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POLITICAL PRISONERS COMMITTEE

19/9/88
26 SEPT 1988

AFRICAN NATIONAL CONGRESS

P.O.Box 38, 28 Penton Street

London N1 9PR, U.K.

Telephone: 01-837 2012 Telex: 299555

19th September, 1988.

TO ALL MISSIONS

The following are matters which we wish to bring to your attention:

1. No apartheid executions!

Enclosed is an updated list of those on death row, together with a statement issued by the ANC Secretary General emphasising the importance of the campaign to stop all apartheid executions and the need to explain and spell out to the international community the extreme violence of the South African regime. The numbers awaiting execution continues to grow and at the present time there are trials taking place which are likely to result in further death sentences.

2. Prisoner of War Status:

There is also a list which indicates those countries which have agreed the Additional Protocols of June 1977 to the Geneva Conventions and which deal with prisoner of war status. If the country which you represent is not on this list please make representations yourself or enlist the help of solidarity organisations in your country to make representations to the relevant quarters to ensure the ratification of the Protocols.

3. Ismail Ebrahim:

A leaflet publicising the campaign and with an ANC statement is also enclosed dealing with the case of Ismail Ebrahim and those on trial with him. It is particularly important to emphasise the kidnapping of Ebrahim from Swaziland and to demand his return to that country. Please copy this leaflet and distribute it as widely as possible in your country.

4. Harry Gwala and Oscar Mpetha:

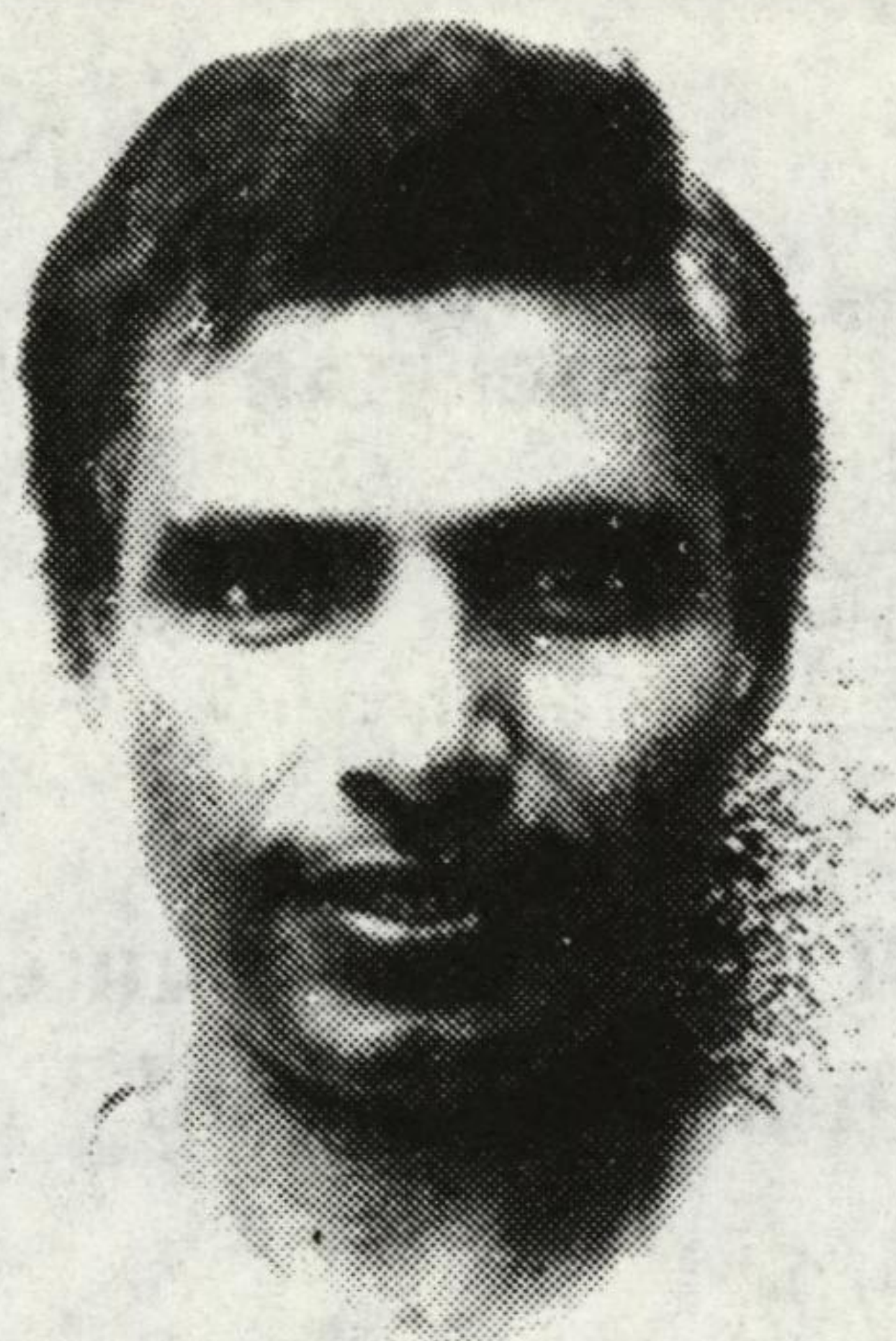
The demand for the unconditional release of these two comrades on humanitarian grounds must continue. Doctors and medical organisations should be enlisted to help. Oscar Mpetha is a diabetic and had a leg amputated. He is 79 years old. Harry Gwala is suffering from motor-neuron disease for which there is no known cure and which results in complete paralysis. Already his one arm is paralysed.

