AMNESTY FOR JUS COGENS CRIMES: INTERNATIONAL RECOGNITION (SOUTH AFRICA CASE)*

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Abstract

The world has compromised justice in many occasions by making amnesty laws to forgive perpetrators of crime. These laws are often passed to resolve conflicts between rebels and government. Albeit, controversy arises when the conflict involves crimes of a jus cogens character. The norm of jus cogens are the highest in the hierarchy of international law, and any laws conflicting them shall be null and void. Among these norms are Genocide, Crimes Against Humanity, War Crimes, and Aggression. The international world have disregarded amnesties given for alleged Jus Cogens criminals, and have chosen

Abstrak

Banyak negara telah mengkompromikan prinsip keadilan dalam berbagai kasus dengan memberikan amnesti yaitu mengampuni para pelaku kejahatan. Hukum-hukum semacam ini ini umumnya dibuat untuk menyelesaikan konflik antara pemberontak dan pemerintah. Walaupun begitu, kontroversi muncul saat konflik tersebut melibatkan unsur-unsur kejahatan jus cogens. Norma jus cogens adalah norma yang paling tinggi dalam hierarki hukum internasional, dan semua hukum yang bertentangan dengan prinsip tersebut akan dianggap tak berlaku. Norma jus cogens mencakup genosida, ke-

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to put the perpetrators to trials, i.e. in Sierra Leone, Chile, Uganda, inter alia. Yet in South Africa in 1995, in which amnesties have been given to the globally infamous actors of the apartheid regime, the world's response was no less than positive. This article will elaborate how this amnesty provision in the National Unity and Reconciliation Act (1995) of South Africa was highly appreciated by the world from the perspective of international law and politics, as they were highly essential to end the long and painful conflict during the apartheid regime and to ensure a peaceful transition in the country.

jahatan terhadap kemanusiaan, kejahatan perang, dan agresi. Dalam kasus-kasus tertentu, masyarakat internasional telah mengabaikan kesepakatan-kesepakatan amnesti yang diberikan pada tersangka pelaku kejahatan jus cogens, dan membiarkan para pelaku kejahatan tersebut diadili. Misalnya saja di Sierra Leone, Chili, dan Uganda. Namun pada 1995, Afrika Selatan—yang memberikan amnesti kepada aktor-aktor rezim apartheid, ditanggapi dengan positif oleh masyarakat internasional. Artikel ini akan menguraikan bagaimana ketentuan amnesti dalam National Unity and Reconciliation Act (1995) dari Afrika Selatan disambut baik oleh masyarakat internasional dalam perspektif hukum internasional dan politik, mengingat betapa hukum tersebut berperan besar dalam mengakhiri konflik yang menyakitkan dan berkepanjangan selama rezim apartheid dan dalam memastikan berjalannya transisi damai di negeri tersebut.

***Keywords**: amnesty, jus cogens, jus cogen criminals, war crimes.*

A. Introduction

Criminal acts are actions against the laws, and are detrimental towards the society. For that reason, criminal laws will always respond to crimes with prosecution

and sanctions (Moeljatno, 2002). When crimes distrupts stability and justice within a society, criminal law functions to restore that justice back (Prasetyo, 2010). But amnesties notably used for necessity sake are exceptions to this principle, as mentioned by Yasmin Naqvi (2003).

An 'amnesty' is "*a sovereign act of oblivion for past acts, granted by a government to all persons (or to certain persons) who have been guilty of a crime or delict, generally political offenses, treason, sedition, rebellion, and often conditioned upon their return to obedience and duty within a prescribed time*" (Garner, 2009). As noted by Judge Mahomed DP (South African Constitutional Court Judgements, 1996), amnesty laws were meant to exempt an individual from criminal responsibility, thereby the individual may not be held criminally liable towards any acts charged against him/her. Karim Khan *et al* (2009) and Antonio Cassese (2003) describes amnesties as a legal impediment to jurisdiction.

Such policies have been implemented many times for the sake of other necessities of which the government in question wishes to achieve. Most commonly, it is considered as a tool to terminate and further resolute conflicts.

The Indonesian Government, for example, has used amnesties as an offer in exchange of surrender towards the rebels of PRRI/PERMESTA in the 1960s (although after the surrender, the Indonesian government prosecuted them anyway), as noted by Jahja A. Muhaimin (2005). Even International Humanitarian Law recognizes customary laws to provide the widest possibility for amnesty after a non-international armed conflict has ended (See the Additional Protocol II of the Geneva Conventions, Article 6[5]), such as what happened after the conflict of Tajikistan (Haenkarts and Doswald-Beck, 2005).

