

amnesty international

SOUTH AFRICA

BRIEFING



Prisoners of conscience ⌘ Detention without trial ⌘ Banning and banishment
Torture and ill-treatment ⌘ Abduction and murder of government opponents
Deaths in detention ⌘ The death penalty

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This briefing is part of Amnesty International's worldwide campaign for the international protection of human rights.

Throughout the world thousands of people are in prison because of their beliefs. Many are held without charge or trial. Torture and executions are widespread. In many countries men, women and children have "disappeared" after being taken into official custody. Still others have been put to death without any pretence of legality: selected and killed by governments and their agents.

These abuses—taking place in countries of widely differing ideologies—demand an international response. The protection of human rights is a universal responsibility, transcending the boundaries of nation, race and belief. This is the fundamental principle upon which the work of Amnesty International is based.

Amnesty International is a worldwide movement independent of any government, political persuasion or religious creed. It plays a specific role in the international protection of human rights:

- it seeks the *release of prisoners of conscience*. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;
- it works for *fair and prompt trials* for all *political prisoners* and on behalf of political prisoners detained without charge or trial;
- it opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

Amnesty International is impartial. It does not support or oppose any government or political system, nor does it support or oppose the views of the prisoners whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or the beliefs of the victims.

Amnesty International, as a matter of principle, condemns the torture and execution of prisoners by anyone, including opposition groups. Governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.

Amnesty International does not grade governments according to their record on human rights: instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

Amnesty International has an active worldwide membership, open to anyone who supports its goals. Through its network of members and supporters Amnesty International takes up individual cases, mobilizes public opinion and seeks improved international standards for the protection of prisoners.

Amnesty International's work is based on the United Nations Universal Declaration of Human Rights. The organization has formal relations with the United Nations (ECOSOC), UNESCO, the Council of Europe, the Organization of African Unity and the Organization of American States.

Cover photograph: Hundreds of children have been arrested and detained for breaking the emergency regulations. On 22 and 23 August 1985, over 800 school students were reported to have been arrested in Soweto for being outside their classrooms during school hours. Some were primary school children as young as seven years old.

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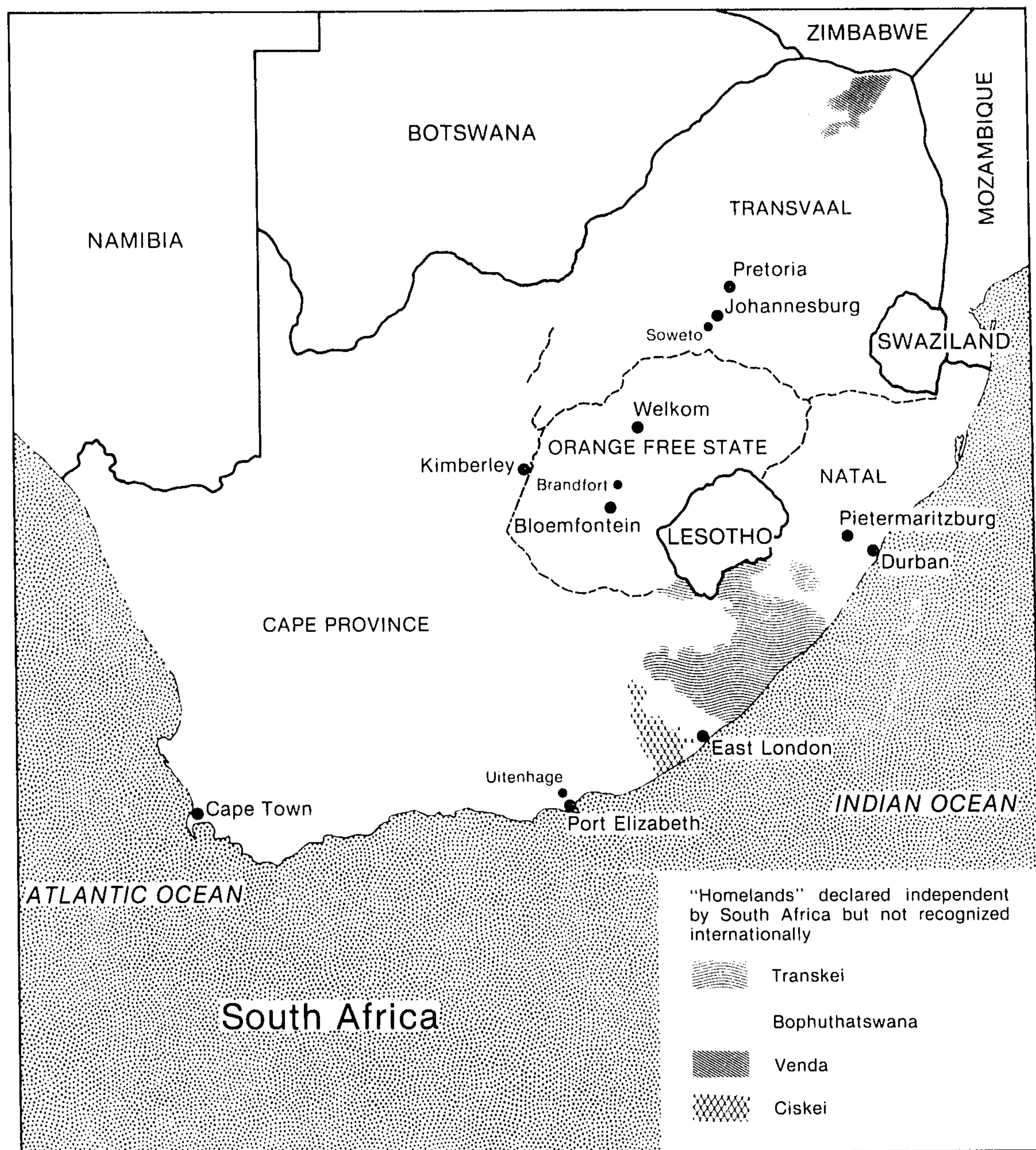
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Extensive violations of human rights by the South African authorities have concerned Amnesty International for many years. Recently they have escalated further in the wake of widespread black protest against *apartheid*. Prisoners of conscience are imprisoned and banned. Thousands of suspected government opponents have been detained without trial. Detainees are frequently reported to have been tortured. Many have died in detention. Amnesty International is concerned about possible government involvement in the murder and "disappearance" of several known critics of the government and about the lack of official investigation into hundreds of deaths in the course of the unrest, most as a result of police shootings. South Africa imposes the death penalty frequently: over 100 executions are carried out each year.

Violations of human rights in South Africa

Widespread civil unrest in South Africa's black townships and extensive violations of human rights by the government and its security forces have increased markedly in recent years.

The unrest focussed on issues such as rent increases, the poor facilities available to black school students and the constitutional changes introduced in August and September 1984.

