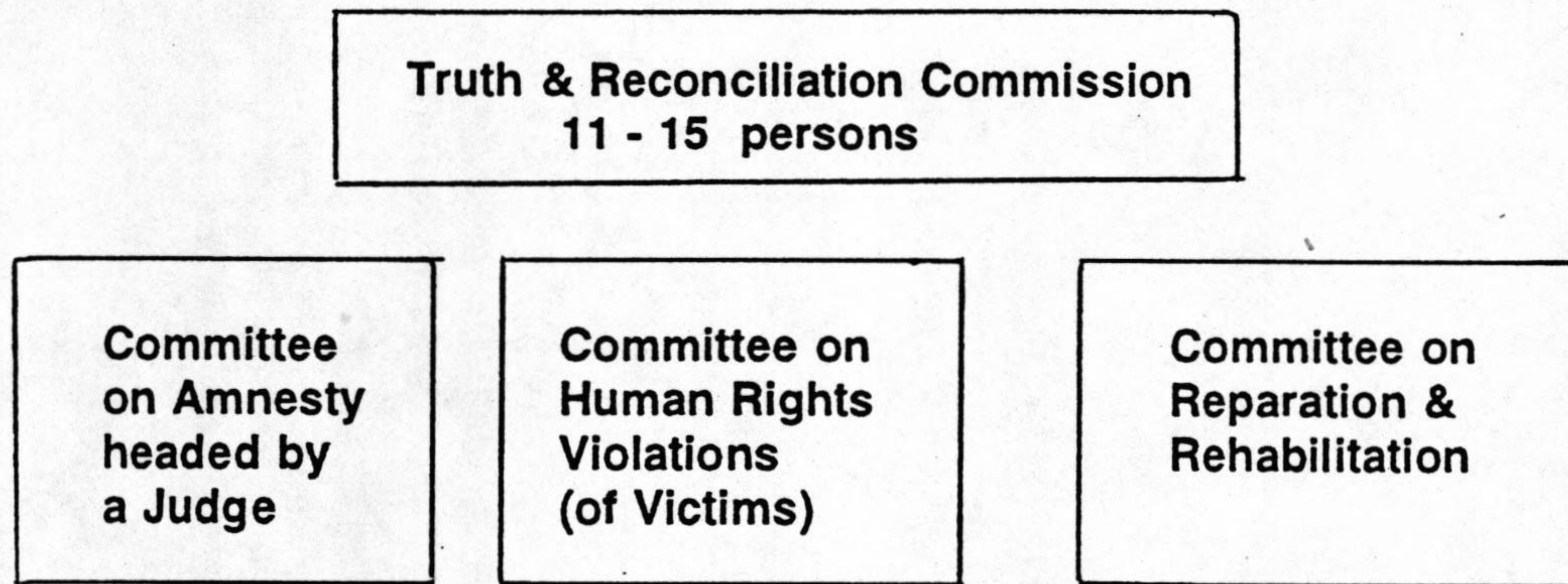


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TRUTH & RECONCILIATION COMMISSION

*Ministry of Justice
Press Briefing
24th February 1995*

I STRUCTURES PROPOSED IN BILL



The draft Bill presently before Parliament creates the following structures.

(a) Truth and Reconciliation Commission

This body will consist of 11 - 15 persons appointed by the President in consultation with the Cabinet.

The Commission is in overall control over all the processes envisaged such as:

- (i) amnesty;
- (ii) investigating and recording gross human rights violations;
 and
- (iii) steps to restore the dignity of victims.

(b) Committee on Amnesty

This Committee will deal with all amnesty applications. Amnesty will be on the basis of individual applications and full disclosure. Amnesty can only be obtained for acts/omissions associated with a political objective and arising from conflicts of the past. This Committee must submit reports to the Commission.

"Act associated with a political objective" is defined in the Bill. An act not satisfying the criteria will not qualify for amnesty.

(c) **Committee on Human Rights Violations**

This Committee has the duty to record gross violations of human rights (such as) assassinations, murder, disappearances, serious cases of torture and to make recommendations on steps to be taken to ensure that such violations do not occur again.

(d) **Committee on Reparation and Rehabilitation**

This Committee will focus on victims and recommend measures to restore the dignity of victims and provide for reparation within the framework of available resources.

ALL THREE COMMITTEES WILL FUNCTION UNDER THE SUPERVISION AND CONTROL OF THE COMMISSION.

II NOTE: THE WORK OF THE AMNESTY COMMITTEE must be viewed in the context of:

(a) the post-amble to the Constitution which reads:

" This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex.

The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.

The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of

humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge.

These can now be addressed on the basis that there is a need for understanding but not vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimisation.

In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law determining a firm cut-off date, which shall be a date after 8 October 1990 and before 6 December 1993, and providing for the mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with at any time after the law has been passed.

With this Constitution and these commitments we, the people of South Africa, open a new chapter in the history of our country."

III PRESENT STATUS OF THE BILL

The Bill has been tabled in parliament and is presently being discussed by the Standing Committee on Justice. The major issue facing the standing committees is addressing the concerns of a large number of organisations with regard to the provision in the Bill that all hearings in application for amnesty shall be held in camera. Further discussions are taking place in this connection and it is hoped that the conclusion of the standing committees' deliberations, a satisfactory solution will be found.

A number of parties have also strongly proposed that the cut off date, namely 5 December 1993 should be changed to 10 May 1994. The Ministry is opposed to any change in the cut off date and is awaiting the result of the discussion in the standing committees.

There are a number of other matters which have also been raised by various parties. The views of the standing committees are awaited.

It is hoped that the standing committees will complete their deliberations soon and that the bill will be debated in parliament before the end of March 1995.