Being a political act within a sovereignty of a state, generally it has not been a problem. But then it can evolve to a problem in the international world when the amnesty is given for *jus cogens* crimes.

B. The *Jus Cogens* Norms: the Highest and Non-Derogable Norms

Jus Cogens means "Compelling Law" (latin), and holds the highest hierarchy in International

Law (Bassiouni, 1990). The norms of *Jus Cogens,* also mentioned as "Preemptory Norms", are those acknowledged and accepted by the whole International Community as of such a level that they are non-derogable and that any treaties conflicting with them are null and void (Bassiouni, 1998. See also The Vienna Convention on the Laws of Treaties, Article 53).

There are some basis to be fulfilled for one crime to be considered of a *jus cogens* level. These basis are: "*(1) international pronouncements, or what can be called international opinio juris, reflecting the recognition that these crimes are deemed part of general customary law; (2) language in preambles or other provisions of treaties applicable to these crimes which indicates these crimes' higher status in international law; (3) the large number of states which have ratified treaties related to these crimes; and (4) the ad hoc international investigations and prosecutions of perpetrators of these crimes.*" (Bassiouni, 1998)

Given those legal basis tests, scholars have concluded that it would be indisputable that at least War Crimes, Aggression, Genocide, and Crimes Against Humanity, would be among the *jus cogens* (Bassiouni, 1998).

Violations of these *jus cogens* norms have had equally huge responses from the international world, as such strong values against *jus cogens* crimes have become a big interest for the international community to strongly react against because it is against the community obligation of the International world (Cassesse, 2003).

Post conflict of Yugoslavia, for example, the International Criminal Tribunal for the former Yugoslavia (hereinafter, the ICTY) was established to have jurisdiction over Crimes Against Humanity, Genocide, Grave Breaches of the Geneva Conventions 1949, and Violations of the Laws or Customs of War (the two latter were among War Crimes, as furtherly enumerated in Article 8 of the Rome Statute of the International Criminal Court).

The world has rejected so many amnesties given to these *Jus Cogens* crimes. The Geneva Conventions of the 1949 has specifically mentioned that there is an obligation to prosecute perpetrators of the Grave Breaches. Further,

Article 148 of the fourth GC clarifies that criminal responsibilities of the Grave Breaches can not be absolved by bilateral treaties.

Judge decisions have ignored or overruled amnesties in many cases. Among which would be the ICTY case of Furundzija (1998), SCSL case of Kallon and Kamara (2004), Appeal Court in Chile (Videla Case in 1994), Federal Judges of Argentina (Cavallo case in 2001), have all noted that *jus cogens* crime are may not be abolished by amnesties, and that those amnesties are national laws from which the international community are not bound by them. The ICRC also holds the same view (addressing specifically war crimes, though), as there are obligations to prosecute them (Haenkarts and Doswald Beck, 2005).

But there has been an exception. The South Africans finally managed to free themselves from the infamous apartheid regime in 1993. Acts of apartheid has been considered as among the crimes against humanity (Bassiouni, 1998). International conventions have previously noted it as a heavy international crime among the crimes against humanity, which is the International Convention on the Suppression and Punishment of the Crime of Apartheid or ICSPCA in 1973. Yet, the Promotion of Unity and Reconciliation Act came with an amnesty for all political crimes –among which were the infamous crimes against humanity. But the world responded warmly and no decisions to grant amnesty have been overruled.

Why was it different this time?

C. Bloody Road to Peace: Role of Amnesties in Negotation

The Apartheid Regime in South Africa ruled from 1948 after the victory of *Herenigde Nasionale Party* (HNR). Within this regime, certain acts of discrimination have been enacted, e.g. the limitation for certain races to access certain areas via 1953 Reservation of Separate Amenities Act.

As more movements against Apartheid rose (i.e. from the African National Congress and Inkatha Freedom Party), more violent responses came from the government, from detentions without trials, bans on a wide range of political and social gatherings, political trials

and executions, to attack towards political activists (going even as far as student unions, churches, and trade unions). (Coleman, 1998).

