



Mr. Thabo Mbeki
President of the Republic of South Africa

April 7, 2006

Dear Mr. President:

We write as members of the international human rights community committed to supporting the human rights victims of apartheid. We have long been inspired by South Africa's liberation struggle and its transition to democracy. However, today, over ten years after the transition we remain concerned about the poor prosecution record for apartheid era human rights crimes and the prospect of the further entrenchment of impunity.

We welcome your renewed commitment against a general amnesty. We are nevertheless concerned about the specific 'amnesties' that may arise from the recently released National Prosecuting Authority (NPA) policy guidelines for the prosecution of apartheid-era crimes. While aiming to combat impunity, the guidelines may actually provide a de-facto amnesty for perpetrators and undermine the rule of law. The new policy guidelines provide the National Director of Public Prosecutions with discretion not to pursue prosecutions on the basis of perpetrators satisfying the former Truth and Reconciliation Commission's amnesty criteria, such as full disclosure about the crimes they have committed. We believe these factors should only be considered in the mitigation of sentences, but not as criteria to decide whether or not to prosecute. The Truth and Reconciliation Commission was vested with certain powers to grant amnesty in order to obtain the truth about the past. It would be a betrayal of victims who participated in the truth commission process for that contract to be revisited to provide perpetrators new avenues for impunity. The best way to build on the work of the Truth and Reconciliation Commission and respect the integrity of that process is to follow up with prosecutions, not amnesties.

We urge you to reconsider the policy set forth by the NPA. We support calls by the South African human rights community for a policy that will ensure that perpetrators of apartheid-era crimes are prosecuted in a way that follows through on the promise of the Truth and Reconciliation Commission process, and our collective debt to apartheid's victims. Moreover, we also support their argument that in 2006 there is no justification to re-instate the Truth and Reconciliation Commission's amnesty criteria. Today, there is a global trend towards accountability for violators of human rights and South Africa's own efforts against impunity will only strengthen this trend.

The new South Africa is a beacon of hope for the international human rights community. A strong commitment to accountability in South Africa will have positive reverberations around the globe.

Sincerely,

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