

EXTERNAL (for general distribution)

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Fear for Safety

21 April 1995

SOUTH AFRICA

Mrs Josephinah Msweli (aged 63),
her grandchildren, Sonny (aged 6) and Mmeli (aged 9)
and other members of the Msweli family

Amnesty International is concerned for the safety of members of the Msweli family, following the killing of Musa Msweli and two other men on 20 April 1995, and threats made against other members of the Msweli family by the police during a raid on their home on 18 April 1995.

Around noon on 18 April, a number of armed police officers arrived at the family's home in KwaSokhulu, which is about 40 kilometres from Empangeni, in the KwaZulu Natal North Coast area. The police allegedly pointed guns at Mrs Josephinah Msweli, threatened to kill her, and demanded to know the whereabouts of her son, Musa Msweli, who was a former chairman of the local branch of the African National Congress (ANC). Mrs Msweli fled in fear, leaving behind her two grandchildren, Sonny Msweli and Mmeli Msweli. The police drove away in their vehicles, taking the children with them. Later the same day the children turned up at Mrs Msweli's home. They had allegedly been beaten by the police, before being dropped off in the bush and told to make their own way home.

During the raid the police apparently did not identify themselves by name or rank. Some of them had arrived in a yellow police vehicle, which is used by the South African Police Service (SAPS), and were reported to be white men, wearing blue uniforms. It is not clear whether or not these were officers from the local police station (KwaMbonambi). Other police officers arrived in a green *bakkie* (van) and may have been from the Internal Stability Unit (ISU), which is based in Empangeni.

On 20 April 1995, in circumstances which Amnesty International has not been able to clarify, Musa Msweli was shot dead by police. According to one report Musa Msweli and two other men, Khulekani Nkwanyana and Mbuyiseni Mnguni, were shot dead when the police opened fire on the vehicle in which they were travelling. A fourth man, whose name is not known to Amnesty International, was injured in the incident. A witness who saw the damaged vehicle reported that the windscreen was completely shattered and all the bullet holes were in the front of the car.

BACKGROUND INFORMATION

The Msweli family has been targeted by the police in the past. In December 1992, Warrant Officer Hendrik Steyn, of the Empangeni Murder and Robbery Unit, was sentenced to 18 years' imprisonment by the Durban Supreme Court for the extrajudicial executions of Simon Msweli and another man, Michael Mthethwa, while they were in police custody in August 1992. When delivering sentence Judge Neville Page criticized Steyn's commanding officer and other members of the unit for having tried to obstruct the investigation and prosecution of their colleague for the murders. The victims were members of the ANC and of a local self-defence unit (SDU). The police had alleged that the two men had been involved in criminal activities.

After the imprisonment of Warrant Officer Steyn, the Msweli family were reportedly subjected to further harassment from the police. In 1993, the

family, through their attorney, served a summons on the then Minister of Law and Order, Hernus Kriel, for damages and loss of earnings resulting from Simon Msweli's death. In response the police denied any liability. The civil proceedings are continuing with the matter due to come to court on 14 August 1995.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters:

- expressing alarm at reports that, on 18 April 1995, police officers allegedly pointed weapons at and uttered death threats against members of the Msweli family during a raid on their home in search of Musa Msweli;
- expressing concern that, on 20 April, Musa Msweli and two other men were killed by police near KwaSokhulu, KwaZulu Natal, in circumstances which suggest they were victims of extrajudicial execution;
- expressing dismay that, following the 18 April raid, the police arbitrarily detained two young children, Sonny (6) and Mmeli Msweli (9), for a number of hours afterwards; that the police failed to provide any information to the family or their lawyer regarding the whereabouts of the children or the reasons for their detention, contrary to their obligations under South Africa's Constitution and to international human rights standards;
- calling for a full independent investigation into the circumstances of the death of Musa Msweli and his companions and the conduct of the police involved in the raid on the family's home.

APPEALS TO:

1) Minister of Safety and Security

Mr F S Mufamadi
Private Bag X463
Pretoria 0001
South Africa

Telegrams: Safety/Security Minister, Pretoria, South Africa

Faxes: +27 12 320 5065

Salutation: Dear Minister

2) Commissioner of Police

Commissioner George Fivaz
Police Headquarters
Private Bag X94
Pretoria 0001
South Africa

Telegrams: National Commissioner Police Headquarters, Pretoria, South Africa

Faxes: +27 12 322 2094

Salutation: Dear Commissioner

OR:

3) Commissioner, South African Police Service KwaZulu-Natal

Lieutenant-General Chris Serfontein
PO Box 391, Durban 4000, South Africa

Telegrams: Regional Commissioner, Police Headquarters

Durban South Africa

Faxes: +27 31 321 974

Salutation: Dear Commissioner

4) District Commissioner, South African Police Service

Col du Preez

Private Bag X505

Eshowe 3815

South Africa

Telegrams: District Commissioner, Eshowe Police Station,

Eshowe 3815, South Africa

Faxes: +27 354 42284

COPIES OF YOUR APPEALS TO one or more of the following:

1) Station Commander KwaMbonambi Police Station.

KwaMbonambi

3915, South Africa

2) Natal Monitor

c/o CSDS University of Natal

King George V Ave, Durban 4001

3) ANC North Coast Regional Office

PO Box 7229, Empangeni-Rail 3910, 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 2 June 1995.