

IT IS LEGALISED MURDER!

by John Lamola

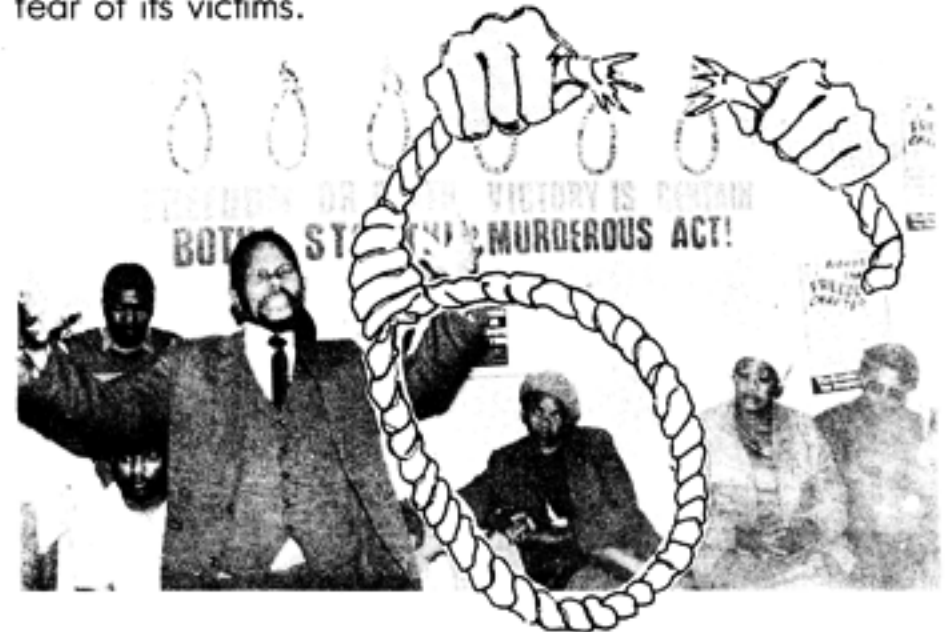
The apartheid regime, the 'civilised and Christian' government of the Republic of South Africa, the leading trading partner of West Germany, Japan, Britain and other countries, hanged 537 people between January 1985 and mid-1988. At the end of 1987 it had 268 people waiting their turn at the hangman's noose in Pretoria Central Prison. 117 of them saw their grisly turn come in 1988. Only three of them were whites, the rest were black people who came from crime-inducing socio-economic conditions of the oppressive and exploitative life under apartheid, and who ended on Death Row via the racist-infested South African judicial system. What is more disturbing, though, in a country which professes the democratic ideal, is that among these people are well-meaning political activists who are convicted for deeds which were inspired by the violent conflict which apartheid rule precipitated during 1985, and MK soldiers who, according to international legal convention, should be Prisoners of War as provided for by the Geneva Conventions.

Since the execution of Solomon Mahlangu on the morning of 6 April 1979, the issue of political executions by the apartheid tyranny has been first on our agenda of mobilisation against the Pretoria regime. The case of the Sharpeville Six brought an unprecedented universal focus on the thug-gish barbarity of the racist minority regime. Today we have the Upington 14. On 27 June their lawyers' litigation for a right to appeal the sentence on the grounds that Judge JJ Basson had failed to appreciate that the killing of the policeman for which these people have been convicted was precipitated by the actions of the police in their townships, was turned down. While work is on to exhaust all legal means to ensure that they do not end up as part of the statistics of the judicial murders of the apartheid state, on 13 September these people received the death row news that the head of their legal defence team, and their comrade, Advocate Anton Lubowski, member of the Swapo Central Committee, had been assassinated in Windhoek.

The theory of democracy implies that, in all its actions, the State embodies the collective will of its constituent electorate. As hangings take place at the behest of the state, logical truth has it that it is the voters of South Africa, those whose interests the apartheid state represents, who are actually hanging often blatantly innocent people. It is high time that we all have our voices ringing out, led by our white compatriots who know that it is in the defence of white privilege that such carnage is being practised in our dear land, and incessantly protest: *We won't let them die! Let us not allow one more South African to die in this manner.*

The primary aim of the penal system is to reform the social

deviant, and never to annihilate him. In South Africa the penal system has degenerated into a process of revenge and a feeding of the political ego of a racist tyranny which well realises that it no longer enjoys the sympathy nor the fear of its victims.



Hangings is vengeful, gruesome and barbaric

Amidst all the political and other moral motivations of our campaign against the institution of the death penalty, specifically when unjustly applied as a means of political repression in South Africa, it is important for us not to overlook the harrowing human experience the death sentence means for both the victims and their families. It is time that the barbarism and inhumanity of the very act of hanging people, irrespective of the nature of their crime, be exposed.

