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*'From victims to active citizens'*



February 7, 2012

Honourable President of the Republic of South Africa, Your Excellency Mr Jacob Gedleyihlekisa Zuma,

re: Members of Khulumani Support Group wish to respond to your invitation to submit to you the issues that need highlighting in your State of the Nation 2012 address

Dear Sir,

The members of Khulumani Support Group, the membership organisation of struggle veterans who lived at the frontlines of the resistance to apartheid oppression within the country and who suffered gross violations of their human rights as a result of the stands they made for justice and the achievement of democracy in South Africa, honour you as our respected President in whom we have placed our trust to facilitate the resolution of the issues that remain outstanding for our members. Khulumani's membership presently stands at around 70,000 individual victims and survivors of apartheid gross violations and their families. We wish to provide you with the details of what remains to be addressed while you remain the President in whom we have placed our hope and trust.

1. The lack of recognition of the contributions of struggle veterans

It continues to hurt our members that their contributions to the anti-apartheid struggle remain largely unrecognised. It hurts our members that these issues have increasingly been buried in this post-apartheid era and that our young people are losing awareness of the major contributions that ordinary people in South Africa made to the struggle.

It is a deep concern of Khulumani members that these matters have not yet been satisfactorily addressed and that government and those who have benefited from post-apartheid development, complain when we raise the issue of what has not yet been resolved. Khulumani members keep being told that these things happened long ago in the past and that they should just "forget about them". We know that these atrocities that were addressed to a very limited extent by the Truth and Reconciliation Commission (TRC), are like a "foot sticking out of a shallow grave" that many in government and in wider society are pretending not to see.

But they cannot continue to be ignored. The Truth and Reconciliation Commission itself named its own limitations in dealing with the past and with the victims of past atrocities. The TRC Commissioners themselves advised that there should be ongoing processes of truth-discovery and of the delivery of justice to victims. We believe that there is no better time than the present to finally face up to what ordinary people as struggle veterans suffered and to deal with the responsibility of repairing the damage they sustained. We know that where this does not happen, the

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trauma and the loss, the anger and the helplessness is handed on to the next generation as a task that has not been completed. In this way, it creates new cycles of victimisation for new generations. We do not want the traumas of the past to continue to contaminate the future of our coming generations and we want them to be exposed to the incredibly proud examples of what ordinary people did to bring down the years of colonial and apartheid oppression. This has become a very urgent agenda to address.

## 2. The issue of the discrimination and divisions that have been created amongst communities of struggle veterans

Since you commenced your term of office in 2009, the Military Veterans' Act has been enacted to provide benefits for all persons who received military training and who were thus capacitated to carry arms, according to the rank at which they operated. These provisions provide solely for those who received military training. They ignore the reality that within the country thousands of active citizens served as defenders of their communities in Self - Defence Units and in other community-based operations to protect their communities from the daily violence perpetrated by the occupying SADF soldiers and members of the Security Police.

To the extent that these provisions privilege military veterans over struggle veterans, they are discriminatory and they create deep divisions within communities where people came together in solidarity to overthrow the military might of the apartheid regime. We reject these artificial divisions. We wish to put on the record the reality that all the military veterans' associations have themselves joined forces with Khulumani in supporting the proposals submitted by Khulumani for the fair and just compensation and reparation of all who were active defenders of communities throughout the struggle and who consequently suffered physically, emotionally and financially from their sacrifices - sacrifices that need to be acknowledged and recognised accompanied by measures to repair of the harm sustained by individuals.

## 3. The lack of rehabilitation services for victims of apartheid gross human rights abuses: A Need for Appropriate Health Services

Khulumani wishes to draw attention to the fact that no physical and psychosocial rehabilitation services have been created specifically for the survivors of these atrocities despite the South African government having ratified the United Nations Convention of the Right to Rehabilitation. One aspect of this lack is reflected by the fact that the Department of Social Development has developed a list of nine categories of victims for whom they have committed to provide services. There is no category for victims of apartheid atrocities on the list of the Department of Social Development. While Khulumani has worked for the past almost three years on its victim empowerment programme, it has to date received no support from the DSD for its victim empowerment programmes.

Khulumani knows from its own experience that when victims are provided with the means to develop their own programmes and to manage their own community healing interventions that lead to their having increasing control over their own lives, everything improves in their lives. They become empowered and contributing citizens in their communities through these participatory processes of healing and rehabilitation.

## 4. The absence of substantial responses to Khulumani's submissions on what is needed to 'deal with the victims of the past'

Since 2003, Khulumani has constructively engaged with government to ensure that the measures constructed to 'deal with the past' are effective and appropriate. Up until the present, these many

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efforts of Khulumani and its members seem to have been ignored by the state. Khulumani members have regularly called the Presidential Hotline to ask for the implementation of a comprehensive and inclusive reparations policy. Many Khulumani members in their capacities as ANC members, have made multiple visits to Luthuli House to table their proposals and their requests directly with officials in Luthuli House. None of these submissions has been honoured with a respectful response to date.

Khulumani has experience since its founding in 1995 in providing the rehabilitation and community healing services that are needed. In spite of this, government responds to organisations that are not composed by those affected by the issues while appearing to ignore the submissions of Khulumani members themselves. This is a huge gap in the experience of a democracy that takes account of the views and perspectives of those most affected by particular issues.

