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INTERNAL

SOUTH AFRICA

FACT SHEET

The following Fact Sheet is designed to help press officers and others to do media interviews on South Africa. Excerpts can be used to publicize Amnesty International's concerns externally, though it hasn't been really written in a terribly sharp style for use by the media.

EXTERNAL

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AMNESTY INTERNATIONAL FACT SHEET ON THE SOUTH AFRICAN ELECTIONS

Amnesty International's mission to South Africa during the election period

Amnesty International representatives have been present in South Africa since 10 April and will remain in the country until just after the last day of voting in the elections. The purpose of Amnesty International's presence is primarily to continue with its work of monitoring the human rights situation, in particular violations which have an impact on "free political activity" prior to the elections. Since late last year, Amnesty International has expressed concern publicly and in correspondence with the South African Government and with the Transitional Executive Council (TEC) that South Africans who wish to participate in the elections should not become victims of human rights violations, including arbitrary detentions, and extrajudicial executions. These same concerns also apply to those who may not wish to participate in elections.

Amnesty International's representatives are not registered as election observers with the Independent Electoral Commission (IEC) because the organization does not participate in the technical aspects of election observing and verification. The organization, however, has for some months brought its concerns to the attention of senior members of the IEC, including the Chair, Mr Justice Johan Kriegler. Amnesty International's representatives in South Africa have met with Judge Kriegler and are in contact with regional IEC officials, as well as with local human rights monitors, some of whom are registered election monitors with the IEC. Members of a number of South African human rights organizations and violence/peace monitoring organizations have maintained their separate status from the IEC and, like Amnesty International, continue with their work according to their own established procedures.

Amnesty International will not in any way play a role in dispute resolution or mediation efforts on areas of unresolved conflict between major political parties. We do believe, however, as Amnesty International has stated publicly for a long time, that if the leaders who are in responsible positions of power or authority would actively address human rights abuses committed by the members of the security forces or by officials or the rank and file members of political parties, then the potential for peace would be increased.

Amnesty International representatives are visiting different parts of the country to talk to a wide cross-section of organizations and individuals, including representatives of the IEC, TEC, the Goldstone Commission, intergovernmental organizations (such as the United Nations and Commonwealth), observer missions, human rights groups, and members of the police. In addition, representatives are travelling to townships, squatter camps and rural areas to investigate reports of human rights violations and meet the people affected by violations, including incidents of torture and extrajudicial executions. Amnesty International representatives are in contact with South African human rights and peace monitors to learn of their concerns and contribute to their efforts to ensure a safe climate for participation in the elections. Amnesty International representatives have visited police stations to talk to police regarding custody procedures, to observe conditions in cell blocks and talk to people held for long periods in police lock-up cells. This work forms part of Amnesty International's continuing research into the pattern of abuse against people taken into police custody.

Amnesty International's concerns about the state of emergency in Natal

The South African government has allowed a great human tragedy to unfold in Natal Province, including KwaZulu "homeland". The government, in consultation with the TEC, has now imposed a state of emergency throughout the province. Amnesty International does not take a position regarding the imposition of the state of emergency. The organization does, however, have concerns about the importance of proper safeguards stemming from the experience last year in the East Rand area near Johannesburg. There, police used emergency powers to carry out arbitrary arrests, commit acts of torture against detainees and carry out a virtual shoot-to-kill policy.

Amnesty International has concerns that the emergency regulations do not provide sufficient safeguards against human rights violations. For instance, Section C of the regulations does not have explicit guidelines regarding the use of force by security forces and effectively gives them a license to kill. In Section 6, the regulations regarding arrests and detentions do not contain requirements for prompt judicial review and the regulations have the effect of allowing arbitrary detention, in violation of international human rights standards. The regulations also potentially restrict the right to peaceful assembly. The organization is also anxious about police reluctance to provide details of the whereabouts and identities of people taken into detention, particularly as this could allow "disappearances" or torture to occur.

