

# £SOUTH AFRICA

## @Torture, ill-treatment and executions in African National Congress camps

In its recent report, *South Africa: State of Fear*, Amnesty International described the role of government security forces in a spiral of torture and political killings during the two years since the release of Nelson Mandela and the lifting of the 30-year ban on the African National Congress (ANC). Previous reports issued in the 1970s and 1980s had drawn attention to the widespread human rights violations which occurred in South Africa during those decades - the extrajudicial executions of protesting students in Soweto and elsewhere; thousands of arbitrary detentions of anti-apartheid activists, including prisoners of conscience; systematic torture and ill-treatment of political detainees, in well over 70 cases resulting in death; hundreds of executions of political and other prisoners; and other grave violations of fundamental human rights.

The present report also focuses on grave abuses of the basic human rights of many South Africans - but abuses which took place outside South Africa and for which the ANC, not the South African Government, was directly responsible. Based on first-hand research among surviving victims of such abuse, it documents a long-standing pattern of torture, ill-treatment and execution of prisoners by the ANC's security department. It shows too that this pattern of gross abuse was allowed to go unchecked for many years, not only by the ANC's leadership in exile but also by the governments of the African front-line states who allowed the ANC to set up bases, and prisons, on their territory. Such governments were at best accessories to the abuses by the ANC; at other times they actively assisted those within the ANC responsible for the grave human rights abuses which occurred.

All parties to the conflict in South Africa have now to confront the question of accountability for grave abuses. Amnesty International has repeatedly urged the government to order full investigations into all allegations of torture, "disappearances" and extrajudicial executions in order to ensure that the security forces account for their actions to prevent repetition of similar abuses in the future. This obligation to account for past human rights abuses applies equally to armed opposition groups. In October 1992, ANC president Nelson Mandela published the report of an internal commission of inquiry into torture and ill-treatment of prisoners. Amnesty International is urging the ANC to implement the commission's recommendations, which include further investigation of abuses and the calling to account of those officials responsible.

The ANC commission found that prisoners of the organization held in Angola, Zambia and other African countries were ill-treated and tortured. Nelson Mandela stated that the ANC's leadership took full responsibility for the abuses documented.

The commission's findings accord with allegations which former prisoners of the ANC have made publicly over the past two years. Amnesty International's research into ANC abuses has reached similar conclusions. However, the commission's terms of reference prevented it from investigating a number of important issues. Notably it could not inquire into executions and "disappearances" of prisoners, nor could it establish which ANC officials were responsible for abuses.

For a dozen years or more, prisoners of the ANC were subjected to torture, ill-treatment and executions. These abuses took place at military and prison camps run by the ANC in several African countries, notably Angola, Zambia, Tanzania and Uganda, on occasions with the active collaboration of agents of the governments concerned.

In most of the cases which Amnesty International has been able to document, the victims of such abuses were members of *Umkhonto we Sizwe* (MK), Spear of the Nation, the military wing of the ANC. When it has been impelled to explain its actions the ANC has described the prisoners it held as agents of the South African state. Although this may have been accurate in some cases, in many other instances those imprisoned by the ANC appear to have been *bona fide* MK members who had raised concerns about their own conditions or questions of ANC policy. In either case, torture and execution of prisoners cannot be justified.

In the late 1970s large numbers of young South Africans left the country in the wake of the 1976 Soweto uprising and the government's suppression of black consciousness organizations. Most ended up seeking military training from the ANC in Angola. The security department of the ANC - which is separate from the military structures of MK - throughout the late 1970s and early 1980s conducted crackdowns against alleged indiscipline, particularly the use of *dagga* (marijuana) by MK members, and the expression of dissenting views. Former MK members have described alleged *dagga* smokers being hung in trees for several days at a time as punishment. A number of MK members are believed to have died as a result of such ill-treatment, including Oupa Moloji, a political officer at Camalundi camp in eastern Angola, who died in 1981.

In 1984 MK members in Angola rebelled against their military leadership. A majority of the MK soldiers then in Angola appear to have been involved. One of their grievances was the abuses of the security department, often known as *Mbokodo*, meaning "the boulder that crushes". They also objected to the failure of the ANC to send them back to South Africa to fight against the South African Government and to their deployment in the Angolan civil war in support of the government against rebels of the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola. The aftermath of the mutiny saw the worst abuses of the security department. Some mutineers were summarily executed. Some were held in poor conditions in Angolan government prisons and many were detained for several years in the ANC's Quatro prison camp in northern Angola, where they routinely suffered ill-treatment.

In 1988, the ANC was obliged to leave Angola under the terms of the New York Accords between the South African and Angolan Governments. Many of the imprisoned mutineers in Quatro were released and sent to ANC camps in Tanzania. Others continued to be detained at ANC installations in Uganda. Conditions in Uganda were significantly better than those in Quatro, although instances of ill-treatment of prisoners were still reported.

Other cases of abuse against prisoners continued throughout this period, notably in Lusaka, Zambia, where the security department had its headquarters. The incidence of arbitrary detention and torture appears to have been highest in periods when the security department believed - often with good reason - that it had evidence of infiltration by agents of the South African state. Thus there was a major "spy scare" in 1981 and again in 1988-89. The best known victim of these internal witch hunts was a senior MK commander, Thami Zulu, who died in November 1989 after 14 months of detention on the suspicion that he was a South African government spy.

In August 1991 the last of the mutineers were released from detention in Uganda and returned to South Africa. At this point the ANC stated publicly that it no longer held any prisoners, although Amnesty International was aware at the time of the continued detention of six prisoners at Dakawa camp in Tanzania and has since interviewed former prisoners released from other prisons in Tanzania during 1992. The ANC agreed in September 1991 to give the International Committee of the Red Cross (ICRC) access to its camps, but in March 1992 the ICRC publicly complained that it had not been allowed to visit. Now, more than a year after the initial agreement, no visits have yet taken place. Thus, although the claims of anti-ANC sources that it still holds dozens or even hundreds of prisoners cannot be substantiated, nor can the ANC's position that all have been released.

### *The problem of indemnity*

The report of the ANC commission of inquiry and Nelson Mandela's acceptance of the ANC's responsibility for abuses contrast with the continuing failure of the South African Government to take responsibility for the many and massive violations of human rights by its agents.

The ANC commission was not mandated to establish individual accountability for human rights abuses. Instead it submitted to Nelson Mandela a confidential list of names of ANC officials alleged to have committed abuses and recommended that they should be the subject of further investigation by a fully independent body. Amnesty International fully endorses the commission's recommendation that any individual found to be responsible for human rights abuses should not be allowed to hold any future position of responsibility for

law enforcement or custody of prisoners. Amnesty International also considers that such individuals should be brought to justice.

