

KHULUMANI SUPPORT GROUP

National Contact Centre: 2<sup>nd</sup> Floor Khotso House  
62 Marshall Street, Marshalltown

P.O. Box 31958, Braamfontein, 2017 South Africa

Tel: +27-11-83 2044 Fax: +27 11 833 2048

[info@khulumani.net](mailto:info@khulumani.net) | [www.khulumani.net](http://www.khulumani.net)

*Transforming victims into active citizens*



To Whom It May Concern

29 October 2018

**KHULUMANI SUPPORT GROUP TABLES A MEMORANDUM OF DEMANDS FOR INCLUSIVE REDRESS, REPARATION AND RESTITUTION FOR VICTIMS OF APARTHEID CRIMES AS IT MARKS THE 20<sup>th</sup> ANNIVERSARY OF THE HANDING TO PRESIDENT MANDELA OF THE TRC PROPOSALS ON REPARATION AND REHABILITATION**

**PREAMBLE**

On the occasion of the 20<sup>th</sup> Anniversary of the Handing to President Mandela in Parliament of a set of Comprehensive Recommendations on Reparations and Rehabilitation for victims of apartheid gross human rights violations, drafted by the Truth and Reconciliation Commission, Khulumani calls on government to finally honour the proposals recommended by the TRC to repair the harms suffered by *“the true soldiers of our struggle who have been left in bewildering proximity to unendurable poverty”*<sup>1</sup> years after their role in helping to liberate our country.

Khulumani expresses concern about the failure of government to recognise and honour the role of ordinary citizens in our country, who were inspired by the vision of a country in which all people could be treated as equal, with equal rights to dignity, respect and equality before the law. As those who *“struggled for freedom and justice in our land”*. They have been almost completely overlooked since the transition to democracy in our country in 1994. Despite the continuous efforts of victims themselves to advance their advocacy for the implementation of the remedies recommended by the TRC, there has been very little progress in resolving this *Unfinished Business of the TRC*.

**1. Victims call for the President to stop any implementation of the current draft regulations on reparation and rehabilitation that the TRC Unit has developed without them because these regulations do not address their needs**

Victims of apartheid gross violations state that they are dying without ever being afforded redress for the needs that have arisen from the gross violations they suffered under apartheid. Victims demand that the President stop any implementation of the current draft regulations on community rehabilitation that do not address their needs.

**2. Victims demand that the President provide directives to ensure the provision of interim reparations to all victims of apartheid gross human rights violations**

---

1. Raymond Suttner, Legacies and Meaning for the UDF Period for Contemporary South Africa

Victims note that the right to reparation and rehabilitation is recognised as a central pillar in providing justice for victims of political conflicts towards achieving sustainable peace and preventing the recurrence of gross human rights violations in the future.

### **3. Victims demand the ending of the arbitrary exclusion of some estimated 80,000 victims from reparation remedies through the system of a TRC “closed list”.**

Khulumani demands that the President direct that the “closed list” of only some 16,700 recognised victims of apartheid gross human rights violations be declared invalid so that twenty years later all those who suffered the same recognised harms, but who have for the past 18 years been excluded from these remedies, are finally offered equal justice to redress their suffering. Khulumani rejects the arbitrary administrative decision that has been kept in place for the past 18 years despite unceasing advocacy to ensure the equal treatment of all victims of these violations.

### **4. Victims call on the President to stop any planning for the use of victim reparation funds by officials in the TRC Unit in consultation with officials in local municipalities and chiefs organised in local traditional councils**

Victims reject the strategy of the TRC Unit to involve local municipalities and councils of traditional chiefs in making decisions about the use of victim reparation and rehabilitation funds without their involvement from the very beginning in these processes. Victims note that they are consulted only after meetings have already been held with office-bearers in the local municipalities identified by the TRC Unit for possible receipt of victim reparation funds, and with chiefs from traditional councils. They reject the unwillingness of TRC Unit officials to share with them the minutes of these meetings from which they were excluded. They explain that this process marginalises them as the key decision-makers in any plans for the use of victim reparation funds. Victims allege that the TRC officials selectively come to communities with “cooked porridge”. They refuse to accept plans developed in this way. They point out that officials in local municipalities cannot be trusted as development partners because of the extent of corruption plaguing almost every municipality across the country.

Victims are concerned that the TRC Unit officials have to date been unable to justify their selection of certain communities for community rehabilitation project funding. Victims reject having “cooked” plans presented to them as if they are unable to make their own decisions. Such treatment by staff employed in the TRC Unit counters the spirit and intent of the Promotion of National Unity and Reconciliation Act, and indeed the entire TRC process itself.

### **5. Victims declare that they are disappointed with the government which they helped to bring to power through their participation in the liberation struggle inside the country**

Victims explain that they feel they have been “*singing this song too long without ever being taken seriously.*” They are determined that this treatment at the hands of our government should now stop. They warn that they are capable of taking strong action to ensure that they are finally listened to, given that they “*shed blood to protect members of our government and to save their lives.*” They note that they personally provided protection to now-President Ramaphosa when he visited the East Rand during the so-called Civil War of the 1990s on the East Rand.

### **6. Victims declare that they will not vote in the 2019 National Elections because they have never been listened to in 24 years of democracy**

Victims feel that they it has been a mistake to trust government all these years. Victims describe how officials in local municipalities across the country state that “*they have nothing to do with victims*”

yet in many municipalities, certain councillors are offering reparations packages to victims on grounds that this will secure their votes.

**7. Victims demand a meeting with the President for him to listen to them and to begin to understand the impact of the non-delivery of reparations in their own lives and the lives of their family members**

Victims request an urgent meeting with the President so that the agenda for reparations and rehabilitation is developed and agreed with their participation. They demand that the TRC commitment to adequate, timeous and inclusive reparations take place with a sense of urgency once they have been verified as authentic victims of apartheid gross human rights violations, using the Khulumani Apartheid Reparations Database as the starting point for verification purposes.

**8. Victims demand access to finance to fund their many initiatives for self-sustainability and for addressing the needs of their communities**

Victims have continued their practices of serving as local agents of change in their communities. However, they note the extreme difficulty in accessing loans for their own development plans in the absence of collateral for their loans. This happens while funds that could unlock these challenges in accessing capital remain in The President's Fund, given that no policy exists for the use of these funds to serve as collateral for loans taken by victims to advance their own development efforts.

**9. Victims demand full recognition by government of the many services they provide to people in their local communities, given their background as activists who found ways to confront apartheid**

Victims wish to put on the record the lack of any financial support being provided to them for the services they deliver in their communities. These include dealing with instances of mob justice to prevent loss of life; making plans for the emergency provision of water in areas with water access problems; working to ensure that schools in their areas have dignified sanitation; raising awareness of HIV / AIDS and TB towards ending stigma and discrimination; facilitating the development of food security programmes in the midst of climate change; setting up social dialogue platforms to build proactively resolve conflict between local and foreign spaza shop owners; amongst many other initiatives.

**CONCLUSION**

Twenty years after the delivery of a set of recommendations for an effective programme of reparation and rehabilitation for victims of apartheid gross human rights violations, there remains a state of almost complete paralysis in the conceptualisation by the TRC Unit of plans to facilitate the restoration of the dignity of victims, to support programmes of psychosocial rehabilitation involving narrative processes for memory, memorialisation and healing, or to invest in supporting the economic initiatives of victim collectives.

Received by:

Signed: \_\_\_\_\_

Name in Print: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_