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SOUTH AFRICA (Bophuthatswana) The case of Patrick Huma

Amnesty International is concerned for the safety of Patrick Huma, a human rights lawyer in the nominally independent "homeland" of Bophuthatswana who has been subjected to arbitrary detention, torture and assassination attempts during the past year. Patrick Huma is a practising lawyer who has represented victims of administrative detention, torture and other human rights violations. In October 1991 he provided information on human rights violations in Bophuthatswana to a meeting of South African "Patriotic Front" political groupings opposed to the policies of the South African Government.

Patrick Huma was arrested by members of the Bophuthatswana police on 29 January 1992. In the early hours of that morning, police officers arrived at his home in Mmakau, in the Odi district of Bophuthatswana near Ga-Rankuwa, and forced their way inside. They entered Patrick Huma's bedroom. According to legal submissions made on behalf of Patrick Huma to the Bophuthatswana authorities, the police searched the room and while doing so punched and kicked him, hit him with the butt of a rifle and banged his head against the floor. The police did not say what they were looking for, but removed his academic gown and a sizeable sum of money as allegedly stolen property. After some time Patrick Huma was dragged outside the house, where the police continued to assault him. They then took him under arrest to Ga-Rankuwa police station. He was not informed of the reason for his arrest. Soon after the police had left his home, his family realized that a further sizeable sum of money stored in a wardrobe was missing. Furniture and other possessions were broken or damaged.

On the morning of 30 January, members of the Murder and Robbery Unit of the Bophuthatswana police took Patrick Huma from Ga-Rankuwa police station to a large local shopping complex. They parked the police vehicle at the entrance. Patrick Huma was handcuffed to the back of the police vehicle in full view of passers-by, and left there while the police officers went about their business. Patrick Huma is a legal practitioner in that locality,

and police officers mocked him with the prospect that his appearance before the public under such circumstances would ruin his professional reputation.

After some time, the police returned to the vehicle and proceeded with Patrick Huma to the offices of the Murder and Robbery Unit in Ga-Rankuwa. There Patrick Huma was subjected to assaults and torture in an apparent attempt to make him confess to illegally possessing a firearm. According to his own testimony, the police blind-folded him with a wet cloth soaked in soapy water; his hands were handcuffed and put over his knees with an iron rod protruding below the knees and resting on his forearms; his legs were tied together. While bound in this position (often called "helicopter torture") he was punched, hit and kicked. He was then undressed, water was poured over him, and the police repeatedly administered electric shocks to his limbs and genitals.

As a result of this torture Patrick Huma lost consciousness. When he revived he found he had been dressed. He was bleeding from a number of wounds. In addition his right arm was broken and the thumb of his left hand was numb. He immediately asked to be taken to a doctor, but it was not until two hours later that the police took him to the local Odi hospital for treatment. However, after his injuries had been attended to at the hospital he was returned to custody.

Later that same day, 30 January 1992, the same police officers assaulted Patrick Huma again. They tied him to a chair, with his feet bound to the chair legs and his left arm tied to window bars. A canvas bag was placed over his head, water was thrown over him, and he was punched and kicked. His head was banged against the wall. Police officers demanded that he confess to being in possession of firearms, in particular AK-47 rifles and a pistol, but he continued to refuse to make any such confession. He was eventually told that he was to be charged with robbery. He was also told that the police would attempt to persuade the Law Society of Bophuthatswana to disbar him from further practising his profession.

The following day Patrick Huma was brought to court, and the court ordered that he be examined by a government medical officer. Nonetheless, the police refused to take him to a doctor. On 7 February 1992 Patrick Huma was released from police custody on bail pending charges being brought against him. He was admitted to Ga-Rankuwa hospital for medical treatment. Despite four operations on his fractured right arm, he has so far regained only limited use of his right hand and wrist. He is seeking damages for alleged negligence by the hospital medical practitioners.

Patrick Huma is also seeking compensation from the Bophuthatswana authorities for the injuries and humiliation he suffered as a result of his arrest and torture, and for damage and loss resulting from the 29 January 1992 raid on his home by officers of the Bophuthatswana police. The authorities apparently responded by saying that they would investigate his allegations. However, to Amnesty International's knowledge no official steps have been taken to date to suspend from duty or prosecute the police officers involved in the

detention, interrogation and alleged torture of Patrick Huma, and there has been no announcement of the findings of any investigation into their conduct. Patrick Huma's brother, too, was assaulted during the 29 January raid and is also seeking compensation.