The publication of the ANC commission's report was closely followed by the passing of the government's *Further Indemnity Act*, which will have the effect of indemnifying, among others, security personnel who have carried out torture and extrajudicial executions. South Africa's State President is empowered to appoint a National Council on Indemnity to consider applications for indemnity from any person who has "advised, directed, commanded, ordered or performed... acts with a political object". The Council's proceedings are to be conducted in secret. ANC members responsible for abuses could presumably also benefit from the indemnity provisions.

The Act has been widely criticized by many within South Africa, including the ANC, and was rejected in Parliament. However, the government forced the measure through by referring it to the 60-member President's Council, which has an inbuilt majority for the ruling National Party.

Amnesty International is opposed in principle to any amnesty or indemnity measures which prevent the emergence of truth or the accountability of those responsible for human rights violations. The *Further Indemnity Act*, like many such laws, is described as necessary "in order to promote reconciliation and peaceful solutions." However, in Amnesty International's opinion, reconciliation is only likely to emerge once the demand for truth and justice has been satisfied. An amnesty for human rights violators undermines the principle that governments and security apparatuses are subject to the rule of law and accountable for their actions. Thus it provides an extremely dangerous precedent for the future.

The ANC and the South African Government are both party to a process of negotiation which will at some point see the emergence of a new constitution protecting the fundamental rights of South African citizens. However, if those who have violated such rights in the past through torture and political killings are allowed to enjoy impunity for their actions then the rule of law and future constitutional order will rest on a very fragile basis.

### *Amnesty International and ANC abuses*

Amnesty International has consistently condemned the torture or execution of prisoners in any circumstances, whether at the hands of governments or non-governmental entities. In 1991, after extensive debate, the movement's International Council Meeting extended Amnesty International's mandate to include research and campaigning against gross abuses by political armed opposition groups. In the case of the ANC, however, Amnesty International has intervened over the years in various cases where governments have been complicit in abuses. Amnesty International has also called on these governments, notably in

Angola, Zambia and Tanzania, to take effective action against ANC officials responsible for human rights abuse.

The purpose of publishing this report at the present time is more than purely historical. The issue of abuses by the ANC remains a cause of genuine public concern in South Africa for two main reasons. First, the ANC has a responsibility to its former prisoners and to relatives of those who died or "disappeared" at its hands to account fully for their fate. The establishment of a commission of inquiry into abuses and the publication of its report were an important first step in this process. However, the commission of inquiry was flawed in a number of important respects - it was not fully independent and its mandate was too narrow. In any event, it is essential that investigations by an independent body continue to establish the truth of what happened in the ANC camps.

Secondly, at a time when South Africa is in a state of political flux, it is essential to establish the principle of accountability for human rights abuses by all parties.

There is a third reason why this report is being published now: in past years it was not possible for Amnesty International to establish with a high degree of certainty what was happening in the ANC camps. For example, many of the abuses documented here took place in Angola. In the first half of the 1980s Amnesty International had difficulty obtaining information about a number of groups of prisoners held for political reasons in Angola - not only those held by the ANC or the Angolan Government, but also those held in equally secretive circumstances by UNITA and by the South West African Peoples' Organization (SWAPO) of Namibia. Equally, there were frequent accounts of the detention and torture of prisoners by the ANC at Mbarara in south-western Uganda. After investigation Amnesty International has not been able to substantiate these allegations, although it has gathered clear evidence about an ANC prison camp at Bukoloto, near Kampala.

Although Amnesty International learned about - and was able to intervene over - a number of individual cases, the full scale of abuses only began to emerge in 1990 when former prisoners of the ANC began to return to South Africa and relate their experiences publicly. Even now it is clear that the picture is not complete, which is why further investigation is required, along with unhindered access for the ICRC.

In the course of preparing this report, we have drawn upon a number of cases in which Amnesty International took action at the time, as well as conducting fact-finding visits to South Africa in October 1991 and August 1992 to gather oral and written testimony from former prisoners of the ANC. An Amnesty International observer also attended part of the internal commission of inquiry into abuses in August 1992, at the commission's invitation.

## *Angola*

### The mutiny<sup>1</sup>

Many of the worst abuses against prisoners of the ANC occurred in the aftermath of a mutiny by large numbers of MK soldiers in Angola in early 1984. The mutiny was itself prompted in part by the repressive role of the ANC security department. In February 1984 troops at Viana transit camp on the outskirts of Luanda rebelled and were soon joined by guerrillas from the Malanje Front in eastern Angola who had been fighting against UNITA. Security personnel within the camp were disarmed. In a metal container used by the security department for detaining prisoners, the mutineers found the body of a man called Solly, with a bullet hole in his head. Solly had been mentally ill and had criticized the ANC leadership. He was known to have been detained in the container and had apparently been shot by members of the security department.

The mutineers elected a Committee of Ten to represent their views and present their grievances. Troops of the Angolan army surrounded the camp and there was a brief exchange of fire. The mutineers agreed to surrender their weapons on condition that there would be no victimization of those who had taken part. In fact, the security department was allowed back into the camp and a number of those involved in the mutiny, including members of the Committee of Ten, were taken into custody at the State Security Prison in Luanda.

Immediately afterwards the ANC leadership appointed a commission of inquiry, chaired by trade union leader James Stuart, to investigate the mutiny and its causes, including the MK soldiers' grievances against the security department. The Stuart Commission report was submitted to the leadership but was not tabled before the ANC's consultative conference in Kabwe, Zambia, the following year.

Three months after the disturbances in Viana there was a further mutiny in Pango camp to the north of Luanda. This was violently suppressed by loyal MK troops and the mutineers captured. The prisoners were tied to trees, beaten, whipped and had molten plastic dripped on their naked bodies. A summary tribunal condemned seven prisoners to death: James Nkabinde, Ronald Msomi, Mbumbulu, Thembile Hobo, Mahero, Wandile Ondala and Stopper Nyembezi. The tribunal was chaired by an ANC security officer and the accused had no opportunities for legal representation or appeal. They were shot dead by firing squad.

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<sup>1</sup>The mutiny is often described as *Mkatashinga*, a Kimbundu word referring to the burden carried by MK soldiers. Some former prisoners of the ANC object to the term mutiny as derogatory. It is used here because it is a neutral and accurate way of describing the organized refusal of MK combatants to obey orders until their demands were met.

Amnesty International takes no position on the complaints of the MK members - except insofar as they concerned the abuses of the security department - or on the methods they used to make their views known.