5. Detainees:

We should always emphasise the injurious effects which long periods of solitary confinement produce. Examples of the brutal and inhuman torture to which many detainees are subjected and which can be found in many recent News Briefings should be cited. This will surely increase the call for the release of all detainees, some of which have been detained in solitary confinement for more than two years.

WE DEMAND THE RELEASE OF ALL POLITICAL PRISONERS AND DETAINEES!

CAMPAIGN FOR THE RELEASE OF EBRAHIM ISMAIL EBRAHIM



Ebrahim Ismail Ebrahim, aged 51, a journalist and accountant, is a lifelong political activist. He was imprisoned on Robben Island in 1964 for 15 years for ANC activities.

He was released in 1979. He eventually left South Africa and continued his work for the ANC.

In December 1986 he was kidnapped from Swaziland by agents of the Pretoria regime, held in solitary confinement and subjected to extreme mental torture for six months. Together with Acton Mandla Maseko and Simon Dladla, he was eventually charged with treason — the maximum penalty for which is death — and is presently on trial in Pretoria.

The kidnapping of Ebrahim Ismail Ebrahim, who holds an Indian passport and whose father was born in India, is not the only act of international terrorism committed by Pretoria. At the same time as Ismail was kidnapped in Swaziland, Shadrack Maphumulo, also a former Robben Island prisoner and long-standing ANC member, was kidnapped

and killed. Priscilla Nyanda was subsequently kidnapped from Swaziland and is still in detention.

These examples illustrate the extent to which the South African regime will go to harass and eliminate its opponents. Pretoria violates the territorial integrity of the Frontline States with impunity.

Part of the campaign for the unconditional release of Ebrahim Ismail Ebrahim and his immediate return to Swaziland must be the campaign to further expose Pretoria's state terrorism, and its flagrant violations of international law.

As part of this general campaign we must call for

- An immediate halt to this illegal trial and the release of the three accused.
- The immediate return to Swaziland of Ebrahim and Priscilla Nyanda
- An end to South Africa's kidnapping of its opponents.
- An end to the assassination of ANC activists and innocent nationals of neighbouring countries.

**STOP ILLEGAL TRIALS!
RETURN EBRAHIM TO SWAZILAND!
STOP FASCIST KIDNAPPINGS!**



AFRICAN NATIONAL CONGRESS

OFFICE OF THE SECRETARY GENERAL

PO BOX 31791
Lusaka, Zambia
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Telex: 45390

26 SEPT 1988

ANC Call to the International Community and all Peace and Freedom-loving People

Dear Friends,

The National Executive Committee of the ANC appeals to you to campaign for the release of Ebrahim Ismail Ebrahim and his comrades.

