

MCH91-28-1-50

AFRICAN NATIONAL CONGRESS

Western Cape Region

ANC Western Cape

PRESS STATEMENT



PO Box 13123, Sir Lowry Rd, 7900

1st Floor, Locarno House,
228 Victoria Road, Woodstock

Tel: 021 - 448 5651

Fax: 021 - 448 5646

4 February 1992

Re: TRIAL OF MK CADRE FUMANEKILE BOOI

Fumanekile Booi, Umkhonto we Sizwe member, was arrested on the afternoon of Thursday 30 January at a road block in Nyanga. Mr Booi is currently being charged with the killing of a policeman in July 1990 and the illegal possession of a firearm. His application for bail is being opposed by the State in the Wynberg Regional Court.

The ANC strongly condemns the charging by the State of Mr Booi and their attempt to deny him bail. The state has no problem with bail being granted to those responsible for massacres on trains, but consistently opposes bail applications by members of Umkhonto we Sizwe, who are no longer engaged in any military activity.

Mr Booi's bail application is being opposed on the grounds that he supposedly has no fixed address. However, Mr Booi's family are well known residents of New Crossroads.

Immediately after his arrest Mr Booi asked for access to his lawyer. He was not allowed to see his lawyer by police at Nyanga Police Station, where he was being held. Mr Booi was only allowed to see his lawyer on Friday. The police then insisted that he could only see his lawyer for three minutes. He was then refused access to his lawyer on Saturday, and again allowed to see him on Sunday.

After his arrest Mr Booi was not given any food for more than a day, was repeatedly threatened by policemen and forced to stand naked while being interrogated for over two hours.

This inhuman treatment and the flagrant denial by the police of Mr Booi's basic rights is not only illegal, but harks back to worst days of apartheid when the police used all powers, legal and illegal, to destroy the ANC. The ANC sees it as no coincidence that the investigating officer in this case is Warrant Officer Steenkamp, who became infamous as one of the Cape's most brutal Security Policemen.

The ANC demands an immediate explanation from the SAP for the denial of Mr Booi's legal rights at a time when the government so glibly talks about its commitment to the rule of law.

The murder of the policeman for which Mr Booi is being charged, occurred in July 1990, three months before the cut off date for indemnity under the Pretoria Minute. Mr Booi has already received indemnity for undergoing military training and leaving the country illegally. It is unlikely that any further application by Mr Booi for indemnity will be refused.

Yet the State continues to insist that the killing of policemen is an ordinary criminal offense. Mr Booi is a known member of Umkhonto we Sizwe. At the time at which the policeman died, Umkhonto we Sizwe was engaged in a war against the apartheid government and its police. The attack took place before the suspension of the armed struggle by the ANC. Clearly, the offense for which Booi is being charged is political and falls into the terms of the agreement between the government and the United Nations High Commissioner for Refugees, which guarantees immunity from prosecution for returning political refugees.

Issued by: **Mziwonke Jacobs, Publicity Secretary (25 3844 code 6470)**
For more information: **Rose Campbell 448 5651**