

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KHULUMANI, et al.)	S.D.N.Y.
)	Case No.: 1:03-cv-4524 (JES)
Plaintiffs,)	
)	
v.)	
)	
BARCLAYS NATIONAL BANK, et al.)	
)	
Defendants.)	
)	

Brief of *Amici Curiae* in Support of Plaintiffs'
Opposition to Defendants' Motion to Dismiss

INTEREST OF THE AMICI CURIAE

The Swiss Campaign for Debt Cancellation and Reparations in Southern Africa is a coalition of 36 organisations, non-governmental organisations working on human rights issues and monitoring the governance of companies, former anti-apartheid groups, advocacy groups, development and humanitarian agencies as well as church organisations (a full list of the organisations is provided at the end of this brief) which in the past five years has been working, in close co-operation with Jubilee South Africa and as part of the International Apartheid Debt and Reparations Campaign, for the right of the victims of human rights violations during apartheid to seek reparations, including financial compensation. We have been insisting on the principle of secondary liability under customary international law, calling on those who aided and abetted crimes against humanity like apartheid, i.e. foreign corporations and banks, to pay reparations. As *Amici Curiae*, we are filing this brief to provide the Court with additional information and arguments in support of Plaintiffs' Opposition to Defendants' Motion to Dismiss.

INTRODUCTION

In this brief, we would like to elaborate on three points. Firstly, we provide the Court with additional information on the special relationship between the Swiss banks and the apartheid governments in South Africa (pp. 2 -10). Secondly, we will point out that providing evidence has become increasingly difficult in Switzerland since banks and corporations systematically refused access to the relevant files and of recent even the government has reversed its former decision to grant liberal access to the relevant files in the National Archive (pp. 11 - 12). Thirdly, we would like to elaborate on the continuous unwillingness and obstinacy of the Swiss banks and corporations to enter into a dialogue with the victims or their representatives (p. 13).

ARGUMENT

1. The Swiss banks and the apartheid regime: A special relationship

Some of the organisations and individuals involved in the Swiss Campaign for Debt Cancellation and Reparations in Southern Africa had already been involved in the struggle against apartheid and had done research on the involvement of the Swiss banks in the 1970s and 1980s. In 1999, a comprehensive study on the subject „Apartheid-caused Debt. The role of German and Swiss Finance“ was published in Switzerland, Germany (German version) and South Africa (English version)¹. Research was also done by the „Research Group Switzerland-South Africa“. Up to now, the group produced five publications focusing on the foreign policy of Switzerland towards the apartheid governments, on the various aspects of reparations, and on two companies which were established in Switzerland by two South African corporations (De Beers and Rembrandt) during the time of the economic sanctions. The group also commissioned a German researcher, Gottfried Wellmer, to look for files on loans by Swiss banks to the South African parastatal

¹ Mascha Madörin, Gottfried Wellmer, Martina Egli: Apartheid-caused Debt. The role of German and Swiss Finance. South Africa, 1999.

energy corporation ESKOM in the South African National Archives. Wellmer also did an investigation into foreign loans to the apartheid governments and all public corporations. The resulting list² shows that the apartheid governments and public corporations received considerably more loans than known in the 1980s. And it documents the important role of Swiss banks, mainly the Swiss Bank Corporation, Union Bank of Switzerland (merged 1998 into UBS), and Credit Suisse (today CS Group), in financing the apartheid state and its corporations from the very beginning: From 1950 until 1980, the Swiss Banks participated in 105 of the total of 475 loans documented by Wellmer. Research done by Wellmer and Mascha Madörin, including their joint study of 1999, shows that the role of German and Swiss banks in financing the apartheid state increased in the 1980s, and that the two Swiss banks UBS and CS Group have played a special role.

A general remark has to be made here: What is known about the role of foreign banks and corporations during apartheid does not provide a comprehensive picture. Wellmer's research shows very well how important more in-depth research would be, as many crucial facts are still hidden from the public. And this is even more so the case for the period after 1980.