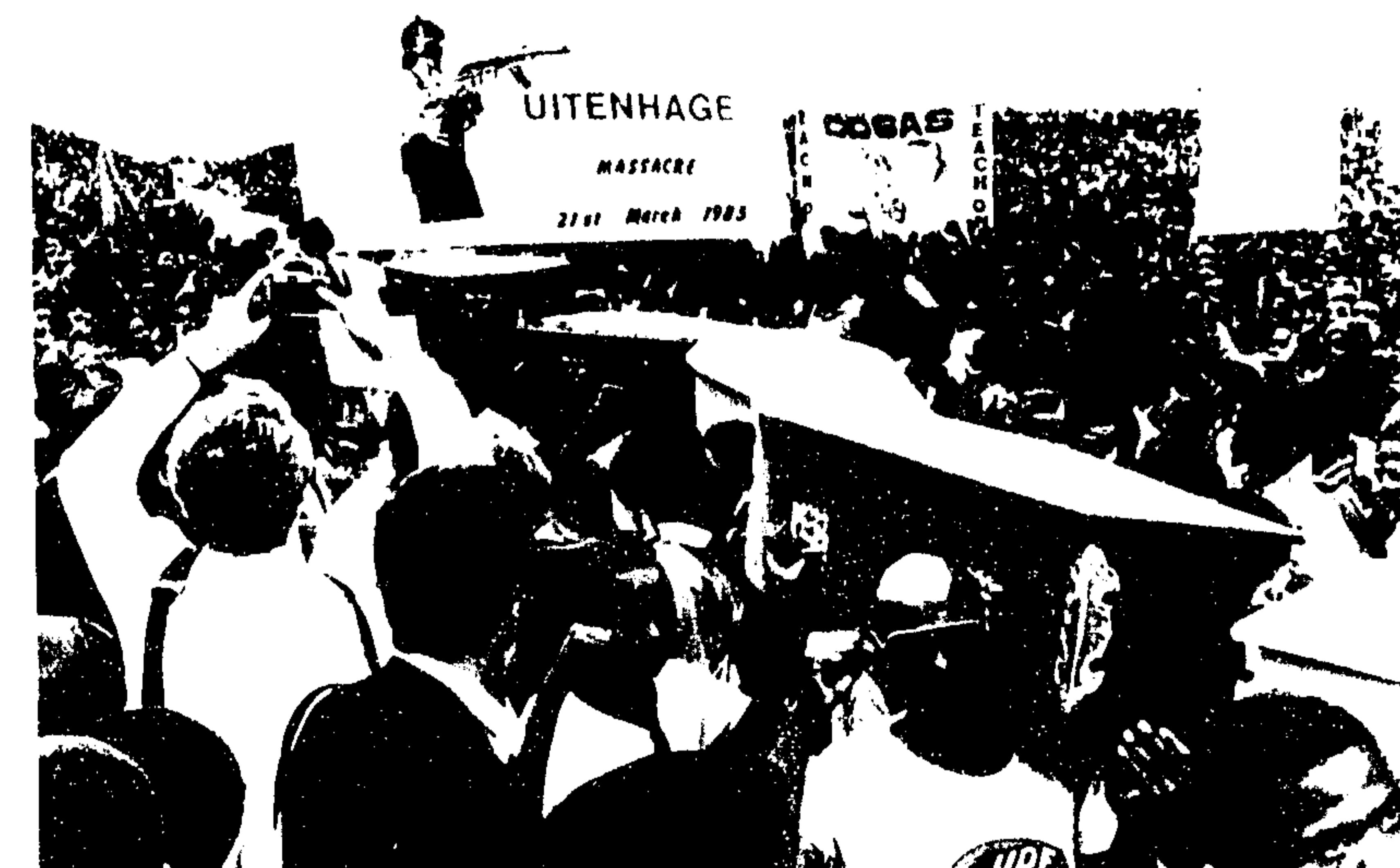
These created parliamentary assemblies for the "Coloured" (mixed-race) and Indian communities but not for the black majority population. Two umbrella organizations were formed to lead a boycott of elections to the new assemblies: the United Democratic Front (UDF) and the National Forum. About 20 leaders of these organizations were arrested shortly before the August elections and held in preventive detention.

Particularly serious disturbances broke out in early September 1984 in the industrial areas around Johannesburg, apparently sparked off by rent rises and the arrests of black community leaders opposed to the constitutional changes. There were attacks by township residents on local black town councillors and black police officers, who were identified popularly as representatives of the authorities. Substantial police contingents, and subsequently army units, were deployed in the area.

In November 1984 black workers organized a mass "stay away" (strike) which led to further arrests and disturbances in Johannesburg.

In late 1984 and early 1985 a further escalation of violence extended into the Eastern Cape and East Rand, in particular, and parts of Orange Free State province. In the course of the disturbances large numbers of black township residents were shot by police and many were killed.

The most serious single incident of



Sixty thousand mourners attend the funeral of those shot dead by police near Uitenhage on 21 March 1985. Twenty were killed. All had themselves been in a funeral procession when the police opened fire.

this nature occurred in the Eastern Cape on 21 March 1985, the 25th anniversary of the Sharpeville killings, when police opened fire and killed 20 people in a funeral procession near Uitenhage. This incident was the subject of a judicial commission of inquiry which found that 20 black people, including several children, had been killed and others wounded. The police had been equipped with firearms and lethal ammunition, but no other means of crowd dispersal, on orders from superior officers. The police patrols were exonerated by the inquiry, although at least 15 of the victims had been shot in the back.

Amnesty International was concerned that the killings at Uitenhage, the only ones to be made the subject of a commission of inquiry, and many others resulting from police shootings in recent years, may have been extrajudicial executions. There is evidence that, on occa-

sions, killings by police and army units may have been the result of a deliberate and systematic official policy of using lethal force against black protestors. The persistence of the killings, the failure to provide non-lethal means of crowd dispersal, the granting of a blanket immunity to all law enforcement personnel under the emergency and the failure to inquire into individual killings by such personnel lends support to this concern.

Between early September 1984 and late November 1985 the number of deaths associated with the unrest was reported to be over 800. Most resulted from shootings by the police.

In July 1985 the government imposed a state of emergency, which greatly extended police powers in large areas of South Africa. In the succeeding months thousands were detained without charge or trial.

Detention without trial

Several thousand people were detained without trial for political reasons after the outbreak of heightened civil unrest in the second half of 1984. They included officials of black trade unions, black and white student activists, leaders of the Coloured and Indian communities opposed to the elections, officials of the UDF and other anti-apartheid organizations, journalists and church and community workers. Many were detained solely for their peaceful criticism of apartheid policies.

The state of emergency imposed in July 1985 further extended the powers of the security forces. This was particularly disturbing because the existing security laws already resulted in widespread political detention accompanied by human rights abuses. Section 29 of the Internal Security Act permits police to hold detainees indefinitely without charge, in isolation, without access to relatives or legal counsel. Section 28 allows unlimited preventive detention without charge or trial.

The state of emergency

From midnight on 20 July 1985 large areas of South Africa were placed under a state of emergency.

The emergency regulations give all law enforcement personnel, whatever their rank, the power to arrest without warrant and detain without charge for 14 days. Further unlimited detention may then be authorized by the Minister of Law and Order.

Detainees are normally held incommunicado, although in some cases permission for relatives to visit has been granted. While in custody, detainees under the emergency are not permitted contact with other categories of prisoner or with anyone other than state officials.

The police are not required to charge them or produce evidence against them in court, nor is there any means of appeal against detention. The authorities need not give reasons for individual detentions nor are detainees' places of imprisonment disclosed. Anyone who discloses the name of any detainee without authorization has committed an offence punishable by up to 10 years' imprisonment.

The government has granted immunity in advance to all law enforcement per-



Under the emergency regulations police have been granted immunity in advance for any act committed 'in good faith' in the exercise of their emergency powers. Thousands have been detained and many ill-treated since the imposition of the state of emergency in July 1985. Here police disperse a crowd of students who have been demonstrating against the state of emergency, Cape Town, August 1985.

sonnel, government ministers and state officials for acts committed "in good faith" in their use of emergency powers.

All those detained under the emergency are liable to interrogation. Given the immunity provisions and the record of the police of physical and psychological abuse of detainees, they are at grave risk of torture or ill-treatment.

The scale of detentions under the emergency is massive: more than 1,100 people were detained in the first week, and by the end of October 1985 the authorities had acknowledged the detention of over 4,300 people.

Those detained included members of black student organizations, particularly those belonging to the Congress of South African Students (COSAS) which was banned on 28 August, and members of black community organizations throughout the Johannesburg and Eastern Cape areas. Many of these organizations are affiliated to the UDF, the anti-apartheid umbrella organization formed in 1983 to which more than 600 political, trade union, community, student and other groups are affiliated.

Even children have been arrested and

detained for breaking the emergency regulations. On 22 and 23 August 1985 over 800 school students were reported to have been arrested in Soweto for being outside their classrooms during school hours. Some were primary school children as young as seven.

Several black church ministers were detained during the first week of the emergency, including the Reverend Frederick Huskie, who is in his late sixties, and the Reverend de Villiers Soga. They and the other church ministers detained had been active in trying to calm the situation in the black townships and reduce the level of confrontation between the police and the black community.

Many members of predominantly black trade unions were also detained under the state of emergency. There has been a rapid and substantial growth of black trade union membership in recent years and many unions have become involved in campaigning both for improved conditions for black workers and for political and social reform.

For example, leaders of the Motor Assemblers' and Component Workers' Union of South Africa (MACWUSA)

were detained in the first week including Dennis Neer, the union's General Secretary. His wife witnessed police hitting and threatening him when they arrested him at home at about midnight on 21 July. Other people in the house were reportedly attacked with teargas and whips.

A new wave of detentions in the Cape Town area began early in the morning of 25 October 1985. Over 70 people were detained including lawyers, church ministers, trade unionists and community leaders. The detainees were initially held under Section 50 of the Internal Security Act which allows the police to detain anyone they believe to be contributing to public disorder on a magistrate's warrant for 14 days. On 26 October the state of emergency was extended to cover eight districts in the Western Cape. Over 100 organizations were forbidden to hold meetings, and those initially detained under Section 50 were apparently transferred to detention under the emergency regulations.

