

BLACK SASH NATIONAL CONFERENCE: MARCH 1989.

Death sentences for politically-related crimes in the Eastern Cape.

...AND MAY THE LORD HAVE MERCY ON YOUR SOUL (1)

"If a person managed by subterfuge to persuade people in a court such as this that he was a duly appointed judge and without any authority deliberately sentenced somebody to death, knowing that sentence would be carried out and that it would be an illegal killing, that person would be guilty of murder, even though the execution of the person he had sentenced to death took place 1000 kilometres away and six months later."

These were the words of Mr Justice Donald Kannemeyer, the current Judge President of the Eastern Cape, in sentencing Miki Yelani to death in the Grahamstown Supreme Court on September 29, 1987. Ironically for Judge Kannemeyer, Miki was set free after spending 14 months on death row: both his murder conviction and sentence were set aside by the Appeal Court.

He is one of a number of Eastern Cape people who have been sentenced to death for politically-orientated crimes arising out of the political violence which occurred during the 1985/1986 unrest.

This paper focusses on politically-related murders in the Eastern Cape which have resulted in the death sentence.

FACTS AND FIGURES ON CAPITAL PUNISHMENT:

South Africa has one of the highest execution rates in the world. In 1987, the death penalty was used on an unprecedented scale: 164 people were executed - the highest number since 1910. Amnesty International's October newsletter, FOCUS, reports that from 1978 until the end of 1987, the upward trend in the annual number of hangings in this country has been almost unbroken, with the annual total of executions in South Africa and the homelands exceeding 100 each year except for 1983. As far as we know, 117 people were executed in 1988.

Statistics relating to the rest of the world make one realise why groups in this country are calling at the very least for an enquiry into capital punishment. Capital punishment has been abolished in all of Western Europe and in several US states, where there were 25 executions in 1987. At the launch of the Society for the Abolition of the Death Penalty in Johannesburg last year, Mr Justice R Leon noted that the 164 people executed in 1987 was four more than Iran with a population of 47-million and 32 more than China, which has a population of 1,2 billion.

POLITICALLY-RELATED MURDERS IN THE EASTERN CAPE:

In the Eastern Cape, criminal cases arising out of the 1985/1986 unrest have caused a massive backlog in the Supreme Court. In March 1988, the Attorney-General's office estimated that some 2000 court days would be needed to clear the backlog of 117 cases, many of which were "unrest-related" cases (2). In order to alleviate the backlog, additional judges - normally acting judges - have been brought in and extra courts created. At the start of the Supreme Court term in February this year, eight courts were scheduled to hear criminal cases - the highest number of courts ever to sit simultaneously in the division. The additional courts have been placed at Kirkwood, Port Alfred, Humansdorp and the Magistrate's Court in Grahamstown (3).

It has become apparent that cases arising out of the political violence of 1985 are not differentiated from "ordinary" murders. Factors such as political motivation and crowd psychology are very seldom - if ever - taken into account as extenuating circumstances. Judges seem to have little hesitation in handing down the death sentence in these matters.

By December 1988, there were at least 34 Eastern Cape people on death row for politically-related offences. (In October, this figure stood at 40). Crimes for which these men have been sentenced to death bear sad testimony to what became known as the Time of the Viva: the turbulent days of 1985 and 1986 when hundreds of people - suspected informers, community councillors, policemen and sometimes ordinary individuals - were killed by means of necklace murders.

Some background to the trials can be found in statements released by the Bureau for Information in 1986. In June, police offered rewards for up to R1000 for information leading to the arrest and conviction of people involved in necklace killings (4). In July, the Bureau for Information announced that nearly 1000 people had been arrested for necklace murders (5). The following year, in September 1987, Minister of Law and Order Adriaan Vlok revealed that apart from 33 people sentenced to death for unrest-related murders, another 5042 people had been charged in connection with 2300 unrest-related offences. Minister Vlok warned at the time that "as long as gruesome and senseless killings such as necklace murders and public funeral pyres are committed, no-one can claim pardon for such brutal killers." (6) His words seemed to reflect the harsh stance adopted by the courts to necklace murders. Exactly one year later, the Minister of Justice, Kobie Coetzee, announced in Parliament that a staggering 101 people had been sentenced to death for unrest-related offences since 1985. Of those, 17 had been executed (7).

