

Human Rights Committee

Report by Eberhard Bertelsmann SC, *Pretoria Bar*

Activities

DURING the period under discussion, the Committee continued with its standard activities, which consist primarily of maintaining contact with the International Bar Association, participating in the activities of the Human Rights Institute of the International Bar Association and maintaining contact with other human rights institutions and committees inside and outside South Africa.

Following upon the pattern of organisations such as Amnesty International, the Human Rights Institute of the International Bar Association engages in correspondence with governments under whose administration human rights abuses are taking place. Member organisations such as ours are requested by the Human Rights Institute and the Human Rights Committee of the International Bar Association to support these protests.

A number of letters were written in this regard, in particular to the governments of Turkey, the Attorney General

of Columbia, the Algerian authorities, to Nigeria and others.

The Berlin conference*

The Human Rights Institute held a conference in Berlin immediately prior to the biennial conference held by the IBA in that city. The conference focused on the effective realisation of human rights in modern societies, and in particular in developing societies. South Africa was strongly represented, with the Minister of Justice, Mr Dullah Omar, delivering the keynote address and Seligson SC playing a leading role while several other members of the Bar, including the writer, participated in the debates stretching over three days.

The investigation of human rights abuses in Kenya

The Human Rights Institute of the IBA was requested to send a delegation to Kenya to investigate human rights abuses in that country. Two members, Sir William Goodhart and P Mojapelo of South Af-

rica, travelled to Kenya and prepared a detailed report which was released simultaneously in London, Nairobi and Pretoria in May of this year. I represented the Bar at the press conference during which the report was made public.

Conclusion

Contrary to my earlier, somewhat pessimistic assessment of the usefulness of the role which the Human Rights Institute of the IBA and our own Committee can play, I believe that both the Berlin Conference and the other activities referred to above were meaningful events which are worthy of continued support. The involvement in the investigation of human rights abuses in Kenya, and the willingness of that country to allow the IBA to conduct such an enquiry, are particularly encouraging. If the IBA is invited to perform such functions in other African countries, the prospects are reasonable that we can make a contribution which is both necessary and relevant.

* See also 1997 May Consultus 28.

Wetgewing en regshervorming

DIE Wette- en Administrasiekomitee van die Algemene Balieraad het weer 'n bedrywige jaar agter die rug. Daar is van Mei 1996 tot April 1997 op die volgende kommentaar gelewer:

Suid-Afrikaanse Regskommissie

- Speculative and Contingency Fees – Working Paper 63 – Project 93
- Project 104: Money Laundering and Related Matters – Discussion Paper 64
- Issue Paper 2: Project 100 – Family Violence
- Identification of Possible Areas of Reform in Family Law and the Law of Persons
- Discussion Paper 65: Project 47 – Unreasonable Stipulations in Con-

tracts and the Rectification of Contracts

- Discussion Paper 69: Project 94 – Arbitration: Draft International Arbitration Act for South Africa

Parlement

- Rationalization of Legal Practitioners Bill 1996
- Judicial Matters Amendment Bill 1996
- Proposed Amendment to Section 276A(1) of the Criminal Procedure Act 51 of 1977

Gautengse wetgewer

- Provincial Commissions Bill
- Gauteng Provincial Legislature Service Bill

Algemene Balieraad

- Vereniging rakende Konsultasiedienste
- Designation of Greater Johannesburg Transitional Metropolitan Council for the Purposes of Section 22 of the Civil Proceedings Evidence Act 1965

Proposed Extension of the Categories or Classes of Persons who are Competent to be Appointed as Intermediaries under Section 170(4)(a) of the Criminal Procedure Act 1977

Die lede van die Wette- en Administrasiekomitee vir die periode 1997 tot 1998 is: AJ Louw (sameroeper); PJJ Marais SC; PC van der Byl SC; BC van den Heever SC; PZ Ebersohn; MJ Fourie; JJ Goodey; PM van Ryneveld; C Pretorius en L Thomas. 