

SAHA claims victory - Minister of Justice forced to concede TRC records in the public domain

South African History Archive Press Release
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The South African History Archive and David Forbes claims victory against the Minister of Justice in their battle to gain access to records of the Truth and Reconciliation Commission's Amnesty Committee.

In a settlement that was made an order of the High Court, the Minister of Justice has provided access to all documents utilised in the Amnesty Committee hearing about the deaths of the Cradock Four. The order requires that the Minister of Justice allow the applicants access to the documents within 30 days, and that the Minister pay the applicants costs in the matter. This matter commenced with the filing of a *Promotion of Access to Information Act* request over two years ago.

David Forbes, the film-maker who submitted the original request, and who has the strong support of the widows of the Cradock Four, is now able to finish the documentary which will examine the lives of the men, whose political opinions and activities led to their death.

SAHA is pleased that it has been able to assist South Africans to realise their right of access to information. However, SAHA is concerned with the belated nature of the respondents' offer of settlement. SAHA believes this demonstrates that the Ministry of Justice failed to adequately consider the merits of the case when it was clear that their defence was ill-founded, and have unnecessarily expended considerable public resources resisting the claim. SAHA is also concerned that settlement has prevented a judgment which would provide clarity regarding the interpretation of a number of exemptions that are being regularly and in SAHA's opinion often incorrectly used by public bodies. Most South Africans do not have the means to challenge such decisions by means of litigation, and this case again demonstrates the need for an independent Commission which has power to make binding decisions, so that requesters of information are not prevented from accessing information through unnecessary delays or a lack of resources.