



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## South Africa

South Africa – ZAF35808 – Affirmative  
Action – Violent Crime – Land Rights –  
Schabir Sheik Trial  
15 December 2009

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### **1 Please provide information on the extent of discrimination against white people in relation to employment.**

In a September 2009 opinion piece in *The Guardian* entitled ‘Canada’s asylum fiasco’, Heather Mallick criticises a Canadian decision to grant a white South African, Brandon Huntley, asylum. According to Mallick, “[a] Canadian refugee board member agreed that Huntley deserved asylum, saying he would ‘stand out like a sore thumb’ in South Africa because of his skin colour and would be unable to find a job because of affirmative action favouring black people.” In relation to unemployment and colour, the piece states that “[t]he official unemployment rate for South African white people is in fact 4.6% compared to 27.9% for black people.”<sup>1</sup> The Canadian government is appealing the decision of the Immigration and Refugee Board of Canada (IRB).<sup>2</sup>

In response to the IRB decision, *The Times* (UK) published an article in September 2009 which included interviews with a number of white residents of the same suburb of Cape Town in which Brandon Huntley once lived (Mowbray). On the issue of white discrimination the article states that the decision “has touched a raw nerve in South Africa”, particularly with the ANC government, which the author describes as “notoriously thin-skinned when it comes to such accusations”. Those interviewed for the article acknowledge the country’s high crime rate, however they seem to baulk at the idea that white people are the victims of discrimination. The author, Jonathan Clayton, quotes Luke Mills, “an Englishman who has lived in Mowbray for seven years” who states that “[n]o one would say there is no crime in Mowbray or that it is not a problem in South Africa, but the real victims of crime here are the weak and the vulnerable – the poor, the disabled... the idea that as a white person in South Africa you have somehow drawn the short straw is ludicrous, when you look at the average white person’s life-style and the opportunities which come their way it is laughable... This guy is a con man.”<sup>3</sup>

The US Department of State’s *Country Reports on Human Rights Practices for 2008 – South Africa* provides useful information on the South African government’s affirmative action policy and the outcomes of this policy vis-à-vis employment in management positions. The report states that the policy of affirmative action applies to employers with “50 or more

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<sup>1</sup> Mallick, H. 2009, ‘Canada’s asylum fiasco’, *The Guardian*, 3 September.

<http://www.guardian.co.uk/commentisfree/cifamerica/2009/sep/03/white-south-african-canada-asylum> – Accessed 22 September 2009 – Attachment 1

<sup>2</sup> ‘Canadian unease at white refugee’ 2009, Sydney Morning Herald, source: *Agence France Presse*, 5 September – Attachment 2

<sup>3</sup> Clayton, J. 2009, ‘Brandon Huntley’s tales of racism in South Africa ‘are ludicrous’, *The Times*, 7 September – Attachment 3

employees” and requires such employers to ensure that ‘blacks’, ‘coloureds’ and ‘Asians’ are “represented adequately at all levels of the workforce”. Despite this policy and despite such groups collectively representing more than 90 percent of the population, ‘blacks’ represent “only 22.2 percent of top management positions, and approximately 36.5 percent of professional positions”:

The law requires employers with 50 or more employees to ensure that previously disadvantaged groups, legally defined as “Blacks” (including “Africans,” “Colored,” and “Asians,” and collectively constituting more than 90 percent of the country’s population) are represented adequately at all levels of the workforce. Notwithstanding the country’s antidiscrimination legislation, however, the DOL 2007 Employment Equity Analysis reported that Blacks remained underrepresented, particularly at the professional and managerial levels. According to the report, only 22.2 percent of top management positions, and approximately 36.5 percent of professional positions, were held by Blacks, and Black women remained by far the most disadvantaged group in number and quality of management or skilled jobs. Employers cited a lack of training and development, poor recruitment processes, and an antagonistic corporate culture as the main impediments to affirmative action.<sup>4</sup>

An April 2008 article in *The Mail and Guardian* (South Africa) reports that “[a]lthough white unemployment is only about 5% and not comparable with the hardship and poverty faced by the country’s black population, there is a strong perception held by young Afrikaners that they’re hard done by because of government’s policy to redress past imbalances.”<sup>5</sup>

