

EXTERNAL (for general distribution)

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Legal concern / Fear of torture /
Possible prisoners of conscience

31 December 1993

SOUTH AFRICA (BOPHUTHATSWANA):

Nathaniel NGAKANTSI, Executive member, African National Congress, Mafikeng Branch
Joseph MOLEFE, Executive member, African National Congress (ANC), Mafikeng Branch

Amnesty International is concerned for the safety of the two men named above. They are being held in incommunicado detention without charge following their arrest in the early hours of 31 December 1993. The organization regards them as possible prisoners of conscience, and is concerned that the detentions are part of pattern of harassment of non-violent political activists involved in voter education work in the lead up to South Africa's first non-racial elections in April 1994.

Nathaniel Ngakantsi was arrested just after midnight in his home. The police apparently informed his family that he was being detained for questioning. Joseph Molefe's arrest was carried out at about 5am in his home. Police Colonel D A George has confirmed to the detainees' attorney that the men are being held under the terms of Section 25 of Bophuthatswana's Internal Security Act. This allows police to hold a detainee for at least 14 days, or for a further period up to 90 days with higher authorization. The police have the right to deny lawyers or anyone else access to the detainee. The men may be in detention at the offices of the Security Branch of the Bophuthatswana Police, although this has not been confirmed to Amnesty International. Although the organization has not received reports that the men were assaulted at the time of their arrest, it fears they may face ill-treatment in detention following recent reports of assaults of detainees in police custody in other parts of Bophuthatswana.

Prior to his arrest, Joseph Molefe had complained to human rights lawyers that he was being harassed by the police, who were coming to his home apparently searching for him. Apart from being an active member of the ANC Mafikeng Sub-region Branch, Joseph Molefe has also been active in organizing workshops to educate rural residents of Bophuthatswana about their rights in connection with the 1994 elections.

BACKGROUND INFORMATION

Bophuthatswana Government representatives are part of a right-wing coalition which is still refusing to participate in the planned 1994 elections or to recognize recently established transitional authorities. In the new South African Constitution, which was passed by Parliament on 22 December 1993 and will come into effect after the 1994 elections, full South African citizenship

has been restored to all "homeland" residents as of 1 January 1994, and the nominally independent "homelands", including Bophuthatswana, will be re-incorporated into South Africa after the elections.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or in your own language:

- expressing concern at the detention of Nathaniel Ngakantsi and Joseph Molefe, who Amnesty International believes may be prisoners of conscience, in the early hours of 31 December 1993, and calling for them to be released immediately if they are not be charged promptly with a recognizably criminal offence;
- seeking assurances that they will not be subjected to threats, assaults or torture while in the custody of the Bophuthatswana Police;
- expressing concern at the pattern of arbitrary detentions and other human rights violations committed against non-violent political activists in Bophuthatswana apparently because of their involvement in activities related to the 1994 South African elections.

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

Faxes: + 27 12 323 3982

Salutation: Dear President

2) Chief L M Mangope

President

Government Offices

Mmabatho

Bophuthatswana, South Africa

Telegrams: President Mangope, Bophuthatswana, South Africa

Telexes: 937 3008 BOP

Faxes: + 27 140 842626

Salutation: Dear Chief Mangope

3) Mr Rowan Cronje

Minister of Defence

Department of Defence

Private Bag X2003

Mmabatho 8681, South Africa

Telegrams: Defence Minister, Mmabatho, Bophuthatswana, South Africa

Salutation: Dear Minister

4) Major-General P J Seleke

Commissioner of Police

Private Bag X2006

Mmabatho 8681, South Africa

Telegrams: Police Commissioner, Mmabatho, Bophuthatswana, South Africa

Salutation: Dear Major-General

COPIES OF YOUR APPEALS TO:

- Col D A George, Private Bag X2004, Mmabatho 8681, South Africa;

- Lawyers for Human Rights, Mafikeng Regional Office, PO Box 945, Mafikeng 8670, South Africa;
- Mafikeng Anti-Repression Forum (MAREF), PO Box 158, Ratshidi 8681, South Africa;
- The Editor, Sowetan, PO Box 6663, Johannesburg 2000, South Africa.

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 14 February 1994.