In a flagrant violation of international law, Ismail Ebrahim, a senior member of the ANC who has served 15 years on Robben Island, was kidnapped by agents of Pretoria from Swaziland in December 1986. Subjected to six months' solitary confinement, interrogation and mental torture, he was ultimately charged with high treason with Comrades Acton Mandla Maseko and Simon Dladla.

We urge you to participate in the campaign and focus on:

- The Pretoria regime's illegal kidnapping of Ismail Ebrahim from Swaziland, and the demand for his immediate, unconditional return to Swaziland.
- Publicising this criminal violation of international law, and ensuring the government in your country, the political parties, trade unions, solidarity groups etc urgently take up this campaign.

We wish to stress the importance and urgency of this campaign, and ask you to act without delay.

We count on your support, and have every confidence that you will respond to our call. The terrorism perpetrated by the Pretoria regime, both inside South Africa and internationally, must be stopped.

Stop Illegal Trials! Return Ebrahim to Swaziland!
Stop Fascist Kidnappings! Amandla! Matla!

Yours in struggle,

Alfred Nzo
Secretary General, ANC
8th September, 1988

26 SEPT. 1988

The apartheid regime does not rule by consent, but by force of arms and monstrous violence. It uses its armed police to enforce its laws and threaten the people; to resettle whole communities, against their will, in areas where they cannot eke out a living, and to guard the mines where black workers live and work. For years now, armed policemen and soldiers have been driving through the streets of black townships, shooting indiscriminately; men, women, children, even babies, have been injured and killed in this way. Funerals of the victims lead to more deaths, as police fire on the mourners.

Apartheid rule uses violence in an effort to intimidate or eliminate its political opponents. Some die when their houses are set alight; some are found murdered and mutilated; some disappear. Some are arrested, detained and tortured, and many horrifying forms of torture are on record. Ultimately, it hangs them - and witnesses in these cases are themselves tortured or threatened with death if they are reluctant to give the evidence that is required of them.

Our people regard this regime as illegal. As a minority regime, it has no right to rule, no right to make laws or to enforce them, no right at all to sentence people to death. The majority of people in the country had no say in electing the legislative bodies, and so the majority have every right to resist the oppression imposed on them.

Since Solomon Mahlangu in April 1979, at least 16 people have been hanged because they offered physical resistance to the physical violence used against the majority of the South African people, and at present at least 60 others are awaiting execution. Some of these are soldiers of Umkhonto We Sizwe, the people's army, and are therefore entitled to prisoner of war status under the Geneva agreement. Some are political activists, some are ordinary citizens, who were caught up in a situation where violence erupted. The regime has no right to hang any of them.

We urge you to intercede in an effort to prevent this further slaughter. We urge governments everywhere, international and national organisations, individuals, to exert all their influence to put an end to apartheid executions.

(signed) Alfred Nzo, ANC Secretary-General, 9.9.88

AFRICAN NATIONAL CONGRESS (SOUTH AFRICA)
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Additional Protocols of 8 June 1977 *

Modifications to ratifications and accessions between 1.1.1987 and 30.4.1987

26 SEPT. 1988

FINLAND:	Withdrawal of reservation to Article 75, paragraph 4 (i), Protocol I, 16.2.1987
BELGIUM:	Declaration in accordance with Article 90, Protocol I **, 27.3.1987
ICELAND:	Ratification of both Additional Protocols, 10.4.1987, with reservation to Article 75, paragraph 4 (h), Protocol I, and a declaration in accordance with Article 90, Additional Protocol I

* A State may become party to the Additional Protocols of 8 June 1977 only if it is, or at the same time becomes, party to the Geneva Conventions of 12 August 1949.

REMARKS

A State may express its consent to be bound by a treaty in one of three ways:

- by its signature, followed by ratification,
- by accession,
- by a declaration of succession.

It then becomes a *State party* to the treaty.

Signature and ratification: by its *signature*, a State undertakes to study a treaty. A treaty is usually open to signature for a certain time after its adoption—by a diplomatic conference, for example.

By *ratification*, a State expresses its consent to be bound by a treaty which it has previously signed.