To illustrate perceptions of hardship and discrimination among South Africa’s white community, it is worth quoting Pieter Groenewald, a member of parliament for the predominantly white Afrikaan Freedom Front Plus Party. Pieter Groenewald claims that “[t]he ANC government is no different from that of Mugabe of Zimbabwe when it comes to whites”, adding that “Mugabe openly says that whites are not welcome in Zimbabwe; the ANC uses affirmative action to force whites to seek jobs overseas.”<sup>6</sup>

Eric Louw, states in a review of a 2007 book on Thabo Mbeki in the *Australian Review of Public Affairs* that it is “middle and working class whites”, rather than white businessmen that have “suffered the negative consequences of Affirmative Action and feel politically powerlessness” (sic). Demonstrating some sympathy with these sentiments, Eric Louw adds that “[t]he Mbeki-ites dismiss such criticism as ‘white racism’. For the ANC, white unhappiness is less threatening than the unhappiness of the black underclass, in part because emigration has served to lessen the pressure emanating from this sector given that an estimated 20 per cent of whites have emigrated since 1990.” The review describes Eric Louw as the “Director of Communication Programs, School of Journalism and Communication, University of Queensland.”<sup>7</sup>

Between 1995 and 2005 approximately one million white South Africans permanently departed South Africa according to Peet Van Aardt, citing a report by Frans Cronjé from the South African Institute of Race Relations (SAIRR). According to Van Aardt, Frans Cronjé

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<sup>4</sup> US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – South Africa*, February, Section 5 – Attachment 4

<sup>5</sup> Basson, A. 2008, ‘Dazed, confused (and racist?)’ *The Mail & Guardian* online, 25 April <http://www.mg.co.za/article/2008-04-25-dazed-confused-and-racist> – Accessed 10 December 2009 – Attachment 5

<sup>6</sup> LoBaido, A. C. 2005, ‘South Africa’s white: ‘2nd-class citizens’, WND talks to Afrikaners fighting Marxist policies of ruling ANC’, *WorldNetDaily*, 8 October, [http://www.worldnetdaily.com/news/article.asp?ARTICLE\\_ID=46727](http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=46727) – Accessed 21 April 2009 – Attachment 6

<sup>7</sup> Eric Louw 2008, ‘What happened to South Africa’s transformation?’ *Australian Review of Public Affairs* <http://www.australianreview.net/digest/2008/04/louw.html> – Accessed 2 December 2009 – Attachment 7

claims that the primary reasons for this exodus are “crime and affirmative action which had driven a fifth of South Africa’s white population out of the country.”<sup>8</sup>

‘Solidarity’ is a South African trade union with 120,000, predominantly white members, according to *WorldNetDaily*.<sup>9</sup> In a November 2009 *Reuters* article posted on the News 24 website, it is reported that “Solidarity has filed applications in the Labour Court in Johannesburg contesting appointment and promotion policies in the police force and prison service, saying whites are suffering from racial discrimination.” Solidarity also suggests that there is a nexus between affirmative action and South Africa’s high rate of crime; “Solidarity secretary-general Dirk Hermann said the SA Police Service was more concerned with meeting affirmative action quotas than filling vacant positions with competent officers.”<sup>10</sup>

In November 2009 it was reported by the South African website *Business Day* that a Pretoria police captain, Capt Renate Barnard, was suing the police service. The article states that the Captain “argued through her counsel, John Grogan, that the police service had subjected her to different treatment because of her colour...Had Barnard not been white, she would not have been subjected to differential treatment, and the fact that she was white was the dominant cause for the treatment.” According to *Business Day*, the application is one of ten being supported by the trade union ‘Solidarity’.<sup>11</sup>

Writing in *The Guardian* in 2006, Simon Wood suggests that, for working class Afrikaners at least, there is some substance to their grievances. The January 2006 article “Race against time” argues that “working-class Afrikaners are the very people whom apartheid was designed to protect and those who had most to lose from its demise”. Woods adds that “[t]hroughout most of its lifetime, the apartheid government protected working-class whites. Jobs were reserved for them in the state railway, the mines and heavy industry”. Since such job protection has been removed, the percentage of whites living below the poverty line had increased from 1.5 percent in 1995 to 6.9 percent by 2002. The article states that other research suggests that the figure may be up to 15 percent:

In 1995, a year after Nelson Mandela came to power, 1.5 per cent of whites lived below the poverty line, whereas in 2002 that figure had risen to 6.9 per cent. Other research claims that joblessness among whites has risen by perhaps as much as 15 per cent per year over the past few years; some reports indicate that 10 per cent of Afrikaner households now have an average income which puts them into the poorest groups. What is clear, however, is that over 350,000 people may be classified as poor, with some research claiming that up to 150,000 are destitute and struggling for survival. The latter inhabit a twilight world of squatter camps, shelters, trailer parks and low-cost accommodation.

... Throughout most of its lifetime, the apartheid government protected working-class whites. Jobs were reserved for them in the state railway, the mines and heavy industry. Their church had been telling them for generations that they were God’s chosen people and superior to blacks. It is hardly surprising, then, that social workers at the South African Women’s

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<sup>8</sup> Van Aardt, P. 2006, ‘Million whites leave South Africa – Study’, *Fin24.com*, 24 April [http://www.fin24.com/articles/default/display\\_article.aspx?Nav=ns&ArticleID=1518-25\\_2003186](http://www.fin24.com/articles/default/display_article.aspx?Nav=ns&ArticleID=1518-25_2003186) – Accessed 2 December 2009 – Attachment 8

<sup>9</sup> LoBaido, A. C. 2005, ‘South Africa’s white: ‘2nd-class citizens’, WND talks to Afrikaners fighting Marxist policies of ruling ANC’, *WorldNetDaily*, 8 October, [http://www.worldnetdaily.com/news/article.asp?ARTICLE\\_ID=46727](http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=46727) – Accessed 21 April 2009 – Attachment 6

<sup>10</sup> ‘White cops claim discrimination’ 2009, News 24 website, source: *Reuters*, 12 November [http://www.news24.com/Content/SouthAfrica/News/1059/a8c29c8e45004739b5d85a924f95a5d2/12-11-2009-10-06/White\\_cops\\_claim\\_discrimination](http://www.news24.com/Content/SouthAfrica/News/1059/a8c29c8e45004739b5d85a924f95a5d2/12-11-2009-10-06/White_cops_claim_discrimination) – Accessed 2 December 2009 – Attachment 9

<sup>11</sup> ‘South African white police sues state over promotion discrimination’ 2009, BBC Monitoring Service, source: *Business Day*, 7 November – Attachment 10

Federation (SAVF), one of the organisations trying to help poor, displaced whites, believe that the big problem is their mindset, not Affirmative Action or government policies.

‘Many of these people cannot accept the fact that now we are all equal and that means “white people must go as low as black people”,’ one member of staff tells me. ‘Those who are willing to swallow their pride and work with blacks find it very humbling, humiliating. But there are too many who would choose to not work at all and watch their families suffer, rather than “stoop” to that.’ Changing these people’s mindsets, she says, is an almost impossible task: ‘All they see is that everything is different now and they don’t like it.’<sup>12</sup>

## **2 Please provide information on the measures taken by the authorities to address violent crime.**

An article in the *Business Day – South Africa* in September 2009 states that national crime figures released that month indicate that the rates of attacks at home, at work and in the car all “substantially increased” while “murder and attempted murder continued their downward trend with decreases of between 3 per cent and 4 per cent”. Nevertheless, the number of murders remained high; “more than 18,000 South Africans were still killed between April last year and March this year”. Robberies at businesses, however, were up 41.1 percent; home robberies were up 27.3 percent; car jacking up 5 percent; and truck jacking up 15.4 percent.<sup>13</sup>

An article published in September 2009 in the *IHS Global Insight Daily Analysis* also examines the same 2008-2009 crime statistics. The article states that according to the statistics released by the South African Police Service, “a total of 2,098,229 serious crime cases were registered in South Africa in the 12-month period between 1 April 2008 and 31 March 2009”. Of these, “some 685,185 (32.7%) were so-called contact crimes or crimes against a person, such as murder, sexual offences, assault GBH (assault with the intent to inflict grievous bodily harm), common assault, aggravated robbery, and other robbery.”<sup>14</sup>

