

EXTERNAL (for general distribution)

**AI Index: AFR 53/06/91
Distr: UA/SC
5 February 1991**

Further information on UA 337/90 (AFR 53/59/90, 17 August 1990) - Fear of Torture/Legal Concern

**SOUTH AFRICA: J B SIBANYONI, human rights lawyer, chairman
of Ekangala Civic Association, and
treasurer of the National Association
of Democratic Lawyers (NADEL)
Tshepo MATLALA, school student
Sello MATHEBE, unemployed**

J B Sibanyoni, who was arrested on 28 June 1990, was released uncharged on 14 December. Tshepo Matlala and Sello Mathebe appeared in the Regional Court at Pretoria on 29 December 1990 and have been charged, together with others. Amnesty International does not yet have details of the charges. On 3 January 1991 Tshepo Matlala was released on bail of Rand 1,500, but Sello Mathebe was denied bail. They will appear in court again on 28 March 1991. In addition, lawyers have submitted to the government applications for indemnity from prosecution on behalf of Tshepo Matlala and Sello Mathebe.

The police initially detained J B Sibanyoni under the terms of section 50 of the Criminal Procedure Act (51 of 1977), which obliges the police to release a suspect or bring him or her to court within 48 hours. Soon afterwards, when his lawyer attempted to consult with him on 29 June, he was transferred to custody under section 29 of the Internal Security Act which permits indefinite incommunicado detention for the purpose of interrogation. On 3 July the Pretoria Supreme Court rejected an application for an interdict ordering his release from detention.

In October the police made a rare concession and allowed J B Sibanyoni's lawyers to consult with him at Sandton police station, Johannesburg, where he was being held. Despite the presence of the security police recording their conversation, J B Sibanyoni told his lawyers that on 17 August he had been verbally threatened and physically assaulted by a police captain at the station. He also alleged that he had been threatened again on 2 October when he was last interrogated.

On 2 November his lawyers applied to the Pretoria Supreme Court for an interdict restraining the police from threatening or assaulting J B Sibanyoni. They also applied to the court to order the police to release him, on the grounds that his continuing detention under section 29 was unlawful because the police had acknowledged that they had completed their investigations and had handed the detainee's docket to the attorney general for a decision regarding possible prosecution. The detainee was, accordingly, being held contrary to the purpose of section 29 detention. On 8 November the court rejected the application, but did criticize the police for denying further legal access to J B Sibanyoni. He was eventually released uncharged on 14 December 1990.

Thank you to all urgent action participants who appealed on behalf of these detainees. No further action is requested.