

EXTERNAL (for general distribution)

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Further information on UA 282/93 (AFR 53/35/93, 20 August 1993) - Legal concern / Fear of torture / Prisoner of conscience

SOUTH AFRICA

Louis SIBEKO, general secretary of the Thokoza Civic Association, and:

Makgowa Letele

Jabu Mokoena

Bushy Boy Machere

Buti Moloi

Power Makgothi

Motlalepule Motlounq

Lucky Maponya

Tshepo Sewetsang

Gift Moeti Mokoena

Buti Thinane

Ini Mokoena

All the detainees listed above have been released from detention in Boksburg Prison. Lucky Maponya, Ini Mokoena and Buti Moloi were charged with possession of petrol bombs and their case was postponed to 19 November. Jabu Mokoena was charged with attempted murder and possession of an AK 47 rifle; all charges were dropped on 14 October. Makgowa Letele was charged with possession of an AK 47 rifle and his case was postponed until 26 November. Buti Thinane was charged with murder; the charge was dropped on 5 November. Tragically Buti Thinane was killed along with family member in an automobile accident on 22 October. All the other detainees, including Louis Sibeko, were released uncharged.

Although Amnesty International welcomes the releases, it remains concerned about the treatment the group received from police officers while in detention. On 8 September 1993 Amnesty International representatives visited approximately 30 detainees at Boksburg prison, including those named above. Amnesty International representatives heard first-hand accounts of their torture, which included being slapped and kicked while hooded, and being partially suffocated with rubber tubing by police officers at Inyoni Farm Police Station.

Furthermore, Amnesty International is concerned about the conduct of the district surgeon who examined the detainees and showed no interest in treating their injuries. Members of the United Nations Observer Mission to South Africa (UNOMSA) visited the detainees at Boksburg Prison on 19 August. All but one of the detainees complained that they had been tortured, and some were in obvious need of medical care. When the UNOMSA representatives pointed this out to police officials, they initially refused to act on the request. After considerable pressure, Lieutenant-General Calitz agreed to arrange, with an ANC official, for the detainees to receive medical care. On 28 August family lawyers arranged private medical examinations for the detainees. The doctor noted a range of injuries consistent with their allegations of torture including bruises,

lacerations, loosened teeth, swollen testes, blood in their urine and injuries consistent with having been tied with wire or rope. This evidence was submitted by lawyers to the Johannesburg Supreme Court as part of an urgent application for a court order restraining the police from assaulting, abusing or threatening any detainee named in the application for the duration of their detention. Confronted by the medical evidence, the police consented to the order on 3 September.

FURTHER RECOMMENDED ACTION: Please send one further round of telegrams/telexes/faxes/express and airmail letters

- noting the release of Louis Sibeko and other detainees arrested on 17 August in Thokoza and held at Boksburg Prison under Unrest Areas regulations;
- expressing concern about the gravity of the detainees' allegations of assault and torture by police officers at Inyoni Farm Police Station;
- noting that appropriate medical treatment for the injuries these detainees suffered under torture was denied by the district surgeon;
- noting that an independent medical doctor who examined the detainees found injuries consistent with their allegations of assault and torture;
- urging that a full independent investigation be carried out into these allegations of torture by police officers, that officers suspected of involvement in the torture be suspended from duty and promptly brought to justice in accordance with the Government's obligations under the United Nations Convention Against Torture.

APPEALS TO:

1) 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
Faxes: + 27 12 323 3982
Salutation: Dear President

2) Mr H J Kriel
 Minister of Law and Order
 Private Bag X463
 Pretoria 0001, South Africa
Telegrams: Minister Law/Order, Pretoria, South Africa
Telexes: 321353
Faxes: + 27 12 322 2559
Salutation: Dear Minister

3) Lt-Gen J Van Der Merwe
 Commissioner of Police
 Police Headquarters
 Private Bag X94
 Pretoria 0001, South Africa
Telegrams: Police Commissioner van Der Merwe, Pretoria, South Africa
Telexes: 3-20772 SAPQM SA, 3-20838 SAPOB SA
Faxes: + 27 12 323 2033, +27 12 326 5162, +27 12 323 2456, + 27 12 322 0266
Salutation: Dear Lieutenant-General

4) Lieutenant-General J F Calitz
 Regional Police Commissioner, Witwatersrand
 Private Bag X5

Johannesburg 2000, South Africa

Telegrams: Witwatersrand Regional Police Commissioner, Johannesburg, South Africa

Salutation: Dear Lieutenant-General

COPIES OF YOUR APPEALS TO:

- Medical Association of South Africa, PO Box 20272, Alkantrant, Pretoria 0005, South Africa
- Independent Board of Inquiry, PO Box 32293, Braamfontein, Johannesburg 2017
- Peace Action, 603 Longsbank Building, 187 Bree Street, Johannesburg 2001

and to diplomatic representatives of South Africa accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 December 1993.