillcrest when five men brandishing knives and guns confronted them. Foord was repeatedly raped, allegedly by four of the men, while her father, who was tied to a tree by the fifth assailant, was forced to watch.

Jewellery, cellphones and a wallet were stolen from them. The gang fled in Tim's Isuzu bakkie and were later caught by police.

The witness pleaded guilty to robbery and rape charges and was currently serving a 17-year prison term, of which half would be spent in a juvenile facility.

On the day in question, he said he and his co-accused had seen the victims pass them on a road to the dam. They were later seen "exercising their dogs".

The witness said he and his accomplices had gone to the dam to fish.

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While fishing, Msomi left and returned with a wallet and a cellphone he had taken from the back of Tim's bakkie.

"Then we went to the dam to rob them," he said.

Asked who pointed the firearm at the victims, the witness said he could not remember.

He said they then took jewellery and cellphones from the pair, before pushing them into a ditch.

"We then grabbed the female and made her lie down... on a rock."

At that stage, Tim had been tied to a tree with a rope and was forced to watch.

It was then that Foord was raped.

"When I finished, the next one started... then the third one started... then the fourth one commenced."

He said he Msomi, Maphumulo and Chili had raped her, but could not remember in which order.

During cross examination by Chili's lawyer Nirrad Manilal, the witness was asked whether anyone had given them instructions during the crime.

"The only instruction I was given by accused one was to rape the white lady," he said.

Afterwards, her hands were tied and the group left. He said Ntinga had not raped Foord and instead took Tim's bakkie keys and went to the vehicle.

When the group reached the bakkie, Ntinga was inside and starting it.

Govender argued that the witness and Ntinga shared the same surname and the same grandmother.

"I call his grandmother 'gogo' out of respect, but she is not my grandmother," said the 17-year-old.

Ntinga's attorney Farhana Azeez said: "Accused three instructs me that he is related to you... that you are family and that you and he are cousins".

The witness replied: "We are not related."

The trial continues.

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