The detainees included Mildred Lesia, a member of the United Women's Organization and an executive member of

Punishments

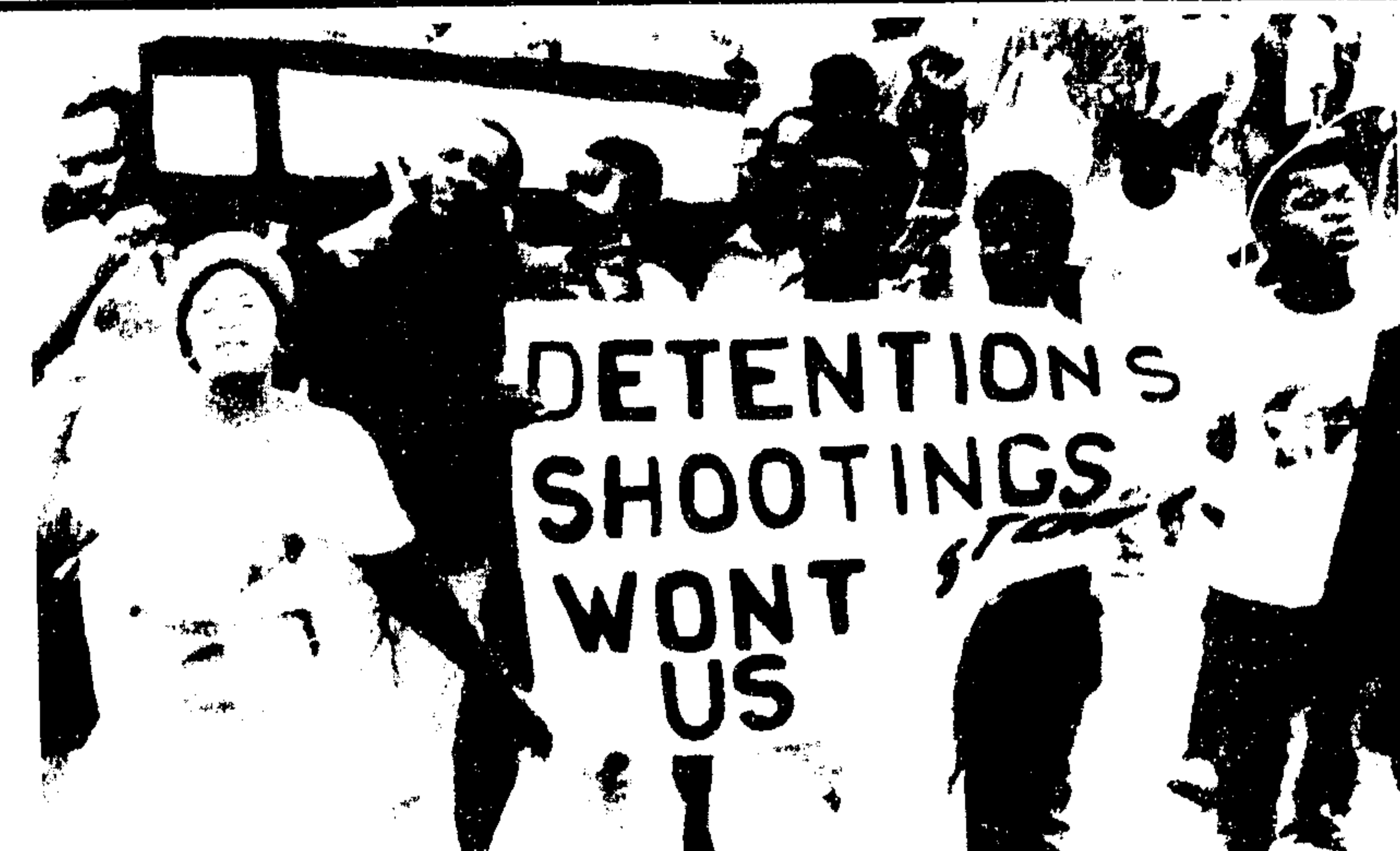
Detainees held under the emergency powers may be subjected to a variety of punishments for "disciplinary contraventions", as defined by the Minister of Justice on 21 July 1985.

The disciplinary contraventions include deliberately replying falsely to a member of the detaining staff, disobeying "a lawful command or order" and being "insolent or disrespectful" towards a police officer or other official.

A detainee who "sings, whistles or makes unnecessary noise" or is a "nuisance" is also liable to punishment.

Detainees who make complaints may also jeopardize their situation further if the complaints are regarded by the authorities as "false, frivolous or malicious".

Punishments under the disciplinary code include corporal punishment of up to six strokes with a cane. Detainees may also be sentenced to imprisonment in solitary confinement for up to 30 days during which they receive what is termed "spare diet" on not less than 18 days, "reduced diet" on six days and the normal prison diet on the remaining six days.



Mourners on their way to a funeral in Port Elizabeth, April 1985.

the Western Cape branch of the UDF who had already spent some eight weeks in detention from August 1985, and Abdullah Mohamed Omar, an advocate who has frequently defended political cases.

Mohamed Saleem Badat, a UDF member and organizer of *Grassroots* community newspaper had also just spent some eight weeks in detention when he was rearrested. He claimed to have been assaulted during a previous

period of detention in 1983 and was suing the police.

Amnesty International has repeatedly expressed concern to the South African Government about the terms of the state of emergency and about the detention of large numbers of critics of apartheid, many of whom are believed to be prisoners of conscience. In particular, it has stressed its fear that those held may be tortured in detention or "disappear".

Detention under the Internal Security Act

Thousands of people have been detained without trial in recent years for their non-violent opposition to the apartheid policies of the South African Government. Since 1982, the main law providing for detention without trial has been the Internal Security Act.

Detention for interrogation: Section 29

Section 29 permits police to hold detainees for interrogation indefinitely, in isolation and without access to relatives or lawyers. The police are allowed to withhold all information about these detainees, who are held in police custody rather than in prisons administered by the Prisons Department. Detainees are held in solitary confinement. This provision has been used to detain many people in those areas of South Africa not under the state of emergency.

Many detainees have been tortured or ill-treated while detained incommunicado under Section 29. Amnesty International considers that the conditions of

their detention facilitate torture and that all detainees held under this provision are at risk of such abuse.

Those detained under Section 29 since mid-1984 have included a number of UDF leaders in the Western Cape and Natal regions, trade unionists, students, members of women's organizations and opponents of compulsory military service for whites.

Section 29 was used, for example, to detain large numbers of leading black trade unionists in November 1984, after a mass "stay away" in the Johannesburg area on 5 and 6 November. On 8 and 9 November Chris Dlamini, President of the Federation of South African Trade Unions (Fosatu), Thami Mali, Chairman of the Transvaal Regional Stay-Away Committee, and at least six other leading trade unionists were detained by security police in Johannesburg.

Phiroshaw Camay and Jethro Dlalisa, also trade union officials, were detained in security police raids on their homes in the Johannesburg area shortly before



Large numbers of community leaders, teachers, students and trade unionists are among those who have been detained.

dawn on 14 November 1984. Phiroshaw Camay is General Secretary of the Council of Unions of South Africa (CUSA). Jethro Dlalisa is Transvaal Chairman of the Transport and General Workers' Union (TGWU), affiliated to Fosatu. Both CUSA and Fosatu backed the November "stay away".

Also arrested in November 1984 were several officials and members of COSAS, which represented black school and college students. Among them were Brenda Badela, a 20-year-old COSAS organizer in Port Elizabeth, and her father, Mono Badela, a former prisoner of conscience.

Arrested at the same time was Kate Philip, President of the National Union of South African Students (NUSAS), the main organization representing students at English language universities, who had played a prominent role in organizing white opposition to *apartheid*.

Preventive detention: Section 28

1984 and 1985 saw an increase in the use of preventive detention, which had been used only in a few individual cases since 1981. Introduced in its present form under an earlier Internal Security Act in 1976, preventive detention orders were imposed on some 135 people in the second half of 1976 following the disturbances in Soweto and other black townships.

In late 1977, a number of black leaders and journalists were held for several months following the death in detention of black consciousness leader Steve Biko and the banning of many black consciousness organizations.

In 1980 more than 150 students, community leaders and trade unionists were detained during a period of schools boycotts and industrial disputes, particularly in the Western Cape area. The 1981 campaign to boycott celebrations of the 20th anniversary of the South African Republic led to further widespread use of preventive detention.

Section 28 of the Internal Security Act empowers the Minister of Law and Order to order the preventive detention of any person he considers engaged in, or likely to engage in, "activities which endanger or are calculated to endanger the security of the state or the maintenance of law and order".

Preventive detention orders may be renewed for an unlimited period. The Minister is not required to disclose specific reasons for such orders and the courts effectively have no jurisdiction over them.

The Board of Review which oversees Section 28 and Section 29 detention orders meets *in camera* and its recommendations are not binding on the Minister. The Minister's specific reasons for the detention are not made available to the detainee.

Among those placed in preventive detention during 1984 and 1985 were leading members of the UDF and other organizations campaigning for an election boycott. They included four black community leaders from Cradock arrested in March 1984 in connection with local protests over rent and education and held for several months. Two of them, Matthew Goniwe and Fort Calata, were abducted and murdered in June 1985 by unknown assailants.

Denial of bail: Section 30

Under Section 30 of the Internal Security Act a state Attorney-General may issue an order denying the court its usual authority to release a charged person on bail if he "considers it necessary in the interests of the security of the state or the maintenance of law and order".

