

EXTERNAL (for general distribution)

AI Index: AFR 53/62/90
Distr: UA/SC

UA 349/90

Fear of Torture/Legal Concern

5 September 1990

SOUTH AFRICA: Christinah BOIKHUTSO, a married woman, aged 50
(Bophuthatswana)

=====
Christinah Boikhutso was detained on 25 August 1990 following the launch of a branch of the African National Congress (ANC) in Mabopane, in the nominally-independent "homeland" of Bophuthatswana. She is one of the newly elected executive members of the Mabopane branch, eight of whom were detained that same evening. The other seven have been released. Christinah Boikhutso was arrested at her home in Mabopane by members of the Bophuthatswana police. She is being held at Ga-Rankuwa police station under the Bophuthatswana state of emergency regulations. She has been permitted access to her lawyer.

The Bophuthatswana emergency legislation, like the regulations still in force in Natal Province, South Africa, permits any security force member to detain people without charge for an initial period of 30 days, thereafter renewable for a further five months on the authority of Bophuthatswana's minister of law and order. The regulations also grant the security forces indemnity from prosecution for acts committed in "good faith" in the exercise of those powers.

Amnesty International is concerned that Christinah Boikhutso may be a prisoner of conscience, detained on account of non-violent political activities. The authorities have apparently stated that she is detained for attending an illegal gathering. Amnesty International is also concerned for her health and physical safety, especially in view of recent reports that another state of emergency detainee Wendy Skhosana, a local civic association member and recruiting officer for the ANC, was severely assaulted in custody at Ga-Rankuwa police station after being detained by Bophuthatswana police on 19 August 1990. Wendy Skhosana has since been released. This information is consistent with past reports of violent conduct by the Bophuthatswana security forces (see UA 256/90: AFR 53/49/90). Amnesty International is urging the authorities to release Christinah Boikhutso immediately if she is not to be charged promptly with a recognizably criminal offence.

BACKGROUND INFORMATION

During July and August 1990 the Bophuthatswana authorities have frequently used their powers under the emergency legislation to detain political activists. As of 29 August, 33 people were reported to be held under this legislation. Detentions, restrictions on public meetings, and confrontations with demonstrators appear designed to prevent opposition organizations from operating freely and setting up local structures.

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

- expressing concern that Christinah Boikhutso is detained without charge under the state of emergency regulations;
- seeking assurances that Christinah Boikhutso and others detained under

the emergency regulations will not be subjected to torture or ill-treatment in custody;

- urging that Christinah Boikhutso be granted regular access to her lawyer, relatives, and a doctor of her choice;

- explaining that Amnesty International is concerned that she may be a prisoner of conscience detained because of her non-violent political activities, and calling for her to be released immediately if she is not to be charged promptly with a recognizably criminal offence.

APPEALS TO:

Chief L M Mangope,
President,
Government Offices,
Mmabatho,
Bophuthatswana, South Africa

Telegrams: President Mangope, Bophuthatswana, South Africa

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 Godfrey Mothibe,
Minister of Justice,
Department of Justice,
Government Offices,
Mmabatho,
Bophuthatswana, South Africa

Telegrams: Justice Minister, Bophuthatswana, South Africa

Major-General P J Seleke,
Commissioner of Police,
Department of Police,
P/Bag X2004,
Mmabatho,
Bophuthatswana, South Africa

Telegrams: Police Commissioner, Bophuthatswana, South Africa

Major-General S J Strydom,
District Commissioner of Police,
Northern Transvaal,
Private Bag X689,
Pretoria 0001, South Africa

Telegrams: District Police Commissioner, Pretoria, South Africa

COPIES TO:

- Sowetan, POB 6663, Johannesburg 2000, South Africa
- Pretoria News, POB 439, Pretoria 0001, South Africa
- The Star, POB 1014, Johannesburg 2000, South Africa
- National Anti-Repression Forum, 208 Darragh House (2nd floor), 13 Wanderers Street, Johannesburg 2001, 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 16 October 1990.