



Australian Government
Refugee Review Tribunal

Country Advice

South Africa

South Africa – ZAF38247 – Whites –
Women – State Protection – Genocide –
Crime
4 March 2011

1. Please provide information on crime by black South Africans which is directed towards white South Africans.

While white South Africans have been the victims of crimes perpetrated by black South Africans, the motivations for crime are largely non-racial.

Whites feel Threatened

In an article discussing racially motivated crime by blacks and whites, *The Guardian* notes the feelings of white South Africans who “see themselves as victims amid rising crime, in particular the 20,000 murders a year...”.¹ A 2009 *BBC* article states that rising crime rates have been cited by many whites as one of the reasons for “hundreds of thousands” of them leaving the country. The article adds, however, that by 2009 the annual murder rate had dropped to 18,000.² Freedom House reported in 2008 that attacks on white farm owners and illegal squatting on white-owned farms is a “serious problem”. It added, however, that 80 percent of farmland is owned by white South Africans, who make up 14 percent of the population and this has resulted in thousands of black and colored farmworkers suffering from insecure tenure rights.³ A 2007 *Christian Science Monitor* article notes that “the white middle class – once protected by a white police force – has increasingly become a target” for crime.⁴ An *Ottawa Citizen* article reported that the police precinct in 2007 with the highest number of house robberies involving weapons was Sandton, “one of Johannesburg’s wealthiest and best-protected suburbs” which presumably has a large proportion of whites.⁵

¹ McGreal, C. 2008, ‘There’s racism, but not in public’, *The Guardian*, 7 March

<http://www.guardian.co.uk/world/2008/mar/07/southafrica.race> – Accessed 21 April 2009 – Attachment 1

² ‘Canada SA refugee ruling ‘racist’ 2009, *BBC News* website, 2 September.

<http://news.bbc.co.uk/2/hi/africa/8233004.stm> – Accessed 23 September 2009 – Attachment 2

³ 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 3

⁴ Baldauf, S. 2007, ‘Murder of a reggae star sparks reflection in South Africa’, *Christian Science Monitor*, 26 October – Attachment 4

⁵ Bagnall, J. 2008, ‘A random scourge; South Africa’s reputation for lawlessness is constraining its potential. What distinguishes crime in the country, aside from its violence, is its unpredictability’, *Ottawa Citizen*, 11 November – Attachment 5

Reasons for Crime against Whites

Despite concerns among whites that they are targeted for crime because of their race, most evidence pointed to other motivations. Studies of attacks on white farmers cited by the US Department of State (US DOS) in 2010 indicate that perpetrators were generally “common criminals motivated by financial gain”. The US DOS adds that there were also reports that white employers “abused and killed black farm laborers, and complaints that white employers received preferential treatment from the authorities”.⁶ A *BBC* article in 2006 attributes some of the violence against white farmers to grievances over land disputes and the government’s land reform program of returning farmland to black families that was previously seized under apartheid.⁷ The *Economist Intelligence Unit* supports this view, arguing that crime levels are also due to South Africa having one of most unequal distributions of income in the world.⁸ It is worth noting that in September 2009, the Canadian Government announced it was going to court to seek a review of the decision by the Immigration and Refugee Board of Canada to grant asylum to a white South African who claimed to have been the target of violent crime because of his race. The Government stated that the board’s decision contained made an error in “equating random acts of violence that Mr Huntley [the applicant] claimed to have experienced with persecution due to his race”.⁹

Rather than race, *Economist Intelligence Unit* suggests that the causes of South Africa’s crime levels, which affect whites as well as other groups, are based in the legacy of apartheid which has created a violent society with high levels of gun ownership.¹⁰ The aforementioned *Ottawa Citizen* article argues that “much of this mayhem [crime] flows from apartheid which created a gaping economic divide between blacks and the whites who ran the system”.¹¹ This has been exacerbated by the rapid influx of people into urban areas since the early 1990s, the high level of unemployment, and the “difficult transformation taking place in the police service and the criminal justice system”. Consequently, crime in South Africa is characterized by its “randomness”. Furthermore, it adds that crimes can be committed with a degree of impunity with little chance of being caught.¹²

Evidence of non-racial reasons for crime lies in the fact that most victims are black.¹³ In 2008 it was reported that the crime issue has expanded from being linked to the “white racial group” because “after all, most victims of violent crime are black”.¹⁴ The mostly black citizens in townships on the periphery of Johannesburg and Durban “consistently suffer the greatest number of aggravated robberies”.¹⁵ It is also worth noting that middle class Indians