A preliminary survey has revealed that by December last year, at least 12 people from the Eastern Cape had been executed for their role in these murders (see appendix). Apart from Moses Jantjies and Wellington Mielies (convicted of the murder of the notorious Kinikini

family) the others seem to have gone to the gallows unnoticed.

The two white policemen from Port Elizabeth, who murdered Mlungisi Stuurman from Cradock, were included in the list of Eastern Cape people on death row for politically-orientated offences. While the fact that they were reprieved is welcomed, it also raises some very disturbing questions about arbitrariness and expediency.

What follows is a discussion of cases which highlight some of the trends in these matters:

- the use of the doctrine of common purpose
- evidence about crowd psychology and the prevailing political circumstances in 1985 as extenuating circumstances
- child witnesses
- leave to appeal
- profile on Vuyani Jacobs
- the stories of three men who had their convictions set aside on appeal.

The information is drawn from a study of 18 murder cases in which 42 people were sentenced to death (see appendix).

COMMON PURPOSE

While the Sharpeville Six may have been reprieved, the precedent relating to the doctrine of common purpose that was set in their case, State vs Safatsa, still remains. Common purpose and the Safatsa judgement in particular, have been cited in many Eastern Cape necklace trials. Because large crowds are involved, it is often not known who did the killing, but on the application of this principle, active association with a crowd intent on killing is enough for a conviction - and a death sentence. Of the 42 men sentenced to death, common purpose was used as the basis for conviction for at least 24 people. Two of these cases serve as examples:

* Miki Yelani - referred to at the start of this paper - was sentenced to death for his role in the murder of Thami Ntshenge, who was burnt to death in Uitenhage on April 6, 1985. The case against Miki was confined to the role he played two days before at a meeting on the Sunday: there was no evidence that he was at the scene of the killing on the Tuesday. But, said Judge Kannemeyer, "The law does not require that for a person to be guilty of murder, he should actually strike the fatal blow. If people act together with a common purpose, intending to kill someone, if one of them achieves that purpose, they are all responsible in law." He said the "mere fact" that a person was not present when a killing took place did not constitute extenuation. Miki was therefore sentenced to death on the basis of the court's finding that he was the chairman at the meeting where it had been decided that Thami should be killed. (The Appeal Court found that the decision to kill Thami had not been made at that meeting).

* Six men from Queenstown were sentenced to death in Port Alfred by Mr Justice Kroon in June, 1987. The six were among 14 people charged with the murder of a young woman, Nosipho Zamela, who had associated with Zulu policemen stationed in the town during the unrest. She was burnt to death by a crowd of people in a place called "The Golden" on December 12, 1985. Judge Kroon found seven of the 14 guilty of murder on the basis of common purpose. Extenuating circumstances were found for only one of them, on the basis of his age. The other six were sentenced to death.

The Judge's explanation for the Court's finding of guilty, with regard to the one of the accused, Mzwandile Gqeba, is pertinent. There was no evidence that Gqeba was one of those who had taken part in the actual killing of Nosipho. However, said Judge Kroon, "that circumstance would not assist him, if on the application of...the doctrine of common purpose, he is to be visited with the responsibility of those who did."

The court found that Gqeba was one of those in the forefront when Nosipho was taken around the township and to the Golden. "Though there is no direct evidence of which we can rely that Gqeba was in at the kill, we find inferentially as a fact he was there."

Finding there were no extenuating circumstances with regard to the six, he said: "Their roles were only minor in the sense that the accused were not shown to be the actual killers, but the actions of those who actually killed the deceased fell within the mandate given by each participant to the joint venture and the actions of the former were accordingly the latter."

The remarks made by the accused shortly before they were sentenced to death deserve mention. Said Gqeba: "Let the court proceed as it deems fit, but the Court must know it silences a person who is innocent." And Wanto Silinga, who has subsequently died from tuberculosis on death row, clearly did not understand how he could have been sentenced to death. He said: "I am not stopping the court from reaching its decision, but I did explain in court that I did not kill her. I did admit I hit her but the Court found I killed her when I know I did not."

