

**EXTERNAL (for general distribution)**

**AI Index: AFR 53/34/93**

**Distr: UA/SC**

**UA 281/93      Torture/Legal concern**

**20 August 1993**

**SOUTH AFRICA:**

**Alpheus Thabo Kele, aged 15, (arrested  
9.8.93)**

**Marks Mabuya Lebelo**

**Amos Mdoena**

**Thabo Modise**

**Pheelo Mofokeng**

**Loloi Moloi**

**Morena Moloi**

**Thabiso Ndaba**

**Kgotso Nkaki**

**Pheelo Nkaki, aged 18**

**Thabo Seeko**

**Andisa Seke**

**Ntsanana Sekgonyane (released 17.8.93)**

---

Amnesty International is concerned for the safety of the first twelve youths named above who are in custody at Boksburg Prison on the East Rand, under quasi-state of emergency regulations currently in force in Thokoza and other East Rand townships. All thirteen, whose ages range between 13 and 18 years, were arrested on 8 and 9 August 1993 in Thokoza south-east of Johannesburg by officers of the South African Defence Force (SADF). All but Ntsanana Sekgonyane remain in custody. Eye-witness and medical evidence indicate that all thirteen have been subjected to assaults, torture and threats. Amnesty International is also concerned that the youths were subjected to arbitrary detention by the security forces acting without any proper legal basis for arresting them.

On 8 August 1993 SADF officers arrested all of those named above except Alpheus Thabo Kele from a house in Mollo Street, Thokoza. The soldiers assaulted them, put bags over their heads, and then held them in an armoured vehicle outside the house. Relatives could hear them screaming. Ntsanana Sekgonyane, who was released on 17 August, was still recovering from a car accident at the time of arrest. He was kicked all over his body, fell unconscious, and was thrown in the back of the vehicle with the other detainees. The soldiers searched the house for weapons, but found none. At about 1 am the soldiers drove the youths to the nearby Steenpunt SADF base, and held them there until noon on 9 August. Then the detainees were transferred to a South African Police (SAP) base at Vlakplaats farm, Nyoni, near Vosloorus, still with the bags over their heads. Later the same day, 9 August, the group were transferred to Germiston Police Station. On the evening of 9 August SADF members arrested Alpheus Thabo Kele from his home in Thokoza.

On 10 August human rights monitors and relatives visited Germiston Police Station and were granted access to some of the detainees. During the next two days lawyers also gained access to them. The detainees have alleged that they were tortured at Steenpunt by SADF members and at Nyoni by SADF and SAP members. They said that at Steenpunt they were kicked, punched and stamped on, and assaulted with a large stick while forced to lie on the ground. They were thrown in water or mud, and one was dropped repeatedly on his face. At Nyoni, needles were pushed under their finger nails and they were threatened with electric shock and other "punishments" if they failed to answer questions. There is particular concern for Pheelo Nkaki, who suffers from physical handicap and very severe learning difficulties. A district surgeon (government doctor) who examined the youths reportedly found no evidence of assault, but an independent medical doctor who has subsequently examined them found evidence to support their allegations.

Despite lawyers gaining access to the detainees, the police initially misled the lawyers by undertaking to bring the detainees to court on 11 August. They failed to do so and then informed the lawyers that they intended to transfer the detainees to Boksburg Prison under the terms of Section 3(1) of the "unrest areas" regulations currently in force in Thokoza.

Amnesty International is concerned that these detainees are held under "unrest areas" regulations which provide for potentially indefinite detention without charge. Access to the detainees is at the discretion of the police authorities. The authorities have not so far informed these prisoners of any reasons for their detention. Amnesty International is further concerned that the SADF and SAP acted unlawfully in failing to bring the detainees to court within 48 hours of their arrest on 8 and 9 August, which they are obliged to do under the terms of the Criminal Procedure Act.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or in your own language:**

- calling for the 12 detainees named above (not Ntsanana Sekgonyane) to be released immediately if they are not to be charged with a recognizably criminal offence and brought promptly to trial;
- calling for an urgent investigation into allegations that all 13 named above were tortured in the custody of officers of the SAP and SADF, for the officers allegedly involved to be suspended from duty pending investigation, and for those responsible to be brought to justice;
- requesting to be informed of the legal basis under which these 13 youths were initially arrested by the officers of the SADF, of the reasons for their arrest, and of the reasons for their transfer after more than 48 hours into custody under "unrest areas" regulations;
- urging that all security force members involved in seeking to contain violent conflict in South Africa's townships should adhere to the provisions of international human rights standards, in particular the United Nations Code of Conduct for Law Enforcement Officials, which prohibit all forms of cruel, inhuman or degrading treatment even in exceptional circumstances.

**APPEALS TO**

1) 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**  
**Faxes: + 27 12 323 3982**

**Salutation: Dear President**

2) Mr H J Kriel  
Minister of Law and Order  
Private Bag X463  
Pretoria 0001  
South Africa

**Telegrams: Minister Law/Order, Pretoria,  
South Africa**  
**Telexes: 321353**  
**Faxes: + 27 12 322 2559**

**Salutation: Dear Minister**

**COPIES OF YOUR APPEALS TO:**

1) Colonel Steynburg  
Prison Commander, Boksburg Prison  
Boksburg 1459, South Africa

the following newspapers:

2) The Editor  
Sowetan

3) Lt-Gen J Van Der Merwe  
Commissioner of Police  
Police Headquarters  
Private Bag X94, Pretoria 0001  
South Africa

**Telegrams: Police Commissioner van Der  
Merwe, Pretoria, South Africa**  
**Telexes: 3-20772 SAPQM SA**  
**3-20838 SAPOB SA**  
**Faxes: +27 12 3232033, +27 12 3265162,  
+ 27 12 323 2456**

**Salutation: Dear Commissioner**

4) Lieutenant-General J F Calitz  
Regional Police Commissioner,  
Witwatersrand, Private Bag X5  
Johannesburg 2000, South Africa

**Telegrams: Witwatersrand Regional Poice  
Commissioner, Johannesburg,  
South Africa**

**Salutation: Dear Lieutenant-General Calitz**

PO Box 6663, Johannesburg 2000  
South Africa

3) The Editor

The Star

PO Box 1014, Johannesburg 2000

South Africa

4) Human rights organization:

Independent Board of Inquiry into Informal  
Repression

PO Box 32293, Braamfontein

Johannesburg 2017, South Africa

and to diplomatic representatives of South Africa accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 1 October 1993.