

# CHARTER FOR REDRESS

Proposed by  
Victims and  
Survivors of  
Apartheid Gross  
Human Rights  
Abuses and  
Violations in  
South Africa



## Reconciliation does have a price

**We, the victims and survivors of Apartheid Gross Human Abuses and Violations, and our families, were:**

- murdered
- abducted and/or never seen again ("disappeared")
- tortured
- detained without trial
- raped
- indiscriminately shot at, and/or massacred
- forcibly removed
- "banned" and/or sentenced to "house arrest"
- unjustly sentenced to death, and/or
- had our homes and possessions looted, burnt or otherwise destroyed;

## **And furthermore recognising that:**

- many communities were subjected to deliberately constructed inferior standards of education
- many families were wrenched apart by migrant labour policies and pass laws
- many communities were inhumanely deprived of basic infrastructure such as water, sanitation, electricity and communication
- many communities were provided with only the most rudimentary health care facilities
- many communities were artificially incorporated against their wishes into "independent" homelands with corrupt administrations

**We acknowledge that:**

- we now live freely in a democratic country
- we have universal suffrage
- we have a Constitution with a Bill of Rights, for all citizens and residents of South Africa

**However, as victims and survivors of Apartheid Gross Human Rights Abuses and Violations, we note that:**

- the Truth and Reconciliation Commission (TRC) has completed its task in terms of the TRC Act
- many victims and survivors of Apartheid Gross Human Rights Abuses were neither included in the TRC process, nor included in the official list of victims who qualified for reparations
- the Government has selectively implemented only certain recommendations of the TRC, unilaterally modified other recommendations, and not yet made public their own alternative proposals for community reparations
- those victims and survivors recognised by the TRC have forfeited their rights to pursue civil action against perpetrators who were granted amnesty
- existing prosecution guidelines have been amended favourably to allow apartheid perpetrators who did not participate in the TRC, a so-called "back door amnesty" without consultation by the National Prosecuting Authority (NPA) with victims and survivors
- the missing persons' task team of the NPA does not adequately consult with the relatives and loved ones of those who disappeared, or their representatives
- the Department of Justice and Constitutional Development has not yet made public its "community reparations policy", nor has it adequately consulted with affected communities concerning their wishes in determining this policy
- the President's Fund, specifically established to assist victims and survivors of apartheid abuses, has over R600 million in funds available to be allocated within the parameters of the Truth and Reconciliation Commission Act
- the President of South Africa has the sole prerogative to unilaterally, at any time, transfer any remaining funds in the President's Fund to government's disaster management fund; when to do so would constitute a disaster for those victims and survivors whose needs have not yet been addressed
- most of the victims and survivors of Apartheid Gross Human Rights Abuses, although significantly contributing to the realisation of freedom and democracy in South Africa, have been neither acknowledged nor recognised for the important roles they have played in liberating our country
- decisions on which individual contributions to the struggle are worthy of symbolic memorialisation are made without rigorous adherence to agreed criteria

- innocent people have not yet had their unjust apartheid criminal records expunged

## **Redress is an integral component of reconciliation**

### **We hereby declare that:**

- Victims and survivors shall be prioritised in being granted assistance by government to rebuild their damaged or destroyed homes. Government shall work in partnership with victims and survivors to realise their housing needs. The houses built shall be of quality (not like the RDP houses colloquially known as 'disease incubators').
- Victims and survivors shall be compensated for possessions and property that were destroyed through being looted, burned or otherwise destroyed as a result of apartheid political violence.
- Land Claims shall be resolved without undue delay.
- Victims and survivors shall receive fair compensation, based on research, as to what would best meet their continuing needs consequent on the violations they have endured.
- All cases of sexual violations committed in exile and "underground" during the struggle (even amongst "comrades") shall be fully investigated and the identified perpetrators brought to book.
- Community reparations shall be entrusted to organised victim and survivor membership organisations and community organisations.

### **Victims and Survivors are South African citizens, and make claim to the provisions of the Bill of Rights in the Constitution of the Republic of South Africa**

- Victims and survivors are citizens of the nation and shall be treated with respect and dignity, regardless of their background or political affiliation.
- Victims and survivors shall receive equal treatment and equal access to opportunities, including access to job opportunities and to benefits.
- In the interests of treating all heroes of our struggle equally, whether they belonged to liberation parties in power or not: the age requirement for qualification to the Special Pension Fund shall be abolished
- All processes of memorialisation and monument-building shall be done in a fair and inclusive manner with the full participation of victims and survivors
- Victims and survivors shall feel safe and secure in their own land and shall be welcomed as active participants in community safety structures tasked with restoring the security of communities. The police service shall become more responsive to community security and crime shall be reduced.
- A more just economic system shall be implemented so that victims and survivors are no longer excluded from the mainstream economy.

