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South Africa: Mengistu -- the opportunity for justice must not be lost

The South African government must carry out a thorough and prompt investigation into allegations that Mengistu Haile-Mariam, the former Ethiopian head of state, is responsible for crimes against humanity, Amnesty International said today.

"For too long Mengistu Haile-Miriam -- who is currently resident in South Africa -- has escaped accountability for the horrific crimes that were carried out under his leadership."

"The South African government must not let slip the opportunity to see justice done," the human rights organization added.

In a letter sent to the South African government last Friday, Amnesty International welcomed reports that the government has referred the issue of possible prosecution or extradition of Mengistu Haile-Mariam to the National Director of Public Prosecutions. Domestic and international non-governmental organizations have been calling for action by the government.

"Following the landmark decision in the UK against Augusto Pinochet, this is a further warning by the international community to all alleged perpetrators of human rights violations that they will not be allowed to escape being brought before a court to determine their accountability."

Under national and international law, South Africa has an obligation to ensure that Mengistu Haile-Mariam remains in the country while an investigation into his alleged crimes are conducted.

If the investigation concludes that there is sufficient evidence implicating him, then the authorities must either commence prosecution or extradite him to a state which will try him in accordance with international fair trial standards and which will not impose the death penalty.

The human rights organization is concerned however that recent South African press reports have quoted a Foreign Ministry spokesman asserting that the government is not able to extradite Mengistu Haile-Mariam because he is a refugee and therefore has the right to remain in the country for medical treatment.

"However, the United Nations and Organization of African Unity refugee conventions -- to which South Africa is a party -- categorically exclude anyone seriously considered to have committed crimes against humanity, amongst other crimes, from being accorded refugee status," the organization stressed.

In light of the positive stance at the international level that South Africa has taken in supporting moves to bring perpetrators of grave crimes to justice -- for example at the International Criminal Tribunal for Rwanda and through the establishment of the International

Criminal Court -- Amnesty International urges the government to fulfil its obligations and ensure that justice is carried out in this specific case.

Background

Between 1974 and 1991, Lieutenant-Colonel Mengistu Haile-Mariam was chairman of the Dergue -- Ethiopia's military government -- and subsequently became head of state. During this period, tens of thousands of political opponents were killed, in particular during the "Red Terror" campaign of 1977-1978. Hundreds of thousands of government opponents, including members of the Oromo ethnic group, former Imperial Government officials, student marxists, and peaceful critics were arbitrarily imprisoned. Torture of political prisoners was systematic and widespread.

Since 1995 Mengistu Haile-Mariam has been on trial *in absentia* in Ethiopia for charges relating to crimes against humanity, including acts of genocide, unlawful killings, acts of torture and "disappearances" which took place between 1974-1991. The trials of 45 former members of the Dergue are still continuing in Ethiopia. A further 22 former members are being tried *in absentia*.

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