

# CAPITAL PUNISHMENT

PACSA FACTSHEET

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*"If you're going to care about life, you've got to care even when its guilty life."* Murphy Davis (called 'the Angel of Georgia's Death Row')

*"One is in a very real sense causing someone to be killed".* Justice Leon on giving the death sentence.

## The Death Penalty as Punishment (looking at Scripture)

The Mosaic Law prescribed capital punishment (imprisonment was impossible for nomadic people) but the New Testament does not endorse the use of the death penalty.

Four theories on punishment are as follows:

1. **The Retributive Theory.** The State's concern is outward order and justice; it executes God's wrath only in an outward and partial way; it has no power to execute the final judgement.
2. **The Deterrent Theory.** Punishment does deter up to a point. But a basic question is: How can the State claim to combat violence by committing it? "Killing by the State is an absurdly illogical way of testifying to the supreme sanctity of human life" (1965 PCSA Church & Nation Report). Statistics show that the death penalty does not reduce the number of murders and violent crimes committed.
3. **The Preventive Theory.** If a murderer is removed from society, he/she is certainly prevented from repeating the crime. However a life sentence would have the same effect as the death sentence.
4. **The Reformatory Theory.** The death penalty presupposes that improvement, education and restoration are excluded for the guilty person. The punishment has no positive or meaningful aspect; it presupposes that he/she is incurably evil. From the Scriptural point of view no person may be considered irredeemable.

## Environmental Factors & Social Conditions

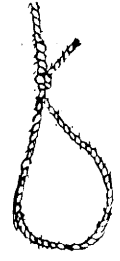
It is accepted today that the social and economic environment is the ecological breeding place in which the personality takes shape. Social psychology has shown that the criminal personality is bred by environments in which are the following: poverty in the midst of wealth, squalor, poor housing, broken or unstable families, lack of strong parental guidance, lack of recreational opportunities, lack of social and economic security and of job opportunity. Statistics show that where these conditions obtain, the rate of crime is high. The tragedy in South Africa is that many of the factors which cause crime and violence result from our legislation, motivated by racial ideology.

## Hanging and Mercy

It is the right of every condemned person to personally petition the State President for mercy, for factors and considerations that may not be relevant to a court may influence the State President. This power is not circumscribed by legal principles. It is a power to extend mercy.

## Hanging the Wrong Person

The late Prof. Barend van Niekerk: "There is no documented case to the writer's knowledge of a person's being executed in South Africa for another's crime, nor is there likely to be one. The vast majority of those ending their lives on the scaffold do not hail from social groups which would have the means, the knowledge and the persistence to have an executed man's innocence established." A number of cases are on record overseas where people put to death have subsequently been proved innocent.



### Executions in South Africa including the 'homelands'

Year	Pretoria Central				'Homelands'	Total
	Africans	'Coloureds'	Asians	Whites		
1980	85	43	1	1	7	137
1981	58	36		2	2	98
1982	62	37		1	3	103
1983	65	23		2	22	112
1984	88	24	1	2	16	131
1985	97	35		5	27	164
1986	89	25	1	6	17	138
1987	66	34		6	?	106* as at
	610	257	3	25	94	989 2.9.87

#### Execution Centres

Gallows are situated at Pretoria Central, Rooigrond (Bophuthatswana), Middeldrift (Ciskei), Wellington (Transkei), and Venda Central (Venda).

After a terrifying incident at Pretoria Central, when teargas was used to force four men out of their cell to the place of execution, a member of Parliament asked the Minister of Justice the following questions:

- .How long condemned prisoners have to wait after arriving at the gallows before being executed;
- .whether condemned prisoners are sedated, and, if so, what form of sedation was used;
- .how often it was necessary to use physical force or teargas to force condemned prisoners to the gallows;
- .whether more than one prisoner can be executed at a time, and, if so, how many, and how many such multiple executions have taken place in 1980 and 1981. . .

The Minister said he did not want to answer the questions because they were 'too gruesome'. The member said it was strange that a government which hanged more people for a wider variety of crimes than any Western country should be squeamish about providing details; and that the purpose of his questions was to make the public aware of the brutality and terror of capital punishment. **It was disclosed that seven prisoners can be executed simultaneously.**

#### Death Row

Currently there are at least 305 people in death row cells, 253 in Pretoria Central, 24 in Rooigrond Prison, 23 in Wellington Prison and 5 in Middeldrift. At Pretoria Central there are **32 political prisoners.**

Many individuals and groups are campaigning for the lives of the political prisoners, while other groups, including the Presbyterian Church of Southern Africa, the Southern African Catholic Bishops' Conference, the Church of the Province of Southern Africa, are extremely concerned about the use of capital punishment in ANY instance. Some have asked the State to institute a thorough inquiry into its abolition.

In 1969 Mrs H Suzman called for a commission of inquiry into the abolition of capital punishment. Her motion was overwhelmingly defeated. Since then over 1600 persons have been executed in South Africa — that is an average of almost 100 persons per year.

#### How do we respond?

PACSA would like to join other organisations in a campaign for the abolition of capital punishment. We suggest all concerned persons encourage and mobilise groups and churches to raise the level of public demand for the abolition of the death sentence.

In 1943, Dr F Malan, pleading for the life of Roby Leibbrandt (found guilty of treason) said:—

"Blood that is spilt. . . creates a gulf, a deep gulf which in the history of a people like ours, might be unbridgeable. . ."