- Medical assistance and trauma counselling shall be provided where necessary, so as to help overcome the consequences of torture and other violations, with priority being given to women.
- Access to skills development and entrepreneurial training programmes shall be provided to victims and survivors
- Free quality education for the children of victims and survivors, as well as improvements in the physical infrastructure of their children's schools shall be made available

**Victims and survivors shall not be excluded from decision-making concerning themselves or their offspring**

- Victims and survivors represented by their membership organisations shall be active partners with government in the rebuilding of their damaged lives and livelihoods, and their reintegration into society. They should not be regarded as recipients of "charity" or of "hand-outs", when there is so much that they can and are able to do for themselves once their baseline standards of living have been restored.
- Victims and survivors shall be direct participants in, and beneficiaries of heritage projects

**Neither Government nor the Truth and Reconciliation Commission addressed the legitimate claims of the majority of victims and survivors of Apartheid Gross Human Rights Abuses and Violations**

- The TRC process and recommendations shall be reviewed to establish appropriate mechanisms to deal with the nation's as yet unfinished business with particular emphasis on the victims and survivors who were excluded from participating in the TRC
- Every "freedom fighter" shall be acknowledged and honoured within his / her own community
- Those victims and survivors who contributed and/or sacrificed for the struggle shall be recognised, acknowledged and wherever possible, appropriately compensated
- All cases of "the disappeared", whether recorded by the TRC or not, shall be fully investigated to resolve the mysteries that surround the disappearance of loved ones. Victims who were buried outside the country, and those buried within the country in secret graves, shall be exhumed, and respectfully reburied according to the family's wishes, with assistance from the state.
- All perpetrators who did not apply for amnesty, shall be held accountable so that the credibility of the justice system can be upheld. The Department of Justice and Constitutional Development shall eliminate corruption in all its spheres of operation.
- All innocent victims and survivors who have unjust apartheid era criminal records shall have these records expunged.

**Reconciliation is an ongoing dynamic process which has not yet been adequately explored or addressed**

- Assistance in effecting reconciliation between perpetrators and victims, between so-called "good" victims and "bad" victims, and between victims and so-called "sell-outs" within communities, or nationally, as appropriate, shall be made available.
- A national programme to actively engage those "who did not know" what was happening during apartheid, with victims and survivors of Apartheid Gross Human Rights Abuses and Violations, shall be instituted by Government, through the Department of Justice and Constitutional Development, and the TRC Unit within the Presidency.

***In light of the above Charter, Khulumani Support and Advocacy Group makes the following recommendations:***

- This Charter for Redress be adopted by Government as a baseline working document to develop a policy to address the unfinished business of the nation, Government and the TRC, and the broader incomplete issues relating to restorative justice, transformative justice and reconciliation in South Africa, especially as far as victims and survivors of Apartheid Gross Human Rights Abuses and Violations are concerned;
- That in order to adequately rebuild and rehabilitate communities that were disproportionately affected by violence in the townships: the government make public its policy on community reparations and respond to Khulumani's comprehensive Community Reparations Proposals that were submitted to government in 2003;
- That in order to deal with the huge number of victims and survivors who were excluded from, or dealt with unfairly by the TRC and its officials: a National Civil Society Dialogue on the "Unfinished Business of the TRC", be instituted to deal with the situation of victims and survivors who were not designated "victims" by the TRC, and to consider this (Apartheid Victims' and Survivors') Charter for Redress;
- That in order to put an end to impunity: the NPA carry out the prosecution of perpetrators of political violence "without fear or favour" in a manner that is transparent, accountable, and that inclusively involves victims and/or their families in the process;
- That in the interests of enabling victims and their organisations to pursue all lawful means to obtain justice: the government withdraw the affidavit opposing the Khulumani International Lawsuit lodged in New York City;
- That in the interest of including victims in all decision-making processes that affect them: the President's Fund and TRC Unit hold regular updates and consultations with victims and their organisations, and operate in a transparent and more accessible manner.