The remaining mutineers were kept naked and bound with ropes at Pango camp for three weeks before being transferred to Quatro. It appears to have been the intervention of a senior ANC official, Gertrude Shope, which ended the ill-treatment of the prisoners at Pango as well as preventing any further executions.

### **Nova Instalação**

Thirty-two of those involved in the mutiny at Viana camp were taken to the Luanda State Security Prison on the Catete road, commonly known as *Nova Instalação* (New Installation).

Many of them appear to have been severely beaten while in custody at Nova Instalação, including Kate Mhlongo, a member of the Committee of Ten. A prisoner held in the same prison in 1988 has described being severely beaten and given electric shock torture by ANC security personnel. Accounts differ as to the role of the Angolan authorities in the ill-treatment of prisoners. Some accounts suggest that Angolan officials took part in assaults on ANC prisoners; others that the Angolan prison authorities complained to the ANC about the ill-treatment. The two accounts are perhaps not inconsistent.

General conditions in Nova Instalação were extremely poor. In 1984 the mutineers were held in dark, damp cells, with no blankets or mattresses and concrete slabs for beds. Lavatories were blocked, with urine and excrement overflowing onto the floors of the cells. Food and drinking water were grossly inadequate and disease was rife. Two of the 32 ANC prisoners died there between February and July 1984: Selby Msimang and Ben Thibane. Medical attention appears to have been non-existent and drugs, such as anti-malarials, were only available to the ANC prisoners if they were smuggled to them by Angolan prisoners who had bribed the guards.

### **Quatro**

Many of the imprisoned mutineers were transferred from Nova Instalação to Quatro, where they were held until late 1988. Situated near Quibaxe in northern Angola, Quatro (the Portuguese word for four) was formally known as Camp 32 or "Morris Seabelo Rehabilitation Centre" after a senior officer in the security department. Quatro was opened in 1979 and although the security officials who ran the camp used the language of "rehabilitation" - beatings and other ill-treatment were always described as "corrective measures" - in fact they were responsible for a regime of extreme brutality and degradation. Most accounts of Quatro received by Amnesty International describe the period between the mutiny in 1984 and the closure of the camp in 1988. However, it is clear from other testimony that prisoners held there before 1984 were subject to similar ill-treatment.

When prisoners arrived in Quatro they were assigned pseudonyms which they were obliged to use throughout their time there. These were invariably insulting or degrading

names: Muzorewa (after the Prime Minister of the short-lived Zimbabwe-Rhodesia), Dolinchek (a mercenary employed by the South African Government) or names such as *porco* (pig), *macaco* (monkey) or *lerete* (testicles). Aside from being intended to humiliate the prisoners, these pseudonyms add to the problem of establishing the fate of individuals. Members of MK in any event went under *noms de guerre* (known as travelling names), so a family or an independent investigator trying to establish the fate of someone who did not return from exile may have to penetrate two levels of pseudonyms.

Quatro had seven communal cells and five isolation cells. These were dark with little ventilation and suffocatingly hot. The prisoners' uniforms were made of a heavy grey material. In the daytime the temperature inside the cells was higher than in the sunshine outside and the rooms were overcrowded. While prisoners in some cells were required to perform hard labour outside, others had to remain in their cells all day for months on end. Lavatories consisted of unhygienic plastic containers which created a severe stench. These were emptied in the morning and could not be returned to the cell until the evening, so prisoners held indoors all day had no access to toilet facilities.

Prisoners were allowed to wash themselves and their clothes only every few weeks. Washing water consisted of a single drum passed from cell to cell, so that by the time half the prisoners had used it the water was thick with dirt. There was no opportunity to wash blankets, which became lice-infested.

Food was not nutritionally adequate, consisting mainly of beans and rice or, for a period, diluted tomato purée and rice. Fruit grew in abundance around the camp, but prisoners were never allowed to eat it. Provision of drinking water was also inadequate, particularly in the hot, tropical conditions of northern Angola. Some former prisoners claim that they were only given one cup of water a day.

Disease appears to have been rife, both illnesses associated with the climate, such as malaria, and those resulting from the poor conditions, such as diarrhoea. There was no qualified physician at the camp and the medical orderlies were generally unsympathetic. It is alleged that on occasions medical personnel participated in assaults on prisoners. In these conditions it is not surprising that prisoners died in Quatro. One well-attested case was that of Zaba Maledza (real name Ephraim Nkondo), a member of the Committee of Ten and brother of a prominent member of the anti-apartheid United Democratic Front, Curtis Nkondo. He died shortly after arriving at the camp in mid-1984. His fellow prisoners generally allege that his death was as a result of ill-treatment, although the ANC has stated that he committed suicide.

Many prisoners were required to perform hard labour. The most exhausting and unpopular task was pushing a 1000 litre water tank from the river bed uphill to the camp. Other tasks, such as carrying heavy loads or chopping wood all had to be performed at rapid

speed. Prisoners were always required to run - despite the hot climate, the shortage of water and their own poor nutritional state - in what appears to have been a deliberate effort to humiliate them. Nor were they allowed to talk to each other while they were working.

Torture and other ill-treatment of Quatro inmates appears to have been routine. Many former prisoners describe being severely beaten on arrival at the camp, particularly on the buttocks and the soles of the feet. Prisoners also suffered random beatings and other ill-treatment throughout their time there. In one incident described by two former inmates, guards poured boiling water on the head of a prisoner. The wound blistered and became purulent. A sympathetic medical orderly shaved the prisoner's head to help the wound heal, but the guards repeatedly banged his head against a tree to reopen the wound.

All former Quatro inmates describe a daily round of ritualized abuse. For example, prisoners were asked whether they wanted coffee or guava juice - the choice in reality was whether to be beaten with the sticks of the coffee or guava trees which surrounded the camp. Another regular form of abuse was known as *pompax*: prisoners were made to puff out their cheeks while the guards slapped them in the face, causing great pain to the ears. Some former prisoners have complained that this caused bleeding or pustulation from the ears.

Former prisoners have described a plant growing around the camp which they knew as "napalm". The leaves of the plant would cause itching or stinging; prisoners were forced to crawl through the plants or had the leaves rubbed on their skin. Another regular practice was known as "gas mask": the skin of a pawpaw (papaya) would be rubbed in the face of the prisoner so that he or she could not breathe.

Former prisoners at Quatro have described being forced to crawl through or sit on red ants' nests. Some have described a practice known as "slaughter", whereby they were forced to dig deep holes in the ground and then to climb out of them, sometimes with guards throwing stones at them. This was particularly popular with the guards during the rainy season when the ground was muddy and slippery.

