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189/1959

IN THE SUPREME COURT OF SOUTH AFRICA.

WITWATERSRAND LOCAL DIVISION.

R E G I N A

vs.

SHADRACK MATTHEWS & 13 OTHERS.

certified true copy of the original
Record
filed of record.

[Signature]
REGISTRAR
WITWATERSRAND LOCAL DIVISION

4-11-1959
WITWATERSRAND LOCAL DIVISION

Vol/IV

ACCUSED NOS. 1 and 12 - SHADRACK MATTHEWS
and JACOB MATJOENG convicted of murder and
sentenced to death on the 21st August, 1959,
at JOHANNESBURG.

ON 21.8.59. J U D G M E N T.

DE WET, J:

As far as possible I shall deal with the evidence in this matter in chronological order.

The deceased was the husband of Anna Boikhotso. According to her evidence they lived in Sixth Avenue, Alexandra Township and the morning of the 13th of January, accompanied by a witness who is usually referred to as Kadietsa, the deceased went to visit a sick man named Ben in Second Avenue. She followed quite a long time later and she first went to visit a
 10. friend of hers named Joyce, the wife of a detective named Raymond who occupied a room in the same yard in which Ben's room was situated. She said when she arrived at Ben's room she saw Kadietsa in the yard but in the house Ben was in bed, the deceased was sitting on a chair and there was a stranger in the room. She said that she had not been there long when she heard a number of footsteps and three people came into the room each of them armed with a pistol or revolver. She says that she knew those three people - they were accused
 20. No's: 1 and 12, and a man named Maxie, who had been an accused when the Preparatory Examination in the present matter was held, but he has escaped. She said that No. 12 said: „Hier is hy." She says that he then said to the deceased: „Staap op laat ons loop dit is lank wat ons jou soek." Maxie caught the deceased by the sleeve and said: "Come on, let us go." She says that they were all pointing their guns at the deceased and they then escorted him out of the door and outside the
 30. door he was hit on the head by No.7. also with a gun of

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some sort. She saw that there was blood coming from his forehead, and she says that next to No.7. was standing No.3. whom she also knew. They then, together with a number of others, hustled him out of the yard. She says the only other ones that she recognised whom she is certain about are accused No's: 8, 13 and 14.

It is of some significance that Anna knew the names of all those that I have mentioned except
10. No.7. and did in fact furnish these names when she made a statement in connection with this case shortly after the occurrence. The only one whose name she did not know was No.7. accused whom she pointed out at an Identification parade about six months later, and also pointed him out in Court. I may say that it seems to me that the pointing out at the Magistrates Court has very much the same effect as pointing out at an Identification parade because there were some sixty-eight accused before the Court at the Preparatory
20. Examination, quite a number of charges being investigated.

To continue with Anna's story. She said the deceased was hustled along to a motor car which was standing at the corner of Ruth street and Second Avenue, some of the people then got into that car together with the deceased and that car drove off down Ruth street and she said that the rest of the people who had come in the group to kidnap the deceased, walked on into Third Avenue, they turned into Third
30. Avenue and very shortly after that she saw a black car coming out of Third Avenue and also go down Ruth
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street following the other car. She infers that the rest of the gang had got into the second motor car and followed the first motor car. She recognised the first motor car as being a taxi owned by the witness Selaboga whose evidence will be considered later.

Now that same afternoon she says that she reported the matter to an aunt of the deceased and later went to the Wynburg Police station, and she says that they did not appear to take her complaint seriously
10. at the Wynberg Police station. I may say that all the evidence in this case suggests that the Police at the Wynberg Police station did not seem to take complaints from Alexandra Township very seriously. She says that the following day she made a report at Marshall Square.

On the 16th, that is three days later, when she inquired at the Wynberg Police station, she was told about a body which had been found and accompanied by a sister of the deceased she went to the Mortuary and there identified the body as being that of her
20. husband the deceased. I shall deal with the question of identification at a later stage. She says that the people who had kidnapped her husband were members of a gang which was well-known in Alexandra Township, a gang known as the Msomi gang. She says that the people whose names she knew and whom she identified, she had frequently seen gathered in a group outside the office of No.1. accused, which is situated on the corner of Selbourne street and Twelfth Avenue. She says that this gang of Msomi's had a bad reputation
30. in Alexandra Township in that they exacted so-called protection fees, and they assaulted people, and they

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robbed people quite openly and they indulged in fights with a rival gang known as the Spoilers. That part of her evidence is of course hearsay and is not taken into consideration except in so far as it is borne out by positive evidence. She says that the deceased was not a member of the Spoiler gang. He was a man who was in work, and at this time - for a year or so - with the assistance of another man, had been making clothing on his own account and selling clothing that he made. She did say at some stage of her evidence that his pass was in order right up to the date of his death, but had to admit under cross-examination that she was not certain on this aspect of the matter, that was only a matter of inference.

