

## E Cape firms face lawsuit

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LAWYERS descended on East London this weekend to recruit complainants in a multi-billion dollar class action lawsuit against some of South Africa's top international firms.

They include Mercedes- Benz, IBM, General Motors and Ford, for their role in aiding the apartheid regime.

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

Ntsebeza and lead attorney John Ngcebetsha of Ncebetsha Madlanga attorneys met potential complainants at Gompo Hall in Duncan Village at the weekend .

"There might be employees here who say they were working for Mercedes-Benz and that while they were working they were involved in the manufacture of vehicles used by the South African Defence Force for the suppression of human rights .

"The rights of the workers were suppressed by MBSA because it was supporting apartheid forces," Ntsebeza said.

He said those who witnessed companies building armoured military vehicles used by the apartheid regime should come forward.

The lawsuit accuses MBSA of supplying apartheid forces with armoured Unimog military vehicles, which were 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.

"These companies are not being fought for doing business in South Africa but for working with the apartheid government and leaving people injured and without jobs.

"We have to show that there was a relationship between the companies and the government," Ntsebeza said.

There are currently 13 complainants in the lawsuit, with the claim initially submitted at 400billion (about R3.1 trillion).

Ngcebetsha said, however, it would be for a jury to decide on a fixed amount.

Ntsebeza said the importance of the case was that it would force multinational corporations intending to invest in countries to first investigate if a country was not violating human rights.



DUMISA NTSEBEZA

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Their American counsel, clinical director of the International Human Rights Clinic at Harvard Law School, Tyler Giannini, said the case was important in developing international law .

“It is seeking redress for the survivors of crimes during apartheid. Allegations against the companies are sufficient for us to proceed to the next stage ,” Giannini said.

Former MBSA worker Michael Ngalo, who is one of the complainants, said: “I am optimistic that we can win. I was fired for standing up for workers’ rights in 1990. ”

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 class action suit was reinstated on April 8 by Southern District of New York Judge Shira Scheindlin .

Scheindlin found that the companies engaged in aiding and abetting apartheid, torture, extrajudicial killings and other crimes and could therefore be held accountable.

Contacted for comment, GM communications manager Denise van Huyssteen said she would comment today .

MBSA’s corporate communication specialist, Annelise van der Laan, said she was not at liberty to comment as the case was against Daimler, but would ask the German-based spokespersons to comment .

Attempts to contact Ford and IBM were unsuccessful. - By THANDUXOLO JIKA

High Court Reporter

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