CROWD PSYCHOLOGY, POLITICAL CONDITIONS AND EXTENUATING CIRCUMSTANCES:

If someone is found guilty of murder, the death sentence is mandatory unless a woman is convicted of the murder of her newly-born child, a person is under the age of 18, or if the court finds that there are extenuating circumstances. Extenuating circumstances are factors which reduce the moral blameworthiness of the accused, such as provocation, intoxication, youthfulness, the accused's mental condition, etc. The Court has to apply a subjective test in assessing the blameworthiness of an accused by considering his or her state of mind at the time the murder was committed.

In a number of Eastern Cape political trials, experts in psychology and psychiatry have testified about the prevailing political circumstances and the unrest at the time, arguing that those factors, together with crowd psychology, amount to extenuation. However, the courts appear very reluctant to accept these arguments, often dismissing the experts' evidence as "too general".

A case in point is the trial involving eight men from Hanover - four of whom were sentenced to death for the stoning of an alleged collaborator on December 24, 1985. The defence called two expert witnesses to give evidence in extenuation.

Professor Chabani Manganyi, a psychologist, told the court that by February 1986, over a thousand people had lost their lives in South Africa in violent atrocities. He said that like other mob killings, the murder in Hanover on December 24, 1985, was a coming together of socio-historical circumstances and individual action under conditions of reduced moral restraint. The crisis in South Africa which had led to such a tragic loss of life and destruction of property had created an abnormal psychosocial climate in South Africa's black communities.

Professor Michael Simpson, a professor of psychiatry, presented to the court international research which had been conducted into violence and crowd behaviour. He said: "The effects of the mob are such as to be likely to reduce the individual's capacity to appreciate the criminality of particular actions."

An assessor's attitude to what Prof Simpson was saying became apparent in an interchange between the two men. The assessor, Mr E Logie, asked the professor whether it was not correct that Martin Luther King went around "stirring up mobs" and making "inflammatory speeches". The Professor replied: "It is correct that Martin Luther King was one of the greatest peacemakers of our time and he spent a great deal of time trying to prevent violence." Mr Logie then responded: "Did he in fact go around, making inflammatory speeches?" Professor: "In fact, no!" The professor later recorded an objection to Mr Logie's line of questioning, which he described as "badgering on the basis of personal political opinions." He told the court that the type of questioning he had been subjected to by Mr Logie was "unique in my experience of giving evidence in any court of law in the world".

Dismissing the experts' evidence, Acting Judge Le Roux said it was "of a very general nature...they experienced the difficulty that the accused denied any participation in the crimes and could therefore not tell the experts what role they in fact played."

Judge Kroon's response to the evidence given by Professor Don Foster of UCT, in the trial involving the Queenstown Six, was similar: "Whatever the attractiveness of his views may have in theory, we have difficulty in effecting a practical application thereof in favour of the accused."

And in sentencing three men to death from Sterkstroom, Judge Zietsman had this to say of the evidence tendered by psychologist Ian Meyer: "Mob violence may cause the so-called deindividuation and this factor together with other factors may constitute extenuation." He said it was however still necessary to consider the facts of each case. Moreover, what the accused told Mr Meyer was not what they had told the court.

CHILD WITNESSES: THE STUTTERHEIM CASE

In September 1987, 16 Stutterheim residents stood trial for the murder of three women who were burnt to death in Stutterheim's Kubusie township in December 1985. Ten men were convicted of the triple murders and three sentenced to death. The ten were convicted on the basis of common purpose. What is significant about the trial is that five young girls, who ranged in age from 14 to 18 at the time of giving evidence, were the main witnesses. Two of these girls were relatives of the deceased and the other three, who claimed to be present at the scene, were warned as accomplices. It emerged during the trial that these three were held in "protective custody" for six months until they gave evidence.

It was largely on their evidence that Michael Mambukwe, Mxolisi Malgas and Lulamile Maneli were sentenced to death. There was no evidence however that any of the three men were actively involved in the killing of the three women: Michael Mambukwe and Mxolisi Malgas spoke at a meeting and suggested that the women should be burnt. Maneli also attended the meeting and entered the house where the women were burnt. The court found that "mere presence at the meeting and accompanying the crowd to the deceased's house, well knowing what the purpose of the journey was, was sufficient to establish participation in the common purpose."

One of the grounds for applying for leave to appeal was that the court had failed to have due regard to the fact that three of the girls were accomplices who were very young. Mr TL Skweyiya submitted that they were kept in detention and were probably provided with their statements to memorise. The Judge granted leave to appeal to all ten men who were convicted.