At Quatro, as at other ANC detention centres, there appears to have been particularly abusive treatment of women prisoners. One former prisoner has described being subjected to repeated verbal abuse, as well as beatings, because she refused to have sexual relations with guards. She described an incident where a guard masturbated over her.

What is apparent from the abundant testimony about life in Quatro is that the poor living conditions, the hard labour and the ritualized abuse had no aim but the humiliation and degradation of the prisoners. The systematic nature of the abuses makes it clear that these were no isolated excesses by undisciplined guards but represented a deliberate regime of ill-treatment. The reality was in grotesque contrast to Quatro's stated purpose of "rehabilitation".

## *Zambia*

Lusaka, the Zambian capital, was for many years the headquarters of the ANC in exile. It was also the headquarters of the security department. Aside from Quatro prison in Angola, the Revolutionary Council building in Villa park (known as RC), a security headquarters known as the "Green House" in Lusaka and another ANC property on the road between Lusaka and Livingstone have been the most frequently mentioned in accounts of torture and ill-treatment. In 1990 the Zambian authorities intervened to close an ANC prison in Lusaka known as "Sun City" (after the gaming and entertainment resort in nominally independent Bophutatswana). In March that year Thabo Twala had been beaten to death while he was a prisoner there.

Amnesty International has received a variety of accounts from prisoners who allege that they were tortured at the RC building between 1981 and 1988. These former prisoners allege that they were beaten with a variety of implements, including batons, wires, hosepipe, barbed wire, iron bars and bicycle chains. In some instances this was on the soles of the feet; in others on the whole body. Usually they were tied up while they were beaten. One prisoner described having molten plastic dripped on his chest. Some alleged that they were placed in waterlogged cells.

In testimony to the ANC's internal commission of inquiry into abuses, Mzwai Piliso, head of the security department for most of this period, admitted that prisoners were sometimes beaten, usually on the soles of the feet, in the course of interrogation.

One prisoner described being tortured in another house in Lusaka, probably the Green House. He alleges that his lips were burned with cigarettes, that he was beaten and that his testicles were squeezed with pliers.

A number of these prisoners then described being taken to a farm outside Lusaka on the road to Livingstone. There was a graveyard on the farm and in two instances former prisoners have described being made to dig their own grave and climb into it. In the case of a prisoner taken there in 1985 he alleges that the hole was filled in up to his neck and that a plastic bag was placed over his head until he lost consciousness. Another described being pelted with stones as he tried to climb out. He also alleges that in mid-winter he was stripped naked, tied to a tree and doused with cold water.

In each instance the purpose of this torture was to force the prisoner to sign a confession which had already been prepared by security officials. Thus the torture in the security establishments in Lusaka appears to have differed in intention from the largely

random brutality inflicted on prisoners in Quatro. In some cases it also appears to have been carried out with the knowledge of senior members of the ANC security department.

A particular cause of concern has been the collaboration of Zambian officials with the ANC security department. For example, in two separate instances in May 1987 Zambian officials of the Organization of African Unity's Liberation Committee handed ANC "dissidents" into the custody of the security department. At least one of the two, Oupa Khoza, had resigned from the ANC two months earlier. Both he and the other man, Peter Lerumo, had sought the protection of the United Nations High Commissioner for Refugees (UNHCR); however, effective protection was not provided.

### **The case of Siphon Mbeje**

Siphon Hubert Mbeje, an ANC member in Zambia, was subjected to a series of assaults by officials of the security department between 1987 and 1989 and then imprisoned for more than two years by the Zambian authorities. Although Siphon Mbeje (whose travelling name was Kaiser Khumalo) was able to identify by name a number of those who assaulted him, the Zambian authorities appear to have taken no action against them.

Siphon Mbeje was first assaulted on 17 September 1987 and taken to the RC building. After two weeks he escaped, but was recaptured, taken back to RC and beaten. He escaped again and this time was able to contact the office of the UNHCR. In December 1987, after his release, Siphon Mbeje resigned from the ANC and placed himself under the protection of the UNHCR. The UNHCR concluded that he was still suffering from the after effects of a severe beating and that his life was in danger from the ANC if he remained in the country. However, the UNHCR was not able to secure him asylum elsewhere and he remained in Zambia.

In August 1989 armed ANC security officials again assaulted and abducted Siphon Mbeje. Three other former ANC members were abducted at the same time: Norman Phakhathi, Richard Sikhosana and David Lephoto. Some three weeks after their detention, in response to public appeals on behalf of the four men, the ANC stated that the four were suspected of involvement in recent bomb attacks against the ANC in Zambia. However, no evidence was ever presented to substantiate these claims and relatives of the men alleged that they had been detained because they had protested about the contrast between poor conditions in ANC refugee camps and the affluent living standards enjoyed by the ANC's leadership.

After a court application by the UNHCR on Siphon Mbeje's behalf, the secretary general of the ANC, Alfred Nzo, was summoned to appear before a Lusaka magistrate to explain his whereabouts. The result was that Siphon Mbeje was handed over to the Zambian authorities and charged with assaulting his girlfriend. Throughout his unlawful detention by

the ANC there had been no mention of this alleged offence, nor had the Zambian police made any attempt to arrest him from the time of the alleged assault in November 1988 until August 1989 when he was abducted by the ANC. Moreover, the victim of the alleged assault, Siphon Mbeje's former girlfriend named Esther, was never called to give evidence. His trial was held with unusual rapidity and in October 1989 he was sentenced to two years' imprisonment. The three men abducted with him had all been released without charge.

Siphon Mbeje's case was unusual in that the Zambian courts attempted to exert some control over the activities of the ANC security department. However, despite his unlawful abduction by the ANC on several occasions, clear evidence from Zambian physicians supporting his allegations of assault, his own identification of 13 named ANC officials who took part in these assaults and the presence of other witnesses, the Zambian authorities took no action against those responsible for these abuses. Instead Siphon Mbeje served more than two years' imprisonment after a conviction which appears to have been unsafe.

#### **The case of Thami Zulu**

Perhaps the single case which has aroused the most concern within the ranks of the ANC has been the death in November 1989 of Thami Zulu (real name Muzi Ngwenya), a senior MK commander, days after his release from 14 months' detention in the custody of the ANC security department. Thami Zulu had been commander of MK's Natal Command since 1983. Natal was one of the most active centres of MK military operations but also suffered high casualty rates. There had long been a suspicion that there was a highly placed South African police agent in the Natal Command.