According to a recent study on the Swiss-South African Association³, after World War II one third of the authorised loans to foreign countries went to Africa: to the then Belgian Congo and to South Africa. Besides, in 1948, the year in which the National Party came into power, Union Bank of Switzerland, through its subsidiary investment fund Intrag AG, established a „South Africa Trust Fund (SAFIT)“. SAFIT invested mainly in the South African gold mining industry. Its performance was much better than another Intrag fund investing in the Canadian mining industry.

From the 1950s onwards, the leading Swiss banks, especially Union Bank of Switzerland and Swiss Bank Corporation, were the driving forces for the extension and intensification of the economic as well as the diplomatic relations of Switzerland with South Africa. The two banks

² A list of the Swiss banks' loans to Eskom is published in: Gottfried Wellmer: Kredite an Eskom. Ein Beispiel von Kollaboration mit dem Apartheidregime. Recherchiergruppe Schweiz-Südafrika, Zürich, 2002. The entire list containing all loans is published in: Gottfried Wellmer: Finanzierung der Apartheid durch deutsche Banken. Foreign loans to public sector institutions of South Africa, 1950-1980. epd-Entwicklungspolitik, Materialien I/2003.

³ David Gygax: La Swiss-South African Association (1956-2000). Un organe du capital helvétique en Afrique du Sud. Université de Fribourg, 2001.

were amongst the founding members of the Swiss-South African Association (SSAA) in 1956 and played a leading role in that very influential group. During apartheid, the SSAA developed its own parallel diplomacy. It repeatedly invited prominent South African politicians and businesspeople to Zurich, even in the second part of the 1980s when these were hardly welcome anywhere else in the world. The prominent guest list included Prime Minister (and later President) PW Botha who visited the country at least twice (in 1984 and 1988), Foreign Affairs Minister Pik Botha, Defence Minister Magnus Malan as well as several „chief ministers“ of the homeland governments that were not recognised as such by any country in the world. Once in Switzerland, the guests were nearly always given the opportunity of also meeting representatives of the Swiss government. In 1988, Georges Meyer, then vice-director of the Union Bank of Switzerland and managing director of the SSAA, was awarded the „Order of Good Hope“, the highest South African award for foreigners, by PW Botha personally. He was honored for his personal efforts of promoting the good relations between the two countries. Meyer had, according to Botha, facilitated many visits of South African businessmen and government officials to Switzerland.

According to the above-mentioned study, the SSAA was also worried about the increasingly bad image the apartheid regime had among the Swiss public. In a letter to the Swiss ambassador to South Africa, Willy Staehelin, founding member and first vice president of the association, wrote in 1957: „You know yourself what damage so-called „objective“ reports about certain political and police measures are creating in our public opinion and how biased comments and editorials are. We absolutely have to do something in this domain.“ The SSAA therefore created its own „press and information“ desk, not only, as Staehelin wrote, „to help our South African friends to get more publicity, but more especially to achieve a friendlier note in the Swiss newspapers regarding problems and difficulties in South Africa.“⁴

What the Union Bank of Switzerland probably considered as „unbiased“ was an extensive article written by the head of its representation office in South Africa, W. Zehnder, for the banks' internal magazine in April 1960, shortly after the Sharpeville massacre. He tries to explain the apartheid system, and then writes: „The reader may find this entire system improper and humiliating; the following ought to be considered; (...). The South African native is still absolutely raw, he is uneducated, does neither read nor write, in short, he is half child, half

animal. (...) He is also lazy by nature and of poor character, i.e. he lies, cheats and very often resorts to stealing, whenever he hopes to get away with it, not because he needs or fancies what he steals but because he is enjoying it. (...). The reader may also be appalled by the practice of corporal punishment in South Africa. It is, however, useless to convict a native to a prison sentence, because to him this is like a holiday; he has no responsibility and is being fed. The only language he understands is that of severity and authority. Is apartheid necessary or desirable? Hardly necessary, but certainly desirable.“⁵