LEAVE TO APPEAL

Leave to appeal is not an automatic right for those sentenced to death. Of the 42 people referred to above, only 19 were granted leave to appeal. However, the Chief Justice has intervened in ~~four~~^{three} of the cases and granted the ~~eight~~^{six} people involved leave to appeal to the Appellate Division.

One of these three cases concerns the four men from Hanover. The trial judge, Acting Judge le Roux, refused three of the four men leave to appeal. At the time, he remarked: "If I were merely to exercise my personal inclination in the matter, I would be only too

ready to allow another Court to reconsider our findings, and particularly as death sentences are involved." Four months later, the Chief Justice granted leave to appeal to all who had been convicted.

Xolani Moses Stuurman, from Uitenhage, was another person granted leave to appeal by the Chief Justice, after Mr Justice Solomon had sentenced him to death and refused him leave to appeal.

The only evidence against Stuurman was a confession he had made to a magistrate and "pointings out" to a police officer. A lengthy trial within a trial was held to contest the admissability of the confession.

Stuurman alleged in court that after his arrest on December 12, 1985, he was taken to a police station where he was assaulted and shocked while blindfolded. He was told to make a statement to a magistrate about certain allegations which were made to him while he was assaulted. He finally agreed and was taken to a magistrate in Uitenhage. However, Stuurman told the magistrate that he did not wish to make a statement because he had been assaulted. This was recorded on a document and Stuurman stated that the magistrate made independent notes on his allegations and injuries.

He also told the court that the document recording his refusal was torn up in front of him by Warrant Officer Pentz, the investigating officer in the case, and he was told he would be taken to different magistrates until he made a satisfactory statement.

Ten days later, Stuurman was taken to a magistrate in Port Elizabeth to whom he made an incriminating statement. In Court, he alleged he made this statement as a result of the pressures and assaults to which he had been subjected. Police denied the allegations of assault and the Uitenhage magistrate said in his evidence that he could not say whether the injuries were fresh and that they appeared to be a few days old.

The document recording Stuurman's refusal to make a statement was presented to the court - torn and stuck with cello tape. However, a Lieutenant de Lange said when Stuurman was brought back to the office, the document was handed to him as W/O Pentz was away. He said at the time, he was cleaning his desk and he thought that was how the document could have been torn.

The Court rejected Stuurman's evidence and found that he had made the statement to the second magistrate freely and voluntarily. It was therefore admitted as evidence.

The defence petitioned the Chief Justice for leave to appeal on the grounds that this statement should not have been admitted. The Chief Justice granted leave to appeal three months after Stuurman had been convicted and refused leave to appeal by the trial court.

VUYANI JACOBS : A PROFILE

Vuyani Jacobs, who described himself in Court as a General in the Comrades in the Uitenhage area, has been sentenced to death twice for two separate necklace murders. He also has convictions for public violence, attempted murder (10 years) and murder (17 years) - all for offences committed during 1985 in embattled Uitenhage.

In their paper on the "Uitenhage experience" presented to National Conference last year, Judy Chalmers and Luanne Parsons describe the "wave of rage and anger" that swept through the townships in the wake of the Langa massacre on March 21, 1985 when 20 people were shot dead by police. Two days later, members of the notorious Kinikini family were burnt to death in the country's first necklace killings, setting the pattern for the upsurge of violence over the next months when suspected collaborators were killed. It is in this context that Vuyani's convictions must be seen.

On February 22, 1988, he was sentenced to death for the necklace murder of a suspected informer, "Lemmy" Fanayo, who was burnt in Kwanobuhle in December 1985. On that same day, he was brought to Grahamstown to stand trial for another murder - this time of Whitey Dondashe, another alleged informer, who was burnt in October 1985. Vuyani appeared in court wearing prison clothes and oversized shoes. His weeping mother, Mrs Norah Saku, was present throughout the trials.

In the Grahamstown trial, the case took a dramatic turn when Vuyani took to the witness stand to give evidence in extenuation after he and three others had been convicted. He told the court that he and two other men who, he said, were in Lusaka, carrying AK 47's, were responsible for the killing of Whitey. None of the other accused had anything to do with the killing. He told the court that the decision to punish Whitey had been made because "we wanted our guns he had obtained from the boers. He would not have used the guns on the Pentzes, (Pentz was the name of the investigating officer in the case) but on us and I had a better job...I would have killed the Pentzes...and all le Grange's dogs." Mr Justice van Rensburg dismissed Vuyani's evidence, saying he had given this evidence in an attempt to take all the blame on himself and to exonerate the other accused. The Judge sentenced all four men to death.

