

EXTERNAL (for general distribution)

AI Index: AFR 53/10/93

Distr: UA/SC

UA 93/93      Legal Concern

30 March 1993

SOUTH AFRICA: Police and Prison Officers Civil Rights Union of South Africa  
(POPCRU)

Zwi MDLETSHE, Assistant General Secretary, POPCRU

Mnikelwa NXELE, Regional Chairperson, POPCRU

Bhekani NGUBO, Regional Secretary, POPCRU

Vusi NDLOVU, Regional Treasurer, POPCRU

Armstrong NAWA, POPCRU member

Elvis Mboniswa NENE, POPCRU member

and 13 other POPCRU members and officials whose names are not known to Amnesty International.

Amnesty International is concerned that the Attorney General's office is abusing new special powers under recent legislation to block bail applications and effect the arbitrary detention of leading members of POPCRU, a union of police and prison warders campaigning against discrimination. Amnesty International fears that the Ministry of Correctional Services, the Attorney General and the police may be colluding to use a law passed ostensibly to deal with cases involving violence, to break the capacity of POPCRU to organize as a union among public sector workers.

On 10 March 1993 Zwi Mdletshe, Mnikelwa Nxele, Bhekani Ngubo and Vusi Ndlovu were arrested by the South African Police and charged in the Pietermaritzburg magistrate's court on 11 March with "intimidation". Armstrong Nawa and Elvis Mboniswa Nene were arrested at the end of the proceedings in court on 11 March and similarly charged with "intimidation". The six were prevented from applying for bail by the Attorney General using his special powers under the 1992 Criminal Law Second Amendment Act. On 15 or 16 March 13 other POPCRU members were arrested in the Pietermaritzburg area and charged with "intimidation". Three of these were also denied the right to apply for bail.

Amnesty International is concerned that the nine POPCRU members who have been denied the right to apply for bail are in fact the victims of arbitrary detention, targeted because of their involvement in a trade union.

Zwi Mdletshe and the other 18 POPCRU members were detained in the context of a dispute between prison warders who are POPCRU members and the prison authorities at Pietermaritzburg Prison, Natal. Over 100 prison warders were summarily dismissed in February 1993 and approximately 200 others went out on strike in sympathy for their dismissed colleagues. Police conducted raids on the homes of POPCRU members, reportedly assaulting some of them before charging them in connection with the killing of a prison warder in February. However the police withdrew charges and released them within a few days.

Zwi Mdletshe and the other five POPCRU officials named above were arrested five days before a meeting scheduled between the Minister of Correctional Services and the prison warders' liaison committee. The public prosecutor announced that he intended to ask the Attorney General for a certificate denying them bail. The POPCRU officials were remanded in custody, thus only one out of the six members of the liaison committee could meet with the Minister

in Pretoria on 15 March.

The Attorney General used powers in the 1992 Criminal Law Second Amendment Act to prohibit the court from releasing on bail the six men named above and three of the other POPCRU members. The prohibition is effective for 120 days. The Attorney General gave the detainees no opportunity to present their case to him and he gave no details of the charges against them.

The Correctional Services Department, the police and the Attorney General's office appear to be colluding to break the capacity of POPCRU to organize amongst public sector employees.

Page 2 of UA 93/93

**BACKGROUND INFORMATION**

The authorities in South Africa have refused to recognize POPCRU, which was formed by police officers and prison warders in 1989 to campaign for improvements in working conditions and against discrimination. Both the Police Act and the Prisons Act prohibit strikes and empower the authorities to dismiss summarily members of the services who engage in a strike.

Since 1989 POPCRU members have been summarily dismissed or have suffered other forms of harassment. Under the 1991 Internal Security and Intimidation Amendment Act, "intimidation" is a very widely defined crime including any act, not necessarily involving violence or the threat of violence, relating to a strike viewed as illegal by the authorities.

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

- expressing concern that the Attorney General appears to be using measures amounting to arbitrary detention to deny bail to Zwi Mdletshe and eight other POPCRU members;
- expressing concern that the Attorney General denied the POPCRU members the right to present their case to him;
- calling for prompt judicial review of the reasons for the detentions of the POPCRU members and for their prompt release from custody if they are being held solely for their trade union activities without having used or advocated violence;
- condemning the apparent coordinated activities of the authorities to break the right of workers in the public sector to organize peacefully, pursue improved conditions and campaign against discrimination;
- calling for the Attorney General, at a minimum, to use his discretion and allow the detainees a proper bail hearing.

**APPEALS TO**

1) Mr H J Coetsee  
Minister of Justice  
Department of Justice  
Private Bag X276  
Pretoria 0001  
South Africa

**Telegrams: Justice Minister, Pretoria  
South Africa**

**Telexes: 322139 JUST SA  
Faxes: +27 12 326 0991**

Pretoria 0001  
South Africa

**Telegrams: Correctional Services  
Minister, Pretoria,  
South Africa**

**Faxes: + 27 12 323 3304/5**

**Salutation: Dear Minister**

**Salutation: Dear Minister**

2) Mr A J Vlok  
Minister of Correctional Services  
Department of Correctional Services  
Private Bag X136

3) Advocate Tim McNally  
The Attorney General for Natal  
The Supreme Court  
Church Street  
Pietermaritzburg 3200  
South Africa

**Telegrams: Natal Attorney General,  
Pietermaritzburg, South  
Africa**

**Salutation: Dear Advocate McNally**

**COPIES OF YOUR APPEALS TO:**

The Commissioner  
Pietermaritzburg Prison  
Post Box 9022  
Pietermaritzburg 3200  
South Africa

(b) The Editor  
Sowetan  
P O Box 6663  
Johannesburg 2000

Newspapers:

(a) The Editor  
The Natal Witness  
P O Box 362

Lawyers for Human Rights  
P O Box 8579  
Cumberwood, Pietermaritzburg 3235

Pietermaritzburg 3200

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 11 May 1993.