Most of their public statements show that Swiss bankers were convinced that South Africa's black majority lacked the political maturity for a modern democracy. In 1983, Nikolaus Senn, chairman of the executive board of the Union Bank of Switzerland, said in an interview: „'Petty apartheid', the physical separation of the races, is about to disappear. The grand scheme of apartheid, a wholesale democratic solution including 'one man - one vote' will, however, take time. (...) 'One man - one vote' to me is not a world religion.“⁶ In a brochure on South Africa's perspectives, published in January 1989⁷, Pio Eggstein, head of the representation office of Credit Suisse in South Africa for decades, described the urban black community as an „amorphous mass“. „In a state of agitation such a mass is reacting almost blindly to insinuations and instigations whereas they will easily be intimidated and terrorised when in their normal state of lethargy.“⁸ At the end of 1988, he believed that a change of power in South Africa was still far away: „Therefore only the present government (...) is in a position to carry out reforms, whereby a timeframe of up to twenty years might be necessary to achieve a sustainable compromise deal.“⁹ From this perspective, it was logical to conclude that the apartheid state's security forces were expected to enforce this timeframe since the leaders of the South African anti-apartheid movements, in the perception of the bankers, were basically pursuing only one goal, that of power: „Not commitment for human rights, but the struggle for power coins the present state of affairs in South Africa (...). The government of the National Party (NP) commands the physical means, i.e. the armed forces and the police; on the surface, law and order can be guaranteed

⁴ Ibid. Our translation from the French original.

⁵ Quoted in: Res Strehle et al.: Ganz oben - 125 Jahre Schweizerische Bankgesellschaft. Zürich, 1987, pp.152-55. Our translation from the German original.

⁶ Bilanz 1/83, p. 78. Our translation from the German original.

⁷ Pio Eggstein: Südafrika 1988/89. Tatsachen-Entwicklungen-Hintergründe. Protea Publikationen, Flaach, 1989.

⁸ Ibid. p.8.

⁹ Ibid. p. 17.

wherever the security forces are deployed.“¹⁰ As a bank representative, he was familiar with South Africa’s economic situation and therefore knew that in order to survive, the apartheid state not only needed security forces but also foreign capital: „Foreign capital is in fact necessary for South Africa’s survival and development.“¹¹ Eggstein doesn’t distinguish between the survival of South Africa and the survival of the apartheid regime.

These views have influenced and coined the Swiss banks’ economic performance, their policy and their attitude as creditors of the apartheid state.

In the long term, war and repression are very costly. That is one of the main reasons why South Africa slid into an increasing financial crisis during the 1980s. In addition, sanction busting is costly, too. Because of the respective embargoes, the apartheid state had to buy crude oil as well as arms and technology for the arms industry at high prices on the black markets. From 1985 onwards, several countries (including the United States of America) have imposed sanctions on South Africa: not only trade sanctions but banning direct investment as well as new loans and credits to the apartheid state and its public corporations. From 1985 to 1989, the apartheid government tried to save time, to avoid negotiations and to fight resistance against its policies with increasing repression. More organisations were declared illegal; tens of thousands of people were arrested; many of them tortured and/or killed. Each time the apartheid government managed to obtain a new debt-rescheduling agreement or to be granted, what proved more and more difficult, new credits, it increased its repression against the majority of its population.

From 1985 onwards, access to international finance has become a strategic objective for the survival of the apartheid state. Therefore, banks still prepared to lend money to that government were of a strategic importance to its survival. In November 1988, the British magazine „The Economist“ wrote: „South Africa will soon be back on the financial rack for the first time since it suspended repayments of its short-term debts in September 1985. This year and next the country will have to pay its foreign creditors \$3 billion-3.5 billion in interest and principal. (...) There are few places that South Africa can turn to for financial help. (...). Western credit

¹⁰ Ibid. p.5.

¹¹ Ibid. p. 42.

agencies shun it and few foreign banks are willing to lend more money. South Africa's only financial friends in the West are in Switzerland and West Germany."

