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Date set for 'apartheid' class action

2009/12/05

THOUSANDS in the Eastern Cape have come forward as complainants in a multi-billion dollar class action lawsuit against some of South Africa's top international firms.

The firms, which include Mercedes-Benz (Daimler), IBM, General Motors and Ford, will be taken to task for their alleged role in aiding the apartheid regime.

Ten thousand people in the Eastern Cape and thousands more around the country have cleared their final hurdle in one of the biggest lawsuits involving South Africans.

The case will be heard before a United States court on January 6.

The US government called on Tuesday for the dismissal of an appeal by the firms.

Lead attorney John Ngcebetsha, of Ngcebetsha Madlanga attorneys, told the Daily Dispatch that this followed a recent letter written by Justice Minister Jeff Radebe for the cases to be settled out of court.

In April, a landmark ruling in a US court gave advocate Dumisa Ntsebeza and his legal team the right to sue multinational corporations that knowingly "aided and abetted" the apartheid government.

Mercedes-Benz SA (BMSA) is accused of supplying apartheid forces with armoured Unimog military vehicles used to suppress public meetings and marches in the country. GM and Ford are also accused of "aiding and abetting torture ... extrajudicial killing and apartheid". IBM is accused of providing technology used by the apartheid regime in displacing South Africans to Bantustans.

While Ngcebetsha said it was impossible to give an exact figure on the lawsuit, it is expected to be billions of dollars.

Ngcebetsha said Cosatu general-secretary Zwelinzima Vavi had "submitted a memorandum to court in support of the actions".

The South African Council of Churches had also shown their support through general secretary Eddie Makue. He sent a letter to the lawyers of the victims asking them to ensure that justice was served.

MBSA spokesperson Madelaine van Wyk said they never co-operated with security forces for the perpetuation of apartheid. "At numerous times Daimler's management publicly expressed its opposition to apartheid, including the head of MBSA at that time, Jürgen Schremp, in the immediate presence of representatives of the apartheid regime. In 1999, Nelson Mandela awarded Mr Schremp South Africa's highest civilian medal, the Order of Good Hope, in recognition of his involvement in South Africa."

The class action lawsuit was brought in 2001 by Ntsebeza, with University of Cape Town sociology professor Lungisile Ntsebeza as lead plaintiff, under America's Alien Tort Statute, which allows foreigners to bring human rights claims in American courts.

Claims were initially dismissed in 2004 by US district judge John Sprizzo but the suit was reinstated on April 8 by Southern District of New York judge Shira Scheindlin. — By ASA SOKOPO, Court Reporter. asas@dispatch.co.za



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