

EXTERNAL (for general distribution)

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Fear of Torture/Legal Concern

16 November 1990

SOUTH AFRICA Jomo KHASU, aged about 30, senior Regional Organizer for the
(Bophuthatswana): African National Congress (ANC), Northern Cape, detained 13
November 1990

and possibly as many as 150 others including:

(Maluke (second name not known), from Mafikeng
(Mabitso PHEOANE, from Phokeng
Detained on(Chris MOLEFE, from Thlabane
13 November (Jane MAPUTSELA
1990(Botho MAHILA
(Laura TAYLOR, reportedly ill from suspected
myeloencephalitis (M.E.)

(John LEHOBYE, from Mabopane
(Lazarus MKHWANAZE
(A M MAMASELA
Detained on (NYAMAKAZI (first name not known)
12 November (Manku MALEBO, from Phokeng
1990(Lucy (second name not known)
(Elizabeth LETSWITI
(Maria DIPALE
(MAKELENELE (first name not known), from Hammanskraal

According to reports received by Amnesty International, possibly as many as 150 people have been detained in the nominally independent "homeland" of Bophuthatswana since the weekend of 10/11 November 1990. Those detained are believed to be held under the terms of Bophuthatswana's state of emergency provisions, which permit any security force officer to detain a person without charge for an initial period of 30 days. Detention can then be renewed for a further five months on the authority of the Minister of Law and Order, and the detainee has no automatic right of access to a lawyer, doctor, or visits from relatives.

One of those detained is Jomo Khasu, a long-time political activist from Vryburg in Northern Cape province who is now senior ANC regional organizer for the Northern Cape. He was arrested on 13 November 1990 by the Bophuthatswana security forces who stopped him at a roadblock in Bophuthatswana, near his home town of Vryburg. The police have not allowed anyone to have access to him. He is reportedly being held at Mmabatho police station.

Jomo Khasu was previously detained without charge under section 29 of South Africa's Internal Security Act from September 1985 to April 1986 and was then re-detained under the South Africa state of emergency regulations in June 1986. For approximately 15 months he was held in solitary confinement. During this detention he was adopted by Amnesty International as a prisoner of conscience. In October 1988 he was released but placed under a severe restriction order which remained in force until 2 February 1990 when State President De Klerk lifted all restrictions on former emergency detainees. He required prolonged medical treatment to help him recover from the effects of his long detention in isolation. He is also a diabetic and his condition has worsened this year. He requires four injections a day for his condition. He has continued to suffer harassment as a result of his political activities. In April 1990 there was a petrol bomb attack on his home by unknown assailants. Amnesty International is concerned that he is probably again a prisoner of conscience, detained on account of his non-violent political activities in opposition to the "homeland" authorities, and that he is in

danger of torture and ill-treatment. Amnesty International is also concerned for his mental and physical health and is calling on the authorities to grant Jomo Khasu immediate access to his own medical doctor. It is calling for him to be released immediately if he is not to be charged promptly with a recognizably criminal offence.

Reports suggest that arrests of political activists and others are continuing to occur in Bophuthatswana. The reports indicate that these detentions are being carried out indiscriminately against people perceived as opponents of the "homeland" authorities. Amnesty International is concerned that those detained may be prisoners of conscience, held on account of their non-violent political activities. The detentions follow an announcement on 12 November 1990 by the Bophuthatswana authorities that they had uncovered an ANC plot to overthrow Bophuthatswana's nominally independent government and kill the president. No details of the alleged plot were given in the announcement. Those requiring further background information should refer to UA 456/90 (AFR 53/75/90) and telexed action 46/90 if available.

Amnesty International has frequently received reports of the torture or assault of detainees held in Bophuthatswana and of their lack of access to adequate medical treatment while in police custody.

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

(please choose only six or eight detainees to name in your letters):

- expressing concern that possibly as many as 150 people are reported to have been detained in Bophuthatswana under emergency legislation which permits detention without charge and without automatic right of access to a lawyer, relatives, or independent medical treatment;
- expressing particular concern about those detainees you have chosen to name, and asking to be informed where they are being held and the reason for their detention;
- seeking assurances that those named and all other detainees will not be subjected to torture, assault or other forms of ill-treatment while in custody;
- expressing concern about the health of Jomo Khasu because he is a diabetic and requesting that he receive prompt and regular medical care and access to his own medical doctor; state that Amnesty International believes he is probably a prisoner of conscience detained on account of his non-violent political activities; and call for him to be released immediately if he is not to be charged promptly with a recognizably criminal offence;
- urging that all those detained be granted immediate access to their lawyer, visits from relatives, and independent and regular medical advice (with particular reference to the health of Laura Taylor if you have named her in your letter);
- appealing for these detainees to be released immediately if they are not to be charged promptly with a recognizably criminal offence.

APPEALS TO

Chief L M Mangope
President
Government Offices
Mmabatho
Bophuthatswana, South Africa

Mr F W De Klerk
State President
State President's Office
Private Bag X83
Pretoria 0001, South Africa

Telegrams: President Mangope,
Bophuthatswana, South Africa

Telegrams: President De Klerk,
Pretoria, South Africa
Telexes: 321695 SPLIB SA;
321890 PRES SA; 322158 PRES SA
Faxes: +27 12 323 3982

Major-General P J Seleke
Commissioner of Police

Department of Police
P/Bag X2004
Mmabatho
Bophuthatswana, South Africa

Telegrams: Police Commissioner,
Bophuthatswana, South Africa
Telexes: 0937 3019 BOP

Minister of Law and Order
Department of Law and Order
Private Bag X2004
Mmabatho 8681
South Africa

Telegrams: Minister Law/Order,
Bophuthatswana, South Africa

COPIES TO:

- Sowetan, POB 6663, Johannesburg 2000, South Africa
- Vrye Weekblad, PO Box 42637, Fordsburg 2033, South Africa
- Mafikeng Anti-Repression Forum, Private Bag X9, Mmabatho, Bophuthatswana, South Africa
- National Medical and Dental Association, PO Box 17160, Congella 4013, 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 28 December 1990.