The Swiss banks¹² acted as financial friends of the apartheid state in three different ways:

- as important lenders to the state and the public sector
- as lenders of last resort in difficult financial and political situations and during the sanctions period. As the most important traders of South African gold, they could hedge the high risk of this role
- as lobbyists, endeavouring to make sure that no political conditions were tied to the rescheduling of South Africa's debt.

The strategic importance of the Swiss banks for the apartheid state is clearly documented in the statistics of the South African Reserve Bank. They show that in 1980 the long-term foreign assets of Switzerland in South Africa were higher for the non-monetary private sector than for the public sector (public authorities and public corporations). In 1989, the year before Nelson Mandela was released from prison, the long-term foreign liabilities of the public sector towards Switzerland were 45 per cent higher than those of the non-monetary private sector. By the end of 1989, South Africa's public authorities owed approximately 23 per cent of their long-term foreign liabilities to Switzerland, compared to only 12 per cent in 1980. There was no other sector of the South African economy which was so dependent on Swiss banks' credits than the apartheid government and - because of the gold trade and the gold-related loans - the South African Reserve Bank.

In the 1970s, roughly 80 per cent of South Africa's gold was marketed by the three major Swiss banks; in the 1980s it was roughly 60 per cent. Their leading role in the gold trade enabled them to provide the apartheid government in critical times with gold-related short and long-term credits - for example when, after the repression reached new heights, there was a flight of capital and other banks refused to grant new loans. This was the case after the Sharpeville massacre in 1960, before and after the Soweto uprising in 1976 as well as during South Africa's financial crises in 1986 and 1988. On March 12, 1976, the South African Reserve Bank

¹² According to the statistics of the Swiss National Bank, 80 percent of the Swiss banking business with South Africa in the 1980s was covered by the leading banks, today represented by UBS and CS Group. In respect of the gold trade, they covered as much as 100 per cent. Therefore the banking activities described in this section basically concern the two Defendants.

concluded a swap-agreement with the three Swiss banks¹³: Gold was swapped for about \$611 million (1575 million Swiss Francs)¹⁴. At the end of April 1977, a second gold swap to the amount of about \$360 million (904 million Swiss Francs) took place. In 1988, Owen Horwood, former Minister of Finance and then Chairman of the Nedbank Group, South Africa, explained in an interview that „(...) another method of repayment is in the form of gold loans. Swiss banks have been behind most of the gold loans South Africa has arranged this year, running to perhaps \$600 million.“¹⁵ Gold loans and swaps enabled the apartheid state to use gold reserves as a collateral for foreign borrowing. Research has shown that some of these huge loans and short-term credits were not included in the statistics of the South African Reserve Bank and of the Swiss National Bank. Despite many enquiries in the Swiss Parliament, the Swiss government refused to divulge any information about these gold-related credits. The statistics on gold imports were also kept secret. The Swiss government only published the total amount of gold imports, but not their origin. Only in 1999 did the Swiss government finally release these statistics. They document the fact that gold imports from South Africa have enormously risen from 1984 to 1989, during the heyday of apartheid.

As already mentioned, the Swiss banks have not only been crucial as creditors during difficult times. They also opposed the idea of attaching political conditions to the rescheduling of South Africa's debts. In 1985, when President PW Botha in what became known as his „Rubicon speech“ refused to enter into any negotiations about South Africa's future and to release Nelson Mandela, the country had to close its financial markets and the value of the South African Rand fell to a record low. The country became insolvent. Gerhard de Kock, president of the South African Reserve Bank, was desperately looking for a respectable go-between to mediate between the creditor banks and the apartheid government. Finally, the Union Bank of Switzerland suggested that Fritz Leutwiler, former president of the Swiss National Bank and then chairman of the board of Brown Boveri, take on that role. The international banking world let Leutwiler know that some positive signals regarding its willingness to take on reforms were expected from the apartheid government. Leutwiler feared an escalation of political demands if the rescheduling of the debt took too long. In an interview he said: „Time is running out. Rapid

¹³ Union Bank of Switzerland, Credit Suisse, Swiss Bank Corporation.

¹⁴ This information is based on documents found in South Africa's National Archive in Pretoria.