At its National Conference in February 1988, the Black Sash took up the issue of judicial executions in South Africa as its theme. Sheena Duncan read a paper entitled *Should Hangings be Carried Out in Public?* The gist of her argument was that if the public knew what a dreadful thing hanging is, as a method of terminating a human being's life, they would never allow it to happen. She cited two judges who, as judges, knew what went on behind the long grey walls of the hanging court of Pretoria Central Prison. The first, from Judge Gert Coetzee, who was quoted in *Beeld* (30/7/87) confessing at the time of his retirement: *'Dit was nooit maklik nie. Ek het nie getel aan hoeveel mense ek die doodstraf opgelê het nie and het altyd sleg gevoel as ek dit gedoen het. Gewoonlik kon ek vir die res van die nag nie iets anders doen nie. Persoonlik is ek om morele redes teen die doodstraf gekant. Ek beskou dit as onchristelik en onbeskaaf'*.

Judge Ray Leon told the *Weekly Mail* (4/9/87) that the imposition of the death sentence always caused him a great deal of distress and it took him some days to recover afterwards. *'One is in a very real sense causing someone to be killed'*. Ray Leon went on to say that he opposed the death

penalty as he believed it has a brutalising effect on society. There is no satisfactory evidence it is effective as a deterrent and there is always the possibility of judicial error, which in the case of the death sentence is irreversible.

If hangings were done in public people would always be haunted by images of those dying under this savage method of killing, which by intention is meant to ensure that the process of dying is as slow and as painful as possible. They would see that when men and women die under such circumstances of extreme anxiety and most often fear, their bowels turn to water and they defecate or urinate involuntarily. They would see that there are sometimes emissions of blood. They would know what the cold and deliberate taking of life in this way means. In the words of Paula McBride, wife of Robert McBride: *'When we talk about violence and murder, execution must be the most violent ...'*

In August 1981, David Dalling MP (PFP) put a question on the Parliamentary order paper. He asked what was the average time for condemned people from the time of arrival at the gallows to the hanging; whether they were given sedation; whether they were accompanied by a doctor, minister or anyone else; how many could be executed at a time; whether each man had his own executioner in multiple hangings; what procedure was followed and how many times physical force or teargas were used to get the convicts from their cells to the gallows. The Minister of Justice, according to Sheena Duncan's account, made an earnest personal representation to David Dalling, urging him to withdraw the questions because the answers would be 'too gruesome'. One can understand that it is to suppress information on such matters that the obnoxious Prisons Act was formulated to forbid all forms of disclosure of conditions in prisons, including photographs, to the outside world.

Apartheid capital punishment is violence!

After they have been convicted and sentenced and their appeals have failed, condemned people await the outcome of appeals for clemency made to the State President on their behalf. This process normally means close to two years of uncertain waiting on death row while witnessing the slow depletion of nearby cells as fellow inmates are whisked away. On average, seven people are hanged every week in South Africa. After the State President has announced his decision the execution date will be decided. Those who are going to die are told seven days in advance of the date of their death, and are removed to special cells — death cells — nearer to the hangman.

There can be no greater terror inflicted on any human being than knowing in advance the exact moment of one's death.

In July 1981 it was reported in the press that four men had resisted when warders entered the death cells to escort them to the gallows, and that teargas had to be used to 'calm down the prisoners'.

In reply to questions from the press, the Prisons Department issued a statement icily stating: *'It is of course always*

a possibility that a prisoner will refuse to leave his cell before his delivery to the place of execution — but this occurs only as the rarest exception. Naturally verbal persuasion as a means of handling the situation will be used in the first place. Only when this fails will other measures as dictated by the circumstances be considered'. Reports have leaked that besides teargas, which is used on occasions of multiple executions, electric batons are used to herd the victims, with their heads covered with black sacks, from the cell to the death court. Invariably, there is a measure of protest by the condemned as it is not natural for any one to walk calmly into a moment of such torturous and unjust death.

It was in this same reply that the Department unwittingly disclosed that *'The present facilities at the gallows make provision for the simultaneous hanging of up to seven condemned prisoners'*.

On 29 January 1988, seven persons were hanged in Pretoria. On 4 February 1988, seven persons were hanged. In the second week of December 1987, seven people were hanged on Tuesday, another seven on Wednesday and again seven on Thursday.



This thing of capital punishment must stop!