Accession: a State which is not signatory to a treaty may accede to it. The legal effect of accession is the same as that of signature followed by ratification.

Declaration of succession: a newly independent State may declare that it will continue to be bound by a treaty which was applicable to it prior to its independence.

Declarations or reservations: such indications mean that the official act of ratification or accession is accompanied by declarations or reservations.

**** Declaration in accordance with Article 90, Additional Protocol I:** By this declaration a State recognises the competence of the International Fact-Finding Commission provided for in this article. This declaration may be made at the same time as ratification or accession or at a later date. These declarations are mentioned overleaf. (See Note 3.)

TOTALS

I. TOTAL NUMBER OF STATES 171

II. NUMBER OF STATES MEMBERS OF THE UNITED NATIONS 159

III. GENEVA CONVENTIONS OF 12 AUGUST 1949:

1. 61 Signatory States (all of which subsequently ratified).
2. 165 States party to the Conventions (61 ratifications, 64 accessions and 40 declarations of succession).

IV. ADDITIONAL PROTOCOLS OF 8 JUNE 1977:

A. PROTOCOL I:

1. 62 Signatory States.
2. 67 States party to Protocol I (23 ratifications and 44 accessions).
3. 9 declarations in accordance with Article 90.

B. PROTOCOL II:

1. 58 Signatory States.
2. 61 States party to Protocol II (21 ratifications and 40 accessions).

States not party to the Geneva Conventions of 1949 on 30.4.1987

Bhutan	(UN)	Kiribati *	
Brunei *	(UN)	Maldives	(UN)
Burma **	(UN)	Nauru	

Total: 6 (4 States members of the United Nations (UN), 2 non-members).

* States in which the 1949 Geneva Conventions are applicable by virtue of a provisional declaration of application of the treaties.