This section was used by the Attorney-General of the Transvaal to deny bail to a group of 22 prisoners including UDF officials, civic association members and students arrested between October 1984 and April 1985.

On 11 June 1985 the 22 appeared in the Pretoria Magistrate's Court and were remanded in custody on charges of high treason, terrorism and murder. The charges reportedly related to their alleged responsibility for the unrest in

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the "Vaal triangle" in late 1984. Before their appearance in court the 22 defendants had been detained incommunicado and without charge in solitary confinement for periods ranging from six weeks to eight months. Several had previously been detained without trial or imprisoned for political reasons, some of them several times.

Despite the serious nature of the charges against the 22, Amnesty International believes that some of them are prisoners of conscience and that others may be. Several had been adopted as prisoners of conscience by Amnesty International during previous spells in prison.

Detention of state witnesses: Section 31

Under Section 31 of the Internal Security Act a state Attorney-General may authorize incommunicado detention without charge of potential state witnesses until the end of the trial at which they are expected to testify. If they refuse to testify, they may be sentenced to up to five years' imprisonment for contempt of court. If they refute in court a statement made while in security police detention on the grounds that it was made under duress, they may be charged with perjury.

For example Dr Mvuyo Tom, a medical doctor, was sentenced to three years' imprisonment in early 1984 for refusing to testify as a state witness.

The 'homelands'

Legislation similar to the Internal Security Act exists in the four African "homelands" which have been declared "inde-



Banned: Prince Madikizela

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pendent" by South Africa, but are not internationally recognized as sovereign states.

Section 26 of the Ciskei National Security Act, for example, allows the Ciskei security police to detain anyone indefinitely, incommunicado and without charge or trial. Many detainees held under this section are reported to have been tortured and ill-treated.

In July 1983 a boycott of bus services in protest at fare increases was organized by black industrial workers and commuters who live in Mdantsane township near East London. The authorities intervened and attempted to break the boycott, which had gathered wide public support, with force. The Ciskei police reportedly established roadblocks and stopped private cars and taxis in which commuters were travelling to East London. Events came to a head at the end of July and in the first days of August when police took up positions outside railway stations in Mdantsane, attempting to prevent commuters from boarding trains and to force them instead to board buses bound for East London. A state of emergency was declared in Mdantsane on 3 August following which there were police shootings which resulted in perhaps as many as 90 people being killed and many others injured by the police.

Between 60 and 100 people, including trade unionists, lawyers and journalists, were detained under Section 26 of the Ciskei National Security Act in connection with the boycott. One of them was Hintsa Siwisa, a lawyer who had been engaged to represent some of the detained trade unionists. He was detained once more (for at least a third time) under Section 26 in September 1985. No reason was given for his detention — none is required by law. However, at the time of this detention he was acting on behalf of a number of people arrested in Ciskei in previous months.

Section 47 of the Transkei Public Security Act permits indefinite detention without trial for interrogation, and has been associated with allegations of torture of political detainees. In August 1984, after several months of unrest at the University of Transkei in Umtata, 200 students were arrested and held under Section 47 after police surrounded the men's residence. They were held incommunicado and without charge for three weeks in police camps, not prisons.

Prince Madikizela, an attorney in Umtata, was banished in October 1984 to a remote rural area far from Umtata. He



A protestor is arrested by plain clothes security police in Johannesburg, August 1984. Protests against constitutional changes which perpetuated the exclusion of the black majority population from the political process were widespread, and led to the detention without trial for weeks and sometimes months of hundreds of people.

could not continue his law practice there, and his wife and children live in Umtata. The banishment order stated that he was being excluded from Umtata because his presence there was "not in the general public interest". On 27 August 1985 Prince Madikizela was detained under Section 47. He became ill and had to be admitted to hospital.

On 27 September he was convicted of contravening his banishment order and sentenced to three months' imprisonment, suspended for five years, and to a fine of 250 South African rands (£66) or 60 days' imprisonment. He was then taken back to hospital in Engcobo.

On 1 October the security police removed him from the hospital without a medical discharge and took him to Umtata Prison. On 7 October an appeal was lodged against his conviction and he was released on bail. On 10 October he is reported to have been redetained by the se-

curity police at his home in Umtata.

Dumisa Ntsebeza is a relative of Batandwa Ndongo (see page 13) and is a former political prisoner and an attorney in Umtata who has frequently acted for the defence in political cases and who has been subjected to security police harassment in the past. He was apparently compiling sworn statements from eye witnesses of Batandwa Ndongo's arrest and murder when he was detained on 8 October 1985. His elder brother Lungisile, at whose house Batandwa Ndongo was living in Cala, was also detained, as were eye witness Victor Ngaleka and associates of the Ntsebezas, Godfrey Silinga and Monde Mdimbi.

They were held under Section 47 of the Transkei Public Security Act. By law, the authorities may withhold information about such detainees, as in this case, where they apparently refused to provide any reasons for the detentions or to disclose the places of detention.

Banning and banishment

The South African authorities use banning and banishment orders to restrict and silence their opponents without having to justify those actions before the courts.

Banned people may not

- communicate with one another in any way
- be quoted in public or private
- attend any political or social gathering — that is any meeting of more than two people
- move outside the area to which they are restricted
- enter any educational institution or factory without special permission.

Banished people are restricted to places often hundreds of miles from their homes and their previous workplaces.

Until 1982, there was no means of appeal against banning orders. The Internal Security Act of 1982 provided for a Board of Review, but it cannot be regarded as an independent tribunal as its members (whose identities are not disclosed) are government-appointed, and its recommendations to the Minister of Law and Order are not mandatory.

The number of banned people fell to 11 in July 1983, when banning orders issued under the previous Internal Security Act automatically expired one year after the coming into force of the Internal Security Act of 1982. Ten of these orders were immediately renewed. In 1985 restrictions similar to those contained in banning orders were imposed on several people released from detention without trial under the emergency.

When every year many people are prosecuted and convicted of political offences by the courts, the authorities' decision to impose banning orders on certain individuals indicates that they do not possess even the minimum evidence necessary for prosecution.

Winnie Mandela

Winnie Mandela, internationally known anti-apartheid activist and wife of imprisoned ANC leader Nelson Mandela, has been banned or detained for all but one of the years since 1962.

She was first detained in 1958 after demonstrating against the introduction of "passes" for black women. In 1963 she was restricted under a two-year banning order to the black township of Orlando, in Soweto, where she lived.

The order was renewed for a further five years in 1965. In 1969 she was detained and later charged, with 21 others, under the Suppression of Communism Act. They were all acquitted but were immediately redetained and held incommunicado for a time. All but three were tried again on fresh charges in May 1970, only to be acquitted once more.



Winnie Mandela: adopted by Amnesty International as a prisoner of conscience.

Winnie Mandela was then banned for five years and put under partial house arrest. In 1974 she served a six-month prison sentence for contravening her banning order, which expired in September 1975.

However, she was detained once again in August 1976 at the time of the disturbances in Soweto and other black townships. She was released uncharged at the end of December 1976 and restricted under a five-year banning order.

In April 1977 her banning order was amended to "banish" her to the small and remote town of Brandfort.

In December 1981, she was served with another five-year order restricting her to Brandfort. In July 1983, when all previous banning orders automatically expired, Winnie Mandela was one of the 10 people who had new orders imposed.

She has received many death threats. In June 1982 two men were disturbed while apparently trying to plant a bomb in her car. Three days later, she received a letter threatening her with the same

fate as two ANC officials killed by a car bomb in Swaziland earlier that month.

Her home in Brandfort was extensively damaged by a petrol bomb on 12 August 1985, while she was in Johannesburg for medical treatment. A few days earlier, police had chased demonstrating school boycotters into her house, thrown tear-gas in and ransacked it. The police alleged that petrol bombs were found in the house. Thirty people were detained.

Following this incident, Winnie Mandela stayed in Johannesburg for her own safety, even though this meant contravening the terms of her banning order. In November 1985 the authorities ordered her to return to Brandfort although her house had been burned down.

In the light of the abductions and murders of black community leaders and human rights lawyers (see page 14) and the persistent, though unproved, allegations that the attacks were carried out by, or with the knowledge of, the police, in late 1985 Amnesty International expressed publicly its fears for Winnie Mandela's safety. It also called on the South African Government to lift her banning order and allow her to exercise her right to free expression.

Mathatha Tsedu

Mathatha Tsedu, once a journalist and Northern Transvaal President of the Media Workers' Association of South Africa (MWASA) was first banned (for three years) in January 1981 — along with other MWASA leaders — shortly after the conclusion of a two-month national strike by black journalists and media workers over pay and conditions.

In June 1982 Mathatha Tsedu was detained under Section 29 of the Internal Security Act. In November 1982 nine people were charged with security offences and it is believed that at around this time Mathatha Tsedu was transferred to detention as a potential state witness in the forthcoming trial. However, he was not called to give evidence and was released after 10 months' detention without trial in April 1983.