Vuyani's personal story is a telling one: He was only 18 years old at the time when the offences were committed in 1985. Born of a Xhosa-speaking mother, he was brought up in the mixed area of Blikkiesdorp in Uitenhage by his aunt, and attended the local coloured school. He started living with his mother in Kwanobuhle in 1982. Vuyani left school in 1984 because of school boycotts and for three months guarded the home of a policeman who was a friend of the family. However, early in 1985, he was told that he would be burnt if he continued this work and that he should join the comrades.

Vuyani has been on death row for just under a year. His petition for leave to appeal has been turned down and lawyers are now petitioning the State President for clemency. It is the last chance he has.

"NOT GUILTY" SAYS THE APPEAL COURT

Since September 1988, three Eastern Cape men have been set free from death row after their convictions and sentences were set aside on appeal (ie after they were found not guilty). This highlights the fact that mistakes are indeed made by the Court - a strong motivating factor in the call for the abolition of the death penalty. The three released from death row are Thembile Lubelwana, Miki Yelani and Thembisile Baneti.

Thembile Lubelwana, from Port Alfred, was sentenced to death in February 1987. He spent 19 months on death row before he was told he was a free man. It appears it was a matter of semantics that saved Thembile's life.

He and five others stood trial for the murder of a Port Alfred resident, who was burnt to death in April 1986. He was the only one of the six to be found guilty. The trial court found that although Thembile was not one of the "voorbokke" and although it was not clear what his actual role was, he was one of the group of people who was present during the events and he associated himself with the murder. This finding was based wholly on a statement which Thembile had made to a magistrate. In the statement, he described how "we" took a man out of his house and "we" threw clothes on him and left him burning.

The trial court was of the opinion that the use of the word "we" in the statement indicated Thembile had associated himself with the murder. The Appeal Court however took into account that the official interpreter who translated the statement was asked about the use of the word we in Xhosa. He said the word did not mean that the accused had necessarily participated in what had happened or that he had agreed with what had happened. The Appeal Court concluded that the use of the word we in the statement did not necessarily indicate association with the murder or assault. As a result, Thembile was found not guilty.

A Bisho Supreme Court death sentence on THEMBISILE BANETI was set aside when the Appeal Court found that the evidence of four key state witnesses should not have been accepted by the trial court. Not only was Baneti found not guilty, but so were the other four men who were convicted with him and sentenced to prison terms ranging from 12 to 20 years.

And in MIKI YELANI'S case, the Appeal Court found the trial court had not subjected the differences in the evidence given by two elderly women to a careful scrutiny. Had it done so, the court would have concluded that the whole of a statement made by Miki to a state witness should have been accepted. (The trial court accepted only a

portion of the statement which implicated Miki - and rejected the exculpatory portion of the statement in which he said a decision to kill Thami had not been taken at the meeting.)

THE PLACE OF DEATH

Sporting a fresh tatoo on his arm, Miki arrived back in Uitenhage a few days after he was released from death row where he had spent 14 months. From accounts made by both Miki and Thembile, the months spent in the rows of death, waiting to be taken to the slaughter, were harrowing. Said Miki: "I found it very difficult to sleep as I had horrible dreams: I often dreamt of going through a black place. I was scared...but forced to go through. I always went through terrified, but came through on the other side."

In real life, Miki did come through on the other side of the black place. Asked if he were not angry or bitter at Judge Kannemeyer for sentencing him to death in the first place, he said: "No, I am not bitter, because he granted me leave to appeal. That showed me he knew his judgement was not altogether correct."

On their arrival at Pretoria Central Prison, both Thembile and Miki were put into single cells where they had experience of bidding someone farewell for the last time, knowing they could be the next to go. They were allowed to communicate only with the person in the cell opposite them from 4pm to 8pm. Within a few months of their being in the prison, the person opposite was led away to what is called "the pot" in prison jargon - the place where a condemned man spends his last week before being executed.

"Sipho Mahahla was the person I befriended. He was executed (*) in March. When he was led off, he said good-bye to me and told me to stay well and to pray for him."

