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PUBLIC STATEMENT

South Africa: No impunity for perpetrators of human rights abuses

Amnesty International supports the call for perpetrators of human rights violations and abuses to be brought to justice, which was made by civil society organizations in reaction to recent comments by the South African Human Rights Commission chairperson, Dr Barney Pitso Motsepe.

Amnesty International continues to receive information about new human rights abuses in South Africa allegedly perpetrated by those linked to past human rights crimes. Some of these perpetrators are still in positions of authority.

The Promotion of National Unity and Reconciliation Act, which established the Truth and Reconciliation Commission (TRC), generously provided for amnesties which, in certain respects, conflicted with the country's obligations under international human rights treaties to which South Africa is party. The amnesties were justified as necessary for the securing of political peace. The deadlines also were generously extended and the TRC's Amnesty Committee continues to adjudicate applications.

Amnesty International accepts that the conditionality and specificity of the amnesty process allowed the TRC to make factual discoveries and that open proceedings have allowed survivors of human rights abuses or their relatives to

attend and oppose the applications. However, the survivors and relatives often felt aggrieved at the latitude granted to self-confessed perpetrators.

Amnesty International is concerned that a legislated general amnesty, or a blanket amnesty by default, whether for KwaZulu Natal or at a national level, continues to remain an open option. The TRC, in its October 1998 report, rightly and emphatically took a stand against such an option "in order to avoid a culture of impunity and to entrench the rule of law".

South Africa faces an appallingly high ordinary crime rate which places an intolerable burden on a fragile criminal justice system, as Dr. Pityana noted. Amnesty International has supported efforts to improve the capacity and effectiveness of the system, including through the establishment of investigative directorates on political violence and organized crime under the authority of the National Director of Public Prosecutions (NDPP).

The Office of the NDPP is charged with the responsibility to investigate cases referred to it by the TRC. Certain investigations into past alleged human rights crimes with a continuing impact on the present are already underway, with a view to bringing the perpetrators to justice. Amnesty International calls upon the government to ensure that this work will continue as part of a wider process of entrenching a culture of accountability and respect for human rights.

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