

EXTERNAL (for general distribution)

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Further information on UA 272/91 (AFR 53/29/91, 9 August 1991) - Fear of extrajudicial executions

SOUTH AFRICA:Frans MAHUMA

Thomas MVUNDLE (please note corrected spelling)

Thomas MONENE

Elliot RAMPAU

and (new names): Dan NDZEKU, chairperson of the Carletonville branch of

the African National Congress (ANC)

Sally SEALEY, researcher for the Independent Board of

Inquiry into Informal Repression

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Amnesty International is concerned at the continuing harassment of Frans Mahuma, Thomas Mvundle, Thomas Monene and Elliot Rampau, who were detained for several days in late July 1991 at Welverdiend police station, near Carletonville in western Transvaal Province, and allege they were tortured. Amnesty International is also concerned at the harassment of Dan Ndzeke and Sally Sealey, both of whom have been active in assisting the ongoing "Special Task Force" police inquiry into allegations of police involvement in torture and extrajudicial executions at Welverdiend and Khutsong police stations.

On 20 August 1991 Frans Mahuma, Thomas Mvundle, Thomas Monene, and Elliot Rampau laid charges of assault against the police officers who, they alleged, tortured them in late July at Welverdiend police station. At least two officers allegedly involved in torturing them, Lieutenant Viljoen and Constable Ephraim "Fente" Rampete, were involved in rearresting them in September. Thomas Mvundle was asked by Lt Viljoen to visit Carletonville police station on 19 September to make a statement in connection with the charges he had laid against the police. Lt Viljoen then ordered his arrest. Despite the efforts of Thomas Mvundle's lawyer, Sally Sealey and others, and apparently against the orders of more senior police officers, the Carletonville police did not bring Thomas Mvundle to court on 20 September. Later, however, a senior police officer gave an undertaking to the lawyer that Thomas Mvundle would appear in Carletonville Magistrate's Court on 23 September. Nonetheless, it was apparently only as a result of strenuous efforts by Dan Ndzeke and Sally Sealey, who were concerned for Thomas Mvundle's safety, that the police did bring Thomas Mvundle to court on 23 September. He was released on bail.

Thomas Monene was arrested on 16 September and charged in court on 23 September, together with his mother and Thomas Mvundle, with illegal possession of arms and ammunition. Prior to bringing these charges against them, the police had searched their homes and the homes of Frans Mahuma and

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Elliot Rampau. Eyewitnesses have alleged that the police were seen deliberately placing evidence in the homes of the accused. Moreover, the police officers against whom charges of assault have been laid have apparently said that they will withdraw the criminal charges against Thomas Mvundle, Thomas Monene and Mrs Monene, if the accused withdraw the charges

they have laid against the police.

A number of other people, who have provided information to the "Special Task Force" inquiry or have attempted to lay charges against police officers, have also been arrested and charged. For instance, on 30 August 1991 a police constable, who is currently

suspended from duties while under investigation, shot and injured Enos Mhlongo. When Enos Mhlongo and a witness went to Carletonville police station the following day to lay a charge of attempted murder, both were arrested on a robbery charge. They were acquitted of this charge in court in late October.

Amnesty International is particularly concerned that Dan Ndzeke and Sally Sealey, who have both been very active in securing witnesses and assisting them in bringing evidence of unlawful police conduct to the "Special Task Force" investigation team, were arrested on 24 September by Carletonville police officers currently under investigation. Their arrest occurred the day after Dan Ndzeke, Sally Sealey and others had with difficulty located Thomas Mvundle in the cells beneath Carletonville Magistrate's Court and pressured the police to produce him in court. The charges of assault and intimidation subsequently brought against Dan Ndzeke and Sally Sealey appear to have arisen from a confrontation between them and Constable Rampete, who apparently intended to keep Thomas Mvundle hidden in the court cells and so prevent him from appearing in court. Constable Rampete has frequently been linked to allegations of torture and extrajudicial execution during the past two years in Welverdiend and Khutsong. He is currently under investigation in connection with an inquest into the death of Bongki Nyongkong whom he admits shooting in February 1990.