Amnesty International does not take a position about peacekeeping forces in general, or the deployment of specific security forces in particular. However, Amnesty International has long been calling for the South African authorities to ensure they fulfil their responsibility to protect the lives of all South African citizens irrespective of political affiliation. Amnesty has also urged that the security forces – whether from the army or police – carry out their duties in a manner that respects international human rights standards regarding the use of force and firearms. All people taken into custody should receive proper treatment according to guidelines laid down by international law, and all those who call for assistance should receive impartial, prompt assistance.

Amnesty International concerns about the KwaZulu Police force

Amnesty International takes no position for or against any political group, nor do we call for deployment of specific security forces. We are concerned solely with protecting human rights. However, largely because of the failure of members of the South African Police Force and KwaZulu Police (KZP) force to act impartially and effectively in the context of political conflict between the African National Congress and the Inkatha Freedom Party, many residents of Natal Province and the KwaZulu "homeland" have actively welcomed the deployment of the South African Defence Force because it is seen as a more impartial force. KZP members have also been linked to death squad killings.

Amnesty International has called for effective, impartial conduct by the security forces and for the arrests of the perpetrators of politically motivated killings and other serious human rights abuses. The organization calls for the immediate suspension of any KZP or SAP security force members suspected of involvement in any politically motivated violence, including death squad killings, and that those implicated be brought to justice.

Amnesty International recommendations about police in the new South Africa

The process of full reform of the police force that was publicly initiated by President F.W. De Klerk in 1991 was carried out in word but not in deed. Since the publication in 1992 of Amnesty International's major report, *State of Fear*, we have documented covert operations continued against individuals who were considered to be "enemies of the state. Very few police officers who were implicated in torture or extrajudicial executions have been brought to justice. This has created a climate of impunity that has allowed human rights abuses to continue to be committed by members of the police force.

Amnesty International has also called on the government to support members of the South African Police who participate in efforts at grassroots level to create a climate of trust between the police and the community they serve. Where those efforts have been allowed to proceed without official hindrance, a more peaceful climate has been created in the communities concerned. However, units of police in the Internal Stability Unit (formerly called the riot police) and members of the murder and robbery units, for instance, still operate without proper consultation with local police and communities. These specialized units do not inform local police of their operations within the local police jurisdiction and commit human rights abuses.

The fact that the two processes, on the one hand of rapprochement, but also of new human rights violations, continue simultaneously appears to demonstrate the lack of integration of command and control of the different units within the police force. Indeed, Amnesty International hopes that with the establishment of a government of national unity, after the elections, there will be a greater capacity and will by the new political leadership to require police to observe human rights standards in their policing work.

In addition, Amnesty International urges the new government to implement procedures in the proper and effective investigation of complaints against the police; and to ensure the development of a police force which is fully accountable.

The root of violence: ANC/Inkatha rivalry or the government's security forces?

In its 1992 report, Amnesty International pointed out that violent conflict between the ANC and Inkatha could well have been dealt with effectively in the 1980s if the police had conducted themselves impartially. In March 1994, the Goldstone Commission began publishing evidence that elements within the police had been involved in systematically fuelling the violence by siding with one party in the conflict. It is difficult to deal with this violence without an impartial, effective police force.

Amnesty International recommendations to the future government

The newly elected government of national unity should make it a priority to hold anyone who violates human rights accountable for their action, whether they are a member of the government, of the security forces or an official or member of a political organization. In 1992, a law provided indemnity to anyone who had committed a politically motivated crime. That indemnity was included in the interim constitution negotiated at the multi-party peace talks and passed into law by the South African Parliament. It will be, however, the responsibility of the new government to fully inquire into past human rights abuses by state agencies, as well as by members other organizations. In Amnesty International's view, it will be crucial for the new government to fully address human rights violations, both those committed in the past and new abuses which occur, and to establish an effective, properly resourced independent complaints investigation mechanism to enable security force members who continue to be involved in human rights violations to be brought to justice.

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