

EXTERNAL (for general distribution)

AI Index: AFR 53/03/92
Distr: SC/CC/CO/GR
No. of words: 1666

Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

31 January 1992

£SOUTH AFRICA

@Oral statement by Amnesty International to the 48th Session of the United Nations Commission on Human Rights

(The two paragraphs in brackets [] on pages 3-4 were not delivered orally.)

Mr Chairman,

South Africa appeared to end 1991 on a hopeful note when the government committed itself to a Declaration of Intent on non-racial democratic constitutional principles and political equality at the conclusion of last December's Convention for a Democratic South Africa (CODESA). During the year the government also continued to dismantle the legal framework of apartheid and to reduce the scope of certain security laws which have facilitated widespread human rights violations. The number of detentions continued to decline in 1991, with most of the 800 detentions under the terms of security legislation occurring in the nominally independent "homelands" of Bophuthatswana and the Ciskei. No more than two of the many prisoners sentenced to death were executed, both in the "homeland" of Venda, although at least 450 people remain under sentence of death in South Africa, including the "homelands".

In dramatic contrast to these more hopeful developments are the widespread reports of extrajudicial executions, attempted assassinations, torture and deaths in custody, and the palpably high level of fear among township residents in the face of this violence and an apparently complicitous or indifferent police force. More than 2,000 people were killed in 1991, and many others injured, made homeless, or forced into hiding to avoid assassination. The victims were, in the main, members or perceived sympathisers of the African National Congress (ANC) and other formerly banned

organizations, trade unionists, and people of unknown affiliation who were victims of randomly inflicted terror on commuter trains.

In 1991 the police overall failed to protect township residents against attacks by large groups of heavily armed men or by trained gunmen, moving about the townships or on commuter trains with apparent impunity. For the most part, also, they failed to investigate properly, or in some cases to conduct any kind of investigation, after killings and other incidents occurred. The killers were, accordingly, rarely arrested or prosecuted. Despairing with the unresponsiveness of the authorities, human rights activists and community representatives have begun to address their grievances to a multiparty-created judicial commission of inquiry, set up in the wake of the signing of the Peace Accord in September 1991. The activities of this Commission, however, do not relieve the government of an urgent obligation to ensure that the security forces and the criminal justice system works for the benefit of everyone.

Although much of the political violence appears to result from conflict between the ANC and Chief Mangosuthu Buthelezi's Inkatha Freedom Party (IFP), Amnesty International is concerned that members of the police and military have been directly responsible for some of the killings or at the very least indirectly responsible by colluding with the IFP. During 1991 newspapers published secret documents showing that the security police had for some years funded certain activities of the IFP. State President F W De Klerk acknowledged that the covert funding had taken place up until early 1990, although evidence published later in 1991 indicated that the police continued funding the IFP until at least January 1991. President De Klerk also acknowledged that the South African Defence Force (SADF) had trained 150 Inkatha members in what officials described as "security and VIP protection" in the late 1980s. He emphatically denied that the police or the Defence Force were "involved in the instigation, promotion or permission of violence", but committed his government to investigate thoroughly any evidence which emerged to the contrary and to take action against any members of the security forces involved with Inkatha or any other organization in perpetrating violence.

There is overwhelming evidence that the policy of security force bias towards Inkatha and against the ANC and allied organizations has resulted in killings and other human rights violations. Recently published documents, for instance, show that Inkatha members trained by the Defence Force have been involved in assassinations of ANC members and trade unionists. More frequently and less directly, during large-scale attacks by armed IFP supporters on pro-ANC communities, the police and the military have failed to intervene to protect victims when they had the capacity to do so. In one case 29 people were killed in the early morning hours of 12 May 1991 when 1,000 IFP supporters attacked the Swannieville squatter camp near Kagiso, west of Johannesburg. The previous day the Minister of Law and Order had placed the camp under emergency regulations and a curfew. The police did not intervene to prevent the heavily-armed attackers from travelling some 10 kilometres to Swannieville, nor did they respond to the

pleas for assistance from camp residents fleeing the attackers. On the contrary, eye-witnesses have stated that policemen in uniform and white men in plain clothes actively took part in the attack. In the aftermath the police escorted the still armed attackers back to their base. Although 12 men were later charged with 29 counts of murder in connection with this incident, no police have been suspended from duty pending an investigation into their conduct at Swannieville.