Miki said at least 100 people were executed during his time in the place of death. "It seemed to happen just about every week. Some were executed after only three months of their arrival."

He said he never became accustomed to being under sentence of death: "I tried to get used to it. But it is like death in real life: you know you have to die, yet when someone does die, you are shocked. Now that I am out, I sleep beautifully. But sometimes I get a fright when I wake up - I think I am back there. The fear is still there..."

Barbara Orpen.
January 31, 1988.

1. The title of the paper is drawn from the words used by some judges in passing the death sentence: "...you shall hang by the neck until you are dead. And may the Lord have mercy on your soul."
2. Eastern Province Herald, 15/3/88
3. Eastern Province Herald, 25/01/89.
4. The Citizen, 26/6 /86.
5. Natal Mercury, 16/7/86.
6. Eastern Province Herald, 4/09/87.
7. Eastern Province Herald, September 1988.
8. Sipho Mahala, 21, and Lungile Rewu, 19, two Port Elizabeth men, were sentenced to death for the necklace murder of a 16-year old youth in 1985.

APPENDIX
Summary of Eastern Cape people on death row for politically-related offences from Sept. 1988 → Dec. 1988

NAME	AGE	HOME	Place of trial & sentence date	APPEAL/EXECUTION	DETAILS OF OFFENCE
1. Thembile Lubelwana	24	Port Alfred	Port Alfred Feb: 1987	Acquitted: conviction + sentence set aside on appeal in September 1988.	Sentenced to death for his alleged role in the burning of a Port Alfred resident on April 8, 1986.
2. Paul Setlaba	24	Coloburg	Graaff-Reinet 10/12/86	Refused leave to appeal; granted two last-minute stays of execution. State President is being petitioned for a re-opening of the trial.	Sentenced to death for his role in the burning of a woman who broke the Coloburg Consumer boycott in October 1985.
3. Similo Wonci	23	Addo	Humanodorp: 8/1/86	The four were refused leave to appeal and were due to hang on 4/10/88, but were granted a stay of execution. Lawyers are petitioning PW Botha about Similo Wonci.	The four were part of a group of people who set out to kill an elderly farming couple on June 17, 1985, after this decision had allegedly been made by the Addo Youth Congress. Evidence was that the four had acted under duress.
4. Mziwoxolo Matelani	24				
5. Ndumiso Siphemka	27				
6. Makwejana Menzi	43				
7. Kholisile Dyakala	31	Port Elizabeth	PE: 14/12/87	Refused leave to appeal. <u>EXECUTED: 24.11.88.</u>	Convicted of the murder of a security guard who was shot dead on 9.06.86 when a group of residents went on an expedition to acquire fire-arms.
8. 7 Mjekula	36				
9. Mthethleli Lucas	24	Uitenhage	Grahamstown: 30/3/88 (all four). Port Elizabeth: 13/8/87: Gxekua 22/2/87: Gxekua and Jacobs.	leave to appeal has been granted to Mooi. The Chief Justice is being petitioned about Lucas. Jacobs + Gxekua, who have 2 + 3 death sentences respectively, are petitioning the S.P. (refused leave to appeal)	The four were sentenced to death after they were convicted of the murder of an alleged informer who was burnt in October 1985. Gxekua has 2 other death sentences + Jacobs has 1 other - all for "necklace" murders of alleged informers.
10. Thozamile Mooi	27				
11. Gilindoda Gxekua	25				
12. Vuyani Jacobs	21				
13. Mxolisi Ncaphayi	21	Hanover	Grahamstown 18.1.88	All were refused leave to appeal, except Ncaphayi. The Chief Justice has since granted leave to appeal.	The death sentences on the four were a sequel to an incident on 24 December, 1985, when an alleged collaborator was stoned to death.
14. Vusumzi Jack	24				
15. Samoon Booyen	36				
16. Bennet Sonamzi	33				
17. Xolani Stuurman	25	Uitenhage	Port Elizabeth 22.2.88	Refused leave to appeal. The Chief Justice has since granted leave to appeal.	Stuurman was sentenced to death with Vuyani Jacobs + Gilindoda Gxekua for the necklace murder of an alleged informer on 10 December, 1985.
18. Miki Yelani	24	Uitenhage	Grahamstown: 29/9/87	ACQUITTED: conviction + sentence set aside on appeal in November '88.	Yelani was sentenced to death after the Court decided he had provided at a meeting when it was decided a Uitenhage resident should be killed. There was no evidence Yelani was at the killing.
19. Leon de Villiers	36	Port Elizabeth	Grahamstown: 26/5/88	Refused leave to appeal, but the State President <u>REPRIEVED</u> them on 26.11.88	The two white policemen, members of an unrest unit, were convicted of the murder of a Cradock resident shot + assaulted in July, 1986.
20. Patrick Goosen	26				
21. Mzuanile Gqeba	22	Queenstown.	Port Alfred: 9.12.1987	Leave to appeal to the Appellate Division has been granted. The case is pending.	The Queenstown six were sentenced to death for the role they played in the burning of a woman in December 1985. She was believed to have consorted with Zulu policemen. One of the six - Wanto Silinga - died on death row of TB.
22. Wanto Silinga (died)	27				
23. T. Prosofiet	31				
24. M. Mninzi	26				
25. Monde Tingwe	23				
26. Lundi Wana	20				
27. Nico Mnyamana	31	Burgsdorp	Port Elizabeth 25/9/87	Leave to appeal has been granted. The case is pending.	The two men were convicted of the necklace murder of a man who was burnt to death in January, 1986.
28. Menzi Tafni	21				

