

4 March 1991

TO: UA Coordinators  
FROM: IS, CMD/RD Africa

**Request for Urgent Action.** This action is being sent by telex/fax/e-mail for reasons of speed - several of you will have received this already as a WARN last Friday; please continue action if you can. The text will be printed for information and distribution in the weekly mailing, and has therefore been given the index number AFR 53/11/91.

**TLX 15/91 - Fear of Execution**

**SOUTH AFRICA: Paul BEZUIDENHOUT**

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The first execution authorized by South Africa's State President F W De Klerk for more than a year has been scheduled for 5 March.

Paul Bezuidenhout has been given notice that his execution is scheduled to take place in Pretoria on 5 March 1991. The Minister of Justice informed parliament on 26 February 1991 that eight prisoners had had their death sentences commuted but that Paul Bezuidenhout was to be hanged. The Minister said that Paul Bezuidenhout's execution would take place soon but that the exact date would not be announced beforehand. On the same day the prisoner received seven days' notice of execution. Lawyers are seeking a last-minute stay of execution to enable new psychological and psychiatric evidence to be considered.

Paul Bezuidenhout was convicted on 15 September 1989 in the Supreme Court (Northern Cape Division) of the murder of a woman and a young child in September 1988. He was sentenced to death and his appeal was dismissed on 28 September 1990. He subsequently submitted a petition to the State President for clemency but it too was turned down.

#### **BACKGROUND INFORMATION**

This is the first execution to be scheduled in Pretoria since a moratorium on executions was announced in February 1990. On 27 July the Criminal Law Amendment Bill came into force, resulting in the abolition of the mandatory imposition of the death penalty in certain murder cases and providing for automatic right of appeal and clemency procedures in all capital cases. In addition the Act created a process whereby some people sentenced to death under the old law will have their cases reviewed in the light of the new provisions by a closed panel of nine judges and academic lawyers. The review panel is apparently willing to consider new evidence regarding mitigating circumstances in each reviewed case. However, a number of other cases of people sentenced to death under the old law, including that of Paul Bezuidenhout, reached the appeal stage after the passage of the new law. His appeal was thus considered and dismissed by the Appellate Division in light of the new law, but without the court hearing any new evidence.

At the end of 1990 at least 331 people were under sentence of death at Pretoria Central Prison, and a further 108 in the nominally-independent "homelands". Those under sentence of death in the Ciskei "homeland" are reported to have had their sentences commuted to life imprisonment. One person was executed in November 1990 in the nominally-independent "homeland" of Bophuthatswana despite a last-minute petition to the Supreme Court for a stay of execution pending the filing of a petition for clemency.

**RECOMMENDED ACTION: Telegrams/telexes/faxes:**

- appealing that the State President review his decision and urgently grant clemency to Paul Bezuidenhout, whose execution is scheduled to take place on 5 March 1991, and to any other prisoners awaiting execution in South Africa;
- expressing deep regret at the ending of the moratorium on executions in South Africa, and appealing for clemency for all prisoners under sentence of death;
- stressing that Amnesty International believes that in all cases the death penalty is a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment, as proclaimed in the Universal Declaration on Human Rights.

**APPEALS TO:**

State President F W De Klerk  
 State President's Office  
 Private Bag X83  
 Pretoria 0001, South Africa  
**Telegrams: President De Klerk, Pretoria, South Africa**  
**Telexes: 321695 SPLIB SA, 321890 PRES SA; 322158 PRES SA**  
**Faxes: +27 12 323 3982**

Mr H J Coetsee  
 Minister of Justice  
 Department of Justice  
 Private Bag X81  
 Pretoria, South Africa  
**Telegrams: Justice Minister, Pretoria, South Africa**  
**Telexes: 322139 JUST SA**  
**Faxes: +27 12 326 0991**

**COPIES TO AT LEAST ONE OF THE FOLLOWING:**

- South African Press Association (Attn: Craig Doonan), PO Box 7766, Johannesburg 2000
- The Editor, The Cape Times, PO Box 11, Cape Town 8000
- The Editor, The Star, POB 1014, Johannesburg 2000
- The Editor, Vrye Weekblad, PO Box 42637, Fordsburg 2033
- Society for the Abolition of the Death Penalty in South Africa, c/o Centre for Applied Legal Studies, University of Witwatersrand Johannesburg, PO Wits 2050, South Africa
- Lawyers for Human Rights, 713 Van Erkom Building, Pretorius Street, Pretoria 0002, South Africa

and to diplomatic representatives of South Africa in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 5 March 1991.