We are satisfied that she genuinely believed that the deceased was suspected of being a member of a rival gang by the people who kidnapped him, but that that was a suspicion without foundation. I may say that Anna Boikhotso is a witness who impressed us as being intelligent and accurate in her evidence.

The next witness whom I wish to deal with is Benjamin Manjani who is generally known as Kadietsa, and whom I will refer to as Kadietsa. He corroborates Anna's evidence that he had gone with the deceased to visit Ben, but he said that he had gone to the lavatory, he had not seen Anna arrive. He saw this crowd of natives come into the yard and hid himself next to a fence lying down next to a fence - he says amongst some mealies. There is some argument addressed to the Court as to whether there were mealies in that place where he lay down. A witness who lives there

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room and went out again, and she saw some people enter Ben's room, that is where the deceased was, and she could not identify any person nor could she give any details as to what these people did. She seems to have been extremely frightened.

I come next to the witness Seleboga - Isaaih Tobo Selebogo - I shall refer to him as Selebogo. On that same day he says he was driving along Twelfth avenue, somewhere in the vicinity of the office of
 10. No.1. accused. He was stopped by a crowd of people. His passenger whom he had in the car, was ordered to come out of the car and placed in charge of No.9. accused - whom he subsequently identified. They stopped him and eight of them got into the car. Of these eight he was later able to identify No's: 2 and 6. He was then told to drive along and he stopped at the corner of Ruth street and Second avenue. He says that the two in front with him were both armed with
 20. guns - revolvers or pistols - and he says that those in the rear of the car also had firearms. He says they all got out and went into a yard in Second avenue, except one who stayed to see to it that he did not drive off. He says that a number then came back, people got into the car and he was told to drive back. He says that he did not at first notice that the people who had got into the car were not the same as those who had got out, but he said that there was a conversation in the car. The question was asked: "Where is Badman?" - and the answer was that he had
 30. gone to a wedding. He then looked and noticed that the person who was being questioned was a person who had

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not previously been in the car but was the deceased whom he knew. He says somebody said to the deceased: "Dis julle wat saam met Badman loop huise brand en bioskope brand en mense doodmaak." The answer was: "O manne, hoe kan julle sê dat ek saam met Badman loop ek het altyd saam met julle geloop?" He says he was then told to stop again in Twelfth avenue. As I remember the evidence it is not clear to me exactly where he stopped in Twelfth avenue, but it was obviously

10. in the vicinity of No. 1 accused's office where he had picked up these people because he found No.9. accused still in charge of his passenger. He says the passenger was told to get back in the car and he was told to - loop -. He says he then drove away and some-time after that he was questioned by the Police and made a statement to the Police. Sometime during April he happened to be at the Tower Garage in the Northeren portion of Johannesburg, near Alexandra Township, and No.1. accused together with No.5 accused questioned him

20. as to whether he had made a statement to the Police. He was then told by No.1. accused that he was not to point out any of the people who had been in his car at that time if they were arrested, and No.1 accused said that he had already destroyed the case at the Wynberg Police station. He said that he would give Selebogo a firearm, and if any of the deceased's family were to say anything he had to shoot them. He asked the witness to go with him to his Attorney to make a statement, he said that he had an attorney who

30. assisted him in that matter and many other matters. He told him that if he did not do that he would be dealt

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with by the Msomi council; whereas if he did what No.1 asked him to do he would be protected by the Msomi's. Selebogo says that he knew the reputation of the Msomi council and was afraid to refuse, so he pretended to agree. In actual fact he went to Marshall Square and reported to Police authorities there what had happened. He was told to agree and pretend to make a statement but not to swear to it. He says that he then went to the attorney's office at a later date, 10. after making an appointment with No.1 accused by telephone. He says No.1 accused, pretending to interpret, actually in fact dictated the statement. He was then taken to another attorney to swear to the statement, but he said that he belonged to a religious sect which refused to take the oath. He was able to identify only No's: 2, 6, and 9. He also says that a gang of natives habitually congregated outside the office of No.1. accused and that this gang included all the accused except No's: 8, 7 and 14, whom he 20. cannot recollect seeing.

