

EXTERNAL (for general distribution)

AI Index: AFR 53/73/90  
Distr: UA/SC

30 October 1990

Further information on UA 315/90 (AFR 53/55/90, 27 July) and follow-up AFR 53/61/90 of 31 August 1990) - Fear of Torture/Legal Concern

**SOUTH AFRICA:** Raymond MAAKE,  
Ebison Makgo PHASHA  
Agnes KEBHITI (please note correct name)  
Michael MKHABELA

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Raymond Maake and Ebison Makgo Phasha have been convicted in a Nelspruit court of possession of ammunition, arms and explosives. Both received 10-year sentences which they are serving in Nelspruit. At their trial they refused to participate in the court proceedings on the grounds that they regarded themselves as military combatants of Umkhonto we Sizwe, the military wing of the African National Congress, and were therefore prisoners of war, and as such should not be tried before a civilian court.

Agnes Khebiti (not Khebele as previously reported) was charged in mid-October with offences under the Arms and Ammunition Act and the Explosives Act and with two counts of attempted murder. Her trial is scheduled for 10 January 1991. She is currently awaiting trial in Nelspruit and has been able to consult her lawyer and to receive visits from relatives.

Michael Mkhabela was recently released uncharged. He had been detained since 12 April 1990, a period of approximately six months, under legislation which permits indefinite incommunicado detention for purposes of interrogation, and had been denied visits from his lawyer or relatives.

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