In early 1989 Thami Zulu's deputy, known variously as Cyril, Ralph or Fear, died in the custody of the ANC security department. The official explanation was that he had choked on his own vomit, although there was never any independent investigation. The evidence against Cyril appears to have consisted of an unsigned confession in his own handwriting.

In August 1988, after the ambush and killing of nine MK members by South African security forces on the Swaziland border, Thami Zulu was detained by the ANC security department on suspicion that he was a government agent. He was apparently held for a year under a form of house arrest, although according to a subsequent internal commission of inquiry his interrogators concluded at an early stage that there was no evidence that he was a South African Government agent (while criticizing him for reckless negligence). From August 1989 until shortly before his death he was held in solitary confinement in the White House, another ANC detention centre in Lusaka.

In the five days between Thami Zulu's release and his death in a Lusaka hospital his condition declined rapidly. He suffered acute diarrhoea and became chronically weak

before dying of heart and lung failure. Post-mortem examinations established a number of factors relating to his health, although not with any certainty the cause of the heart and lung failure. First, he was found to be HIV-positive. Second, he was found to be suffering from tuberculosis. He had suffered from the disease in the past and it appears that it had recurred during his period of detention and he had not received treatment for it. Thirdly, the examinations found traces of Diazinon, an organo-phosphate pesticide. The traces were found in the stomach, suggesting it had been administered recently. In any case, this poison is excreted from the body, supporting the conclusion that it had been given to Thami Zulu within 48 hours of his death. A quantity of alcohol - 0.8mg - was also found in his bloodstream, leading the internal commission of inquiry to conclude that the poison had been administered in beer. The commission was emphatic that the Diazinon could only have been part of an assassination attempt by South African Government agents. However, the commission appears to have been speculating on the basis that the South African security forces are known to have used poison in other assassination attempts. It remains a mystery who administered the poison, how and why. He had already been admitted to hospital at the time when he must have taken the poison and, according to press reports, was constantly accompanied by MK personnel.

#### **The case of Katiza Cebekhulu**

Two key figures in the trial of Winnie Mandela on charges of assault and kidnapping have been held in Zambia, apparently to prevent them from testifying in her trial. One of them, Katiza Cebekhulu, remains in a Zambian government prison. The other, Gabriel Pelo Megkwe, a witness in the case, was held for several months in ANC custody before being returned to South Africa earlier this year.

Winnie Mandela, the estranged wife of ANC President Nelson Mandela, was found guilty in a South African court in early 1991 of involvement in the kidnapping and assault of four young men at her Soweto home in 1988. One of the four, Stompie Moeketsi Seipei, aged 14, was murdered. However, the trial judge found that Winnie Mandela had not participated in the assault, merely acting as an accessory. It was widely believed that Katiza Cebekhulu would testify that he had witnessed Winnie Mandela beating the four, including Stompie Seipei. In February 1991, before he had given evidence, Katiza Cebekhulu secretly left the country and spent three months in a Lusaka hotel. In May 1991 he gave an interview to the press and was promptly placed in what the Zambian authorities called "protective" custody in a Lusaka prison. The Zambian authorities have repeatedly failed to respond to requests from Amnesty International to explain the legal basis for Katiza Cebekhulu's detention. In April 1992 Zambia's chief immigration officer told a Lusaka newspaper that he had asked the Ministry of Home Affairs to release Katiza Cebekhulu since he was not an illegal immigrant. In September 1992 the Lusaka High Court heard that Katiza Cebekhulu remained in detention without charge or trial, although he had been served with a deportation order.

## *Tanzania*

Morogoro in Tanzania was for many years the headquarters of the ANC in exile. Even after the headquarters moved to Lusaka in the early 1970s, Morogoro remained an important ANC centre with refugee settlements at nearby Mazimbu and Dakawa, the former also the site of the Solomon Mahlangu Freedom College (SOMAFCO). These camps were also used for detention of prisoners who were on occasions tortured there. These did not function as prisons in the same sense as Quatro in Angola. Long-term prisoners were transferred to ANC prisons in other countries, or on occasions held in Tanzanian government prisons. However, there are credible reports that prisoners in the early stages of their detention at Dakawa or Mazimbu were severely beaten or tortured in other ways.

An early case which was drawn to Amnesty International's attention was that of an 18-year-old who twice left Mazimbu without authorization in the early 1980s. On both occasions the Tanzanian police returned him to the camp authorities. On the second occasion he was placed in the camp prison and beaten. An official of the Tanzanian Ministry of Home Affairs intervened to have the young man transferred to Ukonga Prison in Dar es Salaam where he was detained under the country's immigration law.

Later accounts from Mazimbu, referring to 1986 and 1987, allege that security officials beat prisoners with bicycle chains and electric cables, sometimes on the soles of the feet. In testimony to the ANC's internal commission of inquiry, a former prisoner at Mazimbu alleged that in 1986 he had witnessed a prisoner in his cell die as a result of torture.

Sam Mngqibisa (travelling name Elty Mhleka) was twice detained by, or at the behest of, the ANC security department. In 1979, when he was an MK soldier, he was arrested and handed over into the custody of the Zimbabwe People's Revolutionary Army (ZIPRA) in Lusaka, Zambia. Apparently his offence was one of insubordination as he questioned aspects of the political education he received. After the pre-independence political settlement in Zimbabwe, other prisoners of ZIPRA were returned to their own country and Sam Mngqibisa was released.

In 1984 he left MK but remained an ANC member. In January 1991, while living in Tanzania and working as a plumber, he was again detained by the security department. Sam Mngqibisa was handed over to the security department - known as the "Public Relations Office" - by the Tanzanian settlement commandant at Dakawa, whom he had approached for protection. The security officials detained him at the Ruth First centre, Plot 18, Dakawa Camp, and questioned him about his friendship with some of those who had taken part in the 1984 mutiny. Previously, he had been threatened because of his involvement in publicizing allegations that ANC officials had sexually abused young women refugees. He

was held incommunicado in a cell two and a half by two metres, with a plastic bucket for a lavatory and filthy blankets. After two weeks he escaped, resigned from the ANC and placed himself under the protection of the UNHCR.

On 10 June 1991 a Tanzanian Field Force unit in Dakawa arrested 10 ANC members and handed them over to the ANC security department. They were held at Plot 18, Dakawa Camp, where some of them were allegedly beaten with steel rods by ANC and Tanzanian security personnel. Five of those detained, including Lungisani Mabaso and Bongani Ntshangase, were released from the office of the Tanzanian Prime Minister on 1 August 1991. Five others remained in detention and their present whereabouts are not known to Amnesty International. They are: Justice Gumbi, Albert Bhengu, Terror Wonder, Schaft Lwane Khoza and George Kitseng.

