

**SOUTH AFRICA Qwelaba Nkwanyana, Clement Khumalo and other members of the  
Nkwanyana family, Mankunzane Reserve (KwaZulu-Natal)**

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There are serious concerns for the safety of Qweleba Nkwanyana and Clement Khumalo, who survived an attempt on their lives on 28 November 1994. Qweleba's brothers, Mthembeni and Vusi, were killed in the same shooting, which occurred three months after Matubatuba-based members of the police's Internal Stability Unit (ISU) assaulted members of the family and threatened to kill Mthembeni should they find him.

At about 8am on 28 November, the Nkwanyana brothers and Clement Khumalo were walking along a highway on their way to the Mtunzini Magistrate's Court, when they noticed a blue Toyota Cressida without number plates pass them several times. Three men, apparently dropped off from the vehicle, came towards them and opened fire with an AK47 automatic rifle and 9mm pistols. Mthembeni and Vusi were killed, but the other two men fled into the bushes to escape. They alerted the Esikhawini police station. However the police took until noon to go to the scene and collect the bodies.

On 29 November the Esikhawini police arrested the driver of the vehicle, after he had been identified by one of the survivors. Several days later the suspect was released on bail. No other suspects appear to have been arrested, raising fears for the safety of the two survivors and for other members of the Nkwanyana family. Four other members of the family were killed between September 1993 and July 1994.

**BACKGROUND INFORMATION**

The Nkwanyana family come from Mankunzane Reserve area, which politically is dominated by Inkatha Freedom Party (IFP)-aligned traditional leaders. Several members of the family, including Mthembeni and Enoch (who was killed in 1993) were active members of trade unions affiliated to the Congress of South African Trade Unions (COSATU) and were consequently perceived as anti-IFP and pro-African National Congress (ANC). The local police, including the Matubatuba-based ISU and the former KwaZulu "homeland" police force based at Esikhawini, have a history of biased conduct against COSATU and ANC members in this area.

On the evening of 10 August 1994 members of the ISU, armed with rifles and pistols, came to the house in Esikhawini where Mthembeni's elderly mother, Ntombi Nkwanyana, and his wife, Thembisile Nkwanyana, were staying. One police officer pointed a firearm at Ntombi Nkwanyana and demanded to know the whereabouts of her son, Mthembeni. The officer allegedly threatened to kill Mthembeni, claiming that he had murdered his father, Bukisa Shandu (the IFP chairperson for Mankunzane Reserve who had been killed that morning). The policeman allegedly hit her very hard on the right shoulder, causing her to drop the baby she was holding. He continued to beat her with his fists until she fell to the floor. The same police officer also allegedly assaulted Thembisile Nkwanyana, who was pregnant at the time.

Police officers dragged two other occupants of the house, Msawakhe Dube and Mandla Gumede, out of the house and allegedly assaulted them with *sjamboks* (whips). The police then drove off, taking the two with them. They allegedly

dragged the two men into the bushes before kicking and beating them with fists and subjecting them to partial suffocation by pulling rubber tubing over their faces. The police later drove off with the two men, apparently searching for Mthembeni Nkwanyana. They eventually released the two men at a petrol station near Esikhawini.

On 11 August, Ntombi Nkwanyana, Thembasile Nkwanyana and Msawakhe Dube went to the Esikhawini police station and laid charges of assault against the police. Their complaint was recorded at the station as CR Number 75/08/94. After several days delay the police arranged for the complainants to be medically examined by District Surgeon, who recorded their injuries, including extensive bruising and dislocated bones.

Some time after this Mthembeni Nkwanyana, with the assistance of a human rights lawyer, went to the Esikhawini police station to find out why the police were searching for him. The police charged Mthembeni with the murder of Bukisa Shandu, although there is corroborating evidence that Mthembeni was at work when the murder occurred. Later the police also charged two other members of the family with the murder. The three accused were released on bail on 24 August. On 28 November, when they were killed, Mthembeni and his brother Vusi were still awaiting the decision of the Attorney General as to whether or not he would prosecute them.

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

- expressing concern that Mthembeni and Vusi Nkwanyana, of Mankunzane Reserve, northern KwaZulu-Natal, were killed by gunmen on 28 November 1994, several months after a member of the Matubatuba-based Internal Stability Unit (ISU) had allegedly threatened to kill Mthembeni;
- expressing concern for the safety of the Nkwanyana family, and calling for urgent steps to be taken to ensure their safety, including the safety of Qweleba Nkwanyana and Clement Khumalo, who survived the shooting incident on 28 November;
- expressing concern that, on 10 August 1994, members of the ISU allegedly assaulted members of the Nkwanyana family and, on the same occasion, subjected Msawakhe Dube and Mandla Gumede to rubber-tube torture;
- calling for a full, impartial inquiry into the complaints of assault and torture lodged by the Nkwanyana family and Msawakhe Dube at the Esikhawini police station on 11 August (CR No. 75/08/94).

**APPEALS TO**

Lieutenant-General W H Steyn  
Regional Police Commissioner, KwaZulu-Natal  
P O Box 391, Durban 4000, South Africa

**Telegrams: Natal Regional Police Commissioner, Durban, South Africa**  
**Salutation: Dear Commissioner**

Warrant Officer Eugene du Preez  
Mtunzini Police Station  
Mtunzini 3867, South Africa

**Telegrams: WO E du Preez, Mtunzini Police Station 3867, South Africa**  
**Salutation: Dear Warrant Officer**

Mr FS Mufamadi  
Minister of Safety and Security

Private Bag X463, Pretoria 0001, South Africa

**Faxes: +27 12 320 5065**

**Telegrams: Safety/Security Minister, Pretoria, South Africa**

**Salutation: Dear Minister**

**COPIES TO:**

- Station Commander, Esikhawini Police Station, Esikhawini 3887, South Africa
- African National Congress (ANC), North Coast Regional Office, PO Box 7229, Empangeni-Rail 3910, South Africa
- Human Rights Committee, Ecumenical Centre, 20 St Andrews Street, Durban 4001, 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 12 January 1995.