

EXTERNAL (for general distribution)

AI Index: AFR 53/01/94
Distr: UA/SC

4 January 1994

Further information on UA 442/93 (AFR 53/46/93, 31 December 1993) - Legal Concern/Fear of Torture/Possible Prisoners of Conscience

SOUTH AFRICA (BOPHUTHATSWANA):

Nathaniel NGAKANTSI, Executive member, African National Congress (ANC),
Mafikeng Branch

Joseph MOLEFE, Executive member, ANC, Mafikeng Branch

and new names: Ephraim MOTOKO, General Secretary, ANC, Mafikeng Branch
Themba GWABENI, Chairperson, ANC, Mafikeng Branch
Diale KGANTSI, Publicity Secretary, ANC, Mafikeng Branch
Joyce TSHEWU, ANC member and employee of Lawyers for
Human Rights, Mafikeng

Amnesty International has received information that Nathaniel Ngakantsi and Joseph Molefe were released from police custody on 4 January 1994. No charges were laid against them by the police. The detainees, who had been held at Rooigrond Prison, had not been assaulted while in custody. Their lawyers, however, had been prevented from visiting the detainees until 3 January 1994. The police apparently allowed the lawyers access to the detainees, after the lawyers informed them that they intended to apply to the Supreme Court for an order requiring the police to release the detainees.

The police have carried out further detentions of political activists in the past few days. On 1 January Diale Kgantsi and three other men whose names are not known to Amnesty International were detained by members of the Bophuthatswana police. Although the men were released on the same day, three of them, including Diale Kgantsi, were allegedly assaulted by the police with fists and open hands during their interrogation at Security Branch Headquarters. The police interrogated them about the ANC's intention to hold a public celebration of the re-incorporation of the "homeland" of Bophuthatswana into South Africa. All four men were released without charge on 1 January.

On 2 January Ephraim Motoko, Themba Gwabeni and Diale Kgantsi were detained at the home of Ephraim Motoko. The three men were taken to Security Branch Headquarters for questioning. On the same morning Joyce Tshewu was detained at her home and taken to Security Branch Headquarters. Ephraim Motoko and Joyce Tshewu were then transferred to Mafikeng Police Station. The other two men were transferred to Mmabatho Police Station. It was not until the following day, 3 January, that lawyers were able to gain access to these detainees, who informed them that they had not been assaulted during what was apparently only a brief interrogation. The ANC officials were apparently questioned about the operation of the Mafikeng ANC office and access to that office. Joyce Tshewu was interrogated about the work of the Lawyers for Human Rights office and

access to the office. The police also accused her of producing a pamphlet critical of the "homeland" authorities. The four detainees were released without charge on 4 January.

Joyce Tshewu was in poor health at the time of her arrest. She requested medical assistance, but the police took no steps to arrange a medical examination for her. After she nearly collapsed in her police cell, the police arranged for her to be transferred to Bopholong Hospital, where she was diagnosed as suffering from heart problems. Despite her ill-health, the police kept her under guard and continued to question her in hospital in a threatening manner. She was still in hospital on 4 January receiving treatment after she had been technically released from police custody.

FURTHER RECOMMENDED ACTION: Please send one more round of telegrams/telexes faxes/express and airmail letters in English or in your own language:

- welcoming the release from detention of Nathaniel Ngakantsi, Joseph Molefe, Ephraim Motoko, Themba Gwabeni, Diale Kgantsi and Joyce Tshewu, noting that they had been released without charge, and requesting reasons for their detention;
- expressing concern at reports that Diale Kgantsi and two other men detained with him on 1 January 1994 were assaulted during interrogation at Security Branch Headquarters in Mmabatho;
- expressing concern that the police continued to interrogate Joyce Tshewu in a threatening manner, despite the fact that she had hospitalized for ill-health following her arrest on 2 January 1994;
- expressing concern at the pattern of arbitrary detentions and other human rights violations committed against non-violent political activists in Bophuthatswana apparently because of their involvement in activities related to the 1994 South African elections.

APPEALS TO:

1) Chief L M Mangope
President
Government Offices

Mmabatho, Bophuthatswana, South Africa

Telegrams: President Mangope, Bophuthatswana, South Africa

Telexes: 937 3008 BOP

Faxes: + 27 140 842626

Salutation: Dear President Mangope

2) Mr Rowan Cronje
Minister of Defence
Department of Defence

Private Bag X2003, Mmabatho 8681, South Africa

Telegrams: Defence Minister, Mmabatho, Bophuthatswana, South Africa

Salutation: Dear Minister

3) Major-General P J Seleke
Commissioner of Police

Private Bag X2006, Mmabatho 8681, South Africa

Telegrams: Police Commissioner, Mmabatho, Bophuthatswana, South Africa

Salutation: Dear Commissioner

4) Mr R F Botha

Minister of Foreign Affairs

Department of Foreign Affairs

Private Bag X152, Pretoria 0001, South Africa
Telegrams: Foreign Minister, Pretoria, South Africa
Telexes: 0959 350060 EXTERN TTX SA
Faxes: +27 12 325 8669
Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

- Col D A George, Private Bag X2004, Mmabatho 8681, South Africa;
- Lawyers for Human Rights, Mafikeng Regional Office, PO Box 945, Mafikeng 8670, South Africa;
- Mafikeng Anti-Repression Forum (MAREF), PO Box 158, Ratshidi 8681, South Africa;
- The Editor, Sowetan, PO Box 6663, Johannesburg 2000, South Africa.

and to diplomatic representatives of South Africa (Bophuthatswana) accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.