

EXTERNAL (for general distribution)

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Legal/Health Concern

9 January 1991

SOUTH AFRICA: George MOLAIOA) all senior office-bearers
Henry MOLEME) of the Jouberton Civic
Tsidiso NTAOPANE) Association, Klerksdorp
Solomon RASEMENI)

George Molaioa, Henry Moleme, Tsidiso Ntaopane and Solomon Rasemeni were detained on 30 December 1990 under the terms of Section 50 of the Internal Security Act. George Molaioa, Henry Moleme and Solomon Rasemeni went on hunger-strike that same day in protest against their arrest, and as a result of his hunger-strike Henry Moleme was admitted to Tshepong Hospital on 6 January 1991.

Section 50 of the Internal Security Act provides the security forces with the power to detain a person without charge for up to 14 days if the arresting officer believes that the person is contributing towards a state of public disorder. Section 50 detention provisions allow for detainees to have access to legal counsel. After 48 hours a magistrate must authorize the detention if it is to continue for up to 14 days, but the magistrate reaches a decision just on the opinion of the arresting officer. There is no provision for the detainee to make representations or to challenge the decision of the magistrate.

As these detainees were arrested on 30 December 1990, they should according to Section 50 be released by 12 January 1991. However, the possibility remains that they may be redetained under other provisions of the Internal Security Act. In the past the police have transferred Section 50 detainees to incommunicado detention, apparently with the intention of frustrating legal access, as in the case of Tembisa Youth Congress member Thabiso Radebe who was arrested on 18 June 1990 (see UA 269/90, AFR 53/50/90, 29 June, and follow-ups AFR 53/54/90, 12 July, and AFR 53/72/90, 30 October).

Henry Moleme is the Chairman of the Jouberton Civic Association, a body set up by township residents to represent their interests in negotiations with the authorities over local issues. Tsidiso Ntaopane is its General Secretary and George Molaioa and Solomon Rasemeni are also executive committee members.

In addition Solomon Rasemeni is an executive committee member of the Klerksdorp branch of the African National Congress. The reason for the arrest of these political activists is not known, but Amnesty International is concerned that they may be prisoners of conscience detained to prevent their involvement in peaceful political activities. Amnesty International is calling for their immediate release if they are not to be promptly charged with a recognizably criminal offence.

RECOMMENDED ACTION: Telexes/telegrams/express and airmail letters:

- expressing concern that the four men named above are held under legislation which permits their detention for up to 14 days for preventive purposes, and denies them the right to challenge their detention in court;
- asking to be informed of the reasons for the imprisonment of the four;

- expressing concern that George Molaioa, Henry Moleme and Solomon Rasemeni have gone on hunger-strike in protest against their detention and that, as a result, Henry Moleme has been admitted to hospital;

- seeking assurances that they are having and will continue to have full and regular access to their legal representative, to a medical doctor of their choice and to prompt hospital treatment if recommended, and to visits from relatives;

- expressing concern that the four may be prisoners of conscience, imprisoned on account of their peaceful political activities, and calling for all four to be released immediately if they are 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

Mr H J Coetsee

Minister of Justice

Department of Justice

Private Bag X81

Pretoria 0001, South Africa

Telegrams: Justice Minister, Pretoria, South Africa

Telexes: 322139 JUST SA

Faxes: +27 12 26 0991

Divisional Commissioner of Police

Western Transvaal Division

Private Bag 801

Potchefstroom 2520, South Africa

Telegrams: Police Commissioner W Transvaal, Potchefstroom, South Africa

District Commissioner of Police

Klerksdorp District

Private Bag A12

Klerksdorp 2570, South Africa

Telegrams: Police Commissioner, Klerksdorp, South Africa

(NOTE: the Minister of Law and Order has primary responsibility for the holding or releasing of detainees; the Minister of Justice has primary responsibility for the administration of the prison system, covering conditions in detention and access to medical treatment).

COPIES TO:

- The Star, POB 1014, Johannesburg 2000, South Africa

- Vrye Weekblad, PO Box 42637, Fordsburg 2033, South Africa

- Sowetan, POB 6663, Johannesburg 2000, South Africa

- South African Press Association, PO Box 7766, Johannesburg 2000, South Africa

- The Secretary General, Medical Association of South Africa, PO Box 20272, Alkantrant, Pretoria 0005, South Africa
- National Medical and Dental Association, PO Box 17160, Congella 4013, 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 20 February 1991.