

EXTERNAL (for general distribution)

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Fear of Extrajudicial Execution/Torture/Legal Concern

19 March 1992

SOUTH AFRICA: Siphon CELE - Northern Natal Regional Secretary for the Congress of South African Trade Unions (COSATU) and member of the Natal Regional Dispute Resolution Committee linked to South Africa's National Peace Accord

Thulane NGUBANE - National Union of Metal Workers of South Africa (NUMSA) local organizer for Empangeni

and 15 youths - names unknown to Amnesty International

Amnesty International is concerned for the safety of Siphon Cele and Thulane Ngubane. They were arrested and assaulted on 15 March 1992 by members of the South African Police (SAP) who were disguised to conceal their identity. This followed attacks on their homes on 14 March 1992 by people believed to be supporters of the Inkatha Freedom Party (IFP). Siphon Cele and Thulane Ngubane are both residents of the Ngwelezane township which is about five kilometres from Empangeni, on the Natal North Coast, and although it is in the KwaZulu "homeland" it falls under the jurisdiction of the SAP.

At about 3.30 pm on 14 March 1992, a group of some 100 people believed to be Inkatha supporters, some of them armed, went to Thulane Ngubane's home looking for him. When told that Thulane Ngubane was not at home, the men threatened members of his family and told them to leave the township. This group then went to the house of Siphon Cele, stoned the house and fired shots at it. Siphon Cele managed to drive away the attackers with some assistance from neighbours. Siphon Cele immediately telephoned a senior police official in Durban, who represents the police on the Regional Dispute Resolution Committee, and asked him to arrange urgent police protection. Despite a promise of police assistance, police did not reach Siphon Cele's house until three hours later. When they arrived they searched the house for weapons, but made no effort to pursue the heavily armed attackers. After the police left, 15 local youths moved in to protect Siphon Cele.

At about 4.30 am on 15 March, Siphon Cele's house was again attacked, this time by a sizable group of men wearing civilian clothes and with their faces hidden. Despite the disguise, the commander of the group appeared to be a white person. The attackers searched the house and its occupants. Thulane Ngubane's mother and daughter were severely beaten. The attackers also assaulted Siphon Cele, Thulane Ngubane, and some of the youths and arrested all 17. They were taken away in an unmarked vehicle to Ngwelezane police station, where their attackers continued to assault them.

A police officer from Empangeni police station saw the detainees at Ngwelezane police station and, having acknowledged that they had been assaulted, said that the conduct of the police would be investigated.

All 17 detainees have been charged with murder, in connection with the death of a local Inkatha leader who reportedly led the attacks on 14 March on the homes of Thulane Ngubane

and Sipho Cele. He was killed when the attackers were driven away from Sipho Cele's home. The 17 are still in custody while their bail applications are being considered.

Thulane Ngubane has a broken arm as a result of the assaults he sustained. Sipho Cele is in Empangeni hospital receiving treatment for suspected fractures of his ribs, ankle and nose. On 17 March Sipho Cele's house was again attacked and damaged by an incendiary device.

Amnesty International is concerned for the safety of Sipho Cele and Thulane Ngubane because of the recent attacks on them and their homes and families. Concern for their safety is increased by the fact that other attacks by Inkatha forces on trade unionists and African National Congress (ANC) members in the area have taken place with impunity. The police have either directly participated in these attacks or failed to intervene to prevent them. The police conduct indicates that there is a policy of deliberate violence against ANC and COSATU activists working in the Empangeni area (see UA 76/92, AFR 53/05/92, 5 March 1992). Amnesty International is also concerned at the persistent failure of the police to investigate and bring to justice those responsible for attacks on activists.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters:**

- expressing concern for the safety of Sipho Cele and Thulane Ngubane (mentioning the recent attacks on them and their homes) and the failure of the police to intervene promptly when alerted to the 14 March attack on Sipho Cele's house;
- expressing concern at reports that members of the SAP severely assaulted Sipho Cele, Thulane Ngubane and youths arrested on 15 March with them, as well as Thulane Ngubane's wife and daughter. Mention specifically injuries sustained by Thulane Ngubane or Sipho Cele;
- expressing concern that SAP members were apparently operating in disguise and with unmarked vehicles, in contravention of the National Peace Accord agreement which requires them to identify themselves, wear identifying insignia, and show a search warrant before carrying out search operations;
- urging the authorities to investigate fully the attacks on the homes of Thulane Ngubane and Sipho Cele;
- urging the authorities to investigate fully reports of assaults and other unlawful conduct by police, and to bring those responsible for unlawful conduct to justice.

**APPEALS TO**

1) Mr F W De Klerk

**Dear President**

State President, State President's Office  
Private Bag X83, Pretoria 0001, South Africa

**Telegrams: President De Klerk, Pretoria, South Africa**

**Telexes: 321695 SPLIB SA, 321890 PRES SA or 322158 PRES SA**

**Faxes: + 27 12 323 3982**

2) (a) Mr H J Kriel, Minister of Law and Order

**Dear Minister**

OR (b) Mr J H L Scheepers, Deputy Minister of Law and Order

**Dear Deputy Minister**

**BOTH AT THE FOLLOWING ADDRESS:**

Private Bag X463, Pretoria 0001, South Africa

**Telegrams: Minister Law/Order, Pretoria, South Africa**

**Telexes: 321353 HABS SA (via Ministry of Home Affairs)**

**Faxes: + 27 12 322 2559**

3) Major-General C Steyn

**Dear Commissioner**

Regional Commissioner of Police, Natal

P O Box 391, Durban 4000, South Africa

**Telegrams: Natal Regional Police Commissioner, Durban, South Africa**

**COPIES TO:**

1) Colonel Lourens  
Police Liaison Officer  
Police Headquarters  
P O Box 391, Durban 4000  
South Africa

2) Colonel Strydom  
Station Commander  
Empangeni Police Station  
Empangeni, 3880  
South Africa

**and also to one or more of the following:**

- The Editor, Natal Mercury, POB 950, Durban 4000, South Africa
- The Editor, New African, Suite 206 Dinvir Centre, 123 Field Street, Durban 4001, South Africa
- Human Rights Commission, Natal Office, 20 St Andrews Street, Durban 4001, South Africa
- Joint Working Committee, Natal Region, PO Box 10026, Marine Parade, 4056, South Africa
- National Union of Metal Workers of South Africa (NUMSA), PO Box 1714, Empangeni, 3880, South Africa
- Mr Roy Ainslie, Democratic Party, Natal Coastal Region, PO Box 37034, Overport, Durban 4067, South Africa
- African National Congress, Legal and Constitutional Affairs Department, PO Box 61884, Marshalltown 2307, Johannesburg, 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 30 April 1992.