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**MINISTRY: JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 3088**

**DATE OF QUESTION: 16 SEPTEMBER 2022**

**DATE OF SUBMISSION: 30 SEPTEMBER 2022**

**Mr B N Herron (Good) to ask the Minister of Justice and Correctional Services:**

Whether, with the President’s Fund having been established as a fund for economic restitution for individuals severely affected by Apartheid, with guidelines set out by the Truth and Reconciliation Commission (TRC), he has found that there is a large number of South Africans who were excluded from the TRC restitution and who still suffer from the effects of Apartheid; if not, what is the position in this regard; if so, what amount of the President’s Fund has been used in providing economic restitution to the victims who were excluded?

**NW3516E**

**REPLY:**

The guidelines set by the Truth and Reconciliation Commission (TRC) on page 86 of volume 1 of the TRC of South Africa Report states the following:

1. The TRC Report stated that it adopted a closed-list approach in order not to impose a huge burden on government in that “there would be no value in simply handing the government a list which included a broad category of unidentified persons for consideration as victims deserving of reparations”.
2. The TRC Report further stated that the “Commission had made considerable efforts to reach all parts of the country and to disseminate information on how to make a statement. Those who had chosen not to do so should not, therefore, be included”.
3. The TRC did recognise that “some had elected not to make statements as a matter of political choice”.
4. The TRC indicated that “it would have been unrealistic to give the government what would in effect, have been an open-ended list and, on this basis, to expect the state to make a commitment to paying reparations”

The TRC resolved to confine the number of victims eligible for reparations to three (3) areas:

1. Victims who personally made statements to the Commission.
2. Victims named in a statement made by a relative or other interested person for example a colleague, friend or neighbour. These are statements made on behalf of and in the interests of specific persons.
3. Victims identified through the amnesty process.

**What is the position in this regard to a large number of South Africans who were excluded from the TRC restitution and who still suffer from the effects of Apartheid?**

In terms of current legislation, the President’s Fund effectively makes reparation payments only to victims who made statements to the TRC before 15 December 1997, and who are declared as TRC identified victims of gross human rights violations.

**What amount of the President’s Fund has been used in providing economic restitution to the victims who were excluded?**

There is no amount from the President’s Fund that has been used to provide reparations to victims who did not make statements to the TRC before 15 December 1997, and who are not declared TRC identified victims of gross human rights violations.