

EXTERNAL (for general distribution)

AI Index: AFR 53/02/92
Distr: UA/SC

15 January 1992

Further information on UA 381/91 (AFR 53/39/91, 8 November 1991) -
Detention/fear of torture

South Africa (Ciskei):

Reverend Alf DLAMINI, aged in his 50's, an Anglican priest in Peddie and Chairman of the Justice Division of the Border Council of Churches

Mrs QABAKA, aged 72, a shopkeeper from Alice, and her 15-year-old grandson also named QABAKA

and S BUSHULA, aged 68, chairman of Mzantsi residents association
M SEBENGU, aged 70, secretary of Mzantsi resident association
M MAGWACA, aged 58)
M RAMNCWANA, aged 66)
K RAMNCWANA, aged 42) all executive members of the residents
M TYHALA,
aged 38) association of Mzantsi village near S
TYHALA, aged 42) Dimbasa
Jackson MSUTHU, aged 54)

The State of Emergency declared in the Ciskei "homeland" was lifted following talks between African National Congress leader Nelson Mandela and Brigadier Oupa Gqozo, Chairman of the Ciskei Military Council, on 17 November 1991. During the State of Emergency at least 350 and possibly as many as 500 people, including those named above, had been detained, apparently because of their actual or perceived opposition to the policies of the Ciskei authorities. All detainees were released promptly after the State of Emergency was lifted.

At least two cases, including one brought on behalf of Reverend Dlamini by his family, were heard by the Ciskei Supreme Court to challenge the validity of the State of Emergency regulations. In both applications it was argued that the State of Emergency provisions, and in particular provisions for detention without charge, conflicted with rights guaranteed in the Bill of Rights entrenched in the Ciskei Constitution. In its judgment, the Supreme Court upheld both applications and declared the State of Emergency invalid.

No further action is required. Thank you to all those who worked on this case.