International reactions at the time were harsh. The UN General Assembly condemned the regime with UNGA Resolution 1761 in 1962, and furtherly there was an arms ban with the UN Security Council Resolution 418 in 1977. A whole new convention was even established in 1973 to condemn apartheid and to classify it as a crime against humanity, which is the International Convention on the Suppression and Punishment of the Crime of Apartheid. Following the ruling of then-UNGA President Abdelaziz Bouteflika, South Africa was suspended from its participation in all General Assembly works and activities in 1974. This is after the joint proposal from Kenya, Cameroon, Iraq, and Mauritania to dismiss South African membership altogether did not draw all necessary support to make it pass in the Security Council, following the veto from France, the UK, and the US (Encyclopedia of the Nations, undated).

A lot of pressure to the ANC government was also resulted from an international-scope boycott movement in sports event. The International Olympic Committee (IOC) withdrew South African's rights of participation in the 1964 Olympic Game for the exclusiveness of its all-white delegation. The Committee encouraged South Africa to adopt a more multiracial approach in sports, but the result were little as in 1970 South Africa was expelled from the IOC (auf der Heyde, 2007).

Things started to change around the 1980s. While De Klerk became fully aware that the overwhelming black Africans were too strong to be held further under a control of apartheid and has forseen a possibility to be forced out of reign, he chose to instead start negotiating an end to the apartheid regime (Callincos, 1994). On the other side, we also have the ANC who were fully aware that they are unable to take the regime by violence (Mallinder, 2009).

The Goldstone Commission recommended a limited amnesty for those who cooperate in investigations. This was under the interest of obtaining evidence with respect to the past conflict (Anglin, 1992).

But then, De Klerk and the apartheid government instead kept on pushing for granting blanket amnesties—with no prerequisites to it (Beresford, 1992). Conflicts arose when the ANC argued that amnesty would not serve them justice unless accompanied with truth. ANC's stance may have stemmed from an inaugural lecture of Kader Asmal, University of Western Cape (empasizing on the importance of truth in times of reconciliation of conflicts), of which top ANC leaders attended and seemed to have been inspired. (Mallinder, 2009)

Both parties kept on bargaining and pressing each other on this issue. Further acts on amnesties (Indemnity Act in 1990 and the Further Indemnity Act in 1992) were issued by the government, and more prisoners were released. But the ANC still kept on pushing for truth in exchange for amnesty, while violence kept on going on. The election was coming closer, but people started to worry about security of the transitional period –while the security force made it clear that amnesty was a price for their commitment to help ensure stability during the period (Borain *et al*, 1994).

This went on until April 27, 1993, when the Interim Constitution that governed the transitional period adopted a postamble managed to meet both sides' demands. The postamble, a consitutional commitment, also binds to the next regime. While accommodating ANC's demand for truth, it also extended amnesty application deadline from the Indemnity Acts and provided extra mechanisms to deal with the amnesty (Sriram, 2004).

D. The Turning Point: the Promotion of National Unity and Reconciliation Act

The agreement then paved the way for the election to be held in April 1994. South Africa's first democratic election went quite in a bungle in terms of management, but marked with a stark absence of violence (Mallinder, 2009). Far deeper than merely an act of using one's political rights, election could also mean "starting a new, post-conflict political order...by conferring legitimacy upon the new political order" (Ndulo and Lulo, 2010). The election results in a landslide victory for the ANC by 60,26%, where NP went second place by 20,4%, and the IFP on third with 10,5% (Callincos, 1994).

A look at the post-election condition would provide us with the fact that politically motivated crimes in South Africa has decreased in number, compared to the pre-election period. HRC monthly reviews from September 1994- December 1996, for instance, shows how politically motivated murders in December 1994 was 'only' 94, the lowest since February 1991 (Coleman, 1998). Compared with 4,363 in 1993, the same report published that there were 'only' 2687 politically motivated crimes throughout 1994. In 1995, the number of politically motivated crime on monthly average is 75, and 42 in 1996.

Following the agreed Interim Constitution, the newly elected government introduced the Promotion of National Unity and Reconciliation Bill –which by the next year would be enacted as 'Act'. As the agreement gives, this act would grant an amnesty to those perpretrators of gross human right violations if the application complies with the act's requirements, if the offences are associated to political objectives committed in the course of the past conflict, and has made a full disclosure of relevant facts.

As of 30 September 1997 (the cut off date), 7116 people applied for the amnesty. 4000-5000 of those were rejected as they were not found to be politically motivated crimes (Pedain, 2004). The mechanism of information and evidence disclosure, despite having so many problems in its technical implementation, was said by the TRC final reports to have discovered far much more truth than it would have shall it were to be pursuit by trials.

