

EXTERNAL (for general distribution)

AI Index: AFR 53/34/91

Distr: UA/SC

UA 328/91

Detention / Legal concern

7 October 1991

SOUTH AFRICA
(Bophuthatswana):

Di Charlton)	
Penny Geerts)	
Adelheid Kistner)	
Lydia Kompe)	all members of the
Pam Lloyd)	human rights
Gudrun Oberpreiler)	organization
Laura Pollecutt)	Black Sash
Kathleen Sidebottom)	
Janet Small)	
Ethel Walt)	
Sheila Weinberg)	

Laura Taylor, chairperson of the Mafikeng Anti-Repression Forum

Laurie Adams (USA))	
Chris Denner (USA))	four foreign
Heinz Kusbere (Germany))	nationals
Korstin Moller (Germany))	

Sixteen people were arrested on 5 October 1991 in Mmabatho, in the nominally independent "homeland" of Bophuthatswana, when members of the all-women human rights organization Black Sash held a peaceful protest in the town centre to express their opposition to the denial in Bophuthatswana of freedom of association and expression. All 16, whose names are given above, are still detained. They include 11 Black Sash members who took part in the demonstration and five people who were present as observers, four of whom are foreign nationals.

The fifth observer, Laura Taylor, is chairperson of a local human rights monitoring organization, the Mafikeng Anti-Repression Forum (MAREF). The Bophuthatswana authorities have so far not clarified the legal basis or the reasons for their detention. Amnesty International regards them all as prisoners of conscience, imprisoned solely for the non-violent exercise of their right to freedom of association and expression, and is calling for their immediate and unconditional release.

Two other members of MAREF, Botho Mahila and Nomvula Hlongwane, were detained on 5 October but later released uncharged. It was their third period of detention within a week. They were detained for several hours on 2 October in connection with the ongoing hunger-strike of political prisoners in Bophelong Hospital (see UA 221/91 (AFR 53/23/91, 28 June) and follow-ups AFR 53/24/91 (4 July), AFR 53/26/91 (18 July), AFR 53/31/91 (17 September) and AFR 53/32/91 (27 September) and again for several hours on 3 October, together with Laura Taylor.

All three have been detained on previous occasions and were the subject of Amnesty International appeals in November 1990.

Despite the unbanning of political organizations in other parts of South Africa in February 1990, the Bophuthatswana authorities have retained prohibitions on certain organizations under the terms of the Bophuthatswana Internal Security Act. The Black Sash and its related organization, the Transvaal Rural Action Committee, were both prohibited in July 1989 from operating in Bophuthatswana. In recent weeks the Black Sash has unsuccessfully sought clarification from the Bophuthatswana authorities as to whether these organizations remain banned. The primary purpose of the Black Sash demonstration on 5 October was thus to urge the authorities to permit their organization and others to operate freely.

The authorities have not indicated the legislation under which the 16 detainees are being

held, but it appears likely that they are held under the terms of the Bophuthatswana Internal Security Act (No. 32 of 1979). Amendments to the Bophuthatswana Internal Security Act, introduced on 28 March 1991 following the lifting on 8 March 1991 of a state of emergency in Bophuthatswana, broadened the scope previously provided under the Act to impose restrictions on public gatherings. As a result, organizations are effectively prevented from holding any public meeting or demonstration without official permission.

This requirement has been used repeatedly by the Bophuthatswana authorities during 1990 and 1991 to harrass and detain political opponents. On numerous occasions, members of local branches of the African National Congress (ANC) as well as other organizations have been detained at meetings and charged with holding or attending an illegal gathering. On 7 April 1991, for example, a group of over 60 people, including social workers, nurses, a dentist and a magistrate, were arrested at an ANC workshop at Itsoseng Lutheran church, near Lichtenburg, and subsequently charged with attending an illegal gathering.

Amnesty International is concerned that the provisions of the Bophuthatswana Internal Security Act effectively prohibit people from organizing or attending peaceful meetings of a political nature. The organization is calling upon the authorities to repeal provisions of the law which enable people to be imprisoned solely for the non-violent exercise of their fundamental human rights.

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

- calling for the immediate and unconditional release of the 16 people detained solely for the non-violent exercise of their right to freedom of association and expression, whom Amnesty International regards as prisoners of conscience (name only some of them in each letter);
- expressing concern that the Bophuthatswana Internal Security Act, as amended on 28 March 1991, effectively provides for the imprisonment of people for attending gatherings of a political nature without advocating violence, thereby exercising one of their fundamental human rights;
- urging the Bophuthatswana authorities to repeal the provisions of this Act which provide for the imprisonment of people solely for the non-violent expression of their fundamental human rights: also urging the South African authorities to use all possible influence to bring about the repeal of these same provisions.

APPEALS TO

Chief L M Mangope **Dear President**
 President
 Government Offices
 Mmabatho
 Bophuthatswana, South Africa
Telegrams: President Mangope,
Bophuthatswana, South Africa
Telexes: 937 3008 BOP
Faxes: +27 140 842626

or 322158 PRES SA
Faxes: +27 12 323 3982

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

Mr R Cronje, **Dear Minister**
 Minister of State
 Department of State Affairs
 Private Bag X2172
 Mmabatho 8681
 Bophuthatswana, South Africa
Telegrams: Minister of State Cronje,
Mmabatho, Bophuthatswana, South Africa

Mr R F Botha **Dear Minister**
Minister of Foreign Affairs
Department of Foreign Affairs
Private Bag X152
Pretoria 0001, South Africa
Telegrams: Foreign Minister,
Pretoria, S. Africa
Telexes: 0959 350060 EXTERN TTX SA
Faxes: +27 12 323 1664

Mr S G Mothibe **Dear Minister**
Minister of Justice
Department of Justice
Private Bag X2033
Mmabatho 8681
Bophuthatswana, South Africa
Telegrams: Justice Minister,
Bophuthatswana, South Africa

COPIES TO:

- The Editor, Sowetan, POB 6663, Johannesburg 2000
- The Editor, Vrye Weekblad, PO Box 42637, Fordsburg 2033
- Human Rights Commission, PO Box 32723, Braamfontein 2017, South Africa
- Black Sash, P O Box 2827, Johannesburg 2000, South Africa
- Mafikeng Anti-Repression Forum (MAREF), P O Box 158, Ratshidi 8681, 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 18 November 1991.