

UA 207/93

Fear of Extrajudicial Execution

23 June 1993

SOUTH AFRICA: Sam NXUMALO, Chairperson African National Congress (ANC)
branch in Eshowe area, Natal,
Sipho MTHIYANE, Induna (senior councillor to the chief),
Eshowe area
Lucky MTHIYANE, son of Sipho Mthiyane

Amnesty International is concerned for the safety of Sam Nxumalo, Chairperson of the ANC branch in the Eshowe area of northern Natal, following death threats made against him at public meetings and in anonymous phone calls and threatening conduct towards him by two members of the South African Police (SAP) on 8 June 1993. Amnesty International is also concerned for the safety of Sipho Mthiyane, an *Induna* in the Eshowe area, and his son Lucky Mthiyane, who were shot and stabbed by a person suspected to be a member of the KwaZulu Police (KZP) on 18 May 1993.

An atmosphere of fear has gripped the area, with at least 15 people killed since early May. Amnesty International is concerned that police are failing to respond to calls for assistance in an impartial manner and, in certain cases, are directly implicated in the violence. Gezinsila Township near Eshowe falls within the jurisdiction of the KwaZulu "homeland" government.

Human rights monitors have received disturbing reports from residents fleeing the violence in Gezinsila and Nyanini alleging that members of the KwaZulu Police have interrogated them about their political affiliations and have chased them away from places of refuge. Members of the KwaZulu Police also allegedly forced people to attend an Inkatha Freedom Party (IFP) rally on 6 June during which speakers are reported to have announced that anyone from Gezinsila and Nyanini who failed to attend a future rallies would be regarded as an ANC supporter and would be killed.

On 18 May Sipho Mthiyane and his son Lucky Mthiyane were shot and stabbed in Nyanini, a rural area near Eshowe, by a person whom local residents believe to be a member of the KwaZulu Police. Amnesty International is seeking confirmation of this allegation. The two men were seriously injured, with Sipho Mthiyane having been shot several times and left for dead. During the months prior to the attempted murder of the two men, Sipho Mthiyane had resisted pressure from his chief to take violent action against young ANC supporters in the area. The chief responded by depriving him of his position as *Induna*.

Sipho Mthiyane and his son laid a charge with the South African Police at Eshowe and positively identified the assailant (charge number CR 157/5/93). Yet the perpetrator has still not been arrested, although residents of Gezinsila and Nyanini have told human rights monitors that they have seen him in the company of the South African Police force in the area. Also several residents of Gezinsila have complained of being assaulted or threatened by him since 18 May.

Sam Nxumalo has received threatening phone calls from anonymous callers telling him that his "days are numbered" and that his name is on a list of people to be killed. Local people attending IFP gatherings, as well as meetings organized by the chief and his councillors, have informed him that they have heard speakers at these events refer to Sam Nxumalo and other ANC members as targets to be eliminated.

With the assistance of a human rights monitor, Sam Nxumalo met with the most senior officer from the South African Police in the Eshowe area on 7 June. He requested an investigation of the threats against him and other ANC members whose names are on the same alleged hit list. The police advised Sam Nxumalo that they would contact him the next day. The following day two members of the South African Police approached Sam Nxumalo when he was preparing to leave the car park outside Eshowe hospital. With their guns drawn, they walked towards his car, examined the number plates, searched the vehicle and attempted to search Sam Nxumalo's companion. One of the policemen identified himself, but the other refused to give his name. They referred to Sam Nxumalo's meeting with the police on the previous day

and demanded the names of Sam Nxumalo's witnesses, which he refused to give out of fear for their safety. Sam Nxumalo subsequently lodged a complaint with a senior member of the South African Police at Eshowe. The officer promised to initiate an "internal inquiry" into the conduct of the two policemen.

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

- expressing concern for the safety of a number of people in northern Natal whose lives have been threatened, in particular Sam Nxumalo, in view of death threats made against him, and urging the authorities to take steps, in accordance with his wishes, to safeguard him from attack;
- expressing concern at the conduct of two police officers who, with guns drawn, questioned Sam Nxumalo on 8 June and urging that they be suspended from duty pending an independent inquiry into their conduct;
- expressing concern for the safety of Sipho Mthiyane and Lucky Mthiyane and urging the authorities to take steps, in accordance with their wishes, to safeguard them from further attack;
- urging the authorities to exercise their responsibility to protect the lives of all residents of Gezinsila, Nyanini and Eshowe by ensuring that the local police force behave impartially and respond promptly to calls for assistance and investigate and arrest the perpetrators of attacks, irrespective of political affiliation.

APPEALS TO:

1) Mr F W de Klerk
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
Faxes: + 27 12 323 3982
Salutation: Dear President de Klerk

2) Mr H J Kriel
Minister of Law and Order
Private Bag X463
Pretoria 0001
South Africa

**Telegrams: Minister Law/Order, Pretoria,
South Africa**
Telexes: 321353
Faxes: + 27 12 322 2559
Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

1) Captain van der Westhuizen,
Station Commander,
Eshowe Police Station,
Private Bag 505, Eshowe 3815, South Africa

2) Empangeni Operational Centre of Peace Secretariat,
ATTN: Mr A Mokoena, Coordinator,
Private Bag X20100, Empangeni 3880, South Africa

3) Natal Monitor,
Democratic Party Office,
4th Floor, No 76 Stamford Hill Rd, Durban 4001, South Africa

3) General During
Commissioner of Police,
KwaZulu Department of Police
Private Bag X14
Ulundi 3838
South Africa

**Telegrams: Police Commissioner During,
Ulundi, South Africa**
Salutation: Dear Commissioner

4) Colonel Junius
Divisional Commissioner of the South
African Police
Private Bag 505
Eshowe 3815
South Africa

**Telegrams: Divisional Commissioner
Junius, Eshowe, South Africa**
Salutation: Dear Divisional Commissioner

and to diplomatic representatives of South Africa accredited to your country. The World Conference on Human Rights is being held in Austria this month and you can enhance the power of your appeals by also sending copies to the diplomatic representative of South Africa in Austria during June at the following address:

South African Embassy:

The Ambassador
Botschaft der Republik Südafrika
Sandgasse 33, 1190 Wien
Austria

Faxes: + 43 1 32 64 93 51

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 August 1993.