E. Peace and The End of Apartheid: The Significance of the Amnesty

Problems occurred here and there due to technical difficulties: such as minimum victim participation and direct reparations, differentiating political and common crimes, but it was clear that it helped ensure a peaceful political transition and an end to the long years of apartheid. (Mallinder, 2009)

Judge Mahomed DP of the South African Constitutional Court in 1996 noted that peace could not be achieved without the amnesty as part of the deal, and that it was evident that it had managed to prevent a civil war (M. Scharf, 1999). Had the amnesty act not

been established, peace would definitely shatter and cause so much more suffering. This was how it happened.

Once the conflict is over, both the 'victim's and 'perpetrators' would all be socially acknowledged as 'the citizens of the state'. The reconciliation process would involve all parties in war, and the installment of a post-conflict society would not exclude one side over another. One individual would live side by side with others regardless of the status they bore during the war, thus relations and contacts among them is inevitable.

There would also be more concerns coming from the losing force, including: (1) ANC to be the only party to control the state's coercive power, (2) ANC to gain a landslide advantage in political power within the new state, and (3) ANC to gain economic advantage within the new state (Hartzell 1999). By gaining one of those three advantage, ANC would be able to diminish the power (and further, rights) of its political competitors and past adversary (i.e. The NP).

This implies one thing: without sufficient amount of trust, peace negotiations cannot properly continue. By trust, we mean the intention to accept vulnerability based upon positive expectations of the intentions or behavior of another (Rousseau, et.al., 1998). If trust is absent, there is a high risk of another social conflict to happen and the impairment of government function due to legitimacy crisis. In other words, trust in South Africa is needed to make society and the government runs effectively.

Building trust among parties was not an easy task in South Africa. For instance, ANC accussed white SADF members, the South African peacekeeping force, for fueling a tension between ANC and Inkatha Freedom Party, at that time South Africans' second most prominent black party (Bairstow, 2008).

Amnesty then came as a tool to spark the sense of trustworthiness, especially to the winning party. By not sending NP members to prosecutions, ANC assured that victor's justice would not happen—they accommodated the demand of the losing party (Guelke, 1999). As important as when De Klerk stood beside Nelson Mandela in the latter's inauguration, amnesty would

give the losing party a guarantee that they are still allowed to contribute to the new South African regime. This action portrays the trait of benevolence –the extent to which a trustee is believed to want to do good to the trustor, which is also an essential element of trust (Mayer et al., 1995).

Without an amnesty, Afrikaners elite were unlikely to agree to shift their power to the democratically elected government for fear of another absolute governing system conducted by the government-elect (Sarkin, 2003). For there is no trust attached, It was also possible that if a coup happened, NP would seek to gain it back and therefore create a chance for another civil war to happen.

F. Compromising Justice for Peace

Reflecting back on the elaborated facts that the long lasting conflict can not be ended without the amnesty, the international community had all the reason not to respond harshly towards the amnesty. When in 1973 they were all for prosecuting and punishing perpetrators of apartheid (through the ICSPCA), now they all applauded the end of the regime without complaining about the amnesty. Clearly, prosecution was no longer justice.

Prosecution, in its basic sense, is how justice deals with crime. The legal basis from which amnesties –the antithesis of prosecution- would work is to go back to the basic principles of law and reunderstanding its functions. Law was meant to achieve peace (Apeldoorn, 1972), criminal laws were made to protect the society (Poernomo, 1993), and its enforcement must also have benefit for the people other than to provide justice and certainty (Mertokusumo, 1991). Such principles also are held in international criminal law.

The world has agreed that the need to maintain peace should prevail shall it conflict with justice, which broadens the perspective of what justice is. This is because the world has a universal goal to maintain international peace and security, as expressed by the Charter of the United Nations. In this case, a limited amnesty combined with an effective truth commission has satisfied the "essential purpose of the right to justice" (Naqvi, 2003) ---if it were not done, many truths about the past may not have been re-

vealed. Not to mention, the conflicts may continue to happen shall the amnesty was not there –prolonged conflicts would mean escalating casualties. Such facts constitutes the need of justice for the South Africans at the time.

The amnesty provided in the Promotion of Unity and Reconciliation Act 1993 does not qualify as a blanket amnesty, as it also comes with other mechanisms as aforementioned. Therefore, it is only reasonable for the judges of the South African Constitutional Court in 1996 to mention how all the amnesty provided will indeed provide better transitional justice for all parties involved in the past conflict. Naqvi (2003) has also mentioned that a limited amnesty combined with an effective truth commission could satisfy "the essential purpose of the right to justice".

