

KHULUMANI et al. v. Barclays National Bank Ltd et al.

Defendants – excerpts from the complaint

OIL - “Without oil, the police and military could not have functioned and the economy of South Africa would have come to a standstill.” (¶289)

- **ExxonMobil Corp.**

“During the Apartheid regime, Mobil was ‘the largest U.S. investor in South Africa, with assets of approximately \$425 million.’”(¶301) “‘Exxon will continue to oil the wheels of apartheid’”(¶316) “Mobil officials and directors did not deny that its oil was being supplied to the South African military.” (¶302)

- **Shell Oil Co.**

“Shell Oil Company was the largest supplier of oil and petroleum to South Africa during apartheid, importing almost 7.5 million tons of oil or 20 percent of South Africa’s estimated import needs.” (¶317) “When a Norwegian spokesman for Shell was asked about Shell’s scruples to sell petroleum products to the South African military and police, he replied: ‘That is just the consequence of being present in a country...Neither politically speaking, nor in a practical way, our petroleum products are to be blamed for the policies of the South African government. To say it in a demagogical way: from the fact that Hitler ate pumpernickel, it does not necessarily follow that there is anything wrong with pumpernickel.’” (¶324)

- **Caltex (Chevron Texaco Corporation, Chevron Texaco Global Energy Inc.)**

“In 1966, two years after the U.N. expert committee recommended an oil embargo, Caltex opened a petroleum refinery near Cape Town...”(¶326)
“Caltex supplied the South African government with oil for civilian and military purposes.” (¶331)

- **British Petroleum P.L.C.**

“BP sold oil and gas to the South African military.” (¶339)

- **Fluor Corporation**

“Defendant Fluor Corporation (Fluor) obtained a \$4.2 billion contract to oversee the expansion of South Africa’s coal conversion program, lending direct support to apartheid.” (¶350)

- **Total-Fina-Elf**

“In 1986, when Total came under fire from the anti-apartheid movement, trade unions and others in France, Mr. A.R. Hough, Managing Director of Total wrote to the [South African] Financial Mail: ‘At no time in the past

was the possibility of Total withdrawing from SA considered; it is not being considered at present, and will not be considered in the future.” (¶359)

ARMAMENTS – “The businesses linked to ARMSCOR [South Africa’s state armaments production enterprise] included ‘virtually all of South Africa’s major non-state conglomerates, as well as a number of high profile multinationals, such as IBM, Shell, Daimler-Benz and many others.’” (¶371)

- **Rheinmetall Group**

“Rheinmetall, under fraudulent export declarations, exported a complete ammunition factory to South Africa to manufacture the 155mm extended range projectiles needed by South Africa.” (¶379)

BANKING – “The vital importance of banking to South Africa was summarized by South African Prime Minister John Voster, who stated, ‘each bank loan, each new investment is another brick in the wall of our continued existence.’”(¶391)

- **Barclays National Bank Ltd**

“Barclays was one of the most important lenders of foreign capital to South Africa. A United Nations study...identified nine major loans to the South African government and its corporations totaling \$478 million in which Barclays played a leading role.” (¶427)

- **Citigroup, Inc.**

“Citibank was the largest U.S. lender to South Africa; in 1990, Citibank had \$660 million in outstanding loans to South Africa...”(¶434) “Between 1972 and 1978, Citibank and its subsidiaries participated in \$1.6 billion in credits and bonds to South Africa.” (¶436)

- **Commerzbank**

“Commerzbank was a leading manager of loans to South Africa between 1972 and 1978, according to UN report tabulating such loans. Commerzbank was involved in 30 such loans with a total value of \$870 million.” (¶451)

- **Credit Suisse Group**

“Between 1982 and 1984, Union Bank of Switzerland (IBS/SNG), Swiss Bank Corporation (SBC) and Credit Suisse (CS) were among the most active lead managers of syndicated loans to the South African government.” (¶456)

- **Deutsche Bank AG**

“The importance of Deutsche Bank to the South African Government is evidenced by the awarding of the Order of Good Hope [South Africa’s

highest civilian award given to foreigners for promoting international relations and the interests of South Africa]...on June 13, 1979.” (¶462)

- **Dresdner Bank AG**

“Dresdner Bank operated in South Africa utilizing a variety of subsidiaries and associated companies, including Compagnie Luxembourgeoise de Banque S.A., Luxembourg Dresdner Bank, subsidiaries and associated companies collectively referred to as the ‘Dresdner Bank Group.’” (¶470)
“Dresdner Bank participated in sixty loans to the South African public sector between 1950 and 1980, acting as lead or co-lead manager with respect to fifty-four of these loans. The total nominal value of the loans was \$1.767 billion.” (¶471)