According to Freedom House, the South African deputy security minister “reportedly told police to institute a “shoot to kill” policy regarding criminals”. Jacob Zuma, now South Africa’s President, is reported to have suggested that a way to combat such crime is to “reassemble the ‘street committees’ that patrolled cities and surrounding areas before the democratic transition in 1994.”<sup>15</sup>

According to a January 2006 article in *The Mail & Guardian*, South Africa has the highest incarceration rate on the African continent:

The latest World Prison Population List, compiled at the end of February 2005, shows South Africa with Africa’s highest incarceration rate (413 per 100 000), followed by Botswana (339 per 100 000).

Nigeria, the continent’s most populous state, trails with a modest 31 per 100 000.

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<sup>12</sup> Wood, S. 2006, ‘Race against time’, *The Guardian*, 22 January  
<http://www.guardian.co.uk/world/2006/jan/22/southafrica.features> – Accessed 2 December 2009 – Attachment

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<sup>13</sup> ‘South African minister reveals rate of most-feared crimes has increased’ 2009, BBC Monitoring Service, source: *Business Day -South Africa*, 23 September – Attachment 12

<sup>14</sup> Selassie, G. 2009, ‘Murder rate falls but sex offences up in South Africa’s latest crime statistics’ *IHS Global Insight Daily Analysis*, 24 September – Attachment 13

<sup>15</sup> Freedom House 2009, ‘Freedom in the World Country Report South Africa’, Freedom House website, 16 July – Attachment 14

In terms of absolute numbers, South Africa's prison population of 186 700 dwarfs that of every other African country, including Egypt (80 000), Ethiopia (65 000) and even Rwanda, where approximately 103 000 of the 112 000 people behind bars are held on suspicion of participation in genocide.

Even after the release of 65 387 prisoners in June and August 2005, South Africa still has the highest number of prisoners on the continent.<sup>16</sup>

A June 2009 article by the Institute for Security Studies states that 20 percent of whites in South Africa plan to leave South Africa due to push factors such as violence, crime and corruption. Those whites that remain in South Africa have increasingly moved into security estates and townhouses "whose unique selling point that propels estate agencies' marketing drives is security and an unwritten promise of a safer existence."<sup>17</sup>

### **3 Are there reports of people being forcibly removed from their homes due to land rights claims?**

Freedom House's 2008 report *Freedom in the World – South Africa* writes that "[t]he state generally protects citizens from arbitrary deprivation of their property." Eighty percent of farmland remains owned by white South Africans, according to the report, however "[i]llegal squatting on white-owned farms is a serious problem, as are attacks on white owners." The report also states that the South African government "has vowed to transfer 30 percent of land to black owners by 2014."<sup>18</sup>

An August 2006 *BBC News* report entitled 'White SA farmers in sale decline' also states that it is the intention of the South African government to have some 30 percent of farmland in black ownership by the year 2014. The article indicates that it is the South African government's policy to buy the land from white farmers; however it also reports that "[t]he South African government has told white farmers that they risk losing their farms if they fail to agree a selling price within six months." If the farmers don't agree on a price, then the land risks appropriation, however the article is unclear if compensation would be involved. According to the article, by 2006 "only 4% of land has been transferred and the government is under fire for going too slowly."<sup>19</sup>

According to the US Department of State, white farmers in South Africa have been killed by "black assailants", however the *Country Reports on Human Rights Practices for 2008 – South Africa* states that "studies showed perpetrators were generally common criminals motivated by financial gain" rather than for racial or political reasons.<sup>20</sup>

In KwaZulu-Natal province 12594 land rights claims have been lodged, of which 8145 had been settled by June 2006, according to the South African commercial property website E-

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<sup>16</sup> Roelf, W. 2006, 'South Africa is continent's number-one jailer', The Mail & Guardian online, source: SAPA, 3 January – Attachment 15

<sup>17</sup> 'Fear and Loathing of the Rich Infringe on South Africans' Civil Liberties' 2009, Institute for Security Studies, 18 June, 2009 – Attachment 16

