

KHULUMANI SUPPORT GROUP

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Transforming victims into active citizens



To Whom It May Concern

Department of Justice and Constitutional Development

Polokwane, Limpopo Province

26 April 2017

Dear Sir,

Continuing Concern at the Ongoing Planning to Disburse Victims' Reparation Funds to Unapproved Interest Groups in Limpopo and other provinces

Warm greetings from Khulumani Support Group's Limpopo Provincial Leadership. Khulumani Support Group is the national membership organisation of victims and survivors of apartheid gross human rights violations. Khulumani was founded in 1995 and from the start of its operations, it provided assistance to the Truth and Reconciliation Commission, and subsequently to the TRC Unit in the Department of Justice. This engagement has been deep and continuous.

As part of this continuing relationship aimed at resolving the failure of the delivery of the TRC recommendations to victims of apartheid 'crimes', Khulumani has consistently and continuously provided the Department with support, with assistance and with proposals for remedies to address these serious failures.

Amongst these failures, has been the continuing practice of excluding legitimate victims of apartheid gross human rights violations, from opportunities to formally register as individuals whose suffering and sacrifices should be acknowledged and redressed. The nature of the redress required is individual as the critical starting point. Khulumani has repeatedly offered assistance in this regard having developed a Reparations Database that was initiated in 2002.

At various points, decision-makers in the Department concurred that:

- a) Funds should be set aside to verify the data in the Khulumani Database (Dr de Wee in 2010);
- b) Efforts should be made to amend the current situation of the arbitrary exclusion of victims of apartheid gross human rights violations from reparations remedies, so as to align South Africa with the practice of every other transitional justice mechanism set up in the world to

allow highly traumatised individuals to come forward when they are ready, to be formally registered as beneficiaries of reparations payments;

- c) The victim reparations funds in The President's Fund should be ringfenced, protected and preserved until justice has been delivered as a first step to those who carried the costs of bringing our democratic government to power (the struggle veterans who continue to languish); and
- d) The revised regulations for Community Reparations promised by former Director-General in the Department, Ms Sindane are presented to a legitimate stakeholders' forum for further discussion by the victims designated as primary beneficiaries of these funds.

It is of great concern that discussions about apparently ungazetted community reparations proposals were brought to meetings in Limpopo Province by then-COO of the Department, Dr Khotso de Wee who was forced to resign from the Department on the basis of evidence of his degrading, demeaning and humiliating treatment of victims.

It was a concern that Dr de Wee first approached the business community in Limpopo Province, suggesting their involvement in delivering infrastructure projects in the province in the absence of organised victims of apartheid gross human rights violations and without their consent. De de Wee subsequently visited the chiefs (the Moshate) to alert them to the funds he promised to bring to the province from The President's Fund. De de Wee then held meetings with local municipalities about the plans he was promoting for the use of victims' reparations funds for infrastructure projects. Only then did he first begin to engage the community of GaMatlala in meetings at which victims of apartheid gross human rights violations made it clear that they did not accept Dr de Wee's plans and that they would not consent to the use of Victims' Reparations Funding in this manner. This fact was recorded by members of the IDT in their documentation of the meeting. This remains the position of Limpopo-based victims of gross human rights violations whose wishes and concerns remain to be addressed.

In the meantime, the victims from GaMatlala whose representatives you are meeting today, have been following the pursuit by Dr de Wee of a personal relationship with Mr Thabana Matlala from the Matlala Royal Council who has implicated himself in efforts to secure the disbursement of victim reparations funds into his project account, without the agreement or consent of those for whom the funds were intended, the victims of apartheid gross human rights violations. The agendas of these individuals are very clear and their lack of concern for those who have been prevented from making progress with their lives because of the failure of the state to implement a fair, just and inclusive reparations regime, are shameful.

Khulumani demands that all continuing efforts of the Department's officials to remove funds from the Victims' Reparations Fund should cease until the central issue of a failure of justice for victims of apartheid gross human rights violations are resolved and the recommendations of the TRC are fully implemented. In this regard, the rights of victims to reparations and the obligations of the state to deliver on reparations remain of central concern in the failure of delivery of justice to those who have waited patiently in line since the closure of the TRC for victims on 14 December 1997.

The passing of almost twenty years with an absence of resolution of this unfinished business remains a blot on the record of the Department which has sought to mainstream the needs of victims and the state's obligations to victims.

Khulumani requests and demands that:

1. All disbursements for community reparations are halted until the primary issue of individual reparations to all those who suffered gross human rights violations in the struggle for liberation, are addressed.
2. All continuing outreach activities of the TRC Unit in the Department are halted until individual reparations for all victims verified through an agreed process, are paid along with access to the essential services needed by victims for health care, housing and education; and
3. The long-awaited stakeholder conference about a community reparations scheme is finally held as promised by former DG, Ms Sindane.

For the many countries who admired South Africa for its TRC, the failure of delivery on the TRC recommendations remains unimaginable and a travesty of justice for which there can be no acceptable justification.

We request that a formal response to this correspondence is provided within 14 working days of receipt of this document

Yours sincerely,

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