

Public Statement

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South Africa

Amnesty International wishes to clarify comments carried in the media regarding the organization's claims regarding the extent of torture currently in South Africa. Media reports in the country refer to the Commissioner of Police, Mr J Selebi, denying a claim attributed to Amnesty International that torture in the police service is "rife". Separately the country's police oversight body, the Independent Complaints Directorate (ICD), is reported to have issued a statement supporting the Commissioner's denial that torture is "rife".

Amnesty International has not used this language to describe the extent of the problem and is concerned that attention is being distracted from the basic concern that torture is continuing to occur and, whatever its extent, is unacceptable in terms of the country's regional and international human rights obligations.

On 6 December the organization published a document in which it was stated:

"The likelihood of repetition is increased by the reality that torture still occurs in South Africa, primarily in the context of criminal investigation. Investigations by Amnesty International and by statutory and civil society organisations in South Africa clearly indicate that the police and the military (in its domestic law enforcement role) have not yet overcome the legacies of the past. Despite efforts by post-1994 governments, with the assistance of certain foreign governments, to retrain law enforcement agencies and subject them to greater scrutiny, incidents of torture or ill-treatment during interrogations or at the point of arrest or during house searches are still occurring. There is corroborated evidence of the infliction of torture on individuals in the custody of law enforcement agents, particularly from specialised units, such as electric shock and suffocation tortures, forced painful postures, suspension from moving vehicles and helicopters, and severe and prolonged beatings." (SOUTH AFRICA Preserving the gains for human rights in the 'war against crime': Memorandum to the South Africa Government and the South African Law Commission on the draft Anti-Terrorism Bill, 2000 (November 2000, AFR 53/04/00), page 5).

On 7 December, in a response to a request for additional comments from The Star (Johannesburg), the organization noted in a fax that there had been government efforts to address the problem, including through "the development of an official anti-torture policy and a program of training on human rights issues for members of the SAPS", and acknowledged the pressures on the government "to deal with rampant crime, often of the most vicious sort". However the organization added

"It is of continuing concern that incidents of quite brutal torture are still occurring in different parts of the country, involving both police officers and members of the SANDF in its domestic law enforcement role; that the one statutory body, the ICD, which can and should independently investigate these incidents lacks adequate resources and the necessary official commitment for its

sensitive task; that specialised units, such as the Brixton Murder and Robbery Unit, which have been involved in systematic torture for years, continue to act with impunity. The Government, which has for instance impressively lead world-wide efforts to establish an International Criminal Court to try those responsible for grave human rights crimes, needs to demonstrate the same tough determination to eradicate torture within the country."

In an additional telephonic comment the organization's spokesperson said that Amnesty International receives reports of about 25 to 30 serious cases of torture and ill-treatment a year, some of these clustered in particular police stations or units. These figures are consistent with those issued by the Independent Complaints Directorate, according to the SAPA report on 14 December 2000, for the three-year period between April 1997 and March 2000, of some 152 cases .

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