- **J.P. Morgan Chase (Chase Manhattan)**

“After the Sharpeville massacre in 1960, Chase Manhattan led a consortium of 10 banks in providing \$40 million in loans to South Africa.” (¶480)

- **UBS AG**

“Between 1979 and mid-1982, UBS participated in more loans to South Africa than any other bank.” (¶493)

TRANSPORTATION – “Defendant vehicle manufacturers knowingly supplied vehicles, parts, and other equipment to the South African police (SAP), South African Defense Force (SADF) and South African Army.” (¶498)

- **Ford Motor Co.**

“...a top ranking Ford official said, ‘Why are we in South Africa?...we would not be there were there not an opportunity to make a profit.’” (¶275) “[Ford] explained that refusal to supply military vehicles ‘might influence the South African government to restrict or halt procurement of Ford vehicles for its other civilian agencies, which represents a significant volume of business.’” (¶506)

- **DaimlerChrysler AG**

“Mercedes Benz employees reported that their company increasingly gained responsibility for repairing military vehicles and their parts, including vehicles used for ‘the occupation and control of black urban settlements.’” (¶517) “Beginning in 1978, Mercedes Benz began to ship approximately 6,000 Unimogs to South Africa despite the U.N. Security Council’s mandatory arms embargo. These Mercedes Benz Unimogs were among those used as component parts for the ARMSCOR vehicles.” (¶530)

- **General Motors Corp.**

“In 1977, GM had sales of \$185 million in South Africa: \$156 million in vehicles and the remaining \$29 million in locomotives, earth-moving equipment and diesel engines. By the end of 1977, GM’s total investment in South Africa was \$119 million.” (¶541)

TECHNOLOGY – “Computers are essential to the South African governments’ pervasive control over every aspect of existence for every black individual. From the age of sixteen, all Africans must carry passbooks indicating where they have permission to live and work and whether they are allowed to live with their families...computers have enabled the South African government to strengthen its grip on the population and intensify apartheid enforcement over the years.” (¶564)

- **Fujitsu Ltd (International Computers Ltd)**

“[Their] computer network stored fingerprints and personal details on the 16 million South Africans whom the regime classified as ‘black’ and was used to maintain the passbooks that were key to ‘influx control.’” (¶578)
 “Enforcement of this system led to the arrests of millions of Africans.” (¶579)

- **International Business Machines Corp. (IBM)**

“IBM had an extensive involvement in the apartheid regime in that it was the largest computer supplier in South Africa, with total annual sales estimated at R300 million.”(¶587) “Since at least 1970, the South African Department of the Interior relied on IBM hardware for its portion of the computerized population registry...’ ...for several years IBM has knowingly rented a Model 370 computer system to the South African Department of the Interior which is used for the regime’s national identity system. The IBM machine stores files on seven million people the regime has designated as ‘coloreds,’ Asians, and whites...since IBM owns the equipment and leases it to the government, it could withdraw from the arrangement, but has declined to do so.” (¶590) “IBM conceded the equipment may be used for repressive purposes, but also noted that ‘It’s not really our policy to tell our customers how to conduct themselves.’”(¶592)

- **AEG Daimler-Benz Industrie**

Allgemeine Elektrizitätsgesellschaft (AEG) [owned by Daimler Benz from 1985-86] “aids the South African government in its internal security by monitoring the identity and movement of black population...” (¶535)

MINING – “The mining industry remains the goose that lays the golden egg for South Africa.” (¶603) “... the mining industry ‘played a central role in helping to design and implement apartheid policies.’” (¶604) “The living and working conditions for miners were tantamount to slavery.”(¶616) “The barracks [at the mines] were surrounded by barbed wire and guards, and visits by wives and families were strictly forbidden.” (¶617)

- **Rio Tino Group**

“One of the largest mining projects of the decade was at Phalaborwa in the northeastern Transvaal. Palabora Mining, a subsidiary of Rio Tinto Zinc invested more than 80 million rand in opencast mining of copper and other ores: ‘This venture was so profitable that by 1970 it was supplying some 42 percent of RTZ’s worldwide profits on only 8 percent of invested capital.’”(¶626)

DOE CORPORATIONS 1 – 100

“As stated by Owen Horwood, 1983 South African Minister of Finance: ‘The story of the economic development of this country is intimately bound up with foreign capital, technology, and expertise. Significant investments usually bring all three. It allows us to do what we want rather more quickly. It allows us to do some things better than we would otherwise do.’” (¶269)

“...private corporate support is largely responsible for the success of the government’s apartheid policies.” (¶271)

“Many people assumed that when companies withdrew from South Africa, they would cut all links with the country, but as the Commonwealth Committee of Foreign Ministers noted, ‘In practice, this has rarely happened. Most have maintained commercial links, licenses, technology-transfer agreements and so on. They continue to provide the products, inputs and services that they supplied before.’” (¶287)