** Party to the 1929 Geneva Conventions (sick and wounded; prisoners of war).

Alphabetical list of States party to the Additional Protocols on 31.12.1986

PROTOCOL I	DATE (1)	R/A (2)	PROTOCOL II
46. Angola	(20. 9.1984 - A)		55. Antigua and Barbuda
62. Antigua and Barbuda	(6.10.1986 - A)		59. Argentina
66. Argentina	(26.11.1986 - A)		22. Austria
25. Austria (3)	(13. 8.1982 - R)		13. Bahamas
14. Bahamas	(10. 4.1980 - A)		58. Bahrain
65. Bahrain	(30.10.1986 - A)		15. Bangladesh
16. Bangladesh	(8. 9.1980 - A)		51. Belgium
58. Belgium	(20. 5.1986 - R)		36. Belize
42. Belize	(29. 6.1984 - A)		52. Benin
59. Benin	(28. 5.1986 - A)		30. Bolivia
37. Bolivia	(8.12.1983 - A)		6. Botswana
6. Botswana	(23. 5.1979 - A)		33. Cameroon
39. Cameroon	(16. 3.1984 - A)		38. Central African Republic
44. Central African Republic	(17. 7.1984 - A)		27. China
33. China	(14. 9.1983 - A)		45. Comoros
52. Comoros	(21.11.1985 - A)		29. Congo
35. Congo	(10.11.1983 - A)		31. Costa Rica
38. Costa Rica	(15.12.1983 - A)		
27. Cuba	(25.11.1982 - A)		
7. Cyprus	(1. 6.1979 - R)		21. Denmark
24. Denmark (3)	(17. 6.1982 - R)		4. Ecuador
4. Ecuador	(10. 4.1979 - R)		3. El Salvador
3. El Salvador	(23.11.1978 - R)		53. Equatorial Guinea
60. Equatorial Guinea	(24. 7.1986 - A)		14. Finland
15. Finland (3)	(7. 8.1980 - R)		32. France
	(24. 2.1984 - B)		12. Gabon
13. Gabon	(8. 4.1980 - B)		1. Ghana
1. Ghana	(28. 2.1978 - R)		37. Guinea
43. Guinea	(11. 7.1984 - B)		57. Guinea-Bissau
64. Guinea-Bissau	(21.10.1986 - B)		46. Holy See
53. Holy See	(21.11.1985 - R)		61. Iceland
67. Iceland	(10. 4.1987 - R)		50. Italy
57. Italy (3)	(27. 2.1986 - R)		54. Jamaica
61. Jamaica	(29. 7.1986 - A)		5. Jordan
5. Jordan	(1. 5.1979 - R)		18. Korea (Rep.)
20. Korea (Rep.)	(15. 1.1982 - R)		42. Kuwait
49. Kuwait	(17. 1.1985 - A)		16. Laos
17. Laos	(18.11.1980 - R)		2. Libya
2. Libya	(7. 6.1978 - A)		11. Mauritania
12. Mauritania	(14. 3.1980 - A)		20. Mauritius
22. Mauritius	(22. 3.1982 - A)		
30. Mexico	(10. 3.1983 - A)		
31. Mozambique	(14. 3.1983 - A)		28. Namibia
34. Namibia	(18.10.1983 - A)		7. Niger
8. Niger	(8. 6.1979 - R)		17. Norway
19. Norway (3)	(14.12.1981 - R)		34. Oman
40. Oman	(29. 3.1984 - A)		60. Philippines
	(11.12.1986 - A)		41. Rwanda
48. Rwanda	(19.11.1984 - A)		49. Saint Christopher and Nevis
56. Saint Christopher and Nevis	(14.02.1986 - A)		23. Saint Lucia
26. Saint Lucia	(7.10.1982 - A)		26. Saint Vincent and the Grenadines
32. Saint Vincent and the Grenadines	(8. 4.1983 - A)		44. Senegal
51. Senegal	(7. 5.1985 - R)		40. Seychelles
47. Seychelles	(8.11.1984 - A)		56. Sierra Leone
63. Sierra Leone	(21.10.1986 - A)		48. Suriname
55. Suriname	(16.12.1985 - A)		10. Sweden
11. Sweden (3)	(31. 8.1979 - R)		19. Switzerland
21. Switzerland (3)	(17. 2.1982 - R)		
36. Syria	(14.11.1983 - A)		24. Tanzania
28. Tanzania	(15. 2.1983 - A)		35. Togo
41. Togo	(21. 6.1984 - R)		9. Tunisia
10. Tunisia	(9. 8.1979 - R)		25. United Arab Emirates
29. United Arab Emirates	(9. 3.1983 - A)		47. Uruguay
54. Uruguay	(13.12.1985 - A)		43. Vanuatu
50. Vanuatu	(28. 2.1985 - A)		
18. Viet Nam	(19.10.1981 - R)		39. Western Samoa
45. Western Samoa	(23. 8.1984 - A)		8. Yugoslavia
9. Yugoslavia	(11. 6.1979 - R)		
23. Zaire	(3. 6.1982 - A)		

(1) Date when instrument of ratification/accession was deposited.
(2) R: Ratification. A: Accession.
(3) Declaration provided for under Article 90 of Protocol I.

The numbers preceding the names of the countries show the chronological order of ratification or accession.

PEOPLE CURRENTLY UNDER SENTENCE OF DEATH IN SOUTH AFRICA September 1988

Mojalefa Reginald SEFATSA (30)

Reid Malebo MOKOENA (22)

Oupa Moses DINISO (30)

Theresa RAMASHAMOLA (24)

Duma Joshua KHUMALO (26)

Francis Don MOKHESI (29)

(The Sharpeville Six)

Sentenced to death in December 1985 in the Pretoria Supreme Court by Justice W.J. Human. Appeal rejected in December 1987. Convicted of murder following the death of a Lekoa councillor who was killed on the first day of the Vaal uprising, 3 September 1984, during a mass protest against rents increases. Petition for clemency rejected by President Botha, March 1988. Granted stay of execution to apply for re-opening of trial to hear new evidence.

* * *

Dickson MADIKANE (26)

Desmond MAJOLA (27)

Patrick MANGINDA (23)

Sentenced to death in September 1986 in the Cape Town Supreme Court by Justice AJ Lategan. Convicted of murder following the killing of a councillor by a crowd of over a hundred in Bridgton, Oudtshoorn in November 1985. Granted leave to appeal.

