

EXTERNAL (for general distribution)

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UA 22/95 Fear of extrajudicial execution

27 January 1995

Please bring this UA to the attention of the person in your section responsible for home government approaches.

SOUTH AFRICA

**Bheki Ntuli, political activist and trade union leader;
"JJ" (Davidson Jabulani) Ntuli, aged 25, political activist and brother
of Bheki Ntuli;
other residents of the Kwamsane-Mtubatuba area, Northern KwaZulu-Natal**

Amnesty International is concerned for the safety of brothers Bheki and JJ Ntuli, following an attack on the Ntuli family home by armed men on 18 January 1995, in which their mother, Grace, and a friend of the family, 18-year-old Thulani Mbatha, were killed. JJ Ntuli was seriously injured in the attack.

Bheki Ntuli is Regional Chairperson of the African National Congress (ANC) in Northern KwaZulu-Natal, and Regional Chairperson of the Congress of South African Trade Unions (COSATU); his brother JJ is Chair of the Mtubatuba ANC branch.

JJ Ntuli has since been discharged from hospital, but is in hiding because of fears that his attackers may return to kill him. The family of Thulani Mbatha has been threatened with further violence. There are also fears that members of both families and other mourners will come under attack during planned vigils and funerals on 27, 28 and 29 January.

BACKGROUND INFORMATION

The killing of Grace Ntuli and Thulani Mbatha occurred in the context of increasing violence in the Kwamsane-Mtubatuba area. It appears that a group of heavily armed young men, identifying themselves with the Inkatha Freedom Party (IFP), has embarked on a campaign to force anyone perceived to be sympathetic to the ANC out of the area. These men are alleged to be acting with the support of certain members of the Kwamsane Police Station, which is still under the control of the former KwaZulu "homeland" police. The Ntuli family seems to have been singled out for attack because of the Ntuli brothers' prominent political roles in the area. Bheki Ntuli has survived a number of previous attempts on his life, including an attack on his home in Esikhawini in August 1992 (see AFR 53/18/92 of 28 August 1992, and AFR 53/01/93 of 29 January 1993).

Grace Ntuli's home had previously come under attack on the night of 21 December 1994, when about a dozen houses were burnt or damaged and their occupants forced to flee. The attacks occurred not long after a meeting in the area at which speakers threatened violence against ANC supporters or anyone sheltering them. Officers of the KwaZulu Police present at this meeting took no steps against those who uttered the threats. When armed men surrounded the Ntuli home on 21 December and opened fire, JJ Ntuli attempted to defend the house by returning fire with a licensed firearm. After the attackers moved off, members of the KwaZulu Police and the South African Police Service (SAPS) Internal Stability Unit based at Mtubatuba entered the Ntuli home, confiscated licensed firearms, and arrested JJ Ntuli and four companions.

The police took those arrested to KwaMsane police station. Members of the KwaZulu Police allegedly physically assaulted the detainees, calling them "Mandela's children". All those detained were charged with possession of unlicensed weapons and ammunition and JJ Ntuli was charged with attempted murder. The detainees were released on bail by 23 December. The police refused to return the licensed firearms.

On 13 January 1995, Bheki and JJ Ntuli had participated in a peace meeting in Mtubatuba. According to reports from people at the meeting, JJ Ntuli was shouted down by a group of hecklers, reportedly IFP supporters, who explicitly threatened his life; although police officials and the Provincial Minister for Safety and Security were present, they made no attempt to intervene.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters either in English or your own language:

- expressing concern at the fatal shootings on 18 January 1995 of Grace Ntuli and Thulani Mbatha, and wounding of JJ Ntuli, particularly in view of prior public threats made against members of the Ntuli family in the presence of police officers and provincial officials, attacks on their home and the assault of JJ Ntuli soon after in KwaZulu Police custody;
- calling for a prompt and independent investigation into killings and other human rights violations which have recently occurred in the KwaMsane-Mtubatuba area, and for the perpetrators to be brought to justice;
- expressing concern at the failure of the police to protect KwaMsane-Mtubatuba area residents who are being threatened, shot at and driven from their homes by armed men, apparently acting with impunity;
- urging the authorities to take all necessary steps to ensure that the residents of this area have access to an impartial and fully accountable police force, which responds promptly to calls for assistance from members of the public, regardless of their political affiliation.

APPEALS TO:

President N R Mandela
Office of the President
Private Bag X83, Pretoria 0001, South Africa
Telegrams: President Mandela, Pretoria, South Africa
Faxes: +27 12 326 2719
Salutation: Dear President

Dr F Mdlalose
Premier of KwaZulu-Natal Province
Private Bag X23, Ulundi 3838, South Africa
Telegrams: KwaZulu-Natal Premier, Ulundi, South Africa
Faxes: +27 358 202 470
Salutation: Dear Premier

Mr F S Mufamadi
Minister of Safety and Security
Private Bag X463, Pretoria 0001, South Africa
Telegrams: Safety/Security Minister, Pretoria, South Africa
Faxes: +27 12 320 5065
Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

- Captain Thango, Station Commander, KwaMsane Police Station, KwaMsane, Mtubatuba 3935, South Africa;
- Captain van der Westhuizen, Station Commander, Mtubatuba Police Station, Mtubatuba 3935, South Africa;
- ANC North Coast Regional Office, PO Box 7229, Empangeni-Rail 3910, South Africa;
- Human Rights Committee, Education and Innovation Centre, University of Natal, Western Campus, François Road, Durban 4001, South Africa

and to diplomatic representatives of South Africa accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 March 1995.