⁶ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March, Sections 1 & 5 – Attachment 6

⁷ Walker, R. 2006, ‘White SA farmers in sale decline’, *BBC News*, 13 August – Attachment 7

⁸ ‘South Africa risk: Security risk’ 2008, *Economist Intelligence Unit*, 20 October – Attachment 8

⁹ ‘SA ‘refugee’ faces ejection’ 2010, *Times Live*, 10 April – Attachment 9

¹⁰ ‘South Africa risk: Security risk’ 2008, *Economist Intelligence Unit*, 20 October – Attachment 8

¹¹ Bagnall, J. 2008, ‘A random scourge; South Africa’s reputation for lawlessness is constraining its potential. What distinguishes crime in the country, aside from its violence, is its unpredictability’, *Ottawa Citizen*, 11 November – Attachment 5

¹² ‘South Africa risk: Security risk’ 2008, *Economist Intelligence Unit*, 20 October – Attachment 8

¹³ Baldauf, S. 2007, ‘Murder of a reggae star sparks reflection in South Africa’, *Christian Science Monitor*, 26 October – Attachment 4

¹⁴ ‘South Africa risk: Security risk’ 2008, *Economist Intelligence Unit*, 20 October – Attachment 8

¹⁵ Bagnall, J. 2008, ‘A random scourge; South Africa’s reputation for lawlessness is constraining its potential. What distinguishes crime in the country, aside from its violence, is its unpredictability’, *Ottawa Citizen*, 11 November – Attachment 5

also believe they are becoming targets for crime as “criminals increasingly attack the homes and businesses of members of the community”.¹⁶

Despite this, some sources stated that race may have played a role. An article published in 2008 by the *Weekend Argus* contends that “the de facto situation is that whites are under criminal siege explicitly because of their ‘race’”. It suggests a link between crimes of an extremely violent nature and anti-white sentiments by the perpetrators. Violent crimes are said to often be accompanied by racial insults. The article alleges that blacks who commit crimes feel that whites are now “historical fair game”.¹⁷

2. Please provide information on relevant crime rates in Pretoria as compared to other major South African cities to assist me to consider the question of relocation.

Pretoria is described by the South Africa Logue website as “not as dangerous as Johannesburg, but it is still a high crime region”. It warns that “no chances at any time should be taken in and around the city, the dangers of street crime and muggings are as high as anywhere else in South Africa”. Certain areas in Pretoria are said to be more dangerous than others, “although nowhere is particularly safe on the streets after dark”.¹⁸

A report by the South Africa Police Service (SAPS) on the crime situation for the year from April 2007 to March 2008 indicates that Pretoria had the fifth highest number of incidents of street robbery for all police precincts in the country. The police precincts at the centres of the other major South African cities of Durban and Johannesburg fared worse, ranking first and second. Pretoria did not make it in the top 20 for the other categories of robbery listed. Johannesburg Central came in 11th for carjacking and first for business robbery. Durban came in 13th for carjacking and second for business robbery.¹⁹

Overall crime rates in South Africa seem to be high regardless of the city or the socioeconomics of the neighbourhood. As mentioned, the highest number of house robberies involving weapons was in the wealthy Johannesburg suburb of Sandton. As mentioned above, what distinguishes crime in South Africa is its randomness of location. While in North America visitors to major cities can minimize the likelihood of attack by avoiding certain areas, crime in South Africa is “endemic”, and can occur anywhere.²⁰ A 2008 *Sunday Tribune* article states that police stations reporting the highest incidence of residential robbery were KwaMashu, Umlazi, KwaDukuza, Esikhawini and Inanda.²¹

3. The US DOS stated that in 2009, South Africa’s violent crime rate ranked highest in the world.²² An Institute for Security Studies article provides an analysis of the crime

¹⁶ ‘Indian family’s murder spotlights crime in South Africa’ 2008, *Indo-Asian News Service*, 9 September – Attachment 10

¹⁷ Warwick, R. 2008, ‘Is SA crime a “race war”?’ , *Weekend Argus*, 5 April – Attachment 11

¹⁸ Baxter, P. 2011, ‘Pretoria’, South Africa Logue website <http://www.southafricalogue.com/pretoria> - Accessed 3 March 2011 – Attachment 12

¹⁹ ‘Crime situation in South Africa – 2007/2008 financial year’ 2008, South African Police Service website <http://www.saps.gov.za/statistics/reports/crimestats/2008/docs/introduction2008.pdf> – Accessed 5 December 2008 – Attachment 13

