

## **PRESS CONFERENCE ANNOUNCEMENT: SEPTEMBER 3, 2009: 12H30: COSATU Boardroom, Community House, 41 Salt River Road, Salt River, Cape Town:**

You are invited to a press conference about the bold decision of the Zuma administration to withdraw the SA government's opposition to the adjudication of the remaining claims in the South Africa Apartheid Litigation in New York. This decision opens the way for the lawsuit to proceed.-

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### **JOINT PRESS STATEMENT: KHULUMANI SUPPORT GROUP & LAWYERS for the NTSEBEZA & DIGWAMAJE PLAINTIFFS: September 3, 2009**

**KHULUMANI SUPPORT GROUP as well as lawyers for the Ntsebeza and Digwamaje plaintiff groups have welcomed the decision of the South African government not to oppose the South Africa Apartheid Litigation claims being heard in the United States Southern District Court.**

In a move hailed by South Africa's victims and survivors of apartheid-era gross human rights violations, the South African government has written to the judge presiding over the South Africa Apartheid Litigation claims, Judge Shira Scheindlin, that it is now believes that the New York Court is an appropriate forum for the claims. The claims, against General Motors Corp, Ford Motor Co., IBM, Rheinmetall Group AG, and Daimler AG are based upon allegations that the corporations aided and abetted apartheid crimes, including, torture, extrajudicial killings and denationalization, all committed in violation of international law. The South African government's new position undermines one of the corporations' major defences – that an American court should not hear the matter because the lawsuit undermines South Africa's sovereignty. In July 2003, the South African government said it "is not and will not be party to litigation" against companies that did business with and in South Africa during the apartheid period.

Our understanding is that several factors have facilitated the shift in the position of the government, amongst them the fact that the claims have been substantially narrowed, and also that several defendants have been dropped. This breakthrough in the case opens the way for the South African government to play a role in the facilitation of a possible negotiated settlement outside of the court process.

In responding to the news, Khulumani plaintiff Mr Mpho Masemola said, "This is a relief after many long years of waiting for justice. We believe justice is on our side. We appreciate that the South African government is opening the door to begin negotiations. There is now some light at the end of the tunnel."

John Ngcaketsha, an attorney for the Digwamaje plaintiffs, responded to the news by saying: "We welcome government's new posture, which comes after many months of engagement between the government and the plaintiffs' lawyers. We are continuing to prepare our witnesses for trial. We move next into the discovery phase, during which we anticipate unearthing significant evidence of corporate complicity in apartheid."

Charles Abrahams, attorney for the Khulumani plaintiffs explains, "The letter of the Minister of Justice is not only legally the right thing to do, but also paves the way for the Plaintiffs and Defendant Corporations to get together in the spirit of the Truth & Reconciliation Commission and bring this matter to a resolution."

For further information, please contact:

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