The statistics used by various human rights groups can never be completely accurate in exposing the number of people who are being killed by Pretoria. Almost all figures are collated from newspaper reports, which sometimes neglect the execution of 'common criminals'. Also, since 1976, it has not always been possible to obtain the statistics of hangings in Transkei, Bophuthatswana, Venda and Ciskei, which have their own gallows. The actual killing rate is certainly much higher than any of us might know. Families of executed people who win the right to take the bodies for private burial, have reported being taken into a mortuary strewn with the bodies of many people who have been freshly hanged, to identify their relative.

This reminds one of Robert McBride's letter from Death Row to his mother: *'There are so many people here on Death Row. There are so many, it is unbelievable. This thing of capital punishment must stop, as soon as possible'*.

According to independent sources, the 1987 figure of 164 hangings was the highest in the history of South Africa. Since 1979 South Africa has hanged close to 1 300 people. This figure is reached by noting that the figure of total executions between April 1979 and February 1988 was 1 114, and to this is added the 267 who were still on death row at the end of 1987, minus the 14 who were known to have been hanged during February 1988. How gruesome! These are not just numbers but individual people who have been brought up by loving mothers. Their only cardinal misfortune is that they were born in the wrong country. Even for those who committed crimes, surely there should be some other form of making retribution for their misdeeds. As people reared in a Christian culture we should at least believe that no one is beyond redemption.

Let us not let the 14 patriots of Uppington, and others on death row, be murdered. Let us harness all our abilities and

focus them on a campaign against the apartheid regime's death penalty. Let us add our voices and resources to the demand for Prisoner of War status for combatants of the people's army, Umkhonto we Sizwe, particularly remembering Ting Ting Masingo, Jabu Masina and Neo Potsane, who were sentenced to death on 27 April, 1989.

We who believe that all life is from God and that it returns to Him at his appointed time, find it most repugnant that a state as morally defective as apartheid South Africa, should play god over the creation of the All-loving One. Drawing from the various theological traditions of our Faiths, we must set ourselves at the frontline of a campaign to stop this gruesome aspect of the reality of apartheid. This savagery is congenital to the heart of the apartheid system itself. It is a reminder that we should use all means to ensure its speedy end.

RESOLUTION CONCERNING THE AFRICAN NATIONAL CONGRESS AS A MEANS FOR PEACE AND JUSTICE IN SOUTH AFRICA

WHEREAS apartheid-related social and political conflict in the Republic of South Africa persists as a most difficult and dangerous problem destabilising all countries of southern Africa; and

WHEREAS the government of South Africa maintains a powerful military force which it uses against people in a manner that makes victims of civilians and that denies basic human rights to people, especially the majority Black population; and

WHEREAS the African National Congress (ANC) is recognised by the United Nations and the Organisation of African Unity as the representative political organisation for millions of South African Blacks and committed individuals of other races; and

WHEREAS South African ecumenical church leaders, including representatives of partner institutions of the Christian Church (Disciples of Christ) in the United States and Canada, have been in close contact with the African National Congress over the years; in fact, Chief Albert Luthuli, (deceased) head of the African National Congress and Nobel Peace Laureate, was a member of the United Congregational Church of Southern Africa of which the former Disciples' Churches are a part; and

WHEREAS the African National Congress has historically envisaged a new South Africa that would be non-racial, unfragmented and governed according to a system of majority rule based upon universal suffrage and has generally sought to realise this vision without the use of violence; and

WHEREAS the government of South Africa refuses to recognise the ANC or to even hold discussions with it concerning the future of South Africa; and

WHEREAS, as Christians, we are unalterably opposed to racial segregation and discrimination and are called to seek reconciliation and to work for peace and for justice, particularly with the poor and oppressed; and

WHEREAS, as Christians, we believe that persons should be involved in major decisions which affect their lives, and we are called to determine and to support proximate steps which offer hope for moving towards the goals of peace, justice and self-determination, recognising that other Christians with the same goals may consider alternative approaches;

THEREFORE, BE IT RESOLVED that the General Assembly of the Christian Church (Disciples of Christ) meeting in Indianapolis, Indiana, on July 28 to August 2, 1989 recognises that the African National Congress is an important political organisation that deserves an opportunity to contribute to the search for peace and justice in South Africa; and

BE IT FURTHER RESOLVED that the General Assembly of the Christian Church (Disciples of Christ) calls on the governments of the United States and Canada to use their fullest political, diplomatic and economic strength to end the vicious cycle of injustice in South Africa; and

BE IT FURTHER RESOLVED that the General Assembly of the Christian Church (Disciples of Christ) urgently asks members of our churches to prayerfully consider these views herein expressed and to exercise their influence on government representatives towards ending conflict and the establishment of peace and justice for all the people in South Africa.

BE IT FURTHER RESOLVED that the General Minister and President convey these views to the President, Secretary of State and all leaders of Congress in the United States and to the Prime Minister and Parliament of Canada.