

Media Statement



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TO: ALL MEDIA

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RE: TWO MEN SENTENCED FOR TWO MOB JUSTICE MURDERS

The Western Cape High Court sentenced Nzimani Tolbati to 20 years direct imprisonment for the murders of Songezo Nqubelani and Sibusiso Lubanga.

His co-accused, Madododmzi Butshingi who was convicted of assault with intent to cause grievous bodily harm was sentenced to five years direct imprisonment with three years suspended on condition that he is not convicted for the same crimes again during the period of the suspended sentence.

The two accused were part of six Witsand community members who were arrested and charged with the murders of the two young men. The four other accused were acquitted of the charges. This was mob justice incident that took place on the afternoon of 14 June 2015. During the trial, Advocate Mbulelo Koti told the court that the two deceased young men robbed Butshingi and Berentinia Christina Swarts in the early hours of 13 June 2015.

Butshingi alleges that the deceased came to see him at his shack the following day although it is still not clear why robbers would visit their crime victim at his place of residence and in his community. An argument arose and community members came. Butshingi says he pushed the deceased out of his yard and they were dragged by the community members who beat them up with blunt objects. They suffered severe injuries which included cracked skull resulting in the brain escaping their craniums. They had other serious injuries all over their bodies. Tolbati was convicted of the murders. It is alleged that he was the leader of the beatings and he attempted to set the victims alight. Although both accused were convicted of serious crimes, protested their innocence and never took the court into their confidence as they chose not to testify, Judge Dolamo said deindividuation and desensitization were substantial and compelling circumstances.

Deindividuation is a phenomenon in which people engage in seemingly impulsive, [deviant](#), and sometimes violent acts in situations in which they believe they cannot be personally identified (e.g., in groups and crowds and on the [Internet](#)). The term *deindividuation* was coined by the American [social psychologist Leon Festinger](#) in the 1950s to describe situations in which people cannot be individuated or isolated from others.

Other substantial and compelling circumstances in favour of Tolbati were that he had no previous convictions, was a first time offender, alcohol played a role in his actions and he has been in prison for three years. Although Butshingi continued to lie even after his conviction and was the catalyst that led to the severe beatings, the judge found mitigating factors that weighed in his favour as he sentenced him to an effective two years imprisonment. "Vigilantism and mob justice have no place in a democratic society. We have government institutions that are tasked with the responsibility of dealing with crimes. We have police who are tasked with apprehending offenders and bring them to the courts of law," he said as he sentenced them.

Kind Regards,

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