

EXTERNAL (for general distribution)

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Fear of Torture/Legal Concern

4 December 1990

SOUTH AFRICA (Ciskei): Dumisani TABATA, a practising lawyer

Dumisani Tabata, a lawyer in partnership in King William's Town, was reportedly detained on 29 November 1990 by members of the Ciskei security forces who stopped him at a roadblock when he was returning to his home from Port Elizabeth. The Commissioner of Police informed his colleagues on 30 November 1990 that he is being held under the terms of the Ciskei National Security Act. This legislation permits indefinite, incommunicado detention for the purposes of interrogation. His place of detention and the reason for his detention are not yet known.

Dumisani Tabata has been detained previously for a brief period in March 1990, following which he was released uncharged. He is active in committees of the National Association of Democratic Lawyers and the African National Congress which are preparing recommendations for a future South African constitution. He is a married man aged in his mid-30s. Amnesty International is concerned that Dumisani Tabata may be a prisoner of conscience, detained because of non-violent political activities, and is urging the authorities to release him immediately if he is not to be charged promptly with a recognizably criminal offence.

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

- expressing concern that Dumisani Tabata is currently detained under the Ciskei National Security Act, which permits indefinite, incommunicado detention for the purposes of interrogation;
- asking where he is being held and the reason for his detention;
- urging that he be granted immediate access to his lawyer and family;
- seeking assurances that he will not be subjected to torture, ill-treatment or other forms of duress while in custody;
- stating that Amnesty International is concerned that he may be a prisoner of conscience detained on account of his non-violent political activities, and calling for his immediate release if he is not to be charged promptly with a recognizably criminal offence.

APPEALS TO

Brigadier Oupa Gqozo
Chairman of the Military Council
Private Bag X0016
Bisho 5600
Ciskei, South Africa

Telegrams: Brigadier Gqozo, Military Council, Ciskei, South Africa

Telexes: 250885 CX; 250400 CX; 250476 CX

Commissioner of Police
Ministry of Justice, Police and Prisons
Private Bag X0012
Bisho 5600
Ciskei, South Africa

Telegrams: Police Commissioner, Bisho, Ciskei, South Africa
Telexes: 250846 CIPOL CX

State President
Mr F W de Klerk
State President's Office
Private Bag X213
Pretoria 0001, South Africa

Telegrams: State President, Pretoria, South Africa
Telexes: 321695 SPLIB SA, 321890 PRES SA; 322158 PRES SA
Faxes: +27 12 323 3982

Mr R F Botha
Minister of Foreign Affairs
Department of Foreign Affairs
Private Bag X152
Pretoria 0001, South Africa

Telegrams: Foreign Minister, Pretoria, S. Africa
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- The Editor, Sowetan, POB 6663, Johannesburg 2000
- National Association of Democratic Lawyers, PO Box 48165 Qualbert, Durban 4078, South Africa
- African National Congress, Legal Department, 3rd Floor, Munich RE, 54 South West Street, Johannesburg 2001, South Africa

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 15 January 1991.