He was again served with a three-year banning order in July 1983. He is restricted to the district of Seshego, and under house arrest on weekday evenings and weekends. There are few job opportunities in Seshego, a residential black township servicing the neighbouring white town of Pietersburg. His wife (they have two children) is a teacher in Venda; she is able to visit Seshego only once a fortnight.

Acquitted of treason

Sixteen UDF leaders — all leading non-violent opponents of the South African Government — were brought to trial charged with high treason in late 1985. All were adopted as prisoners of conscience by Amnesty International. The charges against 12 of the defendants were dropped on 9 December 1985. The remaining four defendants were all leading members of the South African Allied Workers' Union (SAAWU): Sisa Njikelana, Isaac Ngcobo, Thozamile Gqweta and Sam Kikine.

Other defendants were three senior members of the Natal Indian Congress and several members of the Release Mandela Committee. All but two had been adopted as prisoners of conscience during previous periods in detention or under banning orders.

Seven of the defendants were arrested in February 1985 when police carried out dawn raids on the homes of leading UDF members throughout the country. A further eight had already been detained for several months by then, having been arrested in August 1984.

At first, those detained in August 1984 were held in preventive detention. Seven of them successfully challenged their detention orders in the Natal Supreme Court and were released on 7 September, but new detention orders were then issued against them.

Five of the seven, together with Paul David, a former prisoner of conscience whose detention had also been ordered, then entered the British Consulate in Durban on 13 September and sought sanctuary there. This provoked a diplomatic dispute between the Governments of the United Kingdom and South Africa. On 6 October, George Sewpershad, M.J.Naidoo and Mewa Ramgobin left the consulate voluntarily and were immediately redetained. The three others — Archie Gumede, a national president of the UDF, Paul David and Billy Nair — were still in the consulate on 10 December when all preventive detention orders were revoked by the Minister of Law and Order. They then left the consulate but Archie Gumede and Paul David were immediately rearrested and charged with treason.

Twenty-two other UDF leaders involved in a similar treason case were due to go on trial in January 1986 (page 4).



The Reverend Frank Chikane, Transvaal vice-president of the UDF and a former prisoner of conscience who has more than once been subjected to lengthy detention without trial for political reasons in the past by the security police. He was allegedly ill-treated during incommunicado detention. His home was petrol-bombed on 7 May 1985 — four days after his release on bail.



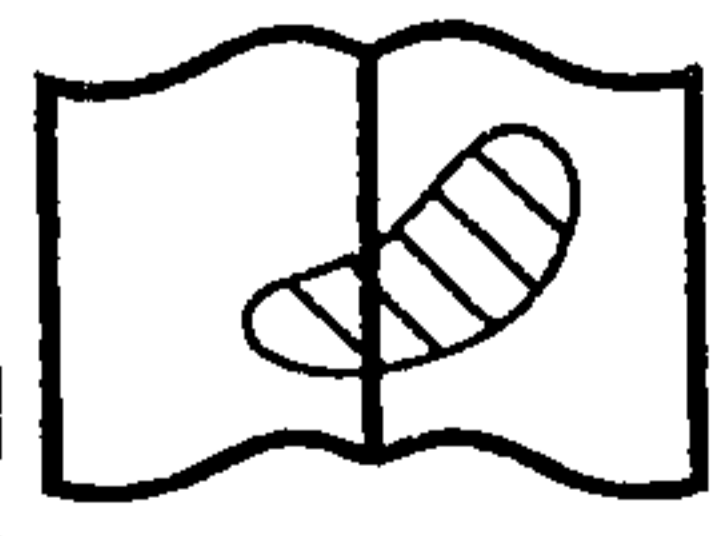
Ismail Mohamed (top, left), former prisoner of conscience and leading member of the Transvaal Anti-President's Council Committee. Mewa Ramgobin (top, right), senior member of the Natal Indian Congress. He is a former banned person and a former adopted prisoner of conscience. Sam Kikine (above, left), leading member of the South African Allied Workers' Union (SAAWU) and former prisoner of conscience. Aubrey Mokoena (above, right), publicity secretary of the Release Mandela Committee, a former banned person and adopted prisoner of conscience.



Albertina Sisulu, a president of the UDF, who is in her late sixties, has been detained or restricted under a succession of banning orders almost continuously since 1963. Her husband, Walter Sisulu, is serving a life sentence imposed for political reasons in 1964. Her son, Zwelakhe Sisulu, a journalist, was placed under a three-year banning order in 1980. Another son is in exile.



Archie Gumede (top, left), a president of the UDF. Thozamile Gqweta (top, right), president of the South African Allied Workers' Union (SAAWU), who has been detained many times without trial and is a former adopted prisoner of conscience. Curtis Nkondo (above, left), a teacher and chair of the Release Mandela Campaign. He is a former banned person and former adopted prisoner of conscience. M.J.Naidoo (above, right), vice-president of the Natal Indian Congress, national treasurer of the UDF, former banned person and adopted prisoner of conscience.



Torture and ill-treatment

For many years Amnesty International has received reports of widespread and systematic torture in South Africa.

Political detainees held incommunicado by security police are at grave risk. Criminal suspects are also reported to have been tortured.

Torture appears to be used primarily to intimidate detainees, to force them to "confess" and to implicate others in political offences.

Detainees held under Section 29 of the Internal Security Act are held in solitary confinement, often for months, and denied access to lawyers and to their families. Many are reportedly subjected to lengthy periods of continuous interrogation during which they are tortured or

Methods

Detainees are reported to have been hooded, beaten and given electric shocks. Some have been threatened with execution, with pistols pressed against their temples. Others have been subjected to the "helicopter" torture when the victim is handcuffed by the wrists and ankles, hung upside down on a pole inserted between the knees, spun around and beaten.

Other common methods of torture include partial suffocation, beatings with sticks, whips and other implements, being forced to stand for long periods holding heavy objects above the head, exposure to extreme cold and prolonged sleep deprivation.

Detainees have also been subjected to deliberate humiliation and degradation through denial of toilet or washing facilities and by being interrogated while naked.

In July 1985, two church ministers were forced to sing and dance in front of security police in Algoa Park police station, Port Elizabeth. They were further humiliated by being made to strip naked in front of other detainees in St Alban's prison. The Reverend de Villiers Soga, who is in his late fifties and is President of the Interdenominational African Ministers Association of South Africa, and the Reverend Hamilton Dandala, a Methodist minister, were both detained on 22 July under the state of emergency and released uncharged eight days later.

assaulted. Detainees have often required hospital treatment apparently as a result of ill-treatment and their conditions of detention. These are so harsh — particularly in respect of solitary confinement — that in Amnesty International's view they constitute ill-treatment of themselves. A number of detainees held under this provision have become psychologically disorientated. Simon Tseko Nkodi, a 25-year-old former student leader, who was arrested under Section 29 of the Internal Security Act on 23 September 1984, was reported to have been taken from security police custody under guard to a psychiatric ward in Johannesburg General Hospital on 25 January 1985. There he reportedly made an unsuccessful suicide attempt. Like all Section 29 detainees, he had been held incommunicado and in solitary confinement.

Billy Nair, 55-year-old Vice President of the Natal branch of the UDF and an executive member of the Natal Indian Congress, was detained under Section 29 on 23 August 1985. On 5 September he was referred to specialists by a district surgeon because he had an injured eye and a suspected perforated eardrum. In a letter smuggled out of detention, he told his wife that he had been beaten about the head by security police officers during interrogation.

Vusi Dlamini, a 15-year-old member of the student organization COSAS, was also detained under Section 29, on 27 August 1985. On 3 September he telephoned his mother and told her that he had been admitted to the private Shifa Hospital in Durban on 1 September. He said that he had been severely assaulted while in detention and was unable to hear in one ear, had a broken jawbone and suspected fractures of the skull and forearms.

The Supreme Court later granted interdicts restraining the police from assaulting both Billy Nair and Vusi Dlamini.

Yunis Shaik, a lawyer aged 27 and Secretary of the Garment Workers Union, was detained on 4 July 1985 in the Durban area, released uncharged on 19 July, but redetained on 3 August. After his release on 19 July he informed a lawyer that he had been tortured under interrogation. He claimed that he had been stripped naked and a canvas bag placed over his head. A police officer

had then curled a finger around in his rectum while pressure was applied to his kidneys, causing extreme pain.

Detainees held under the emergency regulations are also reported to have been tortured and ill-treated. Mbulelo Goniwe, a leading member of the Cradock Residents' Association, was detained on 25 July 1985. He was reported to have required medical treatment at the Livingstone Hospital in Port Elizabeth for a perforated eardrum. This injury is often associated with a hard blow to the head and several detainees in Port Elizabeth are alleged to have suffered perforated eardrums as a result of being beaten while under interrogation.