Although Selebogo was cross-examined at great length as to the statement made to the attorney, we are satisfied that he has told us the truth as to the events; and we are also satisfied that his version as to what happened at the Tower Garage is correct. I do not propose to deal with No.1 accused's version as to what happened there, we reject that. We are quite satisfied that his version is a tissue of lies.

We come now to Nekgoe. He is a proprietor of 30. a restaurant, situated in the vicinity of the sports ground at the corner of Selbourne street and Twelfth

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avenue. He was later employed by the Peri-Urban Health Board. He says that on this day on the 13th of January, he happened to go out of his restaurant to the vicinity of the fence - which is very near to the street and opposite the office of No.1 accused. He saw the deceased whom he knows, being taken into the yard of the back of the office of No.1. and he says that he could recognise several of the people who were taking him in there. He actually knew their names too. He pointed out and named Maxie, No. 14 accused, No. 12 accused, a native named Edwin - who is not before the Court, and numbers 4, 6 and 7 accused. I may mention incidentally that he noticed No.4 accused later that afternoon again coming into his restaurant and going into the lavatory to wash his hands. I do not think he mentioned the lavatory but he said that he had gone to wash his hands; presumably in the lavatory. He also said that he had frequently seen the accused or most of them gathered in a group with various other natives outside the office of No.1 accused. He says that he had seen groups split off and seen them attack and rob bus passengers; he had seen them fighting and assaulting people on the sportsground. He says that most of them, if not all of them, had at various times come into his restaurant, mostly in small groups; and he says that some of them carried firearms quite openly. He says that he had reported several incidents to the Police of their doings, but the Police did not appear to take the reports seriously, and eventually he gave up reporting them. He does not contradict himself on

one material point, because he says that the present - this incident of the people taking the deceased to the backyard behind the accused No. 1's office, was reported to the police by him; but it is quite clear that at the Preparatory examination he says that it was not reported to the Police by him. In spite of that material discrepancy, we are satisfied that substantially he is a truthful witness and that he is accurate in regard to his identification.

10. I come next to the witness David Mokwena. He worked in an office, at material times, nextdoor to the office where accused No. 1's office was, and he says that he was a member of the Msomi gang. He denies that he took part in any serious incident in which the accused were concerned, but that he went on visits with them. He says that No.1 accused was the leader of this gang, and also a native by the name of Alec Dube, who I will mention again later. No.3. he says, is also regarded as one of the leaders. He says that No.1.
20. accused's car was burnt, he is uncertain about the date, and it was suspected that the rival gang the Spoilers, had done that. David Mokwena was obviously a very frightened and a very reluctant witness, and he told the Court that he had been threatened with death if he gave evidence against the accused. We are quite satisfied that that was the position and that he was afraid and that he could have told the Court very much more than he did tell the Court, but what he did tell the Court was the truth. He says that the
30. deceased, Badman and Kadietsa, amongst others, had been suspected of having a hand in burning the car. He

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said much more in his statement, which was put in in cross-examination, but which is of course not evidence. He says that on the afternoon of the 13th of January, he went into the yard to go to the lavatory and he was called into a room of which the door faced the backyard. He was called in by Maxie and was then asked to identify the deceased, who then had his hands tied and was sitting on the floor. He says that all the accused before the Court - except No's: 1, 8 and 13, 10. were present, either in the room or around the doorway and he says that No. 12 accused spoke to the deceased - asked the deceased who had burnt No.1. accused's car. The deceased said that he did not know. He says that the accused then said to him - words to the effect that - 'You know that you have been brought here to be killed in connection with that car.' Hen then left.

The next witness I wish to consider is James Bamba. He says that he is a nephew of a man named Alec Dube. He says that Alec Dube was the founder 20. of the Msomi gang, which originally had been founded because there had been trouble between Alec Dube and some members of the Spoiler gang. He says that No.1 then also came into the gang and he and Alec Dube were regarded as the leaders of the gang. He says he himself was regarded as a member of the gang, but in fact he had no sympathy with them and had friends amongst the Spoilers. It is also apparent that he subsequently became a Police informer. He says that particularly in December 1957, there were many meetings 30. in the yard of No.7 accused. Plans were discussed in regard to robberies and assaults; and after No.1.

