

EXTERNAL (for general distribution)

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Further information on UA 322/90 (AFR 53/56/90, 6 August 1990) - Health/Legal Concern

**SOUTH AFRICA: Pravin GORDHAN
Raymond LALLA
Catherine MVELASE
Bily NAIR
Charles NDABA
Siphiwei NYANDA
Deepak PATEL
Jabulani SITHOLE
Anesh SUNKAR
Mbuso TSHABALALA
Suzanne TSHABALALA**

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Amnesty International remains concerned about the 11 people named above, who were detained during July 1990. Only one, Siphiwei Nyanda, has been charged.

He faces charges of ANC-related activities as a commander in the armed wing of the ANC, and is now held at Westville Prison awaiting trial. Only one, Billy Nair, has been released uncharged. He was admitted to a Durban hospital, apparently after suffering a heart attack in detention, and was released on 10 September 1990. He has since undergone a major operation. During his detention the police allegedly subjected him to sleep deprivation and prolonged interrogation. The nine others remain in custody under section 29 of the Internal Security Act which permits indefinite incommunicado detention without charge and denies detainees right of access to their lawyer, relatives, or independent medical advice.

Lawyers acting on behalf of Pravin Gordhan applied to the Supreme Court for an interdict restraining the police from assaulting him, as a result of information that he was being assaulted in section 29 custody. Although the police initially denied the allegation of assault, when the case came before the Durban Supreme Court on 16 August 1990, the Minister of Law and Order and the police gave an undertaking that no further assaults would occur. Nonetheless, the police continue to deny him access to his lawyer and private doctor and have not confirmed where he is being held.

Anesh Sunkar was transferred to St Aidan's hospital, Durban, in early September, and is held there under police guard. Amnesty International has no details of his current state of health. Jabulani Sithole, who is an asthmatic and a paraplegic, remains in custody. Amnesty International is continuing to urge the authorities to release all those named above who are still detained without charge if they are not to be charged promptly with a recognizably criminal offence, particularly since they are held under a provision of the law which facilitates the ill-treatment and torture of detainees.

BACKGROUND INFORMATION

Despite ongoing steps towards negotiations between the government and the ANC, the South African authorities continue to use their extensive powers under the Internal Security Act, notably section 29 of the Act, to detain ANC activists and others perceived as opponents of the government. As of 9 October, 126 people were held in section 29 detention.

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

Please do not appeal for the release of Billy Nair or Siphiwei Nyanda:

- expressing concern that nine of the prisoners named above are still detained incommunicado without charge under section 29 of the Internal Security Act;
- expressing concern that Billy Nair, Pravin Gordhan and Anesh Sunkar have required hospital treatment, apparently as a consequence of their detention;
- seeking assurances that none of the nine detainees will be subjected to torture or ill-treatment or placed under any form of duress;
- expressing particular concern about the health of Jabulani Sithole and Pravin Gordhan, and urging that they be granted immediate access to a medical doctor of their family's choice;
- urging that all nine be allowed prompt and regular access to their lawyers, relatives, and independent medical treatment;
- calling for them to be released without delay if they are 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 or 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 Van de Merwe, Pretoria, South Africa

Telexes: 3-20772 SAPQM SA; 3-20838 SAPOB SA

Faxes: + 27 12 323 2033

Head of Security Police
 Port Natal Provincial Division
 P O Box 391
 Durban 4000, South Africa

Telegrams; Head Security Police, Durban, S Africa

COPIES TO: one or more of the following:

- The Editor, Natal Mercury, POB 950, Durban 4000
- The Editor, Natal Witness, POB 362, Pietermaritzburg 3200
- The Editor, Vrye Weekblad, PO Box 42637, Fordsburg 2033, South Africa
- The Editor, The Star, POB 1014, Johannesburg 2000

- Dr C E M Viljoen, Secretary General, Medical Association of South Africa, PO Box 20272, Alkantrant, Pretoria 0005
- South African Press Association, PO Box 7766, Johannesburg 2000
- Human Rights Commission, PO Box 32723, Braamfontein, 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 26 November 1990.