Certainly this is then a very different case compared to the ICTY trials of Furundzija, mentioning amnesty in the light of no context at all, therefore should be open to a situational analysis given a very specific context in need.

Meanwhile, the SCSL Appeals Chamber decision in the Kallon and Kamara case has has also chosen to not consider the amnesty provided by the Lome Accord of 1998. The reasoning of the judges was that the Special Court for Sierra Leone's legal personality is not bound by national laws (case in point, the Lome Accord).

The decision to establish the court, to begin with, was because that the Sierra Leone government and the United Nations came to agreement that this was one of the forms of justice needed to deal with the post-conflict situations (negotiations solidified via United Nations Security Council Resolution 1315) after the conflict was over. Therefore, there was simply no reason for the international world –through the extended hand of the United Nations and SCSL—to acknowledge the amnesty (and defer prosecutions to Kallon and Kamara) in interest of peace. As the Revolutionary United Front attacked again approaching the end of May 2000 after the Lome Accord (Muhammad, 2004), definitely giving less incentives towards the Sierra Leone government to acknowledge it seeing that the result of the negotiations was a Special Court ha-

ving jurisdiction *ratione temporis* to the situation since 1996 –obviously deliberately ignoring the Lome Accord.

G. Closing Remarks

There should be a distinction between blanket amnesties given to shield the perpetrators and those that were necessary to achieve peace and national reconciliation, of which if amnesties were given in the latter case then the international community should not push for prosecutions (Cassese, 2003).

While generally the aforementioned international conventions and customary laws have imposed a duty to prosecute perpetrators of *jus cogens* crimes, but conditions where these amnesties are very essential to achieve peace then becomes a very special and exceptional condition (Naqvi, 2003), which creates a prevailing special law beating the general (Mertokusumo, 1991).

It can thereby be concluded that international community can actually acknowledge amnesties for *jus cogens* crimes, with various requirements as elaborated previously –the most important of them to be that it was an imperative necessity to achieve peace. The case of South Africa has been shown to be fulfilling such requirements, and justly earns its place as the most noticeable exception to the prohibition towards amnesty for *jus cogens* crimes when many other amnesties for similar crimes have been overruled.

BIBLIOGRAPHY

A. Books & Journals

Abdullah, Ibrahim, 2004. *Between Democracy and Terror: The Sierra Leone Civil War*. Dakar: Council for the Development of Social Science Research in Africa.

Apeldoorn, L.J. Van, 1972. "Inleiding tot de Studie van het Nederlandse Recht", Zwolle: W.E.J. Tjeenk Willink.

Bairstow, Major Timothy, 2008. *Amnesty, Reconciliation, and Reintegration in South Africa:*

A Monograph. United States Marine Corps.

Bassiouni, M. Cherif, 1998. International Crimes: Jus Cogens *and* Obligatio Erga Omnes, *Law & Contemporary Problems*, 59: 63-74.

Bassiouni, M. Cherif, 1990. A Functional Approach to "General Principles of International Law", *Michigan Journal of International Law*, 768: 801-09.

Borain, Alex, *et al*. (eds.), 1994. *Dealing with the Past: Truth and Reconciliation in South Africa* Cape Town: Idasa.

Callinicos, Alex, 1994. South Africa: End of Apartheid and After. *Economic and Political Weekly*. 29 (36): 2355-2363.

Cassese, Antonio, 2003. *International Criminal Law*. New York, NY: Oxford University Press.

Coleman, Max, 1998. *Crime Against Humanity: Analysing the Repression of the Apartheid State,* Cape Town: David Philip Publishers.

Doswald-Beck, Louis, and Jean-Marie Haenkarts, 2005. *ICRC Customary International Humanitarian Law, Volume I: Rules*. New York, NY: Cambridge University Press.

Garner, Bryan. A (ed.), 2009. *Blacks Law Dictionary (9th ed.)*. St. Paul, MN: West.

Gibson, James L, 2006. The Contributions of Truth and Reconciliaton: Lessons from South Africa. *Journal of Conflict Resolution*. 50(3): 409-432.

Guelke, Adrian, 1999. Truth for Amnesty? The Truth and Reconciliation Commission and Human Rights Abuses in South Africa. *Irish Studies in International Affairs*. 10: 21-30.