¹⁵ Financial Times, 22.11.1988.

action is needed. For, the longer you wait, the greater the pressure and the demands that cannot be met. International banks are faced with an increasingly difficult situation. If South Africa continues to hesitate, certain clients, above all those of American or English origin but also those of other banks, will say we are not satisfied until South Africa has subscribed to the principle of 'one man - one vote'.¹⁶ And to the South African weekly „Financial Mail“, he said: „I am not a political messenger boy. Foreign banks will not come up with concrete political demands - I will make sure of that.“¹⁷

In 1989, the Swiss banks again stood for a favourable and long-term debt rescheduling agreement, whereas the US and the Commonwealth threatened to tighten up sanctions if the apartheid government was not prepared to start negotiations and to stop its repression.

In Switzerland, the policy of the banks - to the degree it was known then - was also the subject of numerous parliamentary interventions.

In 1974, the Swiss government introduced an informal ceiling on capital exports to South Africa. Capital exports were restricted to 200-250 million Swiss Francs a year. In 1980, this limit was raised to 300 million, and the categories to be included were relaxed. An analysis of the South African Reserve Bank statistics shows that at the beginning of the 1980s, the ceiling on capital exports was exceeded several times the amount. In March 1983, a highly confidential report of a Swiss government commission stated that the regulation in force was tantamount to an alibi exercise. The admitted capital export of 300 million Swiss francs was seen as the „mere remaining amount“ in view of the actually granted 1200 million Swiss francs in 1981.¹⁸ In the year 2000, when the Swiss government, mandated by parliament, decided to finance a research project on the Swiss-South African relations (see point 2 of this brief). It decided to grant liberal access to its archives. In April 2003, however, access to the state archives was severely restricted, especially all files regarding capital exports and export risk guarantees, extending the law in force by decree beyond the 30 year limit to as far back as 1960. Furthermore, regulations governing the publication of research results have been drastically severed.

¹⁶ Tages-Anzeiger, 14.11.1985. Our translation from the German original.

¹⁷ Financial Mail, 7.1. 1986.

¹⁸ Internal Memorandum of the South Africa Desk of the Federal Department of Foreign Economic Affairs of 1984, quoted in the weekly magazine Facts, 12.6.2003.

During the last few years, Swiss bankers and businessmen have justified their role during apartheid with the argument that sanctions had only harmed the black majority and that an „intact“ economy had been crucial for the democratic transition in South Africa. On the other hand, they now argue that the litigation by the apartheid victims is jeopardizing foreign investment in South Africa. The Swiss National Bank's and the South African Reserve Bank's statistics on investment show, however, that after the end of apartheid the importance of Swiss investment in South Africa rapidly decreased; other investors have become much more important. At the end of 1993, the last year of apartheid, the value of the capital stock of Swiss direct investment in South Africa totaled 817 million Swiss Francs. At the end of 2001, it amounted to 1007 million Swiss Francs, only 190 million Swiss Francs or 24 percent more than eight years before, under the apartheid government. By the end of 2001, Swiss companies in South Africa employed 21'019 persons, only 273 more than in 1993. At the same time, the capital stock of Swiss direct investment in emerging markets and in developing countries has tripled! At the end of 1989, the share of Switzerland in all of South Africa's foreign liabilities was 13 percent, at the end of 2000 it was 3 percent. This means that Switzerland's importance as an investor for South Africa has considerably decreased. Long-term investments are a reliable indicator for the confidence placed in the future of a country. In 1989, when the apartheid state experienced a deep crisis, the share of Switzerland in South Africa's long-term foreign liabilities stood at roughly 15 percent; in 1996, it reached only just 9 percent. Looking at the share of long-term investments in the public sector (public authorities and corporations), the changes are even more drastic: In 1989, this share was 18 percent - in 2000 it was only 5 percent. And for the long-term loans and credits to the South African government, the difference is even greater: in 1989, Switzerland's share in South Africa's foreign long-term credits and loans was at 23 percent - in 2000 at less than 2 percent. Considering these figures, it seems that for Swiss investors and banks, the end of apartheid also brought about the end of their long-term perspectives in the country.