Johnny Mashiane, a 15-year-old schoolboy, was detained on 23 July and held incommunicado until 5 August. On his release he displayed serious mental disturbance and was admitted to the Johannesburg Hospital. His family said he had been in good health when he was detained.

Emergency regulations grant immunity in advance to all law enforcement officials for any actions committed "in good faith" in the exercise of their emergency powers. This was reportedly interpreted by police, prison and senior medical officials in the Port Elizabeth area as providing complete immunity against any legal prosecution of the police by detainees.

On 25 September 1985 Dr Wendy Orr, a district surgeon responsible for medically examining detainees and prisoners in the Port Elizabeth area, submitted evidence to the Supreme Court of widespread and regular torture and ill-treatment of detainees. Her evidence was supported by sworn statements from over 40 people, including detainees.

The court issued an order restraining police from assaulting all detainees held under the emergency regulations in the Port Elizabeth and Uitenhage magisterial districts. It ruled that the police had no immunity from prosecution if they assaulted or threatened to assault detainees.

Dr Orr had examined hundreds of detainees and alleged that approximately half of them appeared to have been assaulted. Their complaints appeared to be consistent with their injuries — severe weals, bruising and swelling on their backs, arms, legs, hands and faces.



Protestors on the streets of Cape Town, August 1985. Police charge demonstrators marching to the prison where Nelson Mandela and other ANC leaders are held. Many people arrested after this march were held in incommunicado detention.

She reportedly said that: "The overwhelming evidence presented to me... convinced me that detainees were being systematically assaulted and abused after their arrest and before being admitted to prison, and also during their incarceration when they were being interrogated..."

Amnesty International has received persistent allegations of ill-treatment of detainees by the Port Elizabeth police over the years.

Among the people allegedly ill-treated and tortured in the area since the imposition of the state of emergency have been a number of leading black trade unionists. Vusumzi George, an executive member of the Motor Assemblers' and Component Workers' Union of South Africa (MACWUSA), was detained at about 2.30am on 22 July 1985. He alleges that he, his pregnant wife and his brother were beaten with whips at that time. On 29 July he was taken from St Alban's prison to Louis Le Grange Square police station. In a sworn statement following his release, uncharged, from detention, he gave the following

account of his treatment:

"S_ and N_ had a plastic bag which contained the items which had been confiscated during the search at my house. While questioning me about these items they made me sit on the floor with my hands handcuffed behind my back and forced my legs open by beating the insides of my thighs with *sjamboks*. They then attempted repeatedly to kick me in my private parts. They then beat me with a *sjambok* on my back and chest and smashed my toes and head with a short wooden stick..."

"... another security policeman came in and ordered me to stand as if I was embracing a metal filing cabinet. He then began punching me in the kidneys from behind and hammering me on my shoulders with two-fisted blows. He repeated this type of assault a number of times and then beat my ears with open hands. He then threw me on the floor and while kicking me asked me questions. Two other policemen then entered the room and assisted with



Marks left by a *sjambok*, the rhinoceros-hide whip used by the police. This photograph shows Mvuyo Malgas, a 19-year-old student, who was held in incommunicado detention by the Ciskei security police from August to early October 1983.



Torture victim: the Reverend Simon Farisani

the general assault which lasted about half an hour.

"T___ and the two policemen who had recently entered the room then took me to the next door room and beat me with their fists. . . until I started screaming. Two or three white policemen then came into the room and one of the three brought in a wet towel which was placed tightly around my face and head. While the towel was suffocating me they beat me. They then removed the towel from my face and throttled me. . ."

The prison authorities did not permit him to see a doctor until 1 September.

'Homelands'

Torture is also reported in the four "homelands" which have been declared "independent" by the South African Government but not recognized internationally.

The Very Reverend Dean Tshenuweni Simon Farisani, effective head of the Evangelical Lutheran Church in Venda, was arrested by security police in November 1981. He had given spiritual support to the family of Isaac Muofhe, a lay Lutheran preacher who died in security police custody two days after his arrest in November 1981. Dean Farisani is reported to have been tortured so badly in detention that he had two heart attacks and had to go to hospital both before and after his release in June 1982.

Dean Farisani gave the following account of his treatment:

A week after his arrest his interrogators told him that they intended to kill him. They said he should write to his wife and to his church superior saying that he had escaped from prison and fled to Mozambique. He was told that he would be killed immediately if he wrote the letter, but that if he refused (as he did) he would be slowly tortured to death.

Amnesty International 12-Point Program for the Prevention of Torture

Torture is a fundamental violation of human rights, condemned by the General Assembly of the United Nations as an offence to human dignity and prohibited under national and international law.

Yet torture persists, daily and across the globe. In Amnesty International's experience, legislative prohibition is not enough. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally.

Amnesty International calls on all governments to implement the following 12-Point Program for the Prevention of Torture. It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to abolish torture and to work for its abolition worldwide.

1. Official condemnation of torture

The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law enforcement personnel that torture will not be tolerated under any circumstances.

2. Limits on incommunicado detention

Torture often takes place while the victims are held incommunicado — unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

3. No secret detention

In some countries torture takes place in secret centres, often after the victims are made to "disappear". Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

4. Safeguards during interrogation and custody

Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

5. Independent investigation of reports of torture

Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

6. No use of statements extracted under torture

Governments should ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings.

7. Prohibition of torture in law

Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

8. Prosecution of alleged torturers

Those responsible for torture should be brought to justice. This principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no "safe haven" for torturers.

9. Training procedures

It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to refuse to obey any order to torture.

10. Compensation and rehabilitation

Victims of torture and their dependants should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care and rehabilitation.

11. International response

Governments should use all available channels to intercede with governments accused of torture. Intergovernmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

12. Ratification of international instruments

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political Rights and its Optional Protocol which provides for individual complaints.

In early January 1982 he was beaten about his head and body with sticks and fists and his head was repeatedly banged against a wall by interrogating officials. Handfuls of his hair and beard were pulled out and several times he was lifted up bodily and thrown into the air, falling back down onto the concrete cell floor. He lost consciousness several times.

The following day he was stripped and had a canvas bag put over his head. Water was then poured over the bag and he was given electric shocks on the earlobes and back of the head. Electrodes were attached to his toes and genitals and he was given more shocks.

He needed months of medical attention for the two heart attacks he suffered shortly after this.

Torture allegations in court

Numerous allegations of torture have been made in court, both by defendants and by detainees who have appeared as witnesses for the prosecution in political trials.

In the majority of these cases the courts appeared to accept police denials of torture at face value and to give insufficient consideration to the problems detainees faced, as a result of their incommunicado detention in solitary confinement, in proving that they had been tortured perhaps many months before.

Auret van Heerden was detained between 24 September 1981 and 9 July 1982. For most of that time he was held in incommunicado detention for security police interrogation. He made a sworn statement after his release that he had been tortured during interrogation: a wet canvas bag was placed over his head, preventing him from breathing, while electricity was applied to his arms, feet, neck and back. A wet towel was repeatedly tightened around his neck and he was beaten about the head. His feet were beaten with a *sjambok* and he was dragged around the room by his hair.

When the authorities would take no action over his allegation of torture, Auret van Heerden brought a civil claim for damages against 10 security police officers. The judge dismissed the claim in September 1984, ruling that Auret van Heerden had not submitted his complaint within the six-month time limit prescribed by law. The fact that he was in incommunicado detention for nine months, and therefore unable to do so, was disregarded.



Cape Town, August 1985

Lack of safeguards

Accusations that detainees in South Africa are subjected to torture are met with government denials and references to safeguards. In November 1982 the government issued new guidelines for security police treatment of detainees held for interrogation under Section 29 of the Internal Security Act stipulating that they must not be tortured or ill-treated. Among other things, police are prohibited from taking firearms into rooms where such detainees are held. There is a statutory requirement that all detainees must be seen every two weeks by a doctor and a magistrate. However, these guidelines constitute little more than a restatement of earlier guidelines which had proved ineffective.

The overwhelming evidence of affidavits, inquests into deaths in custody, allegations in open court, medical evidence and eye-witness statements proves beyond a doubt that the terms and conditions of security detention in South Africa provide the context for torture and abuse of uncharged detainees and that existing safeguards against such abuse are wholly inadequate.

Deaths in detention

Deaths in police custody, allegedly as a result of torture or ill-treatment, have concerned Amnesty International for many years. Between January 1981 and November 1985, at least 12 political detainees are reported to have died in police custody.

In the late 1970s several detainees in the Port Elizabeth area died in police custody, including black consciousness leader Steve Biko who died in 1977. The leader of the police interrogation squad in the Biko case had become the local security police chief by mid-1985. However in October 1985, the chief medical officer in the case, Dr Benjamin Tucker, was struck off the medical roll for "disgraceful conduct" by the South African Medical and Dental Council.

