

Printing Instructions: Select **File** and then **Print** from your browser's menu

--- Article Information ---

This article was printed from [Sun2Surf](#)

Article's URL: <http://www.thesundaily.com/article.cfm?id=32148>

-----

## ***Apartheid suits against US; German firms get green light***

By: (Fri, 10 Apr 2009)

**Washington/Johannesburg (April 10, 2009)** : Victims of South Africa's defunct apartheid regime got a legal green light in the US this week to continue their pursuit of damage payments from five major US and German firms for aiding decades of oppression under white rule.

Southern District of New York Judge Shira Scheindlin said cases seeking monetary payments against Germany's Daimler and Rheinmetall Group and the US-based Ford, General Motors and IBM could go forward, the website Law.com reported Thursday.

The plaintiffs - two groups of South Africans - argue that the firms supported apartheid by selling vehicles, weapons, computer equipment and other items to the regime.

Nearly half a century of institutionalized racism formally ended in 1994 with the election of anti-apartheid hero Nelson Mandela as president, a man who spent 27 years in jail under the regime.

But the killings, the forced removals and institutionalized terror have left an indelible mark on the country of nearly 50 million. An estimated 600,000 black and mixed-race South Africans were violently moved to less fertile regions and poor neighbourhoods to make way for whites over the decades.

In South Africa, human rights groups greeted the decision in New York about the cases. But Marjorie Dobson of the Khulumani victims' group told dpa that it would appeal the judge's dismissal of cases against international banks.

Scheindlin, who made the rulings Wednesday, warned that there were limits on the rights of the plaintiffs, who include tens of thousands of South Africans who want payment for their suffering.

Nonetheless, Michael Hausfeld, lawyer for the apartheid victims in New York, greeted her ruling as representing "great progress" in international human rights.

US spokesman for Daimler Jan Tjan called the charges against his firm unjustified.

"We are confident that this will be decided in our interest," he said.

The cases had been originally rejected by US courts, but were revived under appeal. The US State Department has objected to the cases out of concern they could damage South African-US relations.

Scheindlin narrowed the cases, putting the brake on some of the charges, including that some of them were directly involved in killings. She also dismissed some cases.

Scheindlin conceded that the "commission of inhumane acts" that sustained the brutal regime was "indisputably a tort under customary international law."

But she added that private firms could not be made responsible for all of apartheid's ills, saying the international legal system "has not thus far definitively established liability for non-state actors who follow or even further state-sponsored racial oppression."

*Scheidlin found that the plaintiffs' lawyers had adequately made their point that Daimler, Ford and General Motors and their security personnel were "intimately involved" in several torture cases. The companies also knew equipment sold to the regime was being used to oppress the black majority.*

*Along the same lines, Scheindlin found that the IBM case could proceed because it knew its computers and software were being used to "register individuals, strip them of their citizenship, and segregate them in particular areas of South Africa."*

*The case against Rheinmetall Group, which will also go forward, argues that the German company aided and abetted extrajudicial killing and apartheid through the sale of weapons to South African security forces.*

*Scheidlin put the brake on cases that argued more serious charges against Daimler, Ford and GM - that they were directly involved in killings - but left it open to being pleaded anew.*

*Similar claims that IBM and Japan's Fujitsu were involved in killings and torture were dismissed.*

*The judge also dismissed claims against Barclays Bank PLC for job discrimination and against Britain's Barclays and the Swiss UBS for loaning money and backing the purchase of South African defence forces bonds, Law.com reported.*

*Under US law, non-American citizens are allowed to go to court against companies that have a foothold in the US, as long as they can prove that international human rights law has been violated. -- dpa*

*--- end ---*