

EXTERNAL (for general distribution)

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Further information on UA 442/93 (AFR 53/46/93, 31 December 1993) and follow-ups (AFR 53/01/94, 4 January 1994 and AFR 53/02/94, 5 January) - Legal concern/Possible prisoner of conscience

SOUTH AFRICA (BOPHUTHATSWANA):

Nathaniel NGAKANTSI, Executive member, African National Congress, Mafikeng Branch

On 7 January 1994 Nathaniel Ngakantsi was released from police custody following a bail hearing in the Mmabatho Magistrate's Court. He was released on bail of 300 South African Rands and his trial postponed until 10 May 1994. He appeared to be in good health at the time of his court hearing and did not complain of assault.

Nathaniel Ngakantsi was charged in court with the following offences: *Crimen Injuria*; violating Section 28 of the 1977 Bophuthatswana Constitution Act, which prohibits doing anything calculated to violate the personal dignity or injure the reputation or office of the (Bophuthatswana) President; and violating Section 43 of the 1979 (Bophuthatswana) Internal Security Act, which empowers the President to make laws to prohibit possession of, or removal of prohibited explosives or documents.

Although the police and the prosecutor provided few details about these charges, it appears from the court proceedings that they relate to possession of documents seized from his home at the time of his arrest on 31 December. One of the documents contains criticism of the Bophuthatswana authorities for financial corruption. The prosecutor and the police opposed bail on the grounds that he would interfere with witnesses, by informing them that the police were searching for them. The Magistrate did not accept these reasons and ordered the prisoner to be released on an amount of bail agreed with his lawyer.

In view of the fact that Nathaniel Ngakantsi's trial has been postponed until after the date set for the South African elections, it is possible that the authorities will not pursue the alleged case against him. Following the national elections and the implementation of the new draft constitution, the Bophuthatswana "homeland" will cease to exist as a legal entity.

Thanks have been conveyed to Amnesty International and all who participated in this action on behalf of Nathaniel Ngakantsi and the other victims of arbitrary detentions during the past two weeks.

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

- welcoming the release of Nathaniel Ngakantsi, but expressing concern that

he has been charged with offences, the nature and effect of which appear to be intended to suppress freedom of political expression in Bophuthatswana;
 - 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, Bophuthatswana, 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, Bophuthatswana, 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. Check with the International Secretariat, or your section office, if sending appeals after 22 February 1994.