* * *

Daniel MALEKE (19)

Josiah TSAWANE (29)

Sentenced to death in September 1986, in the Vanderbijlpark Circuit Court by Justice H P van Dyk. Convicted of murder for killing a policeman held responsible for the arrest of COSAS members including Tsawane's brother. Appeal due to be heard 2 September 1988.

* * *

Paul Tefo SETLABA (22)

Sentenced to death in December 1986, Colesberg Circuit Court. Convicted of murder following the death of a suspected police informer in October 1985. She was killed during severe police repression of a consumer boycott in Colesberg. Execution date set for 10 June 1988, but granted a two-month stay of execution to petition the State President for clemency.

* * *

Similo Lennox WONCI (21)

Mziwoxolo Christopher MAKELENI (22)

Ndumiso Silo SIPHENUKA (25)

Mackezwana MENZE (40)

Members of the Addo Youth Congress, sentenced to death in January 1987, in the Port Elizabeth Supreme Court by Justice Kroon. Convicted of murder for allegedly killing a farmer and his wife in Kirkwood in June 1985. Petition for clemency presently with President Botha.

* * *

Robert John McBRIDE (23)

ANC combatant, sentenced to death in April 1987 in the Pietermaritzburg Supreme Court by Justice Douglas Shearer. Convicted of the murder of three women killed in a car bomb explosion at Marine Parade, Durban, in June 1986. McBride said he had planted the bomb to protest at the State of Emergency imposed two days earlier with thousands of detentions. Appeal turned down, March 1988. Petition for clemency submitted, June 1988.

* * *

Daisy MODISE (25)

Thomas CHAUKE (27)

Johannes TSHABALALA (18)

Sentenced to death in the Temba court of the Bophuthatswana bantustan in May 1987. The three are members of the Stinkwater Youth Organisation who allegedly participated in 'people's courts and necklacings'. No further details. Appeal thought to be pending.

* * *

Tjeluvuyo MGEDEZI (28)

Solomon Mangaliso NONGWATI (38)

Paulos Tsietsi TSEHLANA (38)

Members of the National Union of Mineworkers (NUM), sentenced to death in May 1987 in the Klerksdorp Circuit Court by Justice J J Strydom. Convicted of murder for the killing of four team leaders at the Vaal Reefs gold mine in February 1986. Appeal due 12 September 1988.

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Mzwandile GQEBA (22)

Lundi WANA (20)

Thembinkosi PRESSFEET (30)

Mzwandile Roro MNINZI (27)

Monde Trevor TINGWE (23)

Wantu SALINGA (27) : Died in prison, early 1988

Sentenced to death in June 1987 in the Supreme Court sitting in Port Alfred. Convicted of murder for the killing in Queenstown in December 1985 of a woman accused of fraternising with the police. She was killed shortly after police shot dead 14 people attending a meeting in the local Methodist Church. Granted leave to appeal October 1987.

* * *

Bekisizwe Philip NGIDI (19)

Sentenced to death in May or June 1987, in the Rand Supreme Court, by Justice T. Spoelstra. Convicted of murder after a policeman was killed a crowd in April 1986. Ngidi was a secondary school pupil in Soweto when arrested. Appeal to be heard 23 August 1988.

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Sibusiso Senele MASUKU (22)

Oupa Josias MBONANE (21)

Sentenced to death in August 1987 in the Pretoria Supreme Court by Justice Human. Convicted of murder for the alleged killing of a policeman in Soshanguve in February 1986. Masuku was already serving a 10 year sentence imposed earlier in the year for participation in the ANC's armed struggle

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Joseph CHIDI (23)

Sentenced to death by Justice le Grange in the Rand Supreme Court in September 1987. Convicted of murder for the killing of a councillor in Tembisa in May 1986.

* * *

Vuyisile GONI

Member of the Port Elizabeth Youth Congress sentenced to death by Justice Mullins in the Supreme Court sitting in New Brighton in September 1987. Convicted of a killing in Walmer in November 1985.

