

EXTERNAL (for general distribution)

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UA 396/92 Legal concern / fear of ill-treatment

16 December 1992

SOUTH AFRICA: Morris MORE, aged mid-20s, Chairperson of the African National Congress (ANC) Youth League, "Vaal triangle" area south of Johannesburg

Victor RADEBE, aged 16, school student

Michael KGAILLE, ANC Youth League member

Levy MAKOE, ANC Youth League member

Oupa MODIKOANE, member of the South African Communist Party (SACP), "Vaal triangle"

Amnesty International is concerned that the five men named above are victims of arbitrary detention under temporary emergency regulations governing "unrest areas" in black townships in the "Vaal triangle" area south of Johannesburg. Amnesty International believes they should be released if they are not to be charged promptly with a recognizably criminal offence and brought to trial without delay. The organization is also concerned for their safety because of past allegations of the involvement of police officers from that area in torture and extrajudicial executions of political activists and the failure of the authorities so far to act decisively to bring the perpetrators to justice.

Morris More and Victor Radebe were arrested on 9 September 1992. Both were reportedly assaulted by police at the time of their arrest. Morris More has since been brought to court and charged with possession of firearms. On 26 October the court granted an application for his release on bail pending the next court hearing on 23 January 1993. Nevertheless the police have refused to release him on bail. He is still in custody in solitary confinement at Kliprivier police station in the Vaal triangle area. When asked by Morris More's lawyer to explain why he has not been released the police replied, using the wording in the emergency legislation, that Morris More's detention was necessary for "the prevention of public disturbance, disorder, riot or public violence and the maintenance and restoration of public order" in Sebokeng township. Amnesty International is concerned that Morris More is being held in solitary confinement in apparent contempt of a bail order. He appears to be the victim of arbitrary detention as a result of his past history as an ANC activist in the Vaal triangle area, as well as his current prominence as area chairperson of the ANC's Youth League. In Amnesty International's view the effects of isolation and very poor living conditions in police cells over a prolonged period of detention may put a detainee's physical and mental health severely at risk.

Sixteen-year-old Victor Radebe, arrested on 9 September 1992 and reportedly assaulted, is still detained at Vereeniging police station. He has not been charged. In the first two weeks of his detention he was interrogated by the police about possession of firearms, but no charges have been brought against him. He is reportedly no longer being interrogated. After the first 30 days of detention under "unrest areas" regulations, the Minister of Law and Order has the power to renew a person's detention,

without giving notice or hearing evidence, for as long as the regulations remain in force. The authorities have not so far informed the prisoner of the reasons for his continuing detention and lawyers have only recently been alerted to his detention.

Oupa Modikoane, Levy Makoe and Michael Kgaile, all aged in their twenties, were detained during November 1992 and are still held at Vereeniging police station. Oupa Modikoane, arrested on 6 November, has been politically active in the Vaal triangle area as a member of the SACP. The reasons for the detention of the three have not been made known.

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BACKGROUND INFORMATION

Since the South African Government lifted the nationwide state of emergency in June 1990, the authorities have used the provisions of the Public Safety Act to impose emergency rule in black townships declared to be "unrest areas". Sebokeng township, in the magisterial district of Vanderbijlpark, has been subject to these regulations for much of the past two years and the order was last renewed on 28 October 1992.

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

- expressing concern that Morris More is currently detained in solitary confinement in Kliprivier police station despite a court ruling that he be released on bail; urging that he be released promptly in accordance with the provisions of his bail order pending his trial;
- expressing concern that Victor Radebe, who is only 16 years of age, has been detained at Vereeniging police station since 9 September 1992 without charge under "unrest regulation" provisions; seeking the reasons for his detention; urging that he be released immediately if he is not to be charged promptly with a recognizably criminal offence and brought to trial without delay;
- expressing concern that Michael Kgaile, Levy Makoe and Oupa Modikoane have been detained since November 1992 at Vereeniging police station under similar "unrest" provisions; seeking the reasons for their detention; and urging that they be released immediately if they are not to be charged promptly with a recognizably criminal offence and brought to trial without delay.

APPEALS TO

1) F W De Klerk
State President
State President's Office
Private Bag X83, Pretoria 0001
South Africa
**Telegrams: State President de Klerk,
Pretoria, South Africa**
**Telexes: 321695 SPLIB SA
321890 PRES SA
322158 PRES SA**
Faxes: + 27 12 323 3982

Salutation: Dear State President
3) H J Coetsee
Minister of Justice
Department of Justice
Private Bag X276, Pretoria 0001
South Africa
Telegrams: Justice Minister, Pretoria,

2) H J Kriel
Minister of Law and Order
Department of Law and Order
Private Bag X463, Pretoria 0001
South Africa
**Telegrams: Minister Law/Order,
Pretoria, South Africa**
**Telexes: 321353
321358 HABS SA (via Ministry
of Home Affairs)**
Faxes: + 27 12 322 2559

**Salutation: Dear Minister
South Africa**
Telexes: 322139 JUST SA
Faxes: + 27 12 326 0991
Salutation: Dear Minister

4) Lt-Gen J F Calitz
Regional Commissioner, Witwatersrand
Private Bag X5
Johannesburg 2000
South Africa

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

Salutation: Dear Lieutenant-General

COPIES OF YOUR APPEALS TO:

The following newspapers:

Sowetan

POB 6663, Johannesburg 2000
South Africa

The Star

POB 1014, Johannesburg 2000
South Africa

and human rights organizations:

Independent Board of Inquiry into
Informal Repression
P O Box 32293, Braamfontein
Johannesburg 2017, South Africa

Peace Action

P O Box 45096, Mayfair
Johannesburg 2108, 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 27 January 1993.