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South Africa: Mengistu -- failure to respect international human rights obligations

Amnesty International expresses dismay at South Africa's failure to ensure that Mengistu Haile-Mariam, former Ethiopian head of state, remained in South Africa pending the outcome of an investigation into his alleged human rights crimes.

"The South African government has singularly failed in its obligations under both its national constitution and international law," Amnesty International said. "Its lack of clarity regarding its intentions during Mengistu Haile-Mariam's presence in the country is disturbing."

"The government, at the very least, should have ensured that Mengistu Haile-Mariam remained in the country until the National Director of Public Prosecutions had undertaken an investigation into his possible prosecution in South Africa or extradition to another state."

South African government officials stated on 7 December that Mengistu Haile-Mariam had left the country apparently prior to the receipt by the government of a formal request for his extradition to Ethiopia.

Press reports now indicate that he has returned to Zimbabwe where he has lived under President Mugabe's protection since fleeing Ethiopia in 1991. Amnesty International will be pursuing its concerns with the Zimbabwean government.

Under its constitution, which incorporates customary international law, South Africa had an obligation to investigate the alleged crimes of Mengistu Haile-Mariam, with a view to prosecuting him in South Africa or extraditing him to a state which would try him in proceedings which meet international standards of fairness. Amnesty International stressed that these proceedings should also not include application of the death penalty.

"This obligation was also assumed by South Africa when it ratified the Convention against Torture and the Genocide Convention on 10 December last year."

Amnesty International calls on the South African government to provide a detailed and transparent account of the reasons for its failure to ensure that Mengistu Haile-Mariam remained in the country for investigations into his alleged crimes.

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