Neil Aggett

Neil Aggett, a white official of a black trade union, was found hanged in his security police cell in February 1982. Auret van Heerden, another security detainee, testified to having seen Neil Aggett briefly several times in the days before his death and to having observed a progressive deterioration in his physical

and mental condition.

Neil Aggett had twice complained of torture, alleging that he had been assaulted and subjected to electric shocks and sleep deprivation. The inquest magistrate accepted police denials of torture and ruled that Neil Aggett's death had not been induced by ill-treatment in detention.

Sipho Mutsi

Sipho Mutsi, an 18-year-old organizer for the Congress of South African Students (COSAS), was one of around 20 black students arrested on 2 May 1985. The arrests followed a boycott at a school in the black township of Kutlwana near Odendaalsrus over the lack of sports facilities. Three days later, on 5 May 1985, Sipho Mutsi died in the custody of the police.

According to a police spokesman Sipho Mutsi suffered convulsions and fell to the floor while being questioned. A post-mortem was carried out on 9 May. The cause of death is reported to have been a brain haemorrhage and the doctors who carried out the post-mortem

are reported also to have found whip marks and injuries on Sipho Mutsi's head, chest, back and shoulders.

One of those detained with Sipho Mutsi claims to have witnessed him being assaulted in the police station as he lay on the floor with his hands handcuffed behind his back:

"We went into the CID offices. In the office I saw Sipho lying down with his hands handcuffed behind his back. He was wet on the front and water was on the floor. . . . A white stout policeman asked Sipho what he wanted in the Republic. Sipho answered 'nothing'. The policeman then kicked him in the face. He (Sipho) had been revived with water poured on his face and had been ordered to sit up. He was also given water to drink. But after he was kicked he lay still. There was a cut on Sipho's chin when I saw him. There were also *sjambok* marks on his chest . . . [A black police officer] said to me while I was in the room 'if you and Sipho are killed everything will be quiet in the township'."

On 17 May 1985 the Attorney-General of the Orange Free State announced that no one would be prosecuted in connection with Sipho Mutsi's death but that an inquest would be held. It was scheduled for 6 December 1985.

Andries Raditsela

Trade unionist Andries Raditsela died on 6 May 1985 — two days after he was detained by the security forces. He apparently died of head injuries, allegedly after an assault by the police.

Andries Raditsela was a senior shop steward of the Chemical Workers' Industrial Union and a member of the executive council of the Federation of South African Trade Unions (Fosatu). He worked at the Dunlop Industrial Products factory in Benoni, east of Johannesburg and was married with a child.

He is reported to have been arrested on the morning of 4 May 1985 in Tsakane, a black township south of Benoni. Uniformed police questioned him about a car which had been hired for him by Fosatu. According to witnesses he was then assaulted and taken away by security forces who were patrol-



Died in police custody: Andries Raditsela.



Died in police custody: Neil Aggett.

ling the streets in a "hippo" (an armoured troop-carrier).

Andries Raditsela was taken to the local administration offices in Tsakane. When his parents saw him a few hours later he was lying outside on the porch, his face swollen and barely able to speak. Later in the afternoon they were informed by the police that he was critically ill and had been taken to a local hospital, from where he was transferred to Baragwanath hospital in Soweto. The next day his parents were unable to trace him at the hospital and he was only finally seen by friends shortly before he died on the afternoon of 6 May. On 8 May it was announced that there would be a police inquiry into his death. By the end of November this inquiry had yet to be held.

In August and September 1985 three young men from Ginsberg, a small township in the Eastern Cape, were reported to have died within hours of being arrested. The youngest, George Thembalake, was only 15 years old. All three were members of a youth league affiliated to the UDF. The last of the three to be arrested — Mbuyisela Mbotya, arrested on 20 September 1985 — died the next morning. A post-mortem reportedly showed he had died of head injuries. Lawyers acting for his family

state that according to the police he became ill after being arrested and was taken by the police to a hospital in the neighbouring town of East London. His family allege that he was "dumped" outside the hospital by police, who would have driven off but were spotted by nurses.

Deaths in detention in the 'homelands'

On 24 September 1985 Batandwa Ndondo, formerly an executive member of the Students Representative Council at the University of Transkei (UNITRA) in Umtata, was reportedly seen being arrested at his home in Cala, about 100 kilometres west of Umtata, by four men and a woman, all plain-clothed. Witnesses later reportedly saw him escape from a van, bleeding and shouting for help, and then being shot several times by one of the men. His assailants took him to Cala Hospital — where they apparently identified themselves as police officers — where he died shortly after.

Two members of the Venda security police were found by an inquest to have

brutally assaulted and caused the death in November 1981 of Isaac Muofhe, a Lutheran lay preacher. The two were tried for murder in February 1983 but were acquitted. The officers claimed that multiple injuries sustained by Isaac Muofhe were inflicted when he tried to escape from their custody. The trial judge refused to admit as evidence the officers' testimony before the inquest, which incriminated them and differed from the testimony which they gave at their trial. They were discharged and were apparently still serving in the Venda police in late 1985.

More than 300 criminal suspects also died in police custody between the beginning of 1980 and the end of 1982. It is not known how many of these deaths resulted from torture and ill-treatment but a number of cases did lead to the prosecution of police officers allegedly responsible for assaulting or killing ordinary criminal suspects apparently while attempting to extract confessions from them.

There has been only one case in recent years of the death of a political detainee which has led to the conviction of a police officer. The security police officer who shot political detainee Paris Malatji in the forehead at point-blank range in July 1983 received a 10-year sentence.



Abduction and murder of government opponents

On the evening of 1 August 1985 Victoria Mxenge, a prominent human rights lawyer, was shot dead outside her home in Umlazi township near Durban. Her assailants were reportedly four hooded men. Victoria Mxenge's murder was the latest incident in what has emerged as a pattern of attacks on known critics and opponents of the South African Government.

- In May three community leaders

from Port Elizabeth "disappeared"; their relatives believe that they have been killed. Siphon Hashe, Qaqawuli Godolosi and Champion Galela were executive members of the Port Elizabeth Black Civic Organization (PEBCO), affiliated to the UDF. They were travelling between KwaZakhele township and Port Elizabeth airport when they "disappeared".

- In a subsequent court case brought by

Siphon Hashe's family, his daughter claimed that the police had made threats against him in her presence while she was in detention without trial for 11 months.

The family also claimed that his house in KwaZakhele was attacked the day after his "disappearance" by people claiming to be members of the security police and that his wife was arrested when she went to lay a charge about this attack and was herself charged with public violence. It was also alleged that the security police subsequently indicated that Siphon Hashe had been detained, and threatened his son. The police officially denied that they had detained Siphon Hashe. The authorities have so far failed to clarify the fate of the three community leaders.



IDAF

The funeral of Matthew Goniwe (above, right), community leader abducted and murdered by unknown assailants, amid persistent, though unproved, rumours of official involvement.



- On 28 June 1985 four community leaders in the Eastern Cape with a history of harassment by the security police were abducted and murdered. The four were former prisoners of conscience: Matthew Goniwe and Fort Calata, teachers from Cradock; Sparrow Mkhonto, a community leader in Cradock, and Sicelo Mhlawuli, a teacher from Oudtshoorn.

Matthew Goniwe was a founder of the Cradock Residents' Association

(CRADOKA) at a time of unrest over rents and education in the black township. Attempts by the authorities in early 1984 to transfer him to a school in another area had been followed by community protests and a ban by the authorities on meetings of local community organizations.

Matthew Goniwe, Fort Calata and two other community and youth leaders were detained in April 1984 and held in "preventive" detention without trial for six months. A boycott of seven schools in the township, which started in February 1984, lasted until April 1985 but was unsuccessful in obtaining the reinstatement of Matthew Goniwe and Fort Calata to their teaching posts. Security police allegedly threatened Fort Calata and his wife that they would never work again.

Matthew Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhlawuli were returning home from a UDF meeting in Port Elizabeth when they were abducted and murdered. They had reportedly told others at the meeting, who feared for their safety, that they would not stop on their way home unless made to do so by the police.

- Victoria Mxenge, a Durban-based attorney and well-known supporter of the UDF, had been involved in the defence of many people tried on political charges. At the time of her death she was acting on behalf of the 16 UDF leaders due to stand trial for treason in the Pietermaritzburg Supreme Court (see page 7).

Victoria Mxenge's husband, Griffiths Mxenge, was also the victim of an apparently politically motivated killing.



Fort Calata and his family, photographed shortly before his abduction and murder.



The graves of the four murdered community leaders from Cradock.

A former political prisoner who spent several years in Robben Island maximum security prison, he was abducted and died from multiple stab wounds in late 1981. He too had been a prominent human rights lawyer and political opponent of the government. No one was ever arrested for his murder. The Mxenge's left three children.