Patrick Huma is currently on trial after being charged with armed robbery and theft of a motor vehicle. After repeated postponements the trial commenced in the Ga-Rankuwa magistrate's court in August 1992. In evidence before the court, Patrick Huma described the assaults and humiliations he suffered during and after the police raid on his home in January 1992. On 5 October 1992 evidence was presented by both prosecution and defence. A number of defence witnesses failed to appear in court, apparently because they heard informally through court channels that the charges against Patrick Huma were to be withdrawn. Other potential defence witnesses were allegedly assaulted or detained around the time of the trial. The trial was not concluded and was postponed again to January 1993. In the meantime, there are fears that Patrick Huma's life is at risk from unidentified assailants who are suspected of acting in collusion with elements in the Bophuthatswana police force.

In May 1992 an apparent plot to assassinate Patrick Huma was foiled, and the would-be assassin claimed in a statement to lawyers that he was a former member of a South African military hit-squad (known as the Civil Cooperation Bureau or CCB) who had been hired by the Bophuthatswana police to kill Patrick Huma. In August 1992 Patrick Huma was attacked by a group of men at the door to his office, but they fled when another person arrived on the scene. On 15 October 1992, three armed men forced their way into Patrick Huma's office, but colleagues were able to forewarn him and he fled to neighbouring offices. The three men escaped. Despite the fact that these incidents have been reported to senior police officers, no action appears to have been taken to apprehend those responsible. In response to a request for police protection, the police reportedly said that they would not provide protection for Patrick Huma unless he withdraws the charges he has laid against the police.

Amnesty International is calling for a full, independent and impartial investigation into the conduct of the police officers responsible for the arrest, interrogation and alleged torture of Patrick Huma at the offices of the Murder and Robbery Unit of the Bophuthatswana police, Ga-Rankuwa; for the police officers involved to be suspended from duty immediately pending the findings of this investigation; for its findings to be made public; and for the persons responsible for these human rights violations to be brought to justice.

Amnesty International is calling also for a prompt, thorough and impartial investigation into the May, August and October 1992 attacks on Patrick Huma, for those responsible to be brought to justice, and for any member of the security forces suspected of involvement in these attacks to be immediately suspended from duty and investigated. Amnesty International urges that Patrick Huma should be provided with effective protection, in accordance with his own wishes.

In a report entitled SOUTH AFRICA: STATE OF FEAR - Security force complicity in torture and political killings, 1990-1992 published on 10 June 1992, Amnesty International documented evidence of security force complicity in torture and political killings in South Africa. For more information about Amnesty International's current concerns in South Africa, please see the full report.

WHAT YOU CAN DO

Send appeals to the South African government officials listed below, making the following points:

- Call for a full, independent and impartial investigation into the conduct of police officers from Ga-Rankuwa police station and the Ga-Rankuwa Murder and Robbery Unit responsible for the arrest, interrogation and alleged torture and humiliation of Patrick Huma during and after the raid on his home in January 1992; call for the police officers involved to be suspended from duty immediately pending the findings of this investigation, for its findings to be made public, and for the persons responsible for these human rights violations to be brought to justice;
- Call for a prompt, thorough and impartial investigation into the May, August and October 1992 attacks on Patrick Huma; for those responsible to be brought to justice; and for any member of the security forces suspected of involvement in these attacks to be immediately suspended from duty and investigated;
- Urge that Patrick Huma should be provided with effective protection in accordance with his own wishes.

ADDRESSES FOR APPEALS:

- 1) **Mr F W De Klerk**, State President, State President's Office, Private Bag X83, Pretoria 0001, South Africa
- 2) **Chief L M Mangope**, President, Private Bag X2005, Mmabatho 8681, Bophuthatswana, South Africa
- 3) **Mr S G Mothibe**, Minister of Justice, Department of Justice and Transport, Private Bag X2033, Mmabatho 8681, Bophuthatswana, South Africa
- 4) **Mr R F Botha**, Minister of Foreign Affairs, Department of Foreign Affairs, Private Bag X152, Pretoria 0001, South Africa

KEYWORDS: LAWYERS1 / HUMAN RIGHTS ACTIVISTS / HARASSMENT / ARBITRARY ARREST / TORTURE/ILL-TREATMENT1 / DISABLEMENT / MEDICAL TREATMENT / PROFESSIONAL ETHICS / TRIALS / WITNESSES / POLICE / IMPUNITY / POLITICALLY MOTIVATED CRIMINAL CHARGES /

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