Despite the direct involvement of the Tanzanian authorities, they have not responded to Amnesty International's request for information about the case.

### *Uganda*

After the ANC was obliged to leave its bases in Angola in 1988, Uganda became the organization's main centre of operations in exile. Many of the prisoners held at Quatro camp since the 1984 mutiny were released and transferred to Dakawa camp in Tanzania. Other Quatro prisoners remained in custody and were transferred to Bukoloto camp in Mukono District, north-east of the Ugandan capital, Kampala.

Former prisoners in Bukoloto described about 60 prisoners being held in the camp. Most agree that the conditions there were a considerable improvement on those in Quatro. In particular, food and sanitary conditions were better. However, some beatings of prisoners continued. Many former prisoners describe how Brendon Khotso (Porco) was twice beaten by guards until he nearly died. A prisoner named Le Roux also appears to have been severely beaten, although some other accounts of beatings are more difficult to substantiate.

### *Zimbabwe*

The ANC has never had military bases in Zimbabwe, nor a substantial presence of any sort in the country. Thus, to Amnesty International's knowledge, the organization has not held prisoners there. However, in one instance the Zimbabwean courts accepted evidence that an ANC official took part in the torture of a prisoner in the custody of the Central Intelligence Organization (CIO).

Odile Harington was an agent of South African military intelligence who was sent to Zimbabwe to infiltrate the ANC and send back plans of the organization's buildings in Harare. She was detected, arrested by police and interrogated by the CIO. At her trial before the Zimbabwe High Court in November 1987 Odile Harington testified that she had been tortured before February 1987 at a place called Daventry House, while she was being held at Mabelreign police station in Harare, and after May 1987 at the CIO detention centre in Goromonzi. She described repeated sexual assaults, severe beatings, burnings with cigarettes and other humiliating treatment. She alleged that when she was tortured at Daventry House the ANC official who had been her superior took part. According to her testimony, the ANC official beat her on the soles of the feet with a hosepipe and half-drowned her by ducking her head repeatedly in a container of water. This evidence was not challenged in court. Chief Justice Dumbutshena cited her torture in mitigation when he reduced her sentence on appeal.

The Zimbabwean authorities have apparently taken no further steps to investigate Odile Harington's allegations of torture and no action appears to have been taken against either the CIO or the ANC official involved.

### *Dangers facing former ANC detainees - the case of Sipho Phungulwa*

The issue of most urgent concern to former prisoners of the ANC is their own physical protection from attacks by ANC supporters in the townships of South Africa. The problem has been aggravated by the past failure of the ANC leadership to account fully for the behaviour of its security department and by the frequent public denunciation of former prisoners as agents of the security forces. First, many of those imprisoned and tortured were clearly not agents of the South African state. Secondly, their torture would in any event not have been justified. And thirdly, blanket denunciation of former prisoners in this way is an open invitation to ANC supporters to commit acts of violence against them. Such denunciations are not justified by inflammatory statements emanating from some former prisoners, such as Patrick Hlongwane of the Returned Exiles Committee who is reported to have threatened ANC leaders with assassination.

Mwezi Twala, a member of the mutineers' Committee of Ten in 1984 and leader of the Returned Exiles Coordinating Committee (RECOC), has received frequent death threats, been evicted from his home by ANC activists and forced to live in hiding. Bongani Ntshangase, who was imprisoned without explanation in Tanzania in 1991, returned to South Africa and became a member of the Returned Exiles Committee. On 21 May 1992 he was shot dead by unidentified assailants in Msinga, Natal. The best documented case was the killing in June 1990 of Sipho Phungulwa in Umtata, Transkei, allegedly by named ANC officials.

Sipho Phungulwa had taken part in the 1984 mutiny in Angola and been imprisoned in Quatro camp. He returned to South Africa in April 1990 and was a founding member of RECOG, with Mwezi Twala, Nicholas Dyasop and others. Sipho Phungulwa, in common with many of the former prisoners at this stage, was still sympathetic to the political aims of the ANC. On a visit to his home area of Transkei, Sipho Phungulwa paid a visit to the ANC office in Umtata with Nicholas Dyasop. According to Nicholas Dyasop's testimony the two were kept waiting in the office and kept under constant surveillance. When they left and took a taxi they were followed by two men in a beige Peugeot 504 car, one of whom had been watching them in the ANC office. When they got out of the taxi one of the men shot at them with a Scorpion pistol, killing Sipho Phungulwa, but missing Nicholas Dyasop, who escaped.

The nominally "independent" homeland of Transkei has been aligned with the ANC since a military coup in 1989 which brought General Bantu Holomisa to power. Nicholas Dyasop was able promptly to identify the assailants to the Transkei police. There were also several other witnesses to the shooting, as well as ballistic evidence. Yet it was months before the police properly interviewed Nicholas Dyasop. It was only in November 1991, nearly 18 months after the killing, that two men were arrested, charged and released on bail. The two have not yet been brought to trial.

According to a recent report in a South African newspaper, Transkei police are obliged to consult the ANC leadership in Umtata before arresting any ANC member on a criminal charge. The report in the *City Press* cites a directive circulated in April 1992 by the office of the Transkei Commissioner of Police, General Smuts Spambo, and signed by the deputy chief of the Criminal Investigation department, Brigadier Ngubenkomo. The directive instructs Transkei police to consult an MK liaison officer before carrying out an arrest. The police have denied the truth of this report, but the Sipho Phungulwa case underlines the fear of many returning former prisoners that ANC officials in Transkei enjoy immunity, both from their own organization and from the local authorities, for any abuses that they may commit.

### *Code of conduct*

A major problem in enforcing respect for human rights by ANC security officials has been an ambiguity over what legal standards they are expected to abide by. In practice governments which have hosted ANC military or refugee facilities have ceded virtually all authority over them to the ANC. Thus, neither the UNHCR nor the host government has been prepared to exercise any effective role in protecting South African refugees who are seen to fall under the ANC's authority. This report has mentioned cases of ANC members in both Zambia and Tanzania who have sought the protection of the state, only to be handed over into ANC custody. In the case of Sipho Mbeje, which was described above, the

Zambian judiciary and the UNHCR did intervene, but this was over the imprisonment of four men who had already resigned from the ANC. Even so no criminal sanctions were brought against ANC security officials for assault or kidnapping of the four.

