

TO: UA Coordinators
FROM: IS, CMD/RD Africa

The South Africa team has asked that UA 52/91 be slightly altered; the last address for appeals to be sent has been taken off, and two other addresses have been added instead.

EXTERNAL (for general distribution)

AI Index: AFR 53/08/91
Distr: UA/SC

UA 52/91

Fear of Torture/Legal Concern

13 February 1991

SOUTH AFRICA : Thamsanqa Jack, aged 35

Thamsanqa Jack was arrested on 6 February 1991, reportedly while at the airport in East London. On 12 February the Security Police in Cape Town confirmed to lawyers that he is being held under the terms of section 29 of the Internal Security Act (No. 74 of 1982) which permits indefinite, incommunicado detention in solitary confinement for the purposes of interrogation. The police did not disclose where they are holding Thamsanqa Jack and they are not obliged by the law to do so. There are fears for the detainee's physical safety. In 1990 at least 217 people were detained under the terms of section 29. There were frequent reports of assault and torture, and two people died while being held under this provision.

Thamsanqa Jack, a school teacher and a political activist from the Oudtshoorn area in the Southern Cape, apparently left South Africa in 1985. He applied in January 1991 for immunity against prosecution to enable him to return to South Africa to attend to urgent family matters. As a result of negotiations between the government and the African National Congress (ANC) regarding, among other things, the return of political exiles, the government issued guidelines in November 1990 by which exiles and political prisoners could apply for pardon or immunity from prosecution for past political offences. At the time of Thamsanqa Jack's arrest, the government had reportedly not responded to his request for immunity from prosecution.

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

- expressing concern that Thamsanqa Jack is being detained incommunicado under section 29 of the Internal Security Act;
- seeking assurances that he will not be subjected to torture or ill-treatment while he is in police custody;
- urging that he be granted immediate access to legal counsel, to visits from relatives, and to independent medical treatment;
- urging the authorities to release Thamsanqa Jack immediately, if he is not to be charged promptly with a recognizably criminal offence.

APPEALS TO:

Mr F W De Klerk
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; 322158 PRES SA
Faxes: +27 12 323 3982

Mr A J Vlok
 Minister of Law and Order
 Private Bag X463
 Pretoria 0001
 South Africa
Telegrams: Minister Law/Order, Pretoria, South Africa
Telexes: 321353 HABS SA or 321358 HABS SA
(via Ministry of Home Affairs)
Faxes: +27 12 322 2559

Lt-Gen Van Der Merwe
 Commissioner of Police
 Police Headquarters
 Private Bag X94
 Pretoria 0001, South Africa
Telegrams: Police Commissioner, Pretoria, South Africa
Telexes: 3-20772 SAPQM SA; 3-20838 SAPOB SA
Faxes: + 27 12 323 2033

Maj-Gen P C Fourie
 Divisional Commissioner, Western Cape
 Private Bag X9004
 Cape Town 8000, South Africa
Telegrams: Divisional Commissioner, Cape Town, South Africa
Faxes: + 27 21 461 3470

Brig. Van Rensburg
 Head of Security Branch, South Africa Police
 112 Loop Street
 Cape Town, South Africa
Telegrams: Head Security Branch, Cape Town, South Africa

COPIES TO:

- The Editor, SAAMSTAAN, PO Box 2033 Bridgmanville, Cape, 6620 South Africa
- The Editor, Cape Times, PO Box 11, Cape Town 8000, South Africa
- Repression Monitoring Group, Community House, 41 Salt River Road, Cape Town 7925 South Africa
- Human Rights Commission, PO Box 32723, Braamfontein, 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 27 March 1991.