* * *

Nico Ledube MNYAMANA (31)
Menzi TAFANE (21)

Sentenced by Justice Solomon in the Port Elizabeth Supreme Court in September 1987 for a killing in Burgersdorp in January 1986. Convicted on the evidence of two unnamed state witnesses who were indemnified from prosecution and whom the defence stated had been offered money by the police to implicate them. Leave to appeal granted.

* * *

Miki YELANI (21)

Sentenced in September 1987 in the Grahamstown Supreme Court by Justice Kannemeyer. Convicted of murder for his role in the death of an arsonist in Uitenhage in April 1985. Yelani took no part in the actual killing but was accused of 'presiding' over a meeting some days previously at which the man was 'condemned'. Leave to appeal granted.

* * *

Mxolisi MALGAS (38)
Michael MAMBUKWE (28)
Lulamile MANELI (27)

Sentenced in October 1987 by Justice Beckley in the Grahamstown Supreme Court. Convicted of murder (by 'common purpose') for attending a meeting in December 1985 at which it was allegedly decided to set fire to a house in Stutterheim. Three women later died in a fire, but the men took no part in this action. Leave to appeal granted.

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Johannes MOSEKI (23)

Sentenced in October 1987 in the Rand Supreme Court by Justice Irving Steyn. Convicted of killing a policeman in Tembisa in March 1986. Application to appeal rejected by Appeal Court, March 1988.

* * *

Thembiseli BANETI (35)

Sentenced in November 1987 in Ciskei (bantustan) Supreme Court. Convicted of killing a suspected Port Elizabeth vigilante in July 1986.

* * *

Gilindoda Norman GXEKWA (22)

Member of the Uitenhage Youth Congress sentenced to death three times in three separate trials between August 1987 and March 1988. First sentenced by Justice T M Mullins in the Supreme Court in New Brighton for killing a suspected informer in Uitenhage in the aftermath of the police massacre there in March 1985.

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Gilindoda Norman GXEKWA (22)

Xolani Moses STUURMAN (25)

Vuyani Petrus JACOBS (19)

Gxekwa was sentenced again, with two others, in the Port Elizabeth Supreme Court in February 1988 by Justice Solomon for killing an alleged police informer in December 1985 in Uitenhage. Both Gxekwa and Stuurman were assaulted and tortured with electric shocks. Gxekwa was found to have 'closely associated' himself, though not actively participated in, the fatal attack.

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Gilindoda Norman GXEKWA (22)

Vuyani Petrus JACOBS (19)

Mthetheleli LUCAS (24)

Tozamile MOOI (27)

Gxekwa and Jacobs with two others were sentenced by Justice van Rensburg in the Grahamstown Supreme Court in March 1988 for killing a suspected police collaborator in Uitenhage in October 1985. The conviction of Lucas and Mooi was on the basis of 'common purpose'. Only Mooi granted leave to appeal.

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Rodney MOLOI (24)

Stanford LEBEPE (24)

From Tembisa, sentenced in March 1988 after being convicted of killing a municipal policeman.

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Mthetheleli Zephania MNCUBE (27)

Mzondeleli Euclid NONDULA (24)

ANC combatants sentenced by Justice J P O de Villiers in the Circuit Court sitting in Messina in May 1988. Convicted of murder for causing landmine explosions. Mncube was also charged with killing two policemen while escaping from custody. Granted leave to appeal.

* * *

Mandla MNGOMEZULU (25)

Sentenced in May 1988 by Justice Galgut in the Supreme Court sitting in Stanger. Mngomezulu, an ANC member reportedly picked up in Swaziland,

was convicted of killing a suspected police informer in May 1987.

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Sipho GONYA (18)

Phutumile DLABATHI (18)

Sentenced in July 1988 by Acting Justice Grobbelaar in the Supreme Court in Port Alfred. Convicted of murder for killing a suspected police informer in Duncan Village in October 1985.

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Stanford Muzua Wugatshiswe NGUBO (26)

JOHANNES Mbuti BUTHELEZI (46)

Bethwell SABELO (39)

Vusumuzi KHUZWAYO (29)

Sentenced to death in August 1988 by Justice van Heerden in the Durban Supreme Court. The four, three of whom were bus drivers, were convicted of murder for killing a bus driver who refused to join a strike.