

EXTERNAL (for general distribution)

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Legal concern/fear of torture

12 June 1991

SOUTH AFRICA

Abraham LURULI, teacher, chairman of the Nancefield  
Civic Association  
Jacob MATAKANYE, Messina Advice Office worker  
Lesiba MATSAUNG, a minister of the Ned Geref Kerk (Dutch  
Reformed Church) in Africa  
Portia KINDLANDE, a student  
Solomon CHAUKE  
Abel DUBE  
Stanley MAPHANGA  
Baldwin MURACHA  
Joseph MURACHA  
George SAKALA  
Robert SIBADI

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The 11 people named above were arrested in the Far Northern Transvaal town of Messina on 8 June 1991 and are still being held uncharged. They were apparently arrested in connection with a consumer boycott taking place in Nancefield, the black township near Messina. They were arrested by the South African police and taken initially to Messina police station, but were transferred subsequently to different police stations. Church representatives who tried to visit them at Messina police station on 12 June were denied access to them, apparently on the grounds that they are being held under section 50 of the Internal Security Act (No. 74 of 1982). However, rights permitted to detainees under section 50 of the Act include the right to family visits and right of access to legal counsel.

Section 50 provides for a police officer to arrest any person believed to be contributing to public disturbances and detain them for 48 hours. The detention can be extended for up to 14 days on the authorization of a magistrate, and periods of 14-day detention can in theory be repeatedly renewed. The government's proposed changes to the Internal Security Act, currently before parliament, include no proposal to change the provisions of section 50.

Amnesty International is concerned that these prisoners may have been detained on account of their non-violent political activities, and is calling for them to be released immediately if they are not to be charged promptly with a recognizably criminal offence. The organization is seeking assurances that they are not being subjected to torture or ill-treatment while in custody.

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

- expressing concern about the detention of those named above and asking for reasons for their detention and where they are currently being held;
- seeking assurances that they are not being subjected to torture or ill-treatment while in the custody of the police;

- urging that they be granted immediate access to legal counsel, to visits from their families and church representatives;

- calling for their immediate and unconditional release if they are not to be brought to trial promptly and fairly on recognizably criminal charges.

**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 A J Vlok  
Minister of Law and Order  
Private Bag X463  
Pretoria 0001, South Africa  
**Telegrams: Minister Law/Order, Pretoria, South Africa**  
**Telexes: 321353 HABS SA or 321358 HABS SA**  
**(via Ministry of Home Affairs)**  
**Faxes: +27 12 322 2559**

Major Van Wyk  
Divisional Commissioner of Police  
Far Northern Transvaal Headquarters  
Private Bag X9429  
Pietersburg 0700, South Africa  
**Telegrams: Divisional Commissioner Police, Pietersburg,**  
**South Africa**

**COPIES TO:** at least one of the following:

- The Sowetan, POB 6663, Johannesburg 2000, South Africa
- Northern Review and Lebowa Times, POB 45, Pietersburg 0700, South Africa
- Vrye Weekblad, PO Box 42637, Fordsburg 2033, South Africa
- Northern Transvaal Council of Churches, PO Box 2039, Pietersburg 0700, South Africa
- Human Rights Commission, PO Box 32723, Braamfontein 2017, Johannesburg, South Africa
- African National Congress, Legal and Constitutional Affairs Department, PO Box 61884, Marshalltown 2307, Johannesburg
- All Africa Conference of Churches, Waiyaki Way, PO Box 14205, Westlands, Nairobi, Kenya

and to diplomatic representatives of South Africa in your country.

**PLEASE ORGANIZE SOME APPEALS FROM CHURCH GROUPS AND TEACHERS/COLLEGE GROUPS.**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 24 July 1991.