In a similar incident in December 1991, 18 residents of Bruntville township in Natal died during a series of attacks by IFP supporters armed with spears and other so-called "cultural" weapons. During the attack on the evening of 3 December eye-witnesses reported seeing police and military vehicles in the vicinity. The security forces failed to intervene except to fire tear-gas at the embattled residents. In a further attack nine hours later by possibly as many as 1,000 IFP supporters, the security forces again failed to intervene while the assailants attacked houses and brutally murdered residents as they attempted to flee. The attack lasted over 90 minutes. The dead included two pensioners in their 70s, nine women and two children, six and eight years of age. An opposition member of the South African Parliament visiting the area after the last attack expressed incomprehension and disbelief at the security forces' failure to contain these attacks in broad daylight. Despite apparently substantial evidence in the possession of the police identifying those responsible for particular killings, the authorities have begun prosecutions against suspects for minor offences only.

[While the police predominantly failed and in some cases explicitly refused to search known Inkatha strongholds for weapons, even after massacres occurred, they have repeatedly raided the homes of ANC supporters to search for weapons. These raids have often been accompanied by violence, arrests, interrogation and torture. In the southern Transvaal township of Sharpeville in late December 1991, for instance, police twice ransacked the home of the local ANC chairperson, Siza Rani, while looking for weapons. Police were not deterred from the second raid by the fact that he laid charges against them after the first incident. Nearly two weeks later an unknown person hurled a grenade into his house. In the East Rand township of Thokoza, an ANC youth leader and trade unionist, Israel Mabote, was taken from his house by 15 policemen at about 4 am on 30 September 1991. They took him to a mine dump where he was stripped naked and forced to lie on the ground with his hands and legs tied. He was beaten, kicked and nearly suffocated with rubber tubing, while they interrogated him about the location of weapons and the massacre earlier in the month of 23 IFP supporters in Thokoza. He was eventually released uncharged.

In one case arising out of the conflict in Bruntville, the Supreme Court last December ordered the police to refrain from assaulting or harassing two former detainees, and authorized the search of the police station to recover an electric shock device. Court officers took possession of the device which was reportedly used by the

police when interrogating the two, Themba Mchunu and a 17-year-old youth, about their alleged possession of weapons.]

Police complicity in political killings has not been limited to incidents involving the IFP. For instance, eye-witnesses identified police amongst attackers who raided the homes of ANC supporters in Cape Town's Khayelitsha township between July and September last year, killing at least 15 people, injuring hundreds and leaving hundreds homeless. The conflict in this area has ostensibly been between two rival taxi companies, but the police, as well as unidentified white men in plain clothes, have been heavily implicated in one side of the conflict and conducted brutal raids on the homes of ANC supporters. In one case, about a dozen uniformed and plain clothes policemen with rifles broke into the home of Zwelitsha Mhluthwa in the early hours of 7 August 1991. They dragged him out of his bed, handcuffed his hands behind his back, kicked and punched him, accused him of certain murders, and demanded information about weapons. At the same time a white man in plain clothes pulled a piece of plastic tightly over Zwelitsha Mhluthwa's face, nearly asphyxiating him. One of the policemen allegedly threatened to kill him as he was being taken away to a police station where the assaults continued. Zwelitsha Mhluthwa eventually was released from custody when charges against him were withdrawn in court.

Mr Chairman,

Despite State President De Klerk's public commitment to investigate vigorously all allegations of unlawful activity of the security forces, Amnesty International continues to receive numerous reports of security force involvement in torture, extrajudicial executions and other human rights violations which result neither in the suspension of the security force members implicated nor their prosecution. In one of the rare examples where an official investigation has led to police being suspended and prosecuted - that is the investigation into complaints about systematic torture and killings in 1990 and 1991 at Welverdiend police station in the western Transvaal - human rights activists and witnesses who made statements against the police have been harassed, falsely charged in court, threatened with death and, in one case, shot and wounded by a suspended police officer. Such a situation can only discourage victims of human rights violations from coming forward and co-operating with official investigations. Unless and until the government takes adequate steps to demonstrate publicly and unequivocally that all members of the security forces who are involved directly or indirectly in torture, extrajudicial executions and other human rights violations will be brought to justice, the current climate of fear, frustration, and high loss of life will continue.