

EXTERNAL (for general distribution)

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Death penalty

23 March 1992

SOUTH AFRICA

Seventeen people under sentence of death (names not known to Amnesty International)

Seventeen people under sentence of death in South Africa are in danger of execution following a government announcement on 22 March 1992 that it had decided not to commute their death sentences. According to the statement from the Ministry of Justice, 310 convicted persons are currently on death row after a very lengthy process of review. State President De Klerk has decided to commute the death sentences of 19 named individuals. The statement continues: "It has also been decided not to commute the sentences of a number of convicted persons in respect of the most extreme cases (seventeen), and in respect of these cases the law will take its normal course." The identities of the 17 condemned prisoners have not been disclosed.

This announcement, with reports suggesting that the execution of 17 prisoners is imminent, provoked considerable publicity and condemnation in South Africa, partly because the government's representatives are currently involved in negotiations with other parties over a new constitution. The new constitution is likely to include severe restrictions on the use of the death penalty, if not outright abolition. Many of the parties involved in the negotiation process, including the African National Congress, believe that the death penalty should be abolished. Possibly as a consequence of the public condemnation of its decision, the government at noon on 23 March issued a further statement which said: "In view of the various inquiries and speculation it is again stressed in terms of South African Law, no executions take place before persons concerned have been officially notified. No such notices have been served in respect of the seventeen persons referred to in the media. The only decisions taken were not to commute the death penalties in respect of the seventeen persons and to commute the death penalties in respect of nineteen persons." There was no reference in the statement to the scheduling of the executions of the 17 prisoners.

No executions have taken place in South Africa since November 1989, with the exception of two executions in February 1991 in the nominally independent "homeland" of Venda. Executions in Pretoria were suspended as a result of a moratorium put in place in February 1990 while a review and amendment of death penalty legislation was carried out. The moratorium technically ended when new legislation was adopted in July 1990, but executions have effectively remained suspended while death sentences imposed under the previous legislation were reviewed under a complex and prolonged closed-door judicial process. The authorities announced on 22 March 1992 that the review had been completed in November 1991.

Amnesty International is concerned that the 17 prisoners referred to by the Ministry of Justice in its announcement on 22 March 1992 may be in danger of execution in the near future, now that they have apparently exhausted all legal remedies available to them. Amnesty International is opposed to the death penalty in all cases, believing it to be a violation of the right to life and a cruel and inhuman punishment. Amnesty International urges the

South African government to commute the death sentences of the 17 prisoners now facing possible execution and of all other prisoners still under sentence of death.

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

- appealing to the authorities to urgently reconsider granting clemency to the 17 prisoners whose death sentences have been confirmed according to a Ministry of Justice announcement of 22 March 1992;

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- urging the authorities to grant clemency to all prisoners under sentence of death in South Africa, regardless of whether they have exhausted all legal remedies available to them;

- expressing Amnesty International's total opposition to the death penalty in all cases, as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment, as proclaimed in the Universal Declaration on Human Rights.

APPEALS TO

1) Mr F W De Klerk
State President
State President's Office
Private Bag X83
Pretoria 0001, South Africa

Dear President

Telegrams: President De Klerk, Pretoria, South Africa
Telexes: 321695 SPLIB SA, 321890 PRES SA or 322158 PRES SA
Faxes: + 27 12 323 3982

2) Mr H J Coetsee
Minister of Justice
Department of Justice
Private Bag X276
Pretoria 0001, South Africa

Dear Minister

Telegrams: Justice Minister, Pretoria, South Africa
Telexes: 322139 JUST SA
Faxes: + 27 12 326 0991

3) Mr R F Botha
Minister of Foreign Affairs
Department of Foreign Affairs
Private Bag X152
Pretoria 0001, South Africa

Dear Minister

Telegrams: Foreign Minister, Pretoria, South Africa
Telexes: 0959 350060 EXTERN TTX SA
Faxes: + 27 12 323 1664

COPIES OF YOUR APPEALS TO AT LEAST ONE OF THE FOLLOWING:

1) The Editor
The Star
POB 1014
Johannesburg 2000, South Africa

Johannesburg, South Africa

3) South African Press Association
PO Box 7766
Johannesburg 2000, South Africa

2) The Editor
City Press
POB 3413

4) Lawyers for Human Rights
713 Van Erkom Building

Pretorius Street
Pretoria 0002, South Africa

5) Society for the Abolition of the Death
Penalty in South Africa
c/o Centre for Applied Legal Studies
University of the Witwatersrand
Johannesburg, PO Wits 2050
South Africa

6) The African National Congress
Legal and Constitutional Affairs Department
PO Box 61884, Marshalltown 2307
Johannesburg
South Africa

7) General Secretary's Office
South African Council of Churches
PO Box 4921, Johannesburg 2000
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 4 May 1992.