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South Africa

ATT: AMBASSADOR RUDOLF BAERFUSS

RE: SWISS NATIONAL SCIENCE FOUNDATIONS NFP 42+ RESEARCH PROGRAMME
REPORT – THE 'KREIS REPORT'

Your Excellency, Mr Ambassador

This letter is written on behalf of a number of South African Civil society organizations who have been working on issues emanating from our past and in particular the relationship between the former Apartheid government and the Government of Switzerland including a number of state institutions and agencies.

We as individuals and organisations from civil society note the following;

- (a) The report, 'Switzerland – South Africa 1948 – 1994' (also known as 'The Kreis Report') was commissioned by the Swiss Federal Council and released by the Swiss National Science Foundation's NFP 42+ research programme in October 2005.
- (b) We note, however, that the research process was effectively hampered by limitations placed on access to the Federal Archives by the Federal Council in April 2003, despite previously acknowledging in February 2002, that 'factually correct clarification' around Swiss-South African relations should be based on 'as broad a basis of sources ... as possible' (Kreis 2005, p.40).
- (c) Consequently, a 'broad base of sources' was therefore not available to the team of researchers, leaving a considerable amount of 'unfinished business' in terms of research and related disclosures with respect to Swiss-South African relations especially in the period following 1960. The consequences of restricted access are also reflected in the acknowledgement of limitations of certain analyses and findings contained in the 'Kreis Report'. According to Kreis, “four major areas could not be researched at all or merely far too insufficiently, and above all not systematically: first, the impact of the South African government and its embassy in Switzerland on the Swiss administration; second, the assessment of the Swiss attitude by other states; third, the real scope and dimension of business undertaken with South Africa by certain companies, which, indeed, can be examined only by gaining access to the respective company archives; and fourth, the significance of the Swiss involvement for the apartheid regime.” (Kreis: 517)
- (d) Despite these restrictions, researchers were able to access some documentation providing detail on Swiss foreign and economic policy towards the apartheid regime and gleaned insights into Swiss – South African relations, that have been described by Swiss civil society groups as “characterised by understanding, collaboration and secret support.” (*Collaboration with the Apartheid Regime*, Switzerland – South Africa Research Group', Translation from Article in *Widerspruch*:No. 49, 2005)). This includes the assertion that Swiss relations with respect to financial support, military co-operation and the armaments industry were most intense during the 1980s, at a time when

repression in South Africa was at its most intense.

(e) The Kreis Report raises a host of important concerns and further questions about the role of Swiss private and state relations with South Africa during the apartheid era, and in particular with respect to gold dealing, financial exports, the arms trade and sanctions busting. The report raises very serious questions about the oversight role played by the Swiss Federal Council with respect to these and other issues during the period under review.

(f) Since the release of the Kreis Report', and despite various motions from the Swiss Parliament, the Swiss Federal Council has responded to its own commissioned report by stating that it will not comment on the 'Kreis Report's findings.

(g) Developments in federal law and policy since the 1990s now emphasise Switzerland's commitment to the maintenance of international law and respect for human rights.(Kreis, pp – 517-8). Despite this, and in light of the clear inference that policies towards apartheid South Africa would not have been justifiable under present guidelines, the Federal Council remains unwilling to engage around the role and responsibilities of its predecessor governments via-a-vis adherence to international sanctions and its general policy towards South African during the period under review.

(H) It is surprising to say the least that the Swiss Federal Council has consequently neither acknowledged the role it played, or explained itself to the people of Switzerland or indeed apologised the people of South Africa for the support it gave (directly or indirectly) to the apartheid regime that contributed to continuing repression and the perpetration of human rights violations.

As a result of the above, and in light of:

(1) the findings and recommendations made by the South African Truth and Reconciliation Commission in relation to the apartheid government's culpability for the perpetration of widespread human rights violations, and

(2) the import of the findings contained in, and apparent from, the 'Kreis report' regarding the role played by the Swiss government, which gave succour and support to the apartheid government, thereby prolonging the life and options available to that regime, and

(3) the related imperative for acknowledgement of the pain caused by apartheid on the peoples of South Africa and the need for further truth recovery to help determine respective responsibilities,

we on behalf of civil society in South Africa request that the Swiss Federal Council;

(a) Provide a comprehensive response to the findings and recommendations of the 'The Kreis Report'.

(b) Engage with other 'interested parties' in pursuit of 'factually correct clarification of Swiss-South African relations.'

(c) Acknowledge the right of victims and survivors to seek redress for violations perpetrated against them.

(d) Support the process of further research and inquiry into Swiss-South African relations, and in particular provide access to archives that it has prevented its own commissioned researchers from accessing.

(e) Make a clear commitment that the Swiss Federal Council will review its economic and foreign policy and related implementation to ensure that there can and will not be any occurrence or recurrence that allows for the Swiss government and Swiss businesses to support willingly or unwittingly political regimes that violate international human rights practices and standards.

At the same time we wish to acknowledge and thank the Swiss government for the support it provided to our Truth and Reconciliation process. This process provided a platform for further engagement in our own journey towards determining what happened in the past and ensuring that we never let it happen again. This includes the role played by international organisations and other countries. As such, the TRC was intended as the beginning of an ongoing process of engagement

and not as some may believe, an end in itself. As such, we consider the 'Kreis report', related research and engagement with the issues raised as part and parcel of that ongoing work.

It is precisely because of this support that was given that we are deeply concerned that a continuing silence and non-engagement with these issues by the Swiss Federal Council reflects poorly on the image of Switzerland, its government and its people. This in turn generates further (often negative) speculation about the reasons for maintaining this position. This situation has understandably raised profound concerns amongst victims as to how their legitimate concerns are being addressed. We strongly believe that the Swiss Federal Council's constructive engagement with these issues, as suggested above, will help the process of 'factual clarification', that we all agree must happen and help to ensure that there is acknowledgment and ownership of past wrongdoing in order to ensure its non-recurrence.

We request that this memorandum and its contents are brought to the attention of the Swiss Federal Council and that a response be furnished to us by Friday 15 May 2009. We thank you in anticipation of your further assistance in relation to a constructive engagement with these matters.

Yours Faithfully

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Ms Marjorie Jobson	Director, Khulumani Support Group
Mr Jody Kollapen	Chairman, South African Human Rights Commission
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Kally Forrest	South African Labour Bulletin
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Dr Thein Win	Chairperson, Free Burma Campaign, South Africa
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Richard Smith	Save Zimbabwe Now Campaign
Venitia Govender	Save Zimbabwe Now Campaign
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Southern Cape Land Committee	
Tri Continent Film Festival	

Support for this initiative has been received from international organisations / individuals

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