The authorities announced police inquiries into the murder of the Cradock community leaders and Victoria Mxenge, but no arrests in connection with these killings had been made by the end of November 1985.

Amnesty International has called on the South African Government to

establish an independent inquiry into attacks on supporters of opposition organizations to investigate whether any of the attacks have been committed by agents of the government, with or without the government's knowledge.



Victoria Mxenge, human rights lawyer

Associated Press

Death penalty

Over 100 people are hanged in South Africa every year. Most executions are for murder, but the death penalty may also be imposed for other serious crimes, such as rape, and for treason and certain political offences under the Internal Security Act.

In 1984 there were at least 131 executions in South Africa. A total of 115 people were hanged in Pretoria Prison. Of these, all but three — two whites and one Asian — were Africans or members of the so-called "Coloured" minority. At least 16 people were executed in the "homelands". There were 10 hangings in the Transkei and at least three in both Ciskei and in Venda. All these victims are believed to have been Africans.

As the figures for 1984 indicate, a disproportionate number of Africans and "Coloureds" are executed when compared with the population ratio between these groups and the white and Asian minorities. This has been a persistent pattern over many years and has given rise to the charges that the judicial system in South Africa is racially biased.

In June 1983, three alleged ANC members were executed for treason. They were the first South Africans to be executed for treason since 1914. During their trial in July 1982 the three claimed that they had been forced to make confession statements while in security police custody.

One of them, Marcus Thabo Motaung, had allegedly been denied adequate medical treatment for two days after his arrest after sustaining a gunshot wound in the hip at the hands of the police. In a "trial within a trial" the judge ruled that Marcus Motaung had not made his confession statement under duress and that it was therefore admissible as evidence in the main trial.

Malisela Benjamin Moloise, a 30-year-old poet and supporter of the African National Congress (ANC), was hanged in Pretoria Prison on 18 October 1985 in spite of appeals by Amnesty International, the United Nations Security Council and many governments. He became the fifth person to be executed in South Africa for a politically motivated offence since 1979.

Benjamin Moloise was sentenced to death by the Pretoria Supreme Court in June 1983 after he was convicted of killing a black security police officer in November 1982. He denied the charge

and contested a confession he had made to security police during interrogation, alleging that it had been extracted under duress. However, the statement was accepted as evidence of his guilt by the court.

He applied unsuccessfully for permission to challenge the verdict before the Appeal Court, and submitted a petition for clemency to State President P.W.Botha. This too was rejected.

Amnesty International made a renewed appeal for clemency to State President Botha on the eve of Benjamin Moloise's execution.



Orde Eliason/Link



Associated Press

Mamike Moloise walks, supported by two relatives, to Pretoria Central Prison on 18 October 1985, the day her son, Benjamin Moloise, was hanged. (Top) Benjamin Moloise's father.

Executions in South Africa

| Year | Africans | "Coloureds" | Asians | Whites | Total |
|------|----------|-------------|--------|--------|-------|
| 1980 | 85 | 43 | 1 | 1 | 130 |
| 1981 | 58 | 36 | | 2 | 96 |
| 1982 | 62 | 37 | | 1 | 100 |
| 1983 | 65 | 23 | | 2 | 90 |
| 1984 | 88 | 24 | 1 | 2 | 115 |

These figures do not include executions carried out in the "homelands" of which there were at least 16 in 1984, 22 in 1983, 3 in 1982, 2 in 1981 and 7 in 1980.



Orde Eliason/Link

A "pass law" arrest. The so-called pass laws, which apply only to blacks, regulate where they may live and work. Thousands of blacks are arrested each year under these racially discriminatory laws. Amnesty International regards them as prisoners of conscience.

Recommendations

Violations of human rights on a substantial scale have characterized the situation in South Africa for many years. Recently, there has been a further, marked escalation of political imprisonment and detention without trial, torture and political killings. The judicial death penalty continues to be used at a high rate.

There is an urgent need for action to end these violations. Amnesty International is calling on the South African Government to take the following measures for the protection of basic human rights:

1. To release immediately all prisoners of conscience — those imprisoned for their political or religious beliefs, colour, sex, ethnic origin, language or religion, who have neither used nor advocated violence. In South Africa, these include people sentenced to prison terms, detained without trial, imprisoned as conscientious objectors, banned or banished and imprisoned under the so-called pass laws, which are discriminatory on racial grounds and lead each year to the imprisonment of many thousands of black people.
2. To abolish immediately the pass laws and all legislation which leads to imprisonment on the basis of race.
3. To release all political detainees without delay unless they are to be brought to trial fairly and promptly for criminal offences.
4. To guarantee that all trials of political prisoners are conducted according to internationally recognized standards of fair trial, and to review the cases of previously sentenced political prisoners with a view to their release or retrial if their trials did not conform to these standards.
5. To curb police powers of arbitrary arrest and detention without trial and withdraw the provisions which allow people to be held for indefinite periods of incommunicado detention.
6. To act immediately to stop torture and ill-treatment of detainees and other prisoners by withdrawing the immunity from prosecution given in advance to police and security forces and by implementing the measures contained in Amnesty International's 12-point program against torture (see page 10).
7. To establish urgently an independent judicial commission of inquiry into torture and ill-treatment and to investigate deaths in custody of political detainees.
8. To extend clemency in all cases to people under sentence of death and to abolish the death penalty.
9. To establish an independent judicial inquiry into allegations that recent attacks on, "disappearances" and killings of government critics have been carried out by agents of the government, acting in an official capacity or on their own account.
10. To investigate thoroughly all cases of killings of civilians by police to establish whether they constituted extrajudicial executions, and if so, to ensure that they do not recur and to bring those responsible to justice.

A worldwide campaign . . .

Human rights are a human responsibility. Whenever they are violated people are the victims. They and their families need practical help.

The protection of human rights is an international responsibility. This principle is accepted by major world bodies such as the United Nations; governments are now publicly accountable to the world community for protecting the rights of their own citizens. That accountability includes accepting the right of international organizations to ask questions and express concern when people's rights are curtailed.

Amnesty International works on the basis of the universal human rights standards which the international community has proclaimed. If a state is violating those standards, Amnesty International comes to the defence of the victims.



Amnesty International began in 1961 with a newspaper article, "The Forgotten Prisoners", by British lawyer Peter Benenson. He urged people everywhere to begin working impartially and peacefully for the victims of political persecution. "Open your newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government," he wrote. Within a month more than a thousand people from various countries had sent in offers of practical help. They were ready to help collect information on cases, publicize them and approach governments. What started as a brief publicity effort became a growing international movement.

Amnesty International now has more than 500,000 members, supporters and subscribers in over 160 countries and territories. They come from all walks of life, reflecting a wide variety of points of view. Most are organized into small local groups. There are now more than 3,000 groups in Africa, Asia, the Americas, Europe and the Middle East. Each group works on behalf of prisoners held in countries other than its own—emphasizing the need for *international* human rights work. No group or member is expected to provide information on their own country, nor do they have any responsibility for action taken or statements issued by the international organization concerning their country.

Financial independence

Amnesty International relies for its funding on donations from members and supporters. Its financial independence is vital to ensure its political independence. By far the greatest part of the movement's funds come from small, individual donations, membership fees and local fund-raising efforts. It does not seek or accept government money for its budget.

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This briefing is part of Amnesty International's publications program. As part of its effort to mobilize world public opinion in defence of the victims of human rights violations, Amnesty International produces a monthly Newsletter, an annual report, and reports, briefings and other documents on countries in all quarters of the globe.

Amnesty International attaches great importance to impartial and accurate reporting of facts. Its activities depend on meticulous research into allegations of human rights violations. The International Secretariat in London (with a staff of 150, comprising some 30 nationalities) has a Research Department which collects and analyses information from a wide variety of sources. These include hundreds of newspapers and journals, government bulletins, transcriptions of radio broadcasts, reports from lawyers and humanitarian organizations, as well as letters from prisoners and their families. Amnesty International also sends fact-finding missions for on-the-spot investigations and to observe trials, meet prisoners and interview government officials. Amnesty International takes full responsibility for its published reports and if proved wrong on any point is prepared to issue a correction.

How to subscribe to Amnesty International

A subscription to Amnesty International will give you access to information about human rights abuses produced on a global, independent and impartial basis. You will also receive details on how you can help the people who are the victims.



Amnesty International Newsletter

This monthly bulletin is a regular update on Amnesty International's work: reports of fact-finding missions, details of political prisoners, reliable reports of torture and executions. It is written—without political bias—for human rights activists throughout the world and is widely used by journalists, students, political leaders, doctors, lawyers and other professionals.

Amnesty International Report

This annual report is a country-by-country survey of Amnesty International's work to combat political imprisonment, torture and the death penalty throughout the world. In describing the organization's work, the report provides details of human rights abuses in over 100 countries. It is probably the most widely read—and most influential—of the many reports published by Amnesty International each year.

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