5. The proposals for The President's Fund: The fund for much-needed 'Community Reparations'  
Khulumani is grateful that our participation in the New Age-hosted Breakfast with the President, held at the International Convention Centre in Cape Town on 1 November 2011, resulted in a response written by officials in the TRC Unit in the Department of Justice, that expressed their 'irritation' with Khulumani for keeping on 'speaking out' about what is missing in their work.

We are grateful, however, that it led to the publication in several newspapers including in the Daily Sun of a supplement that made public the list of TRC-identified beneficiaries who had not yet been traced by the TRC Unit in the nine years since the promulgation of provisions for reparations. This has meant that many Khulumani members have been able to finally engage in tracing these individuals so that they may finally receive the R30,000.00 provided for them in the regulations.

Since 2003, Khulumani has struggled to ensure that the President's Fund is dedicated to the delivery of 'community reparations' in line with the proposals submitted by Khulumani to the Department of Justice on 13 December 2010 in a workshop hosted by that Department. These are the provisions that all struggle veterans including former military combatants and ex-political prisoners agree provide better for them to rebuild their lives than any proposals presently on the table.

Khulumani also submitted proposals in response to the call for public comment on government proposed reparation regulations that were published in the Government Gazette of 11 May 2011. Over 2,000 individual victims and survivors sent the Department of Justice their responses. Khulumani is deeply concerned that these submissions appear to date to have been ignored.

#### 6. Implementing the TRC Recommendations for Individual Reparations

Khulumani can confirm from its own research and experience that the small reparation package of R30,000.00 paid only to TRC-identified victims (some 17,000 individuals) did not meet the objectives of an adequate reparations programme.

In its work with economists and with former employees of the National Treasury, we have identified a set of proposals that would meet the requirements of a programme of effective and adequate reparations. Khulumani thus calls on your office to re-open the processes of including all individuals who suffered the violations that were considered by the TRC and to provide all these individuals with the TRC-recommended reparation grant of R120,000.00.

Based on the experience of our members, we humbly request that this amount is provided to victims or to their families as a reparation grant of R2,000.00 per month for 5 years, not as a oncer-off

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reparation grant. This equates to a minimum wage level and provides victims and survivors with the stability of knowing the availability of resources from which they can begin to rebuild their economic lives.

TRC-identified victims who received once-off payments of R30,000.00 would qualify for the balance of R90,000.00, payable as a monthly reparation grant of R1,500.00 per month over 5 years. The reparation grant would not be affected by any other social grant a person is receiving.

Victims who are no longer economically marginalised, would be invited to contribute their grants into a Reparations and Rehabilitation Trust Fund to be used for community reparations purposes.

#### 7. Working with the Next Generation

Khulumani has identified the lack of intergenerational dialogue and exchange as a critical shortcoming of the post-apartheid dispensation. To this end, Khulumani has developed tools and processes for drawing on the experiences and wisdom of those who struggled to shape and inform the ongoing struggle for a society that works for all its citizens, and not only for the wealthy and already privileged.

Khulumani has called this work 'Remembering Dis(re)membering: From the power of black to the power of bling'. We would welcome support to take these processes to young people in communities across the country.

#### 8. Khulumani Expresses Concern about Special Pension Abuses and Exclusions

As an organisation that took part actively in Parliamentary processes regarding the Special Pension as a measure to provide compensation for individuals who gave a minimum of five years of service to the liberation struggle, we are dismayed about many aspects of the implementation of this remedy. The extent of fraud is the subject of ongoing investigations by the Special Investigations Unit of government while individuals who have waited in many cases for up to ten years already, continue to struggle in overwhelming circumstances. Khulumani has called for a National Dialogue to resolve the issues related to Special Pensions. There have been too many rejections that cannot be explained. There has been too much fraud in the processes of adjudicating the Special Pensions.

#### 9. A request to the President to Resolve the 'Sore' of the 25-year History of the SASOL Ex-Workers Struggle

October 1 this year marks the 25th Anniversary of one the country's saddest labour-related human rights tragedies - the SASOL Strike that led to the dismissal and blacklisting of around 2,400 SASOL workers, many of whom had skills that are needed today by SASOL's new enterprises. SASOL has failed to honour its commitments to these ex-workers to invite them to take up positions as they open up in new SASOL-owned industries in the area or to invest in the Khulumani-submitted proposals for developing alternative energy-producing plants in which victims of the SASOL strike or their children might be employed. It is now four years that SASOL has had these proposals in their possession without providing any formal response.

These matters have been raised in correspondence with your office, in the submission of memoranda to your office, in mass marches at SASOL's Head Office and at the Pretoria City Hall as well as in documentation handed to your assistants when you have visited Zamdela township and most recently when you made a speech in Sasolburg to commemorate the centenary of the ANC.

All these requests have been formally tabled with your officials and with your office regularly.

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We anticipate that these issues will now receive your attention and that plans for dealing with as many of them as possible, will be included in your State of the Nation address to be delivered on February 9, 2012 which we will be listening to and watching.

We look forward to a real collaboration in finally confronting these gaps going forward. In particular, we look forward to a meeting with your office on one of the following dates in March 2012 – the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> March, the three days that Khulumani's membership has dedicated to advocacy initiatives focused on advancing the reparations agenda in South Africa.

Khulumani plans to place this document on its website to serve as a point of reference for the resolution of the gaps or what we call the struggle to complete the "Unfinished Business of the Nation".

Many thanks for your attention to these matters.

Yours sincerely,

Marjorie Jobson on behalf of the membership of Khulumani Support Group nationally - constructed through submissions made by Khulumani member groups

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