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Department of Justice and Constitutional Development
The Director-General

Att.

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Bielefeld, the 29th of January 2014

Ref: Notice 1178 of 2013,
Invitation for Public Comments on The Promotion Of National Unity And Reconciliation Act 1995

Dear Ms Botha, dear Ms Bhayat

KOSA, the Coordination Southern Africa, is a network of organisations and individuals, based in Germany. As the successor-organisation of the former Anti-Apartheid-Movement in Germany we have been following the discussions about the outcomes of the TRC, the claims against international corporations and the efforts of the Apartheid victims to achieve recognition and justice nationally and internationally. As German banks and companies played a major role in sustaining the Apartheid system, we supported the Khulumani Support Group in its efforts to hold German and other international companies accountable for their collaboration with the Apartheid regime.

Beside our activities, linked directly to Germany, we followed your national discussions about the President's Fund, most recently your Regulations Relating To Community Rehabilitation (Notice 1178 of 2013).

We share the concerns of the members of the Khulumani Support Group and call upon your Department and the South African Government to consider the following arguments:

1. The regulations propose to use the President's Fund for funding infrastructure. We know that every local government structure is provided with budgets to fund local infrastructure needs. The President's Fund was designated to fund the needs of victims of apartheid crimes, not township infrastructure for which special grants are available such as the Municipal Infrastructure Grant.
2. The regulations do not explain how victims, who are the designated beneficiaries of the funding, will benefit in any concrete way from the proposals to build infrastructure.
3. The proposed regulations do not address the intractable challenges that face struggling victims such as their need for psychosocial services, housing, access to capital to invest in building small enterprises etc;
4. The Department of Justice has not consulted the various individuals, including former Truth Commissioners, the organisations and foreign governments who contributed jointly millions of Rand into The President's Fund to address the unresolved needs of struggle veterans, for their approval of this plan to use victims' funding for infrastructure.

We are hereby requesting the South African government to halt their current plans to disburse the remaining funds in the President's Fund for general infrastructure renovation and construction when the needs of thousands of victims of apartheid crimes have not been addressed.

The marginalization of thousands of victims affected by the violations considered by the TRC – killings, abductions, torture and severe ill-treatment, who have not been recognised or assisted to deal with their victimisation, continues to threaten the process of national unity and reconciliation. (Commissioner Yasmin Sooka, 26 April 2001).

It remains important that the voice of civil society and especially the voices of the direct victims and survivors of apartheid atrocities, is heard and that the South African Government embrace a programme of reparations that includes all legitimate victims and survivors who suffered harm in the service of the liberation struggle and enables them to rebuild their lives.

We trust the South African government will reject the current proposals for community rehabilitation and work for a just community rehabilitation policy framework that finally addresses the needs of victims and survivors of the crimes of the past as its priority.

Yours sincerely,
Yours faithfully



Dieter Simon
Coordinator