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Tutu supports victims' claim

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TWELVE Truth and Reconciliation Commissioners are backing apartheid victims in a court battle seeking compensation from more than 20 multinational companies — which are being supported by the South African government.

Desmond Tutu, the chairman of the TRC, told the court that he "would support the right of victims to seek redress in any country in the world where courts do have ... jurisdiction".

He and the 12 commissioners said in their affidavit to the Second Circuit Court of Appeal in New York that the reparations actually paid to victims were far less than the TRC had determined appropriate and some victims had received no financial reparations at all.

They said no companies had received amnesty and claimed many companies had obstructed investigations into corporate involvement in apartheid.

The claimants lost their case in November last year in the District Court of New York, but appealed to the Circuit Court. In August, the South African government notified the legal team of the claimants that it intended entering the case as a co-litigant on the side of the multinationals.

"The government is filing papers as an *amicus curiae* [friend of the court] on the side of the defendants. All we are doing is confirming the government's position as stated by Penuell Maduna," Justice Director-General Menzi Simelane said.

In 2003, former Justice Minister Maduna boosted the multinationals' case by arguing that South Africa had already dealt with business's liability for apartheid before the TRC. He said the lawsuits would hamper investment.

The largest group of claimants, apartheid victim support group Khulumani, charges that, among others, Barclays Bank, computer firm IBM, oil companies BP and Total-Fina-Elf and car makers Daimler-Chrysler and Ford "aided and abetted" the apartheid government by providing it with vital services.

But the companies argue that they did not violate any international law and "are not liable for the wrongs of the apartheid government".

The case is expected to go to trial in late November.