<sup>18</sup> Freedom House 2008, *Freedom in the World – South Africa*, 2 July

<http://www.freedomhouse.org/template.cfm?page=22&year=2008&country=7491> – Accessed 11 November 2008 – Attachment 17

<sup>19</sup> Walker, R. 2006, 'White SA farmers in sale decline', *BBC News*, 13 August – Attachment 18

<sup>20</sup> US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – South Africa*, February, Section 5 – Attachment 4

Prop. The article states that KwaZulu-Natal province had set aside 2.9 billion rand for compensation payments.<sup>21</sup>

A 23 November 2009 article originally published by South Africa's *Business Day* states that "the Land Claims Commission could not afford to honour at least R10bn in outstanding commitments to land owners and claimants, which could result in huge damages claims." According to *Business Day*, the Land Claims Commission has approached the department of Treasury "for an extra R10.3bn for land restitution over the next three years." This was subsequently rejected and now "[a] proposal for 70 per cent less (R3.1bn) is under discussion."<sup>22</sup>

#### **4 Please provide information on the trial of Mr Schabir Shaik, including information on the nature of the charges and the outcome of the trial.**

Schabir Shaik is an associate of the current president of South Africa, Jacob Zuma. In 2005 Zuma, then Deputy-President was sacked by Thabo Mbeki following Schabir Shaik's conviction for fraud and corruption. According to *BBC News*, "Shaik was found guilty of trying to solicit a bribe from Thint, the local subsidiary of French arms company Thales, on behalf of Mr Zuma" and was sentenced to 15 years imprisonment. The article adds that "[i]n April 2009 prosecutors announced they would not pursue charges against Mr Zuma, concluding that there had been political manipulation in the investigation."<sup>23</sup>

A 2004 article in *The Guardian* reported that the prosecution in the case of Schabir Shaik argued "that Mr Zuma, 62, was bribed by Mr Shaik to manipulate aspects of South Africa's controversial purchase of warships, aircraft and other armaments mainly from European companies." On the specific charge of bribery, the prosecution charge that "from 1995 Mr Shaik's company Nkobi Holdings paid Mr Zuma the equivalent of £108,000 in cash, bonds, loan repayments, living allowances, clothing, school and university fees for his children in return for his help in obtaining government contracts." Furthermore, it was alleged "that in 2000 Mr Zuma solicited an annual bribe of £43,000 from Thomson-CSF/Thales to deflect the investigation of irregularities."<sup>24</sup>

The decision of the prosecution not to pursue Jacob Zuma, allowing him to run for President of the South Africa was controversial, as was the release of Schabir Shaik on 'medical grounds' only three years into his 15 year sentence. *News 24* quotes Clifford Gordon, an attorney and "expert on parole issues" as declaring Schabir Shaik's release "a strange thing". According to Gordon, "[t]his is the first case I've heard of where someone was [granted parole] who wasn't at death's door." The article reports that Shaik's brother, Yunis Shaik, "refused to say whether his brother was terminally ill and described him only as "gravely ill".<sup>25</sup> Barry Bearak, writing in the *New York Times* states that in South Africa "[t]he rules for medical parole require that a prisoner be in the final stages of a terminal illness." Bearak

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<sup>21</sup> 'Land claims settlements near 90%, says Gwanya Edward West' 2006, EProp website, 5 July

<http://www.eprop.co.za/news/article.aspx?idArticle=7487> – Accessed 14 December 2009 – Attachment 19

<sup>22</sup> Ensor, L. 2009, 'MPs urge government to allocate more funds to land reform programme', BBC Monitoring Service, source: Business Day, 23 November – Attachment 20

<sup>23</sup> 'Murky path of BAE's South Africa deal' 2009, *BBC News*, 1 October

<http://news.bbc.co.uk/2/hi/africa/8285406.stm> – Accessed 2 December 2009 – Attachment 21

<sup>24</sup> Carroll, R, 2004, 'Trial puts ANC in the spotlight', *The Guardian*, 12 October

<http://www.guardian.co.uk/world/2004/oct/12/southafrica.rorycarroll> – Accessed 2 December 2009 – Attachment 22