/accused's

accused's car was burnt, that question was discussed and it was suggested that the people who had burnt that car had to be found and killed. It is clear from the evidence of No. 1 accused himself that Badman was one of the persons blamed for the burning of his car, because No.1. accused alleges that he saw Badman at his garage at the time that his car was set alight. To continue with the witness James; he says that all the accused used to attend these meetings and
10. discuss the plans of the gang, he says that they all attended these meetings, but he does not mention No.8 and 13, who were Policemen at the time, as attending these meetings. He does say that all the accused attended meetings at the office of No.1. accused and in the yard behind the office.

James Bamba says that there had been some trouble in the gang because certain people had been asked to kill Badman, but had not done so. Then coming to the 13th of January, he says that that
20. afternoon he happened to be passing the office of No.1 accused, when he was called into the yard by No.11 accused; and he says that in this back room the deceased was sitting on a chair with his hands tied and he says his hands were tied with wire. No.11 accused asked him to come and see whom he had caught. No. 10 accused was in the room, presumably guarding the deceased. He says the deceased asked him - the witness - to procure his release, and said that he was quite innocent, and he says that he could not do
30. anything and that he left. He does not know what happened to the deceased.

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The next event of importance is that on the 15th of January, at five o'clock in the afternoon, Mr. Roberts was driving along the road between Johannesburg and Pretoria - some nine miles from Alexandra Township - on the road known as the B.Q. road when he saw some natives next to the road who appeared to be looking at something. He stopped to investigate and he found that there was a body of a native in a furrow next to the road. He immediately reported to the Police and in due course that body was taken to the Mortuary and the following day that body was identified by Anna, and the accused's sister, Susan Philatse. Anna says she identified the body by the clothes he was wearing; that is his jacket, trousers and suede shoes, and by his features. Susan says that she did not identify him by his features, but by his hands, his clothes and a ring on his finger which she knew. The subsequent Post-mortem examination on the 17th put his death at some three days to a week before the Post-mortem, which is consistent with his being killed on the afternoon or night of the 13th January; and established the cause of death as multiple gun shots in the head. Four entrance wounds were found made by bullets in the skull, and four bullets were in fact recovered from the skull. I omitted to state that at the place where the body was found, there was blood on the ground and four cartridges and three spent bullets were found in the vicinity. It does not appear to be of importance to establish as to where he was killed, but it is probable that he was killed where he was found.

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There is only the general evidence of Coetzee that I still have to deal with as being material to the Crown case. Mr. Coetzee was a representative of the Peri-Urban Areas Board in Alexandra Township. He says that he received numerous complaints from residents in regard to the doings of the Msomi gang, but he says that none of them would make a statement as to what they had witnessed; they were afraid of the Msomi gang. He says that as a result of these complaints he kept
10. observation as well as he could, and very frequently saw gatherings of natives outside the office of No.1. accused and in the yard of No.1. accused, being addressed by No.1. accused and by Alec Dube.

No.1. accused was a person with a substantial income who occupied an office and collected rents, and according to the evidence, had interests in several butcher businesses. No.1 accused has attempted to establish some sort of an alibi for the 13th of January. It appears quite clearly that he together with
20. No. 3 accused did attend an identification parade at about 2 p.m. on that day; that was also the day on which he paid out people on whose behalf rent had been collected. The receipt book that was handed in shows that he did in fact pay some 23 people that day. A girl employed in his office was called as a defence witness, and she says that she knows that he went to an identification parade at 2 o'clock, but he only came back when it was locking up time. She left there at five o'clock - she left before he did. She gives
30. some significant evidence, refreshing her memory from the receipt book, and that is that No.3. accused during

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the morning was sent out to pay some people who were ill and could not come to collect their rents. Two were in Twelfth avenue but one was in Second avenue; so that he did have to go to that vicinity some time during that morning. He probably saw the deceased and reported his whereabouts to the gang. She gives evidence that there was no telephone in that office contradicting several of the accused who said that their only connection with No. 1 accused was that they

10. went there to use his telephone. She says that No. 1. did not go out at all during the morning of the 13th but we are satisfied that she cannot be correct.

