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MISDEEDS OF THE PAST: COMPENSATION FOR VICTIMS

R3bn to heal the apartheid pain

If the government accepts the truth commission's policy of reparations, then where's all the money going to come from? A DAILY NEWS CORRESPONDENT reports from Johannesburg.

MONEY cannot bring back the dead or compensate adequately for pain and suffering. But in its proposal for reparations to victims of apartheid, the Truth and Reconciliation Commission (TRC) has acknowledged that victims have a right to be compensated, and that various forms of compensation could improve the quality of life of victims and their dependants.

After a long consultative process with all concerned, the TRC's reparations and rehabilitation committee has finalised its proposal for a policy which, if accepted by the government, will cost the country about R3 billion in direct payouts to victims and their relatives.

Although the policy proposal announced by the TRC yesterday is presented as a final recommendation, the commission hopes to open further debate about issues relating to reparations, especially who should benefit and where the money should come from.

TREFWOORDE

- 1 Kuthrae
- 2 Kommasie in
- 3 Waarheid
- 4 Skadegeding
- 5 Skagoffers
- 6 Thukolhegi
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The policy proposal will have to be approved by the government when the TRC submits its final report in July next year before it can be implemented. The proposal is based on the acceptance of the principle

that victims of apartheid have a right to compensation.

This principle was established first in the TRC's founding legislation, which mandates it to recommend measures aimed at granting reparations to victims and restoring their human and civil dignity through appropriate rehabilitation.

The principle was upheld by the Constitutional Court last year when it ruled that the commission's power to grant amnesty to perpetrators – thus denying their victims the right to seek recourse in the courts – was legal, but that it had to be accompanied by a quid pro quo in the form of appropriate reparation made by the government.

The proposal covers two forms of reparation: urgent interim relief for people in immediate need, and a long-term reparation and rehabilitation strategy involving financial grants to individuals, symbolic reparation, community rehabilitation

and institutional reform.

The commission is empowered to administer and grant urgent interim relief, but the long-term reparation policy will be the responsibility of the government. Victims found to be in need of urgent relief are entitled to be referred to appropriate services, for example, medical or mental services, and if those services cannot be provided free of charge, to an amount of up R2 000 to pay for them. This is already being done by the commission.

The proposal for a final reparations policy has four components:

■ Individual reparation grants (IRG), an individual financial aid scheme through which each identified victim of a gross human rights violation will be paid an annual amount of between R17 029 and R23 023, depending on circumstances, for six years.

■ Symbolic reparation, entailing measures aimed at assisting commu-

nities to commemorate the pain and victories of the past, for example, through a national day of remembrance, memorials, and monuments. Individuals will also be helped to obtain death certificates, conclude outstanding legal matters and expunge criminal records which are an inheritance of apartheid laws.

■ Community rehabilitation programmes, aimed at establishing services and facilities to promote the healing and recovery of individuals and communities ravaged by apartheid.

■ Institutional reform, including legal, administrative and institutional measures designed to prevent a recurrence of rights violations.

The policy is intended to be simple, efficient and fair; culturally appropriate; and community-based to ensure that it becomes a participatory process. To pay for the various forms of reparation and administer the programme, the President's Fund will be established.

The fund will receive money from the government and international and local donors. The commission is also exploring other possible avenues of revenue, such as the Afrikaanse Handelsinstituut's proposal that part of the R9 billion

Sasria fund, the insurance fund established to safeguard business against losses incurred through political violence, be used.

Based on the commission's projection of 22 000 eligible victims, the total cost of the reparations policy is estimated at R2,8 billion over six years, or about R500 million a year. The total figure, the commission points out, represents about 0,5% of the national budget. Why throw money at those who suffered as a result of the apartheid conflict?

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"The individual reparation grant is an acknowledgement of a person's suffering ... (it) provides resources to victims in an effort to restore their dignity," the policy document states.

"About 38% of the deponents before the TRC requested financial assistance to improve the quality of their life. In addition, over 90% of deponents asked for a range of services which can be bought if money is made available, for example, education, medical care, housing etc."

The benchmark amount of individual grants, R21 700, is equal to the median household income in South Africa. Individual grants are calculated from this benchmark according to a formula taking into account the beneficiary's living conditions.

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