<sup>25</sup> 'Expert: Shaik's release strange' 2009, *News 24* website, 3 March

[http://www.news24.com/Content/SouthAfrica/News/1059/27384017771743e19ba4b664bebf255f/03-03-2009-04-00/Expert\\_Shaiks\\_release\\_strange](http://www.news24.com/Content/SouthAfrica/News/1059/27384017771743e19ba4b664bebf255f/03-03-2009-04-00/Expert_Shaiks_release_strange) – Accessed 2 December 2009 – Attachment 23

quotes an unnamed spokesman from the Inkatha Freedom Party as saying that “that if you are an A.N.C. comrade, anything is possible, even a get-out-of-jail-free card.”<sup>26</sup> According to the South African news and classifieds site Independent Online (IOL), Schabir Shaik was seen driving with his son by a Durban councillor, Dean Macpherson.<sup>27</sup>

In response to the controversy surrounding Schabir Shaik’s release, Jacob Zuma is reported to have “pointed out to his former financial adviser, Schabir Shaik, who is currently on medical parole from jail, that he could face a reprimand, or having his parole terms altered.”<sup>28</sup>

An interesting postscript to the Schabir Shaik/Jacob Zuma saga is that in October 2009, Jacob Zuma appointed Mo Shaik, brother of Schabir Shaik, as head of Secret Services in the State Security Agency. According to *Witness*, when Zuma was head of counterintelligence in the ANC’s Department of Intelligence and Security, “Mo, Shamin, Schabir and Yunus Shaik were part of Zuma’s underground military and intelligence apparatus within Umkhonto We Sizwe in the Natal-KwaZulu area in the late eighties”:

On October 2, President Jacob Zuma promoted Mo Shaik – brother of the more famous Schabir Shaik, released by Zuma on alleged health grounds from a 15-year prison sentence for corruption – to head of Secret Services in a reorganised, centralised and more powerful State Security Agency.

...It is public knowledge that Mo, Shamin, Schabir and Yunus Shaik were part of Zuma’s underground military and intelligence apparatus within Umkhonto We Sizwe in the Natal-KwaZulu area in the late eighties, during the last years of the apartheid regime, known as “Operation Bible”. At this time, Zuma was head of counterintelligence in the ANC’s feared Department of Intelligence and Security, known as iMbokodo, the grindstone. Schabir Shaik subsequently became Zuma’s personal financial adviser, extending to him significant unpaid loans.

...This appointment recalls Zuma’s own aborted trial for corruption. It suggests that an improper degree of personal loyalty attaches this new spy chief to the old spy chief of the eighties, for perceived reasons of factional self-interest and in defiance of the criterion of the public interest. All semblance of civil service impartiality has been abandoned in this most partial and self-serving of appointments.<sup>29</sup>

For a comprehensive detail on the charges and background to the case, the RRT has retained a copy of the 31 May 2005 verdict.<sup>30</sup>

## **5 Are there any reports of witnesses in the trial being targeted or harmed?**

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<sup>26</sup> Bearak, B. 2009, ‘Jailed Zuma Ally Paroled on Medical Grounds’, *New York Times*, 3 March [http://www.nytimes.com/2009/03/04/world/africa/04safrica.html?\\_r=2](http://www.nytimes.com/2009/03/04/world/africa/04safrica.html?_r=2) – Accessed 10 December 2009 – Attachment 24

<sup>27</sup> ‘Minister puts Shaik debacle to rest’, 2009, Independent Online, source: *SAPA* [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=2976&art\\_id=nw20090819172137474C224462](http://www.iol.co.za/index.php?set_id=1&click_id=2976&art_id=nw20090819172137474C224462) – Accessed 2 December 2009 – Attachment 25

<sup>28</sup> ‘Zuma hints to Shaik that he could go back to jail’ 2009, *Business Report*, 25 November <http://www.busrep.co.za/index.php?fSectionId=552&fArticleId=5260965> – Accessed 2 December 2009 – Attachment 26

<sup>29</sup> Trehwela, P. 2009, ‘The crude excesses of power’, *Witness*, source: *Politicsweb.co.za*, 6 October [http://www.witness.co.za/index.php?showcontent&global%5B\\_id%5D=28952](http://www.witness.co.za/index.php?showcontent&global%5B_id%5D=28952) – Accessed 2 December 2009 – Attachment 27