In 1980, the ANC's then president, Oliver Tambo, signed a declaration pledging the ANC's adherence to the Geneva Conventions. Article 3 of the Geneva Conventions which governs non-international conflicts - known as Common Article 3 because it is the same in each of the four conventions - contains an absolute prohibition on murder, torture and humiliating and degrading treatment. Given the ANC's public adherence to these standards, these can be used as a yardstick for measuring its subsequent behaviour.

However, there appears until 1985 to have been no internal legal guidelines for the treatment of prisoners. In that year the ANC's consultative conference in Kabwe, Zambia, adopted a code of conduct which was intended to guide the behaviour of members, including security officials. The code states:

"...if we fight for justice in our land, we must ensure at all times that justice exists inside our organisation - our members, the people of South Africa and the world must know and feel that for us justice is not merely an ideal but the fundamental principle that governs all our actions.

"Accordingly, we must at all times act justly in our own ranks, train our people in the procedures of justice and establish the embryo of the new justice system we envisage for a liberated South Africa."

In a section governing methods of investigation of crimes, the code states unambiguously:

"Torture or any form of cruel, inhuman or degrading treatment of a detainee or a person on trial is forbidden."

However, with less clarity it also states:

"Intensive methods of interrogation shall be permissible only in extraordinary circumstances and under proper authorization and strict supervision by the highest political authority in the area."

The code does not explain what is meant by "intensive methods" nor what are the "extraordinary circumstances" in which they might be permissible.

However, the greatest weakness of the code appears to have been in its enforcement. It creates the post of "Officer of Justice", who has responsibility for maintaining principles of legality, supervising investigations and ensuring the protection of prisoners from torture or

ill-treatment. Yet the continuing ill-treatment of prisoners after the introduction of the code of conduct suggests that the Officer of Justice has been ineffective. In any case, it is difficult to see how a single individual could have effective responsibility for monitoring detention centres in three or four different countries at any one time.

The person who held the post of Officer of Justice, Zola Skweyiya, told the ANC's internal commission of inquiry into abuses that the security department had consistently blocked him from carrying out his work effectively. For example, despite repeated requests on his part he was never given access to Quatro prison.

Nor do there appear to have been effective steps to train security personnel in the standards required of them by the code of conduct or by international human rights instruments or to discipline them for breaches of the code. The internal report on the Thami Zulu case refers to the imprisonment of one security official for five years, but Amnesty International has no direct knowledge of any case in which security officials have been disciplined for acts of torture or ill-treatment. Indeed, it was striking that witness after witness at the ANC's internal commission of inquiry named those responsible for their torture and identified them as still working for the security department at the ANC's Johannesburg headquarters.

### *Commission of inquiry*

In September 1991 ANC president Nelson Mandela announced the establishment of a commission of inquiry to look into allegations of abuses committed against the organization's prisoners. The creation of the commission was prompted by the return to South Africa in August 1991 of 32 exiles who alleged that they had been tortured while they were prisoners of the ANC. The focus of the inquiry was on those 32 cases, although its investigations ranged more broadly.

The commission did not begin hearing evidence until March 1992. It was chaired by Advocate Louis Skweyiya SC, a Durban lawyer who is an ANC member. Another member of the commission, Bridget Mabandla, is also a member of the ANC, but the third commissioner, Advocate Gilbert Marcus, is a Johannesburg human rights lawyer who is not an ANC member.

An independent, non-ANC advocate, Elna Revelas, was appointed as counsel to investigate and lead evidence from complainants. An ANC official, Dali Mpofo, was secretary to the commission. His appointment could have seriously compromised the perceived impartiality of the commission because of his close personal association with Winnie Mandela, who had been found guilty of involvement in the abuse of teenage political activists. However, Dali Mpofo ceased his association with the commission before it began

its hearings and his role did not affect public perceptions of the investigation. However, his removal contributed to another problem, which was the lack of resources at the commission's disposal. The commission had no secretariat after Dali Mpofu's removal and no investigative team beyond Advocate Revelas and her instructing attorneys. The result was that the commission's lawyers had to spend much of their time making practical and logistical arrangements for the hearings, with inevitable consequences for the thoroughness of their other preparations.

The fact that two out of the three commissioners were ANC members had serious consequences for the way the inquiry was perceived, both by former prisoners of the ANC and by the public. Many former prisoners of the ANC told Amnesty International that they would not attend the inquiry because they did not trust that it would be impartial and feared for their own safety if they testified against members of the security department. It is no reflection on the integrity of the commissioners to conclude that this perception was understandable.

Commission hearings were to be in private. The rationale for this was that confidentiality was the only means available to the commission to protect witnesses. It was also argued that since the commission had no legal powers to compel witnesses to attend, ANC officials would refuse to testify unless they were guaranteed confidentiality. The commissioners would submit a report of their findings to the president of the ANC, Nelson Mandela, who would be obliged to publish it, although with the identities of individuals concealed.

The commissioners explained to an Amnesty International representative that their position was analogous to that of an internal inquiry in the legal or medical professions, where it is accepted that members of a professional tribunal are themselves lawyers or doctors - and that evidence will be heard *in camera*. Yet Amnesty International considers that the nature of the offenses being investigated and the character of the ANC constitute a situation far more analogous to that faced by a government when it is required to investigate allegations of abuse by its security forces. Officials of politically impartial human rights bodies in South Africa informed Amnesty International that they would have been willing to establish a genuinely independent commission of inquiry had they been approached by the ANC. Such an investigation would have carried greater credibility than the ANC's commission, and would also have provided a favourable contrast to other well-publicized inquiries which were being conducted concurrently. The US-based International Freedom Foundation engaged a Durban advocate, Robert Douglas SC, to conduct a public inquiry into ANC abuses, yet this was premised upon political opposition to the ANC. The German-based International Society for Human Rights (ISHR) was also engaged in investigating ANC abuses. The chairman of the Durban-based Returned Exiles Committee, Patrick Hlongwane, informed Amnesty International that he was under instructions from the ISHR not to testify before the ANC commission of inquiry.

The terms of reference of the ANC commission were to investigate complaints lodged by former detainees held by the ANC relating to:

"... The Conditions of their detention

"... The allegations of their maltreatment

"... The complaints about their loss or destruction of their properties."

The weakness of these terms of reference is threefold. First, the commission was only empowered to investigate complaints submitted by complainants with first-hand experience of abuse. It had no authority to initiate inquiries into other cases of abuse which were not the subject of a complaint. Second, and related to the first, the commission could not investigate deaths of prisoners, whether by execution or as a result of torture or poor prison conditions. Since it could investigate "their maltreatment" - that is the maltreatment of the complainants - this by definition excluded those who had been deprived of the right to life. Thirdly, the commission could not investigate the reasons behind the detention of prisoners by the ANC. Yet one of the main grievances expressed by former prisoners was the blanket denunciation of them as agents of the South African police or military. In the highly charged and violent atmosphere of the South African townships today, denunciation as a police agent could be tantamount to a death sentence.

