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**PUBLIC STATEMENT  
SOUTH AFRICA:  
HUMAN RIGHTS DAY – PRESERVING HUMAN RIGHTS GAINS**

On the eve of South Africa's Human Rights Day celebrations on 21 March, Amnesty International calls on the government, members of parliament and opposition party leaders to continue searching for solutions to criminal and political violence within the framework of the rights entrenched in the Constitution and in the important international treaties which South Africa has ratified.

Amnesty International is deeply concerned that many South Africans are calling for the return of the death penalty and other solutions which conflict with human rights, in response to disturbingly high levels of criminal violence and its traumatic effect on victims and whole communities. The organization opposes the death penalty in all circumstances as a violation of the right to life and as a cruel and inhumane punishment.

The organization is also concerned that the public loss of faith in the rule of law and the criminal justice system is leading to incidents of "mob justice" against known or suspected criminals. While these illegal and violent acts are symptomatic of the problem, the State and responsible political leaders should not take their cue from them in seeking solutions.

Amnesty International therefore calls on the government, opposition leaders, and all sectors of the justice system, with the support of the international community, to undertake urgent reforms of the criminal justice system, in particular retraining, re-equipping and improving salaries for South African Police Service (SAPS) members. These steps are essential to restoring public faith in the rule of law and increasing respect for human rights.

According to the Constitutional Court, the South African Human Rights Commission and civil society organizations, crime can be most effectively addressed through improving the criminal justice system by giving its personnel adequate resources and proper professional training. In its 1995 ruling on the death penalty the Constitutional Court emphasised that: "[T]he greatest deterrent to crime is the likelihood that offenders will be apprehended, convicted and punished. It is that which is presently lacking in [South Africa's] criminal justice system; and it is at this level and through addressing the causes of crime that the State must seek to combat lawlessness".

Amnesty International is also concerned at the rising levels of politically motivated violence, some of which is connected to the forthcoming general elections in June, and at the failure of the authorities to bring the perpetrators to justice. The organization notes that some government and political leaders have appealed recently to local communities to accept that everyone has the right to enjoy peaceful political activity and expression of their political views without fear of intimidation and violence.

At the same time, Amnesty International is urging the government to increase its efforts to ensure the effective and independent investigation of politically-motivated killings and other violence, particularly in KwaZulu Natal and the Cape Town area, and to bring those responsible to justice.

These steps would provide some means of addressing the problems of political violence within the framework of the Constitution, as opposed, for example, to resorting to drastic measures such as provisions for detention-without-trial in an anti-terrorism law. The return to a method of investigation so associated with past patterns of systematic torture and ill-treatment documented by the Truth and Reconciliation Commission, would put South Africa in breach of its obligations under international human rights law. It would also undermine existing efforts at transforming the police service into an agency capable of successfully investigating crime without resorting to violence.

The importance of maintaining commitment to the rights entrenched in the Constitution is underscored by continuing credible allegations of direct and indirect involvement of police, military or intelligence agents in politically-motivated killings, beatings, torture, bomb attacks and other violence. The State has failed in all but a handful of cases to hold perpetrators within the security forces accountable. It must ensure incidents of human rights abuses by the security forces are vigorously investigated. Where the allegations are well-founded, suspected perpetrators must be suspended from duty in order to protect the integrity of investigations and the safety of witnesses. If convicted they must be barred from any positions of authority over persons in custody and from the use of force or firearms.

At the same time the government should fully support police or military officers who undertake their duties in a professional manner consistent with the law and the constitution, or who speak out against any unlawful activities by their colleagues. Amnesty International is concerned that the government should also ensure the safety of those members of civil society working to expose illegal activities by security force members or officials.<sup>1</sup>

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<sup>1</sup> See, for instance, Amnesty International, *SOUTH AFRICA The criminal justice system and the protection of human rights: the role of the prosecution service*, February 1998 (AFR 53/01/98)

**To arrange an interview, please call Amnesty International South Africa on 27 83 63 522 72 or Amnesty International in London on 44 468 670 247.**