I do not propose to deal with the evidence of the accused in any detail because we are all satisfied that not only is their evidence unreliable but also untruthful. What is significant in the evidence of the accused, except for No. 1. accused, is that most of them are persons who had at that time no fixed employment and had a great deal of leisure. Their ignorance

20. in regard to the doings of the Msomi gang is also beyond belief.

In assessing the Crown evidence we are aware of the fact that the evidence of both James Bamba and David must be scrutinised with great care on the same basis as the evidence of accomplices, because they are self-confessed members of this gang. Bearing all that in mind their evidence fits into the general picture and they have been observed by the Court very carefully. The Court has borne in mind all the

30. criticisms made by Mr. Manners for the defence; but we are satisfied that they substantially told the Court the truth in their evidence.

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The first question to be decided is whether the deceased was, as named in the indictment, the husband of Anna. We are satisfied that the evidence of Anna and Susan establishes the identity of the deceased, and if that evidence is considered not in vacuo but in the setting of all the evidence, there appears to us to be not the slightest doubt as to the identity.

10. The next thing to establish is which accused took part in the kidnapping and the subsequent detaining of the deceased in the room behind No.1. accused's office. In regard to No.1 accused there is the identification by Anna supported by Kadietsa. As far as he is concerned we are satisfied that it is impossible for Anna to have been mistaken and we are also satisfied that she has not concocted her story. Apart from the corroboration by Kadietsa, which is of not great consequence, it is clear that he had a motive for killing the deceased because the deceased
20. was suspected of burning his car. It is quite clear that he took a prominent part in covering up this crime; it is clear that he tried to intimidate Selebogo and prevent him from giving evidence against him and other members of the gang.

No.2. accused is identified by Selebogo as being in the car which was sent to kidnap the deceased; and identified by David as one of those in the room when he was called into the room to identify the deceased.

30. No.3 accused was clearly closely associated with No.1. accused during that day, and was usually

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closely associated with No.1 accused. He was regarded by David as being one of the leaders of the gang. He was identified by Kadietsa and Anna.

No.4 accused was identified by Nekgoe as one of the group which he saw taking the deceased into the room. He was identified by Kadietsa, and by David as being present in the room where the deceased was kept a prisoner.

10. No.5 accused was with No.1 accused when an attempt was made to intimidate Selebogo. He was identified by David as being in the room and by Kadietsa as being with the group who kidnapped the deceased.

No.6. accused is identified by Selebogo, by Nekgoe, by David and Kadietsa as taking part in the kidnapping.

No.7 accused is identified by Anna, by Nekgoe and by David.

20. No. 9 accused is identified by Selebogo as being the one who guarded his passenger and by David as being in the room where the deceased was kept a prisoner.

No.10 accused is identified by James Bamba and by David.

No. 11 accused is identified by James Bamba and by David.

No. 12 accused - first of all there is evidence against him which I have not mentioned before. Anna says that some two weeks before the deceased was kidnapped, No. 12 accused had said to her that she must
30. tell her husband that they were going to fetch him and

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take him away and give him a hiding and bring him back to her. She asked why he would have to be given a hiding and No. 12 accused said to her they would tell him but they would not tell her. She says that No. 12 played a leading part in the taking of the deceased out of the room. He is also identified by Nekgoe and by David.

No. 14 is identified by Anna, by Nekgoe and by David.

10. There are two accused who stand on a slightly different basis, and those are No. 8 and 13. They were both Policemen at the time. There is the evidence of James Bamba that they were members of the gang, but it is possible that that evidence is hearsay because he does not mention them as taking part in any discussions at the meetings of the gang, except for being present at times outside No. 1's office.

20. No. 8 accused, as appears from the duty book, which was referred to in the Court, was actually on duty on the 13th together with a number of other Policemen in Alexandra Township. If he took part in this kidnapping he must have left again immediately afterwards to join his party. There is no real corroboration of Anna's identification in the circumstance of the case. The only corroboration is by Kadietsa. Although we think that there is a possibility of Anna being mistaken is very, very slight; it does appear that she gave his name when she gave her statement in February, but certain passages in the Preparatory examination, evidence indicate that she was not
30. altogether certain.