The commission heard evidence at two sessions in March and August 1992. An Amnesty International representative attended most of the August session as an observer. About 16 former ANC prisoners testified before the commission, including some who were associated with the Returned Exiles Committee and the Returned Exiles Coordinating Committee, both of which had a stated policy of not cooperating with the commission. A number of senior ANC officials also testified. The commission submitted its report to the ANC president, who made it public in October 1992.

Amnesty International concluded that the commissioners made every attempt to conduct their investigation fairly and impartially. However, the fundamental flaws in the composition and terms of reference of the commission, combined with its lack of resources, damaged its credibility.

The report of the commission of inquiry is a strongly-worded indictment of the conduct of the ANC security department. It asserts unequivocally that torture and ill-treatment of prisoners was widespread. The report rules out the possibility that the issue of what happened in the prison camps was merely an invention of the ANC's enemies:

"A striking feature of the evidence presented to the Commission was its consistency.

The experience of the former detainees was depressingly similar, varying only in degree of severity. The witnesses who testified included persons loyal to the ANC and those who were hostile to the ANC. It included persons convicted of crimes and those never charged. The periods of detention and the alleged reasons therefor varied markedly. Yet, the same practices and names cropped up over and over again. We rule out the possibility of collusion or fabrication."

The report has several weaknesses, however, most of them related to the commission's restrictive terms of reference. Thus, the report does not cover the issue of killings and "disappearances" of prisoners. It does not assign individual responsibility for abuses, nor does it analyze the chains of command within the security department and MK, and between these bodies and the ANC leadership, in order to establish political responsibility for what went on in the camps. Also, although the report offers a strong and accurate description of conditions in Quatro, its coverage of other places of detention is less thorough. The latter weakness was probably a consequence of the lack of resources given to the commission to conduct its investigations.

However, the commissioners have also explicitly acknowledged the limitations of their own inquiry. The report contains a lengthy discussion of how witnesses were frightened to come forward because the commission was not seen to be sufficiently independent of the ANC. One of the report's principal recommendations is that a genuinely independent investigative body be set up to look into killings and "disappearances".

The report comments:

"Some of the witnesses whom we saw have been brutalized and broken. Not only have they had to endure physical and psychological trauma, but their lives have been shattered by poverty, interrupted education and disability. Yet, despite the ordeals that they have endured, most are without rancour. They seek, in the main, simple justice: a recognition that they have been wronged and assistance to rebuild their lives."

The commissioners recommend that those detained without charge by the ANC should have the allegations against them withdrawn and should receive an unequivocal apology. The ANC should provide financial compensation, medical and psychological care and educational assistance to those who have suffered abuse.

The report recommends "the creation of an independent structure which is perceived to be impartial and which is capable of documenting cases of abuse" in order to investigate the many individual cases which were not submitted to the commission. It proposes that

this same independent structure should be responsible for investigating allegations of "disappearance" or killing.

The commissioners have submitted to Nelson Mandela a confidential list of members of the security department alleged to be responsible for ill-treatment of detainees. However, the report notes:

"It would be wrong, in our view, to limit responsibility to such persons. There are clearly persons in the senior ranks of the security department who were responsible for the situation in the camps and who should not escape the net of accountability. We consider this recommendation to be of the greatest importance, particularly in the light of the role that the ANC is likely to play in a future Government. No person who is guilty of committing atrocities should ever again be allowed to assume a position of power. Unless the ANC is prepared to take decisive action, the risk of repetition will forever be present. The best formula for prevention is to ensure that the perpetrators of brutality are brought to account and seen to be brought to account."

The ANC has been criticized in South Africa for failing to publish the names of those allegedly responsible for torture and other abuses. The role of the commission of inquiry, in common with most commissions investigating human rights abuses, was to establish whether such abuses took place and what was their nature. It was not an investigation of who was criminally responsible for abuses - it used a different and less exacting standard of proof. The ANC leadership has stated that it does not intend to publish the confidential list of names submitted to it by the commission before the named individuals have had an opportunity to give evidence before the independent body which will further investigate reports of human rights abuse. Clearly, in the present violent and highly-charged political situation in South Africa publicly identifying individual ANC members as "torturers" would place them at risk of political assassination.

Individual torturers should be identified, in order to ensure that they can hold no future position in the ANC or government security apparatus. Details of their cases should also be forwarded to the appropriate authorities in the countries where the abuses took place in order that they might be the subject of criminal investigation and, if appropriate, prosecution. However, these steps should only be taken after a thorough investigation which will allow the alleged human rights violators the opportunity to respond to the allegations against them.

Finally, the commissioners recommend the speedy publication of their own report, along with the reports of two other ANC commissions of inquiry, one into the death of Thami Zulu and the other, chaired by James Stuart, into the 1984 mutiny.

### *The question of accountability*

Amnesty International endorses the commission of inquiry's recommendation about the accountability of ANC officials for abuses.

Responsibility for abuses does not just apply to those who have themselves committed such acts. A weakness of the commission of inquiry was that it did not sufficiently examine where political responsibility lay for abuses in the camps. An important question is why the leadership failed to table the report of the James Stuart commission of inquiry into the 1984 mutiny at the ANC's 1985 consultative conference in Kabwe. The Stuart report identified many of the excesses of the security department which have only recently become public knowledge. By suppressing this report the leadership, or elements within it, ensured that the security department would be able to continue unchecked.

The South African Government's recently enacted indemnity law effectively guarantees members of the security forces immunity from future prosecution for human rights violations. Amnesty International opposes such an amnesty, since it believes that an essential part of the process of preventing future violations of human rights is for abuses to be thoroughly investigated and for those responsible to be brought to justice. (This point is elaborated at length in Amnesty International's June 1992 report *South Africa: State of Fear*.)

Amnesty International considers that the same principles apply to abuses committed by members of the ANC. Clearly the ANC, unlike the South African Government, is not in a position to initiate criminal prosecutions against those responsible for torture or killings. However, Amnesty International urges the authorities in the countries where these abuses took place - notably Angola, Tanzania, Uganda and Zambia - to investigate the conduct of ANC security officials with a view to bringing them to justice. On the ANC's part, the aim should be to ensure that those responsible for torture, ill-treatment, killings and "disappearances" are never allowed to hold positions of authority within that organization or under any future South African administration. In particular, they should never be in a position where they have responsibility for law enforcement or custody of prisoners.