

EXTERNAL (for general distribution)

AI Index: AFR 53/05/92

Distr: UA/SC

UA 76/92 Fear of Extrajudicial Execution/
Extrajudicial Execution

5 March 1992

SOUTH AFRICA:

Four residents of Esikhawini township:

Willies MCHUNU - executive member African National Congress (ANC) Northern Natal Regional
Executive Committee and National Projects Officer, National Union
of Metal Workers of South Africa (NUMSA)
Enoch NZUZA - NUMSA regional organizer and ANC member
Mike MABUYAKHULU - NUMSA Northern Natal Regional Secretary and member of the Esikhawini
ANC monitoring committee
Samuel NYAWO - NUMSA shop steward and ANC member

The following were killed on 16 February 1992:

Joseph MTSHALI - hostel resident
Pat MGXONYANA - resident, Esikhawini township
S KHUZWAYO - resident, Esikhawini township
Joseph MDLULI - resident, Esikhawini township

Amnesty International is concerned for the safety of Willies Mchunu, Enoch Nzuza, Samuel Nyawo and Mike Mabuyakhulu, who are officials of the National Union of Metal Workers of South Africa (NUMSA) and African National Congress (ANC) members, following threats and attacks against them. All four are long-term activists with a history of harassment including arbitrary detention by the police. Esikhawini township, a predominantly ANC-supporting township near Empangeni on the Natal north coast, falls within the jurisdiction of the KwaZulu "homeland" police. There have been frequent allegations of KwaZulu police complicity in this area directly or indirectly in political killings.

On the morning of 16 February 1992 hundreds of alleged supporters of the Inkatha Freedom Party (IFP) attacked township residents and hostel dwellers in Esikhawini township. According to eyewitness accounts, KwaZulu Police Force (KZP) members escorted the attackers into the township and did not attempt to stop the Inkatha forces when they opened fire on hostel dwellers, who are predominantly members of trade unions affiliated to the ANC-allied Congress of South African Trade Unions (COSATU). Faced with the threat of the hostel being overrun by the Inkatha forces, the hostel dwellers retaliated. As soon as they did so, members of the South African Police (SAP), South African Defence Force (SADF) and KZP joined the Inkatha forces in shooting at the hostel dwellers. One resident of the hostels, Joseph Mtshali, attempted to flee and was hacked to death by the Inkatha supporters in full view of the security forces. While the security forces were attempting to enter one of the hostels, the Inkatha supporters began to attack, loot and burn homes of township residents. The security forces did not attempt to stop them. Seventeen homes, including the home of Willies Mchunu, were burnt down, and another dozen or so homes looted and

extensively damaged. Willies Mchunu was not at home at the time of the attack. However, a number of other township residents died during the attack, including Pat Mgxonyana, whose home was also burned down, S Khuzwayo and Joseph Mdluli. There are reports of further deaths, but Amnesty International has not yet been able to confirm the identity of those killed. While the Inkatha forces were attacking residents' homes, members of the security forces raided the workers' hostel. They pulled hostel dwellers, some already injured by gunshot wounds, from their rooms, assaulted and disarmed them, and arrested over 200. Those arrested were subsequently charged in Mthunzini Magistrate's Court. It does not appear that any of the IFP attackers were arrested or charged with any offence.

Page 2 of UA 76/92

The reason for the visit by hundreds of IFP supporters to Esikhawini on 16 February 1992 was ostensibly to attend a cultural event called by local chiefs and announced on local radio by a member of the KwaZulu Legislative Assembly. There had been desperate efforts by ANC and COSATU leaders prior to the rally, involving legal interventions with the Deputy Minister of Law and Order and others, to ensure a sufficient police presence to prevent violent incidents from occurring. During the attack itself on 16 February, both ANC and local business people contacted police officials in Durban and Empangeni to alert them to the situation.

Further incidents occurred during subsequent weeks, including an attack on Samuel Nyawo's home which was burnt to the ground on 27 February. On the weekend of 22-23 February, armed men arrived at the home of Enoch Nzuza on at least two occasions searching for him. He has been the victim of previous assassination attempts. His home is in the Ndlangubo area, near Empangeni, an area which falls under the jurisdiction of the South African Police. The situation in the area is reportedly very tense, with ongoing harassment of ANC and COSATU members. There are reports of armed men said to be in disguise turning up at other homes near Enoch Nzuza's and making threats and shooting at the occupants. Amnesty International has not yet been able to obtain confirmation of these reports.

