

Dad's plea saves son from the gallows

• FATHER HAMMERED ON
CHIEF JUSTICE'S DOOR

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● CASE RAISES DOUBTS AMONG LAWYERS

gallows

A CONDEMNED man who spent nine months in death row has been saved from the gallows — thanks to the courage and faith of his dad.

Lesley Sikweyiya, 21, is alive and free today because his father hammered on the door of the Chief Justice's home in Bloemfontein one night and pleaded his son's innocence.

His son was released from prison earlier this month, after watching 130 people go to the gallows.

The amazing case of Lesley — who technically should be dead by now — has caused embarrassment and doubts among legal men.

On August 29 last year, Mr Justice F S Smuts of the Free State division of the Supreme Court, sentenced Lesley to death.

He had been found guilty of murdering another man by stabbing him in the eye with a screwdriver in front of Bloemfontein's Red Rooster nightclub in May.

Refused

His application for leave to appeal was refused by another Free State judge, Mr Justice E Lichtenberg.

In October, when he was already in the death cells in Pretoria, he petitioned the Chief Justice for leave to appeal on the grounds that the trial court had incorrectly judged the facts of the case.

But on November 19 this application was turned down by Mr Justice Diemont of the Appeal Court.

The next day a Bloemfontein newspaper carried a front-page headline: "Nightclub murderer to hang".

By MARTIN WELZ

All legal steps to save Lesley from the gallows had been exhausted, except for an appeal for clemency to the State President.

But that was when Lesley's taxi-driver father, Mr Mangaliso "Surprise" Sikweyiya, decided it was time to act.

Convinced of his son's innocence, he went to the Supreme Court and bought a copy of the court record.

By night, he studied it word for word, jotting pencil notes on what he thought was conflicting evidence by State witnesses.

As time ran out for Lesley, his dad decided on a brave but desperate step.

He would go to see the Chief Justice.

On Friday, November 23, he and a family delegation arrived on the doorstep of Mr Justice Rumpff's home in Harrismith Street.

The judge was out. But Mrs Rumpff, seeing their distress, invited them in and gave them tea while they waited.

Promise

Later that evening they left with a promise from the Chief Justice that he would look into the case when he returned to his chambers the following week.

On Monday, November 26 Mr Justice Diemont cancelled the order he had made the previous week and leave to appeal was granted.

The same day a telegram was sent to Pretoria to stay the execution pending an appeal.

Earlier this month Lesley Sikweyiya walked from Pretoria Central Prison with a third class train ticket to Bloemfontein.

court had erred in its judgment and found him not guilty.

The Chief Justice, with Appeal Judges Jansen and Kotze concurring, found that at the end of the trial, the court had been faced with three versions of the events at the Red Rooster Club, with only one factor in common: that the dead man had been stabbed with a screwdriver by the accused.

A State witness had alleged that Lesley had unprovokedly stabbed Mr Joseph Mokatsha, while the accused said he had been accosted while removing the hubcaps of his car with a screwdriver.

Doubts

In the course of the fight he had unwittingly stabbed a man who, unknown to him, was standing behind him.

The Appeal Court found that various factors which confirmed the accused's version had not been taken into account by the trial judge, while his claim that he had been removing the hubcaps from his car had not been checked or properly dealt with in cross-examination.

As a result, the trial court should have had "serious doubts" about what happened and the case against Mr Sikweyiya had therefore not been proved.

"Of course I am grateful to the Chief Justice who did not hesitate to set the wheels in motion to correct a mistake," a relieved Mr Mangaliso Sikweyiya told the *Sunday Times*.

Senior legal men in Bloemfontein, who declined to be named for professional reasons, said this week that the case created doubts about a Government proposal to limit

Black driver's plea to judge saves son from gallows

By CHRISTOPHER MUNNION in Johannesburg

A 21-YEAR-OLD Black man walked free from death row in a Pretoria prison after his father, a taxi-driver had won him an appeal hearing by making a late-night call at the home of South Africa's Chief Justice.

Lesley Sikwayiya, who watched 130 prisoners go to the gallows in his 10 months in Pretoria Central Prison, said yesterday:

"For months and months I prayed and prayed, asking God for my life. He gave it to me."

Mr Sikwayiya was sentenced to death for murdering a man with a screwdriver outside a nightclub in Bloemfontein in August last year. An application for leave to appeal was rejected.

But his father, Mr Mangaliso Sikweyiya, a 49-year-old part-time minister in his local church, believed there was still hope.

"I was desperate. My wife was very ill and everything was going wrong for my family," he said. "My lawyers told me there was not hope. The case was cut and dried."

Conflicting evidence

Mr Sikweyiya went to the Supreme Court himself and bought a copy of the court record. He studied it and made notes of what he considered was conflicting evidence.

Then he went to the Bloemfontein home of the Chief Justice, Mr Justice Rumpff.

"At first I made a fool of myself," he said. "I met a guard, a white man, who I thought was the judge."

The guard took him to the back of the house and left him with the maid. "The servant said she would introduce me to Mrs Rumpff, who came through and listened to my story. Judge

Rumpff arrived about an hour later."

"I told him about the case . . . he was astonished and promised he would investigate the case," Mr Sikweyiya said.

Later the Appeal Court set aside the conviction.