

EXTERNAL (for general distribution)

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UA 364/91 Fear of Extrajudicial Execution/Extrajudicial Execution

SOUTH AFRICA: Solomon NHLEKO, aged 30)
 Buti NHLEKO, aged 22) all members of
 Boy DUBE, aged 36) the African National
 Siyabonga MTHEMBU, aged 28) Congress, KwaMashu

Amnesty International is concerned for the safety of a community activist and African National Congress (ANC) member, Solomon Nhleko, who was severely wounded when he was attacked by armed men in KwaMashu township, north of Durban, on 20 October 1991. He had been a target of another attack in the previous year.

In September 1991 his brother, Buti Nhleko, and three other ANC activists "disappeared" from KwaMashu. On 13 September the bodies of Buti Nhleko and Boy Dube were found in KwaMbonambi, near Richards Bay on the Natal north coast. The third member of the group, Siyabongi Mthembu, died later in hospital. The fourth person, whose name is not known to Amnesty International, has gone into hiding out of fear for his life having survived what appears to have been an ambush by members of the KwaZulu Police.

The men who shot Solomon Nhleko on 20 October 1991 are reported to have been members of a criminal gang, known as the AmaSinyoras, which operates in KwaMashu. The township falls within the jurisdiction of the KwaZulu "homeland". The AmaSinyoras are known to have links with the South African Defence Force and the KwaZulu Police.

Solomon Nhleko was the target of another attack in May 1990. On 12 May he had been abducted by members of the South African Defence Force (SADF) who arrived at his house with a group of AmaSinyoras. During the raid on his house, soldiers seized documents, including details of various complaints made to the KwaZulu Police by KwaMashu residents against the AmaSinyoras. Solomon Nhleko was taken in a military vehicle to an area regarded as an Amasinyora stronghold and the soldiers allegedly watched while he was beaten by members of the gang. Later the soldiers took him to a sugar-cane field and allegedly threatened to kill him. He was released from military custody following an intervention by an opposition member of the South African parliament. Solomon Nhleko laid a formal charge of assault with the Military Police, who are responsible for investigating complaints against SADF personnel, and identified the people and the military vehicle involved in the incident. Nevertheless, the police informed him three months later that, after "proper investigation", they "declined to prosecute".

On about 9 September 1991 Solomon Nhleko's brother, Buti Nhleko, together with Boy Dube, Siyabonga Mthembu, and one other ANC activist "disappeared" from KwaMashu. Eyewitnesses report that the four ANC activists left the township in a vehicle driven by an unidentified person. It appears that the four men were lured into an ambush and fired upon by members of the KwaZulu Police. On 13 September the bodies of Buti Nhleko and Boy Dube were found in KwaMbonambi, near Richards Bay on the Natal north coast. Siyabonga Mthembu died of his injuries in hospital. The fourth abducted person survived the attack and is in hiding out of fear for his life.

Solomon Nhleko is still in hospital recovering from the attack against him on 20 October. He received gunshot wounds to his chest and legs. There are concerns for his safety, in particular because one of the people allegedly involved in the attack has been seen in the vicinity of the hospital. While the police have been given full details of the attempt

on Solomon Nhleko's life, there is little evidence to indicate that they have conducted any investigations into the incident. No eyewitnesses have been interviewed nor has anyone been arrested, although the police apparently are in possession of a list of names of eyewitnesses and alleged attackers. The failure of the police to investigate and bring charges against the attackers, who are known to be members of the AmaSinyoras, is consistent with previous patterns of police conduct. During the past four years at least 150 serious charges, including murder, have been have been lodged with the police by KwaMashu residents against members of the AmaSinyora gang. Only about a tenth of these cases has ever come to trial. A former

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member of the gang told journalists in July 1991 that the only occasions on which gang members were arrested were when they killed KwaZulu policemen. In the past four years, according to human rights monitors, the AmaSinyoras have been linked to the murder of at least 40 ANC supporters.

Amnesty International is urging the South African government to take prompt and appropriate measures to guarantee the safety of Solomon Nhleko and to bring to justice those responsible for the attempt on his life. It is also urging the government, as well as the authorities in the KwaZulu "homeland", to take every necessary step to ensure that those responsible for the murder of Buti Nhleko, Boy Dube and Siyabonga Mthembu, and the attempted murder of one other person, are brought to justice.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- expressing concern for the safety of Solomon Nhleko in view of the attempt on his life on 20 October 1991 in KwaMashu and the apparent failure of the police to investigate the attack against him;
- expressing concern that the police failed to bring charges against members of the South African Defence Force, as well as members of the so-called AmaSinyora gang involved in abducting, assaulting and threatening Solomon Nhleko in May 1990;
- urging the authorities to investigate fully and bring to justice those responsible for both of these attacks against Solomon Nhleko;
- urging the authorities to investigate fully the alleged involvement of members of the KwaZulu Police in the murders of Buti Nhleko, Boy Dube and Siyabonga Mthembu, and the attempted murder of one other person on 13 September 1991 in KwaMbonambi, and to bring to justice those responsible for these deaths.

APPEALS TO:

1) Mr F W De Klerk **Dear President**
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 or
322158 PRES SA**

Faxes: +27 12 323 3982

**Telexes: 3-20772 SAPQM SA or
3-20838 SAPOB SA**
Faxes: + 27 12 323 2033

5) Chief M G Buthelezi **Dear Minister**
Minister of Police, KwaZulu
Department of Police
Private Bag X14
Ulundi 3838, South Africa

**Telegrams: Minister of Police Buthelezi,
Ulundi, South Africa**

3) Lt-Gen Van Der Merwe **Dear**
Commissioner of Police **Commissioner**
Police Headquarters
Private Bag X94

Pretoria 0001, South Africa
**Telegrams: Police Commissioner Van de
Merwe, Pretoria, South Africa**

2) Mr H J Kriel **Dear Minister**

Minister of Law and Order
Private Bag X463
Pretoria 0001
South Africa

**Telegrams: Minister Law/Order, Pretoria,
South Africa**

**Telexes: 321353 HABS SA or
321358 HABS SA (via Ministry
of Home Affairs)**

Faxes: +27 12 322 2559

4) Major-General I Coetzee **Dear
Regional Commissioner, Natal Commissioner**

P O Box 391
Durban 4000, South Africa

**Telegrams: Regional Commissioner Coetzee,
Durban, South Africa**

6) Brigadier J Buchner **Dear Commissioner**

Commissioner of Police, KwaZulu
Department of Police
Private Bag X14
Ulundi 3838, South Africa

**Telegrams: Police Commissioner Buchner,
Ulundi, South Africa**

COPIES TO: one or more of the following:

- The Star, PO Box 1014, Johannesburg 2000, South Africa;
- The Weekly Mail, PO Box 260425, Excom 2023, South Africa;
- The Natal Witness, Box 1634, Durban 4000, South Africa;
- New African, Suite 206, Dinvir Centre, 123 Field Street, Durban 4001, South Africa;
- Ilanga, POB 2159, Durban 4000, South Africa;
- Human Rights Commission, Natal Regional Office, 20 St Andrew Street, Durban, South Africa;
- Democratic Party, DP Coastal Region, PO Box 37034, Overport 4067, Durban, South Africa;
- Independent Board of Inquiry into Informal Repression, PO Box 32293, Braamfontein, Johannesburg 2017, South Africa

and to diplomatic representatives of South Africa in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 December 1991.