Name	Age	Home	Place of trial Sentence date	Appeal / Execution	Details of offence.
29. Mxolisi Malgao 30. Michael Mambukwe 31. Kulamile Mandli	38 28 27	Stutterheim	Port Alfred: 5/10/87	Leave to appeal has been granted. The case is pending.	The three were sentenced to death for their role in the burning of 3 women in December, 1985.
32. Abraham Zeyo	23	Kirkwood	Witenhage December, 87	Leave to appeal has been granted. The case is pending	He was sentenced to death for the murder of a woman when his home was burnt by a crowd of people looking for an informer.
33. Siphon Gonyo 34. Phutmile Dlabathi 35. Ringo Farland	20 20 21	Duncan Village (East London)	Port Alfred: 22/7/88. 7/12/88 (Farland)	Leave to appeal refused. Lawyers are petitioning the Chief Justice.	Sentenced to death for the murder of an alleged informer who was burnt to death in October 1985.
36. Mtutuzeli Ngqandu	22	Port Elizabeth	PE: 9/11/87	Refused leave to appeal, but the Chief Justice has since granted leave.	Sentenced to death for the necklace murder of a policeman on 22/9/85.
37. Mangena Boman 38. Msokoli Willie 39. Mhlawubi Desemle	36 23 24	Sterkfontein	Grahamstown 21/10/88	Refused leave to appeal: lawyers are petitioning the Chief Justice.	Convicted of the necklace murder of a teacher, an alleged informer, who was burnt on 19/10/85.
40. Zuelenkosi Mjo 41. Basayi Magoko	29 34	Whittlesea (Ciskei)	Bisho: 22/6/87	leave to appeal has been granted.	The two were found guilty of the murder of a Whit' 'coca resident who was burnt to death on January 1, 1986, after a group of people demanded fire-arms from him.
42. Thembisile Bancti.	35	alice (Ciskei)	Bisho: 8/10/87.	ACQUITTED: conviction and sentence set aside on appeal in October 1988.	He was sentenced to death for the necklace murder of a man who was burnt on 19 July 1986.

Those who have been executed (Eastern Cape)

Name	Date executed	Details.
1. Benjamin Gxothwe	25/3/88	Sentenced in September 1987 for the murder of a policeman.
2. Siphon Lande 3. Tobile Lloyd	15/4/88	Sentenced in July, 1986, for three necklace murders
4. Tsepo Letsoare	18/3/88	
5. Siphon Mohala 6. Lungile Rewu .	28/3/88	Sentenced for a necklace murder, dating back to 1985.
7. Mlungwana Lamani.	29/1/88	
8. Moses Jantjies 9. Wellington Mielco	1 September '87	Sentenced in November 1986 for murder of 6 members of the Kinikini family
10. Phindile Gekema	1986	Sentenced June 1986 for necklace murder of a Kirkwood man.
11. Kholisile Dyakala 12. Zuelindumile Mjekula	24/11/88.	Sentenced on 14/12/87 for the murder of a security guard killed in June 1986.