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South Africa: Government should compensate victims of the past and end impunity **Joint statement by Amnesty International and Human Rights Watch**

New York/ London: The South African government should urgently implement outstanding recommendations made by the Truth and Reconciliation Commission (TRC), Amnesty International and Human Rights Watch said in a briefing paper released today.

"President Thabo Mbeki should use the opening of the 2003 parliamentary session tomorrow to announce a program of reparations for victims and to renounce any possibility of a further amnesty," the organizations urged.

In their briefing paper, *Truth and Justice: Unfinished Business in South Africa*, the two organizations also called on the South African government to ensure swift public release of the two outstanding volumes of the TRC's report and to strengthen the unit responsible for prosecutions of apartheid-era crimes.

"There can be no further justification for the government to delay implementing a reparations program, as has been urged for so long by civil society organizations in South Africa," Amnesty International and Human Rights Watch said.

"Though they can't undo the past, reparations form an important acknowledgement to victims of what happened - especially since so many who committed abuses have been granted immunity from prosecution."

In addition, the participation of victims of human rights abuses in the TRC process was critical for the integrity and credibility of this experiment in addressing past human rights abuses, Amnesty International and Human Rights Watch pointed out. Many of the victims, furthermore, had come to the Commission in urgent need of financial help.

There are also clear international obligations for states to provide reparations, including restitution, compensation and rehabilitation, for victims of gross violations of human rights," the organizations said

Continuing political violence in KwaZulu-Natal province and the persistence of police abuses highlight the need to combat impunity in South Africa.

"The arguments used during South Africa's transition to justify granting immunity from

prosecution are no longer applicable," Human Rights Watch and Amnesty International said, in reference to recent discussions that the government might grant an extension to the limited amnesty which had been allowed for through the TRC process.

"Rather than granting further amnesties, South Africa should strengthen its efforts to bring human rights violators to justice," said the organizations. "Those who chose not to apply to the TRC should not have the opportunity of a second bite at the cherry."

"After the end of apartheid, some people argued that South Africa's transition was too fragile to withstand a raft of prosecutions against human rights abusers. Those arguments no longer apply, if they ever did," they added.

Both Human Rights Watch and Amnesty International urged the government to increase the capacity and resources of the national prosecuting authority's special prosecution unit dedicated to following up cases referred from the TRC.

Background

The TRC was established following the election of South Africa's first democratic government in 1994. It was charged with preparing a record of gross violations of human rights committed during "the conflicts of the past" (dating back to 1960), making recommendations including for the granting of reparations to the victims, and granting amnesty in respect of "acts associated with political objectives" to individual applicants who made full disclosure of what they had done.

The TRC published a five-volume report in 1998, which included extensive findings and recommendations and identified more than 20,000 victims of human rights violations. Though there has been progress on many of the non-monetary recommendations, the proposed financial compensation remains largely outstanding. A few prosecutions of former security force personnel for apartheid-era crimes have taken place, but there were significant failures in some of these trials.

Two additional volumes of the report, which would among other things provide a more complete list of victims, were completed in 2002, but a court case brought by the Inkatha Freedom Party (IFP) against the TRC has delayed publication for almost a year. The IFP was seeking amendments to the TRC's findings that it had been responsible for gross human rights violations. On 29 January 2003, the court case was settled, with the agreement of the TRC to minor changes in the report but leaving the core findings intact, removing the final obstacle to publication and to implementation of a program of reparations.

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