

EXTERNAL (for general distribution)

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Fear of Ill-treatment/Legal Concern

31 August 1990

SOUTH AFRICA: Ephraim MOGALE, aged 31, first president of the Congress of South African Students (COSAS) and an activist in the South African Youth Congress (SAYCO) and the United Democratic Front (UDF)

Ephraim Mogale was arrested on 27 June 1990 in the Johannesburg area. His wife was also taken into custody with their child, but they were released some hours later. Ephraim Mogale is detained under Section 29 of the Internal Security Act (No. 74 of 1982). Under these provisions a person may be held indefinitely, incommunicado and in solitary confinement for the purposes of interrogation. Ephraim Mogale's detention was confirmed and he was able to consult with his legal representative, but there has been no official confirmation of where he is being held.

Ephraim Mogale has long been active in student and youth movements, initially in his home area of Warmbaths. He served a prison sentence in 1980-85 after he was convicted on charges related to his opposition to the apartheid policies of the government. He was adopted by Amnesty International as a prisoner of conscience who had not used or advocated violence. In 1987 he was detained for 10 months under the state of emergency regulations then in force throughout the country, then released under restrictions.

Amnesty International is concerned that Ephraim Mogale has been held now for over two months under legislation which permits indefinite, incommunicado detention without trial, and that he may be a prisoner of conscience detained on account of non-violent political activities. The organization believes that he should be released immediately if he is not to be charged promptly with a recognizably criminal offence.

BACKGROUND INFORMATION

During June and July 1990 a wave of detentions under section 29 of the Internal Security Act took place, amid security police allegations about South African Communist Party or African National Congress involvement in plans to overthrow the government by force. Detentions have continued to occur through August, and as of 29 August at least 115 people were held under this legislation. These detentions appear to coincide with ongoing efforts by members of previously banned organizations to rebuild structures and recruit new members, and government critics in South Africa have suggested that the detentions are intended to disrupt this process. Numerous incidents of harassment of political activists have also been reported. On 15 August 1990 the offices of SAYCO in the small Transvaal town of Jane Furse were reportedly visited by members of the South African Defence Force seeking to know the whereabouts of local activists.

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

- expressing concern that Ephraim Mogale is detained under section 29 of the Internal Security Act;

- asking where he is currently being held;

- seeking assurances that he will not be subjected to torture or ill-treatment or placed under any form of duress;

- calling for Ephraim Mogale to be released without further delay if he is 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

Commissioner of Police
Witwatersrand Divisional HQ
Private Bag 5
Johannesburg 2000
South Africa

Telegrams: Witwatersrand Police Commissioner, Johannesburg, South Africa

COPIES TO:

- The Editor, Vrye Weekblad, PO Box 42637, Fordsburg 2033, South Africa
- The Editor, The Sowetan, POB 6663, Johannesburg 2000, South Africa
- South African Press Association, PO Box 7766, Johannesburg 2000, 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 12 October 1990.