

EXTERNAL (for general distribution)

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Further information on UA 323/90 (AFR 53/57/90, 7 August 1990) - Fear of Torture/Legal Concern

SOUTH AFRICA:Eric MATHEBULA

Samuel David VOYAMA (or BOYAMA)

Raymond Daniel MAKELANE

Pangasasa MOHLAVA

Ntsako Joshua MANGANYE

Robinson Junior MBHALATHI

Ben Ngedo NKWINIKA

Theron Ndungazi NKWINIKA

Ishmael RISIVA

plus: Norman Mali MUSHWANA ) detained  
John NGOBENI ) August 1990

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Amnesty International remains concerned about six of the detainees named in UA 323/90 who are still held without charge under section 29 of the Internal Security Act. They are Eric Mathebula, Samuel David Voyama (or Boyama), Pangasasa Mohlava, Ben Ngedo Nkwinika, Theron Ndungazi Nkwinika and Ishmael Risiva. They had been arrested between 16 and 20 June 1990 in or near the far northern Transvaal town of Tzaneen, and have therefore been held now for over four months under legislation which permits indefinite, incommunicado detention in solitary confinement for purposes of interrogation, and which denies to detainees right of access to their lawyer, relatives, or independent medical advice. Of the others arrested at the same time, Raymond Daniel Makelane and Robinson Junior Mbhalathi were released uncharged, while Ntsako Joshua Manganye was charged with possession of a firearm and released on bail.

Amnesty International has recently learned of two further people detained in the same part of the country who are also being held under section 29 of the Internal Security Act. Norman Mali Mushwana and John Ngobeni were detained in August 1990 and are believed to be held in the Tzaneen area, though no particulars have been provided by the authorities. A third person was detained with them but has since been released uncharged. It is not known whether the reasons for the detention of these two people are connected in any way to the cases of those detained in Tzaneen two months earlier.

Amnesty International is particularly concerned at reports that four of those detained since June - Ben Ngedo Nkwinika, Theron Ndungazi Nkwinika, Ishmael Risiva and Samuel David Voyama (or Boyama) - have been assaulted in custody, and is urging the authorities to ensure that they do not suffer further assaults, torture or other forms of coercion. Ben Ngedo Nkwinika is a disabled person who walks with the aid of crutches.

None of these section 29 detainees has been allowed access to a lawyer but, unusually, Eric Mathebula and Pangasasa Mohlava have been permitted at least one family visit each. These visits were subject to strict conditions, including that a police officer had to be present and able to monitor the conversation, and that only domestic matters could be discussed.

#### BACKGROUND INFORMATION

During 1990 the South African authorities have continued to use their powers under section 29 of the Internal Security Act (No. 74 of 1982) to detain people without

charge. Between 1 January and early October 1990 at least 183 people were held under this provision for various lengths of time, of whom 126 were still held as of 9 October.

Amnesty International continues to receive reports of the torture and ill-treatment of prisoners detained under this provision.

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

- expressing concern that Eric Mathebula, Samuel David Voyama (or Boyama), Pangasasa Mohlava, Ben Ngedo Nkwinika, Theron Ndungazi Nkwinika and Ishmael Risiva are still detained without charge after four months in detention under section 29 of the Internal Security Act;
- expressing concern that Norman Mali Mushwana and John Ngobeni are also detained without charge under the same legislation;
- asking to be informed of where they are currently held;
- expressing concern at reports that Ben Ngedo Nkwinika (who is a disabled person), Theron Ndungazi Nkwinika, Ishmael Risiva and Samuel David Voyama (or Boyama) have been assaulted in custody, and seeking assurances that they will not be subjected to further ill-treatment, torture, or other forms of duress;
- urging a prompt investigation by an impartial authority into the reports of their ill-treatment and seeking assurances that none of the above detainees will be tortured or ill-treated while in custody;
- urging that all eight be allowed prompt access to their lawyers, relatives, and independent medical advice (with special reference in some of your letters to those who have allegedly been assaulted);
- calling for them to be released without delay unless there is substantial evidence that they have committed recognizably criminal offences and are to be charged and referred to the courts in the near future.

**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; 321358 HABS SA**  
**Faxes: +27 12 322 2559**

Major-General S J J Smit  
 Head of Security Police  
 Police Headquarters  
 Private Bag X94  
 Pretoria 0001, South Africa

**Telegrams: Head Security Police, Pretoria, South Africa**  
**Telexes: 095 320772 SAPQM SA; 095 320838 SAPOB SA**

Major C E J Van Wyk  
 Far Northern Transvaal Regional Police Headquarters  
 Private Bag X9428  
 Pietersburg 0700, South Africa

**Telegrams: Head Northern Transvaal Police HQ, Pietersburg, South Africa**

**COPIES TO: One or more of the following:**

- The Editor, The Star, PO Box 1014, Johannesburg 2000, South Africa
- The Editor, The Letaba Herald, POB 1073, Tzaneen 0850, South Africa
- The Editor, Weekly Mail, PO Box 260425, Excom 2023, South Africa
- National Anti-Repression Forum, 208 Darragh House (2nd Floor), 13 Wanderers 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 5 December 1990.