<sup>30</sup> Squires, H. 2005, ‘The State Versus Schabir Shaik & 11 Others’, *ABC News*, 31 May <http://www.abc.net.au/foreign/content/2009/Shaik%20HC%20judgement.pdf> – Accessed 11 December 2009 – Attachment 28

No sources have been located that state witnesses in the Schabir Shaik have been intimidated, threatened or harmed. However, an October 2004 article entitled 'Shaik spoke of 'enemy elimination' – Singh' reports that a witness in the trial, described as Schabir Shaik's "former personal assistant Bianca Singh", stated that "Schabir Shaik threatened to 'eliminate' his enemies." The report also states that "at the very end of her three-page statement she says: 'I am scared and believe that I have reason to fear Mr Schaik. I have heard him say that he will not let anyone break down his empire and he would just eliminate or just get rid of them.'" Furthermore, "[t]he prosecution kept Singh's name off its official list of more than 100 witnesses in order to protect her identity up to the last minute. She was escorted to court and gave her testimony under the watchful eye of two Scorpions bodyguards." The article also adds that another state witness, Ms Susan Delique, attended court accompanied by bodyguards.<sup>31</sup>

Only one example was located of a witness refusing to attend court to give evidence, however the witness, David Wilson, described in the *Cape Times* as "a British citizen who has been living in Malaysia for the past 20 years" did not fear intimidation or harm. In a statement, Mr Wilson said that he simply did not wish "to embarrass the government of Malaysia".<sup>32</sup>

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<sup>31</sup> 'Shaik spoke of 'enemy elimination' – Singh', 2004, IOL website, source: *SAPA* 20 October [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=2976&art\\_id=qw1098265861969B263](http://www.iol.co.za/index.php?set_id=1&click_id=2976&art_id=qw1098265861969B263) – Accessed 15 December 2009 – Attachment 29

<sup>32</sup> Ellis, E. 2005, 'Key witness refuses to testify in Shaik trial', *Cape Times*, 2 February <http://www.capetimes.co.za/index.php?fSectionId=271&fArticleId=2394836> – Accessed 10 December 2009 – Attachment 30



## Attachments

1. Mallick, H. 2009, 'Canada's asylum fiasco', *The Guardian*, 3 September.  
<http://www.guardian.co.uk/commentisfree/cifamerica/2009/sep/03/white-south-african-canada-asylum> – Accessed 22 September 2009.
2. 'Canadian unease at white refugee' 2009, *Sydney Morning Herald*, source: *Agence France Presse*, 5 September. (CISNET South Africa CX232957)
3. Clayton, J. 2009, 'Brandon Huntley's tales of racism in South Africa 'are ludicrous'', *The Times*, 7 September. (CISNET South Africa CX232952)
4. US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – South Africa*, February.
5. Basson, A. 2008, 'Dazed, confused (and racist?)' *The Mail & Guardian* online, 25 April  
<http://www.mg.co.za/article/2008-04-25-dazed-confused-and-racist> – Accessed 10 December 2009. (Factiva)
6. LoBaido, A. C. 2005, 'South Africa's white: '2nd-class citizens'', WND talks to Afrikaners fighting Marxist policies of ruling ANC', *WorldNetDaily*, 8 October,  
[http://www.worldnetdaily.com/news/article.asp?ARTICLE\\_ID=46727](http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=46727) – Accessed 21 April 2009.
7. Eric Louw 2008, 'What happened to South Africa's transformation?' *Australian Review of Public Affairs* <http://www.australianreview.net/digest/2008/04/louw.html> – Accessed 2 December 2009.
8. Van Aardt, P. 2006 'Million whites leave South Africa—Study', *Fin24.com*, 24 April  
[http://www.fin24.com/articles/default/display\\_article.aspx?Nav=ns&ArticleID=1518-25\\_2003186](http://www.fin24.com/articles/default/display_article.aspx?Nav=ns&ArticleID=1518-25_2003186) – Accessed 2 December 2009.
9. 'White cops claim discrimination' 2009, *News 24* website, source: *Reuters*, 12 November  
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