As all these elaborations indicate, there are quite a few facts supporting the very special relationship of the Swiss banks with the apartheid governments. But much more research still needs to be done.

2. Systematic denial of access to evidence

Since 1989, a Swiss Member of Parliament as well as our campaign and the research group Switzerland-South Africa have undertaken several attempts to convince the Swiss government of the necessity to comprehensively investigate and document the relations between Switzerland and South Africa during apartheid. In 1989 and again in 2001, the Swiss Member of Parliament Pia Hollenstein by means of a parliamentary initiative called for a comprehensive investigation by a commission with the same power as the „Bergier Commission“ of the 1990s which had researched the relations between Switzerland and Nazi Germany: an independent commission of inquiry with unrestricted access to both public and private archives. But the majority of Parliament voted against these initiatives and thereby prevented a comprehensive historical investigation. Instead, government decided to get some research done on a much smaller scale: The so-called national research programme NFP 42+, embracing ten different interdisciplinary research projects, inquires into some aspects of those relations. More importantly, they were granted access only to the Swiss National Archive but not to any private ones. Nevertheless, depending on their specific subject, some researchers directly contacted some banks and companies requesting access to their archives. In October 2002, during a press conference, the researchers shared their grievances with the media: Sébastien Guex, a historian from Lausanne who had intended to research the role of Swiss business, had contacted 20 companies. Eight of them had denied access and ten, amongst them the two banks UBS and CS Group, had not even replied yet half a year after the request had been made. According to the historian Peter Hug, the Swiss Bankers' Association was likewise reluctant (writing that the issue was „politically still pending“), and to a large degree also 'economiesuisse', the umbrella organisation of Swiss business.¹⁹ In an interview, the representative of 'economiesuisse', Thomas Pletscher, even insinuated that liberal access to company archives would damage Switzerland's position as a business centre. „Once the private sector is compelled to increasingly grant access to their archives, transnational corporations - Swiss or foreign - will think twice before deciding whether or not to operate from Switzerland.“²⁰ And the president of the steering committee of the National Research Project, Georg Kreis, said

¹⁹ Tages-Anzeiger, 14.10.02.

²⁰ Swissinfo, 12.10.02.

that the filing of the claims in the United States had been used as a welcome excuse for restricting access to the corporations' archives.

But not only the banks and companies use the litigations filed in your Court as an excuse to deny access to their archives. On the 16th of April this year, the Swiss government suddenly decided to close the National Archives until the matter before the US court has been settled - an as yet unprecedented measure - and thereby basically preventing the above-mentioned research project from working : „In the meantime, class actions according to US law have been filed against various companies with business relations in South Africa. They concern also Swiss companies. Thus, the conditions for a liberal access to the South African files have changed. Despite the Federal Council's continued support for a liberal access practice, it temporarily repeals the granting of access to researchers and other interested individuals.“²¹ This decision to close the archives has been vehemently criticised by the President of the Research Project 42+, by the Swiss Society for History and by the Swiss Academy of the Humanities, an umbrella organisation of Swiss researchers, and by many other organisations representing civil society demanding the repeal of the Government decision on the grounds that the public has a right of information and claiming freedom of research. The systematic denial of the Swiss government as well as the banks and corporations to open their archives not only makes it impossible to get a comprehensive picture of the various relations between Switzerland and the apartheid state. It also substantiates fears that files might have been or will be destroyed. Already proven is the fact that files documenting the relations between the Swiss military intelligence and its South African counterparts in the Swiss military department have been destroyed.²²

²¹ Press statement by the Federal Finance Department, 17.4.03. Our translation from the German original.

²² See the reports of two commissions of inquiry into the relations between the intelligence organisations, the report by Rainer Schweizer, published in December 2002 and the report of the extraordinary parliamentary audit commission looking into the relations between the Swiss military intelligence and its South African counterpart, published in August 2003.