Khan, Karim, *et al*., 2009. *Archbold: International Criminal Courts (Practice, Procedure, and Evidence)*. London: Sweet&Maxwell.

Mallinder, Louise, 2009. Indemnity, Amnesty, Pardon, and Prosecution Guidelines in South Africa. *Working Paper No.2 from Beyond Legalism: Amnesties, Transition and Con-*

flict Transformation. Institute of Criminology and Criminal Justice Queen's University Belfast.

Mayer, Roger C., et al., 1995. An Integrative Model of Orgaizational trust. *The Academy of Management Review*. 20(3): 709-734.

Mertokusumo, Sudikno, 1991. *Mengenal Hukum: Suatu Pengantar*. Liberty: Yogyakarta.

Moeljatno, 2002. *Asas Asas Hukum Pidana*. PT Rineka Cipta, Jakarta.

Muhaimin, Yahya A., 2005. *Perkembangan Militer dalam Politik di Indonesia*. Gadjah Mada University Press.

Naqvi, Yasmin, 2003. "Amnesty for War Crimes: Defining the Limits of International Recognition." *International Review of the Red Cross,* 85 (851): 583-625.

Ndulo, Muna, and Sara Lulo, 2010. "Free and Fair Elections, Violence, and Conflict". *Harvard International Law Journal,* 51 (155). Accessed via http://www.harvardilj.org/2010/07/online_51_ndulo_lulo/

Pedain, Antje, 2004. 'Was Amnesty a Lottery? An Empirical Study of the Decisions of the Truth and Reconciliation Commission's Committee on Amnesty' South African Law Journal 121 (785): 819-825

Poernomo, Bambang, 1993. *Asas Asas Hukum Pidana*. Jakarta: Ghalia Indonesia.

Prasetyo, Teguh, 2010. *Hukum Pidana*. Surabaya: Rajawali Press.

Rousseau, D. M., et al. 1998. "Not so Different After All: A Cross-Discipline View of Trust", *Academy of Management Review,* 23: 393-404.

Sarkin, Jeremy, 2003. "To Prosecute or Not To Prosecute: Constitutional and Legal Issues Concerning Criminal Trial", in Villa-Vicencio, Charles, and Erik Doxtader, (eds.) 2003. *The Provocations of Amnesty, Memory, Justice, and Impunity*. Trenton, NJ: Africa World Press, INC.

Scharf, Michael, 1999. "The amnesty exception to the jurisdiction of the International Criminal Court". *Cornell International Law Journal,* 32: 507.

Sriram, Chandra Lekha, 2004. *Confronting Past Human Rights Violations: Justice vs. Peace in Times of Transition.* New York: Frank Cass.

B. Judicial Decisions:

Appeal Court of Santiago, Videla Case. Chile (1994)

Federal Judge of Argentina, Cavallo Case (2001)

International Criminal Tribunal for the former Yugoslavia: Prosec vs Furundzija, Trial Judgements (1998)

South African Constitutional Court: Azanian Peoples Organization vs the Government of the Republic of South Africa (1996)

Special Court for Sierra Leone: Prosec. vs Kallon and Kamara, Appeals Chamber Decision on Challenge to Jurisdiction: Lome Accord Amnesty (2004)

C. International Conventions and Resolutions

International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)

Rome Statute of the International Criminal Court (2002)

Statute of the Special Court for Sierra Leone (2002)

United Nations General Assembly Resolution No.Res/48/159 (1995)

United Nations General Assembly Resolution 1761 (1962)

United Nations Security Council Resolution 418 (1977)

Vienna Conventions on the Law of Treaties (1969)

D. Internet Source

Auf Der Heyde, Peter, 'Apartheid: The Political Influence of Sport', *Mail & Guardian*, 16 January 2007, *http://www.mg.co.za/article/2007-01-16-apartheid-the-political-influence-of-sport*

Encyclopedia of the Nations, 'Membership – Suspension and Expulsion', undated, *http://www.nationsencyclopedia.*

com/United-Nations/Membership-SUSPENSION-AND-EXPULSION.html,

United Nations Treaty Compilation *http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=I-1-&chapter=1&lang=en*

E. Reports

South Africa Truth and Reconciliation Commission Report (1998)

F. Newspapers

Anglin, Douglas G. 'Weighing South Africa's Crimes of Apartheid', *Globe and Mail*. Ottawa, 27 October 1992.

Beresford, David. 'De Klerk drags his Feet on Hit Squad Investigations' *The Guardian*. Johannesburg, 12 August 1992.