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SOUTH AFRICA: REFORMS PROMISE SOLID FOUNDATION FOR A NEW SOCIETY
BASED ON HUMAN RIGHTS BUT QUESTIONS REMAIN ON OTHER ISSUES

CAPE TOWN -- Reforms such as in arms trade and police accountability promise a solid foundation for a new South African society, according to an Amnesty International delegation concluding a three-week visit.

However, serious concerns remain about the place of human rights in foreign policy and about continuous political violence in KwaZulu Natal, the delegation said in a press conference held today in Cape Town, South Africa.

"If the intended human rights reforms are carried out, South Africa could become a leading light on the African continent -- and in the world -- on human rights," said Amnesty International's Secretary General, Mr Pierre Sané.

During the visit that featured high-level discussions with government officials, parliamentary and political leaders, as well as exchanges with non-governmental organizations and the victims of human rights violations, Amnesty International has tried to learn more about six major areas of concern.

Foreign Policy

"South Africa lacks a clear vision of how the principles and commitment to human rights will inform and shape its foreign policy, although those principles and commitments are integral to its constitution," Mr Sané said.

The delegation has raised directly with the government a number of foreign policy issues, including the then-impending execution of Nigerian human rights activist Ken Saro-Wiwa and eight others who had been sentenced to death.

"Civil society in South Africa should demand greater accountability in foreign affairs to ensure that the values that bind together the new South African society permeate its international relations," Mr Sané said.

In that respect, Amnesty International believes that it would be helpful to have a "white paper" on foreign policy, with a clear indication of the place and role of international human rights protection and promotion. Such a document would draw debate from all sectors of society and set the policy for future international relations.

In another concern related to South Africa's foreign policy, Amnesty International regrets that the government has not yet ratified core international human rights treaties, including the International Covenant on Civil and Political Rights and its two optional protocols; the International Covenant on Economic, Social and Cultural Rights; the Convention Against Torture; and the African Charter on Human and Peoples Rights.

The human rights organization calls on the Government of South Africa to ratify those core human rights treaties by 1996.

Arms Trade

Amnesty International welcomed the government's ready commitment to conduct an effective and independent investigation into a controversial 1994 arms deal that saw weapons supposedly destined for Lebanon apparently sold to Yemen, a prohibited destination for South African arms.

In the context of South Africa's arms history, the present government has taken radical steps to subject arms trade to cabinet scrutiny.

In the new guidelines that govern arms transfers, Amnesty International welcomes the commitment that human rights should be respected in the recipient country. However, Amnesty International remains concerned that the National Conventional Arms Control Committee is not mandated to scrutinize transfers of arms training or military personnel, such as the South African Executive Outcomes organization.

Death Penalty

Another hopeful sign found by the Amnesty International delegation during the visit was the recent decision by the Constitutional Court to rule the death penalty unconstitutional.

"Both Amnesty International and the international community has hailed South Africa's courageous act in ruling the death penalty unconstitutional as a major step forward towards international abolition of this cruel and degrading punishment," Mr Sané said.

Amnesty International believes that any new constitution that will be adopted in South Africa, there should be an express provision abolishing the death penalty in law. The human rights organization lends its support to those in South African who want to make this prohibition explicit in the constitution.

Political violence in KwaZulu Natal

Amnesty International already publicly stated on 7 November 1995 its alarm at the killings and other acts of intimidation that are being carried out with impunity in the KwaZulu Natal province. The delegation received reports of collusion between perpetrators of human rights violations and locally based police, as well as assaults, torture and unlawful shootings by members of the South African National Defence Force.

The human rights organization makes several recommendations, including that the South African state should break the cycle of impunity by bringing perpetrators to book; military and

police personnel should be held accountable for their actions; and political leaders should clearly state that supporters should not be involved in political violence.

Torture

Torture in police custody is continuing in South Africa, the delegation heard in its meetings with human rights and legal organizations. Torture is acknowledged by police officials as a continuing problem, the delegation said.

"In particular, the present torture of suspects in criminal investigations reflects the past practice originated under the apartheid-era repression that continues to this day, Amnesty International's Sané said.

The human rights organization called upon the government to urgently implement independent police complaints mechanisms, provided for under the new Police Service Act, which would investigate such allegations of police torture.

Truth and Reconciliation Commission

The consequence of impunity will be revealed in the testimony to be heard before the new Truth and Reconciliation Commission, whose members are being selected at this moment.

Amnesty International welcomes the opportunity that the victims of human rights violations will have to tell of their suffering.

The Commission could help break the cycle of impunity, but the organization remains concerned that the amnesty provisions under the Truth and Reconciliation Act might contribute to the perpetuation rather than the eradication of human rights violations.

"We hope that the future Commission will clearly recommend a ban on those identified in its proceedings as involved in gross human rights violations from holding office where they will have responsibility for prisoners or law enforcement activities," Mr Sané said.

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