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Crime & Courts

Obama key to apartheid lawsuits

Christelle Terreblanche
 April 12 2009 at 09:43AM

Victims of apartheid's state atrocities are pinning their hopes on United States President Barack Obama and the new ANC government of Jacob Zuma to help clinch a deal with multinational corporations that would see them paying out reparations for their role in violent repression.

They are urging the incoming government to make an appeal to Obama to help settle the claims for damages in excess of \$400-billion relating to apartheid human rights violations to which US-domiciled companies allegedly contributed by propping up the white minority state.

Seven years after they first filed for damages in a New York court, two sets of class action suits representing a broad scope of black South Africans were this week given the final green light to proceed by District Court Judge Shira Scheindlin.



The lawsuits are brought on behalf of all victims of apartheid violations, such as extrajudicial killings, torture, detention and inhumane treatment.

Charles Abrahams, a lawyer for one of the claimant groups, the Khulumani Support Group, said that despite the latest victory, the defendant companies might stage appeal after appeal for another seven years before the case is finalised.

The groups hope, however, that the South African government, which under former president Thabo Mbeki had fiercely opposed the claims, along with George Bush's administration, would initiate a settlement process rather than spend taxpayers' money acting against the victims.

The government argued that the claims undermined South Africa's sovereignty and might frustrate its attempts to secure foreign investment.

Among those who filed "friends of the court" affidavits against Mbeki's arguments were Archbishop Emeritus Desmond Tutu, the former Truth and Reconciliation Commission chairman, and some of the commissioners, along with international financial experts such as Joseph Stiglitz.

"We in the plaintiff community see this as a good opportunity for the next (South African) government to see the significance of the case and the need for them to promote the claims rather than oppose them," said Dumisa Ntsebeza, who filed the first of the two class action suits in 2002.

"There is an opportunity with Barack Obama as US president because he was a very active campaigner for companies to disinvest in apartheid South Africa.

"I would be surprised if he is not amenable to a settlement."

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The judge dismissed a key defence by the companies that they had not "intentionally" aided and abetted apartheid violations.

The next stage in the drawn-out legal process would be for the court to instruct the companies involved to open their archives to the victims so that they can establish, among others things, the degree to which they had been aware of the violations.

▶ **This article was originally published on page 5 of Sunday Independent on April 12, 2009**

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