No. 13 accused also stands very much on the same footing although there is no evidence as to what he was doing on that date. As I say Kadietsa's identification by itself is not of very great importance and there is a faint possibility that Anna might be mistaken in her identification of No. 13. As I say as far as these two are concerned the possibility of a mistake is very, very faint, but we feel that that possibility is something which should be taken into
 10. account.

The next question is whether the deceased was killed by the members of the Msomi gang. There appears to us, if all the facts are taken into consideration, to be no doubt whatsoever in this regard; because rightly or wrongly he was suspected of taking part in the burning of ^{No.1.} accused's car and the evidence also established that on the previous night the Plaza bioscope, at which several of the accused had been employed, had also been burnt out. Maybe that also
 20. actuated them in the reprisal in which they took part.

The only question remaining is whether the Court can find whether all the accused before the Court, associated themselves with the killing of the deceased. It appears from the evidence of James that the killing of the person who was responsible for the burning of the car had been discussed and planned at meetings of the gang. The deceased was taken away violently by members of the gang some of them armed with revolvers. He was threatened in the car which
 30. took him away and in the presence of David the witness. No. 12 accused in the presence of all the accused

/ except

except No. 8 and 13, told the deceased that he had been brought there to be killed. The inference is irresistible that all the accused with the exception of No. 8 and 13, associated themselves with the plan to kill him; and No. 1 accused as the leader of that gang at that time must be inferred to have either planned this or associated himself with the carrying out of this plan.

10. I omitted to mention that the person who had prior to that been regarded as being the leader of the gang - Alec Dube - had left for Rhodesia sometime in December and returned some months later.

I do not propose to deal with all the arguments advanced by Mr. Manners, except to say that they all have duly been considered. There are only one or two points which I wish to deal with. First of all there is the submission that the story of the Crown is improbable, that they would kidnap a man and take him away to kill him in broad daylight, where there are many witnesses. But it is clear from the general activities of this gang that they did not care who saw what they did and who did not. They relied on terrorism and intimidation to prevent people from giving evidence against them.

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This Court has experienced many cases where witnesses are terrified to come to Court and tell what they have seen, because of this native gangsterism which is prevalent in Johannesburg.

The only other point I wish to mention is that of the time. As is to be expected none of the material witnesses as to the kidnapping, can give any

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definite time when this happened. None of them carried watches or had any watch available. It is clear from the evidence that these events took place after twelve noon; two of the witnesses said just about the time the schools come out. It is known that it was actually vacation time and that there were no schools in session at that time. It also appears from the evidence that some children come out at 12 o'clock some at one o'clock and some later; so that that

10. estimate is of very little value. But it appears to us that these events did take place as far as the actual kidnapping and the evidence of David is concerned, between 12 o'clock and two o'clock; the time when James Bamba saw the deceased was probably a bit later when the gang had gone and left only two to guard the deceased. David was questioned as to the time that he worked, but he was not asked whether he was working that day or not. Had he been working he might easily have been on night shift, starting in

20. the late afternoon. He is very vague in regard to the time when he saw the deceased in that room.

We are satisfied without any doubt at all as to the guilt of all the accused except No's: 8 and 13. As far as No's: 8 and 13 are concerned there is a very slender doubt which we feel should be taken into account to their benefit. They will be found not guilty.

MR. MANNERS ADDRESSES THE COURT RE: MITIGATING CIRCUMSTANCES.

COURT ADJOURNED AT 12:30 - 12:45 p.m.

/ON

ON RESUMING:DE WET, J:

In the case of Accused No's: 1 and 12 the Court finds that there are no extenuating circumstances. No.1. accused as leader of the gang cannot escape responsibility for the actions of his gang.

No. 12 has played such a leading part in the kidnapping of this unfortunate deceased that it must be inferred that he played a prominent part in the killing of the deceased.

No.3. accused we feel also played a prominent
10. part but there is reason to believe that he was under the influence of No.1. accused and that he was the bodyguard of No.1. accused. It is possible that he only acted under instructions, and although he is responsible in law, there is something to be said for him.

The other accused will be given the benefit of the doubt in this matter, that they are only responsible as members of this gang but there is no proof that they took part in the actual killing.

PREVIOUS CONVICTIONS OF THE ACCUSED EXCEPT NO.1. and 12. HANDED IN.

JUDGE'S REMARKS IN PASSING SENTENCE.DE WET, J:

I may say that before I pass the sentences, that those of you who escaped the death sentence are very fortunate today. The Court has stretched

/mitigating ...