3. Reluctance of Defendants to enter into dialogue with Plaintiffs

From June 1998 until June 2002, when the first claim against Swiss and other corporations was filed in the United States, there have been numerous attempts and initiatives by South African campaign representatives to enter into dialogue with Swiss corporations and banks in order to discuss the issue of reparations for the victims of the apartheid regime. They have all been unsuccessful. The Defendants were totally unwilling to participate in any of the many public discussions (panel discussions, TV debates etc.) on the issue, which were organised by various entities. Their seats always remained empty.

In addition to their continuous obstinacy to even discuss their role in the past and the issue of reparations, the Defendants' actions since the transition of South Africa to a democracy demonstrate but a very modest inclination to „right the wrongs“ of the past by themselves, or at least to demonstrate their willingness to invest as much in that country as they used to in the past (see also references regarding investment under point 1 of this brief).

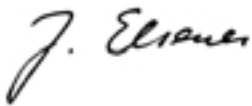
In 2000, the Swiss Development Cooperation (SDC, a government body) decided to launch a public-private partnership in South Africa, together with Swiss corporations or their subsidiaries, to increase and sustain much-needed development aid, especially in the education sector. The SDC had hoped for a total corporate participation of 3 million Swiss Francs a year. SDC itself would, in the beginning, also participate in the funding. But the response of the companies was meagre. Only a small number even agreed to participate, and altogether they were prepared to pay only 1 million a year, committing themselves for five years. They also did not want to disclose how much each company was contributing. Compared to the more than 400 million Swiss Francs per year in profits, dividends and interest which, according our estimation, flowed back from South Africa to Switzerland between 1985 and 1993, during the time of the sanctions, this is a shabby amount.

CONCLUSION

For the reasons set forth above, this Court should not grant Defendants' Motion to Dismiss and allow the case to go forward.

Dated: September 2rd, 2003

Respectfully submitted,
in the name of the Coordination Committee
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The following Swiss organisations signed the South African appeal of June 1st 1998 for assistance in the call for reparations. They support the principles of accountability as well as the right for reparations for the victims of apartheid, and therefore support the Swiss Campaign for Debt Cancellation and Reparations. In some of them, however, different positions are held on the claims filed in the United States.

1. Human rights and Peace organisations:

- Centre Europe-Tiers Monde CETIM
- Comité pour l'annulation de la dette du tiers monde
- Forum für Friedenserziehung
- Group Volontaire Outre Mer

2. Development and Humanitarian agencies:

- Centrale Sanitaire Suisse
- Co-operaid
- Fund for Development and Partnership in Africa (FEPA)
- Schweizerisches ArbeiterInnenhilfswerk (SAH)
- Solifonds
- Terre des Hommes Schweiz

3. Church agencies and missionary societies:

- Arbeitsgruppe südliches Afrika der Evangelischen Hilfswerke und Missionen
- Bethlehem Mission Immensee
- Bundesschlussgruppe der Petrus-Gemeinde, Bern
- Bundesschlussgruppe Thurnen
- Brot für Alle/Pain Pour le Prochain
- Commission Tiers Monde de l'Eglise Catholique (COTMEC)
- DM Echange et Mission
- Fachstelle Oekumene, Mission und Entwicklung, St.Gallen/Thurgau/Appenzell
- Hilfswerk der Evangelischen Kirchen der Schweiz (HEKS)
- Jeunesse Etudiante Chrétienne
- Verein Mission Gemeinsames Tun
- Kooperation Evangelischer Kirchen und Missionen (KEM)
- Laienmissionarinnen
- Mission der Brüdergemeinde
- Pax Christi Suisse
- Südafrikamission
- Table Ronde Afrique Australe du Conseil Missionnaire Catholique Fribourg
- Theologische Bewegung für Solidarität und Befreiung

4. Monitoring, advocacy and lobby organisations:

- AAB Südliches Afrika
- Afrika-Komitee
- Aktion Finanzplatz Schweiz
- Erklärung von Bern
- Freundschaftskreis Schweiz-Zambia
- Jeunesse Socialiste Genevoise
- Verein Solidarität mit Mozambique
- Vereinigung Schweiz-Zimbabwe