

KHULUMANI SUPPORT GROUP

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The JANUARY 11, 2010 NEW YORK COURT HEARING in the SOUTH AFRICA APARTHEID LITIGATION (formerly *the Khulumani et al vs Barclays Bank et al* Lawsuit) exposes the FAILURE of SOME of the WORLD'S LEADING MULTINATIONALS - DAIMLER AG, FORD MOTORS, GENERAL MOTORS, INTERNATIONAL BUSINESS MACHINES (IBM) and RHEINMETALL, to respect and promote CORPORATE SOCIAL ACCOUNTABILITY

Yesterday's 2nd Circuit Court Hearing of the appeal by the defendant companies in the South Africa Apartheid Litigation against the 8 April 2009 District Court opinion to allow the litigation to proceed to trial, lasted a full two hours – way beyond the thirty minutes scheduled for the hearing. The court room was packed almost to capacity with members of the senior management of the defendant companies, clearly worried about the implications of this case for their business dealings all over the world.

The arguments that were delivered by both sides focused on two main issues. Firstly, whether a corporation can be held liable for crimes committed using the commodities and equipment that they manufactured and sold to the apartheid regime knowing what the intended use was to be. Secondly, what is the current status of the statements of interest submitted to the District Court in 2003 by the South African and the United States governments respectively. Both these administrations have detailed new positions in respect of the case in letters delivered to the District Court in September 2009.

The battle is epic and engages the question of whether international law recognizes corporate liability. For the victims of the abuses committed by the apartheid regime using the equipment produced and sold to that regime, the issues are clear. The actions of the apartheid security agents in seeking to brutally repress all resistance to apartheid, led to loss of life, disability, destruction and other harms as armoured vehicles carrying soldiers, patrolled the townships and unleashed brutal violence on a massive scale against a largely unarmed population who were engaged in a predominantly non-violent civil uprising against a brutal and unjust regime. The consequences of standing for justice are glaringly obvious in the testimonies contained in Khulumani's database, presently containing records for some 58,000 individual victims of these atrocities.

MEMBERS OF THE BOARD

Shirley Gunn; Brandon Hamber; Marjorie Jobson (ex-officio); Kabelo Lengane; Tlhoki Mofokeng; Musa Ndlovu; Luke Pato; Paul Verryn

No multinational corporation has yet taken any responsibility for their shameful activities in knowingly enabling these abuses to take place. None appeared before the Business Hearings of the South African Truth and Reconciliation Commission (TRC). None has ever made an approach to Khulumani, the organisation of victims of these abuses, to provide some redress for the consequences of their business dealings.

The rejection of any acceptance of responsibility for the extent of harm done to the lives of ordinary South African people, is astoundingly callous. We now have to wait for the court's decision in this regard as judgment has been reserved.

In an era in which reputation and branding are corporations' most important assets, yesterday's public demonstration of their capacity to turn away from the consequences of their actions, is intolerable. When corporations demand and receive rights from national governments, as they continue to do, it is unconscionable that they do not also demonstrate responsibility for their past actions.

Khulumani is committed with its global partners, to exposing the shameful actions of the corporate giants named in the lawsuit - Daimler AG, Ford Motor Company, General Motors, International Business Machines (IBM) and Rheinmetall.

The world is watching South Africa as the Soccer World Cup comes to Africa for the very first time. There could be no more opportune time to expose this history.

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