

EXTERNAL (for general distribution)

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Further information on UA 269/90 (AFR 53/50/90, 29 June 1990) and follow-ups AFR 53/54/90 (12 July 1990) and AFR 53/72/90 30 October 1990) - Health concern/fear of ill-treatment

**SOUTH AFRICA: Thabiso RADEBE, member of Tembisa Youth Congress,
arrested 18 June 1990**

Thabiso Radebe, who was arrested on 18 June 1990, appeared in court for the first time on 22 November 1990. He has been charged in connection with the alleged possession of weapons and explosives. His trial has been scheduled to begin on 12 February 1991 in Kempton Park Magistrate's Court, Johannesburg. At a bail hearing, the presiding magistrate rejected Thabiso Radebe's application for bail, and he remains in custody at Modderbee Prison near Johannesburg. His lawyers have submitted to the government an application on his behalf for indemnity against prosecution in accordance with the guidelines issued by the government in November 1990. It is not clear how the trial process will be affected by the application for indemnity; other political trials in South Africa are proceeding despite the defendants having submitted applications for indemnity.

Amnesty International remains concerned about Thabiso Radebe's health and general wellbeing. Prior to being charged he spent five months in incommunicado detention, broken only by a few permitted visits from a relative. He is suffering the psychological effects of this prolonged isolation. Currently he is being held as an "awaiting-trial" prisoner with the right to receive visits from his lawyers and family. He has contact during a daily exercise period with four other political prisoners and has been permitted to have a musical instrument in his cell. Nevertheless the prison authorities have reportedly been obstructive and on a number of occasions have made access to Thabiso Radebe difficult. In addition the prison food is reportedly very poor.

Amnesty International is also concerned at reports that warders in charge of Thabiso Radebe have subjected him to taunts and harassment and that on 26 November 1990, when he first arrived at Modderbee Prison, he was kicked and punched by a warder and required medical treatment as a result. He has brought charges of assault against the warder involved in the alleged attack.

Amnesty International welcomes the fact that Thabiso Radebe is no longer being held incommunicado as an uncharged detainee. However, Amnesty International is urging the authorities to fully investigate the allegations of his ill-treatment by warders and to ensure that Thabiso Radebe is protected from the possibility of further assaults.

Thank you to all urgent action participants who have appealed on behalf of Thabiso Radebe. He has expressed his appreciation for all the appeals issued on his behalf.

Please continue appeals as advised below.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- welcoming the fact that Thabiso Radebe is no longer being held incommunicado as an uncharged detainee;

- expressing concern at reports that Thabiso Radebe is being subjected to harassment from warders and receiving an inadequate diet;

- expressing particular concern at reports that he was assaulted by a prison warder on 26 November 1990; calling for a full investigation into that incident and seeking assurances that steps are being taken to protect him from future assaults. You can refer in some letters to the UN Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment, adopted by the UN General Assembly in December 1988, Principle 6 of which states in part: "No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

- seeking assurances that he will be granted full and regular access to visits from his lawyers, relatives, and a doctor of his choice if he so requests, and that there will be no further obstruction of that access.

APPEALS TO:

Mr F W De Klerk
State President
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 or 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

Lt-Gen Van Der Merwe
Commissioner of Police
Police Headquarters
Private Bag X94
Pretoria 0001, South Africa

Telegrams: Police Commissioner Van de Merwe, Pretoria, South Africa
Telexes: 3-20772 SAPQM SA; 3-20838 SAPOB SA
Faxes: + 27 12 323 2033

Prison Commander,
Modderbee Prison,
Private Bag X1045,
Benoni 1500, South Africa

Telegrams: Prison Commander, Modderbee Prison, Benoni, South Africa

COPIES TO:

- The Editor, The New Nation, PO Box 10674, Johannesburg 2000, South Africa
- The Editor, The Star, PO Box 1014, Johannesburg 2000, South Africa
- The Human Rights Commission, PO Box 32723, Braamfontein 2017, South Africa
- South African Council of Churches, PO Box 4921, Johannesburg 2000, South Africa

and to diplomatic representatives of South Africa in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat if sending appeals after 20 March 1991.