On 24 February 1992 Mike Mabuyakhulu, a COSATU official involved in South Africa's National Peace Accord, raised the harassment of Enoch Nzuza with police officials. On 26 February at approximately 2.30 am, possibly as many as 20 members of the South African Police raided his home in Esikhawini. Mike Mabuyakhulu and members of his family were woken when heavily armed police forced an entry to his house. They turned the rooms of his house upside-down, while ostensibly searching for weapons. Although the police did not use physical violence against the occupants of the house, their conduct was threatening and intimidating. The search went on for some 30 to 40 minutes before the police departed without finding any weapons. Based on the evidence of police raids for weapons on the homes of other ANC supporters, prior to attacks in other parts of Natal and elsewhere in the country, there are fears that the police raid on Mike Mabuyakhulu's home was intended to ensure that he was unarmed and vulnerable to a possible later attack.

Amnesty International is concerned for the safety of Mike Mabuyakhulu, Willies Mchunu, Samuel Nyawo and Enoch Nzuza, because of the recent threats and attacks on them or their homes. This concern is heightened because of the number of violent incidents, particularly since late 1991, involving Inkatha members or supporters with the active participation or collusion of members of the security forces, against members of the ANC and COSATU in this area. Amnesty International is also concerned by persistent reports of the failure of the police authorities to take effective steps to prevent violence occurring when Inkatha rallies are held in the area, as well as their persistent failure to investigate and bring to justice those responsible for attacks on ANC and COSATU members. Amnesty International is urging the authorities to investigate fully the circumstances surrounding the killings of S Khuzwayo, Joseph Mdluli, Pat Mgxonyana and Joseph Mtshali on 16 February 1992, the violent attacks on Esikhawini hostel dwellers and township residents, and in particular

the alleged role of the security forces in these incidents, and to bring those responsible to justice.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters:

- expressing concern for the safety of Mike Mabuyakhulu, Willies Mchunu, Enoch Nzuza and Samuel Nyawo in view of the recent attacks on them or their homes;

- urging the authorities to take prompt and appropriate measures to ensure the safety and protection of these four men;

- urging that the authorities fully investigate the murders of S Khuzwayo, Pat Mgxonyana, Joseph Mdluli and Joseph Mtshali in Esikhawini on 16 February 1992 and bring to justice those responsible for their killings;

- urging the authorities to investigate fully the attacks on workers' hostels and residents' homes in Esikhawini township on 16 February 1992 and to bring to justice those responsible for injuries and damage to property;

- urging the authorities to investigate fully the reports of security force involvement, both directly and indirectly, in the attacks on workers' hostels and residents' homes in Esikhawini township on 16 February 1992, and to bring to justice security force members found to have acted unlawfully in participating in these attacks.

Page 3 of UA 76/92

APPEALS TO:

1) 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

Salutation: Dear President

2)

(a) Mr H J Kriel, Minister of Law and Order

Salutation: Dear Minister

OR

(b) Mr J H L Scheepers, Deputy Minister of Law and Order

Salutation: Dear Deputy Minister

BOTH AT THE FOLLOWING ADDRESS:

Private Bag X463

Pretoria 0001, South Africa

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

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

Faxes: + 27 12 322 2559

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

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

Salutation: Dear Minister

4) Brigadier J Buchner
Commissioner of Police, KwaZulu
Department of Police
Private Bag X14
Ulundi 3838, South Africa

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

Salutation: Dear Commissioner

5) Major-General C Steyn
Regional Commissioner of Police, Natal
P O Box 391
Durban 4000, South Africa

**Telegrams: Natal Regional Police
Commissioner, Durban, South
Africa**

Salutation: Dear Commissioner

SOME COPIES TO: any of these:

Colonel Lourens

Police Liaison Officer

Police Headquarters

P O Box 391, Durban 4000,
South Africa

Colonel Strydom
Station Commander
Empangeni Police Station
Empangeni, 3880
South Africa

Colonel Mzimela
Station Commander
Ezikhawini Police Station
Near Empangeni, 3880
South Africa

and also to one or more of the following:

- The Editor, Natal Mercury, POB 950, Durban 4000, South Africa
- The Editor, New African, Suite 206 Dinvir Centre, 123 Field Street, Durban 4001, South Africa
- Human Rights Commission, Natal Office, 20 St Andrews Street, Durban 4001, South Africa
- Joint Working Committee, Natal Region, PO Box 10026, Marine Parade, 4056, South Africa
- National Union of Metal Workers of South Africa (NUMSA), PO Box 1714, Empangeni, 3880, South Africa
- Mr Roy Ainslie, Democratic Party, Natal Coastal Region, PO Box 37034, Overport, Durban 4067, South Africa
- African National Congress, Legal and Constitutional Affairs Department, PO Box 61884, Marshalltown 2307, Johannesburg, South Africa

and to diplomatic representatives of South Africa in your country.

PLEASE SEND APPEALS IMMEDIATELY. Please check with the International Secretariat, or your section office, if sending appeals after 16 March 1992.