Both Dan Ndzeke and Sally Sealey have denied the charges against them. They are due to stand trial on 29 October. In addition, both Dan Ndzeke and Sally Sealey have on various other recent occasions been obstructed, harassed and threatened by Carletonville police officers in the course of trying to assist official investigations.

Amnesty International is concerned that human rights activists, as well as people who have been victims of unlawful police conduct, are being harassed and intimidated when they attempt to cooperate with official investigations into police abuses. Amnesty International is calling for the immediate suspension from duties of all police officers against whom serious allegations have been made, pending the outcome of the investigation into Welverdiend police station. Amnesty International urges the authorities to ensure the safety of human rights activists, including Dan Ndzeke and Sally Sealey, and to ensure that all members of the security forces are clearly instructed on, and do adhere to, their duty to protect all members of the community.

**FURTHER RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:**

- urging that Frans Mahuma, Thomas Mvundle, Thomas Monene and Elliot Rampau be protected from further harassment and intimidation by police officers at Carletonville police station against whom they have already laid charges of assault;

- calling for the immediate suspension from duties of all police officers against whom serious allegations have been made, pending the outcome of the investigation into Welverdiend police station;

- expressing concern that Dan Ndzeke and Sally Sealey, and others involved in assisting official investigations into alleged human rights violations at Welverdiend police station, are being harassed and threatened by police officers already under investigation for serious offences;

- urging the authorities to ensure the safety of human rights activists, including Dan Ndzeke and Sally Sealey, and to ensure that all members of the security forces are clearly instructed on, and do adhere to, their duty to protect all members of the community.

**APPEALS TO:**

Mr F W De Klerk  
State President  
State President's Office  
Private Bag X83  
Pretoria 0001, South Africa

**Dear President**

**Telegrams: President De Klerk, Pretoria, S Africa**  
**Telexes: 321695 SPLIB SA, 321890 PRES SA, or 322158 PRES SA**  
**Faxes: +27 12 323 3982**

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

**Dear Minister**

**Telegrams: Minister Law/Order, Pretoria, S Africa**  
**Telexes: 321353 HABS SA or 321358 HABS SA**  
**Faxes: +27 12 322 2559**

Lt-Gen Van Der Merwe  
Commissioner of Police  
Police Headquarters  
Private Bag X94  
Pretoria 0001, South Africa

**Dear Commissioner**

**Telegrams: Police Commissioner Van de Merwe, Pretoria, S Africa**  
**Telexes: 3-20772 SAPQM SA; 3-20838 SAPOB SA**  
**Faxes: + 27 12 323 2033**

Major-General H G De Waal  
Regional Commissioner of Police (Western Transvaal)  
Private Bag X801  
Potchefstroom 2520, South Africa

**Dear Regional Commissioner**

**Telegrams: Western Transvaal Regional Police Commissioner, Potchefstroom, S Africa**  
**Faxes: + 27 148 997835**

Major-General R Van Der Westhuizen  
c/o Commissioner of Police  
Police Headquarters  
Private Bag X94  
Pretoria 0001, South Africa

**Dear Major General**

**Telegrams: Maj-Gen Westhuizen, Police HQ, Pretoria, S Africa**  
**Telexes: 3-20772 SAPQM SA; 3-20838 SAPOB SA**  
**Faxes: + 27 12 323 2033**

The Attorney General (Witwatersrand)  
The Supreme Court  
Private Bag X8  
Johannesburg 2000, South Africa

**Dear Attorney General**

**Telegrams: Attorney General (Witwatersrand), Johannesburg, S Africa**

**COPIES TO one or more of the following:**

- The Editor, The Sowetan, POB 6663, Johannesburg 2000
- The Editor, The Star, POB 1014, Johannesburg 2000
- The Editor, Vrye Weekblad, PO Box 42637, Fordsburg 2033
- The Editor, Weekly Mail, PO Box 260425, Excom 2023
- The Editor, New Nation, PO Box 10674, Johannesburg 2000
- Independent Board of Inquiry Into Informal Repression, PO Box 32293, Braamfontein, Johannesburg 2017

and to diplomatic representatives of South Africa in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 6 December 1991.