

EXTERNAL (for general distribution)

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Further information on EXTRA 35/93 (AFR 53/12/93, 5 April 1993) - and follow-ups: AFR 53/17/93, 14 May 1993 and AFR 53/26/93, 14 June 1993

- Death Penalty

**SOUTH AFRICA: Fear of Resumption of Executions**

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On 17 June 1993 the South African Parliament voted 125 to 54 in favour of ending the moratorium against executions. However the Minister of Justice later announced that the moratorium would not be summarily lifted, apparently indicating that other consultations would take place, possibly through the mechanism of the multi-party negotiations forum.

Two out of the three racially segregated parliamentary chambers voted in favour of the resumption of hangings. Only the (Indian) House of Delegates voted in a majority against the resolution. Members of the Democratic Party (DP), Labour Party, the Independent (ANC-aligned) members of parliament and the Inkatha Freedom Party (IFP) members of parliament either voted against the resolution or abstained on the grounds that "the tricameral Parliament has no right to debate the issue". Members of parliament critical of the government-initiated debate reminded the Minister of Justice, Kobie Coetsee, of the solemn commitment he had made in March 1992 to maintain a moratorium against executions pending the outcome of the constitutional negotiations.

Subsequent to the vote in Parliament, the Minister of Justice stated that hangings would not resume summarily and that further consultations had to be conducted with "extra-parliamentary bodies". Political observers and human rights activists believe that the government initiated a debate on the ending of the moratorium as a consequence of pressure from its white constituents who are overwhelmingly in favour of the death penalty. However they believe that the government is at the same time under sufficient pressure from the parties in the negotiations forum and from foreign diplomatic sources to make the resumption of hanging politically too costly for the government.

Amnesty International is concerned that the current uncertainty regarding the status of the moratorium exacerbates the suffering of the nearly 300 prisoners under sentence of death at Pretoria Central Prison. The resolution also has an impact on the nearly 100 prisoners under sentence of death in the nominally independents "homelands".

**FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or your own language:**

- expressing concern that on 17 June 1993 Parliament voted in favour of ending the moratorium against executions;
- expressing concern that although the Minister of Justice stated at the conclusion of the debate that hangings would not necessarily resume immediately, the continuing uncertainty over the status of the moratorium exacerbates the suffering of the hundreds of prisoners currently under sentence of death;
- stating that Amnesty International opposes the death penalty in all cases considering

it to be a violation of the right to life and a form of cruel, inhuman and degrading punishment by the State;

- appealing to the authorities to recommit themselves to the moratorium on executions pending the outcome of the constitutional negotiations;

- referring to the fact that on 29 January 1993 South Africa signed the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; urging the authorities to strengthen that commitment by fully ratifying the Torture Convention; stressing that pending a final decision on ratification, South Africa is obliged to refrain from acts which would defeat the Convention's objective of eliminating all forms of cruel, inhuman or degrading treatment or punishment.

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**APPEALS TO:**

1) Mr F W de Klerk

President

State President's Office

Private Bag X83

Pretoria 0001

South Africa

**Telegrams: President de Klerk, Pretoria, South Africa**

**Telexes: 321695 SPLIB SA, 321890 PRES SA**

**Faxes: + 27 12 323 3982**

**Salutation: Dear State President**

2) H J Coetsee

Minister of Justice

Private Bag X276

Pretoria 0001

South Africa

**Telegrams: Justice Minister, Pretoria, South Africa**

**Faxes: + 27 12 320 2059**

**Salutation: Dear Minister**

3) R P Meyer

Minister of Constitutional Development and Planning

Private Bag X804

Pretoria 0001

South Africa

**Telegrams: Minister Constitutional Development and Planning, Pretoria, South Africa**

**Faxes: + 27 12 323 3304 / 3305**

**Salutation: Dear Minister**

4) R F Botha

Minister of Foreign Affairs

Private Bag X152

Pretoria 0001

South Africa

**Telegrams: Foreign Minister, Pretoria, South Africa**

**Telexes: 0959 350060 EXTERN TTX SA**

**Faxes: + 27 12 325 8669**

**Salutation: Dear Minister**

**COPIES OF YOUR APPEALS TO:**

The following Constitutional negotiators -

- MC Ramaphosa, ANC, PO Box 61884, Marshalltown 2107, South Africa;
- R Cronje, Bophuthatswana Government, Private Bag X2172, Mmabatho 8681, South Africa;
- C Eglin, Democratic Party, PO Box 15, Cape Town 8000, South Africa;
- FT Mdlalose, IFP, Private Bag X01, Ulundi 3838, South Africa;
- T Langley, Konserwatiewe Party, PO Box 15, Cape Town 8000, South Africa;
- B Alexander, PAC, PO Box 25245, Ferreirastown 2045, South Africa;

and to -

- Lawyers for Human Rights, 713 Van Erkom Building, Pretorius St, Pretoria 0002, South Africa;
- Society for the Abolition of the Death Penalty (SADSPA), c/o Centre for Applied Legal Studies, University of the Witwatersrand, Johannesburg, PO Wits 2050, South Africa

and to diplomatic representatives of South Africa accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 5 August 1993.