

UA 378/90

Fear of Ill-treatment/Health Concern

20 September 1990

SOUTH AFRICA: Sathyandranath "Mac" MAHARAJ, aged 55, member of the National Executive Committee of the African National Congress (ANC)

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Mac Maharaj, a member of the National Executive Committee (NEC) of the African National Congress (ANC) and of the South African Communist Party Central Committee, was arrested on 25 July 1990 and detained under the terms of section 29 of the Internal Security Act, which allows the police to detain a person incommunicado, in solitary confinement and indefinitely for the purposes of interrogation. On 12 September 1990 he was admitted to St. Aidan's Hospital, Durban, apparently suffering from a serious neck injury. Mac Maharaj is still under police custody in hospital and continues to be denied access to his lawyer, family, and his own medical practitioner.

Amnesty International is concerned that he is being held under the terms of a provision which facilitates the ill-treatment and torture of detainees, and that his injuries may be a result of ill-treatment at the hands of the police following his arrest on 25 July 1990. At the time of his arrest he was suffering from influenza but was otherwise in good health. Amnesty International has been informed that on about 7 or 8 August 1990 Nelson Mandela, the deputy president of the ANC, was able to speak to Mac Maharaj in the presence of a senior police official, Lieutenant-General Basie Smit. Mac Maharaj informed Nelson Mandela that he had been "banged around like hell", and had his head knocked against a wall by the police after his arrest. He complained of a lot of pain in his neck.

Mac Maharaj became politically active with the ANC in 1951 and served a 12-year prison sentence on Robben Island between 1964 and 1976. During pre-trial detention he was severely tortured and suffered a broken vertebra in his neck as a result. He has required specialist treatment since then. It seems likely that the ill-treatment during his present detention has exacerbated this old injury.

After his arrest in July the South African police permitted Mac Maharaj to attend the funeral of his sister. However, his attendance was on the precondition that he did not attempt to communicate with anyone. He was kept in leg-irons and under police escort while at the funeral.

Mac Maharaj was one of a group of senior ANC leaders who were granted immunity from prosecution by the government under a temporary amnesty law issued in May 1990. The amnesty was granted for the ostensible purpose of facilitating negotiations between the South African government and the ANC. In August 1990 the government extended the amnesty period, but excluded Mac Maharaj as well as two other senior ANC and SACP officials from its provisions.

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

- expressing concern that Mac Maharaj is detained under legislation that permits indefinite incommunicado detention without charge;
- expressing concern that he has apparently been ill-treated while in custody and has required hospital treatment as a consequence, and seeking assurances that he will not be subjected to further ill-treatment or placed under any other form of duress while in custody;

- urging that he be granted immediate access to a medical doctor of his choice, and to visits from his lawyer and relatives;
- appealing for him not to be returned to incommunicado detention in police cells, especially in view of his age and fragile health, and to be released immediately if he is not to be charged promptly with a recognizably criminal offence.

APPEALS TO:

Mr F W De Klerk
 State President
 State President's Office
 Private Bag X83
 Pretoria 0001, South Africa

Telegrams: President De Klerk, Pretoria, South Africa
 Telexes: 321695 SPLIB SA, 321890 PRES SA or 322158 PRES SA
 Faxes: +27 12 323 3982

Mr A J Vlok
 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

Lt-Gen Van Der Merwe
 Commissioner of Police
 Police Headquarters
 Private Bag X94
 Pretoria 0001, South Africa

Telegrams: Police Commissioner Van de Merwe, Pretoria, South Africa
 Telexes: 3-20772 SAPQM SA; 3-20838 SAPOB SA
 Faxes: + 27 12 323 2033

Head of Security Police
 Port Natal Provincial Division
 P O Box 391
 Durban 4000
 South Africa

Telegrams: Security Police, Durban, South Africa

COPIES TO: One or more of the following:

- The Editor, New Nation, PO Box 10674, Johannesburg 2000, South Africa
- The Editor, Natal Witness, POB 362, Pietermaritzburg 3200, South Africa
- The Editor, Vrye Weekblad, PO Box 42637, Fordsburg 2033, South Africa
- The Editor, The Star, POB 1014, Johannesburg 2000, South Africa
- Dr C E M Viljoen, Secretary General, Medical Association of South Africa, PO Box 20272, Alkantrant, Pretoria 0005, South Africa
- Human Rights Commission, PO Box 32723, Braamfontein, 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 1 November 1990.