²⁰ Bagnall, J. 2008, ‘A random scourge; South Africa’s reputation for lawlessness is constraining its potential. What distinguishes crime in the country, aside from its violence, is its unpredictability’, *Ottawa Citizen*, 11 November – Attachment 5

²¹ Hlongwane, A. 2008, ‘Home robberies rise’, *Sunday Tribune*, 7 September – Attachment 14

²² US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March, Sections 1 & 5 – Attachment 6

statistics for the 2007/2008 financial year and states that the overall crime rate had dropped by 4.7%. The rate for contact crimes decreased by 6.4%, including a decrease of 4.7% in murder, 8.8% in rape and 7.4% in aggravated robbery. These decreases, however, were, from exceptionally high levels. In addition the rates of five of the six sub-categories of aggravated robbery continued to increase.²³ **Is state protection available for whites and white women?**

Sources suggest that despite policies of affirmative action in other areas and negative attitudes towards whites by some black police, state protection is available to whites and white women.²⁴

Whites

There is no official discrimination in the provision of state protection as South African law prohibits it. Section 9(1) of the 1996 South African constitution indicates that “[e]veryone is equal before the law and has the right to equal protection and benefit of the law.” Pursuant to Section 9(3) of the constitution, “[t]he state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour...culture, language”.²⁵ Furthermore, the ‘Promotion of Equality and Prevention of Unfair Discrimination Act, 2000’ prohibits unfair discrimination against any person. Pursuant to Section 7 of the Act, unfair discrimination “on the ground of race” is prohibited, including “the denial of access to opportunities, including access to services”.²⁶

These laws are said to be enforced in practice. The US Department of State reported in 2006 that “[t]he majority of police resources and law enforcement attention remained focused on wealthy residential and business areas”.²⁷ This suggests that whites, due to being relatively wealthier as a group, are likely to enjoy state protection.²⁸ Afrikaner website Afrikaner Genocide Archives, however, alleges several cases where police were said to have assaulted whites and encouraged attacks on white inmates by black inmates.²⁹ These allegations were not confirmed in reports by international human rights observers.

However, despite white South Africans’ feeling that they are being targeted by criminals due to their race, the Government has stated that its will to combat crime does not include paying particular attention to one race. President Jacob Zuma was reported as saying “We’re

²³ Burger, J. 2008, ‘The 2007/08 Crime Statistics In Perspective’, Institute for Security Studies website, 11 July http://www.issafrica.org/index.php?link_id=14&slink_id=6265&link_type=12&slink_type=12&tmpl_id=3 – Accessed 4 December 2008 – Attachment 15

²⁴ Republic of South Africa 1998, ‘Employment Equity Act, 1998’, No. 55 of 1998, South African Department of Labour website, Section 6 <http://www.labour.gov.za/download/8276/Act%20-%20Employment%20Equity.pdf> – Accessed 20 June 2007 – Attachment 16

²⁵ Republic of South Africa 1996, ‘Constitution of the Republic of South Africa’, No. 108 of 1996, South African Government Information website, 18 December <http://www.info.gov.za/documents/constitution/1996/a108-96.pdf> – Accessed 20 June 2007 – Attachment 17

²⁶ Republic of South Africa 2000, ‘Promotion of Equality and Prevention of Unfair Discrimination Act, 2000’, Act No. 4, 2000, South African Government Information website, 2 February, Sections 6 & 7 <http://www.info.gov.za/gazette/acts/2000/a4-00.pdf> – Accessed 20 June 2007 – Attachment 18

²⁷ US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – South Africa*, March, Sections 1a, 1 d & 2c – Attachment 19

²⁸ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March, Section 6 – Attachment 6

²⁹ ‘Police-jail rapes of white SA men is a war crime pattern’ 2010, Afrikaner Genocide Archives website, 12 January <http://afrikaner-genocide-archives.blogspot.com/2010/01/police-jail-rapes-of-white-sa-men-is.html> Accessed 2 March 2011 – Attachment 20

committed to creating a stable and safe environment for all South Africans, regardless of the colour of their skin and we think that dealing with crime along racial lines can only serve to divide the South African nation”.³⁰

White Women

Little information was found to suggest that white women enjoy levels of state protection any different to whites in general. It is worth noting though, that an article critical of the Government’s response to crime reported the case of Cape Town Metro police officers being violent to white women.³¹

With regard to protection for women in general, Oxfam states that “South Africa has put in place an elaborate and sophisticated national gender machinery comprising of the Office on the Status of Women and Gender Focal Points in the Executive; the Joint Committee on the Improvement of Quality of Life and Status of Women, and an independent statutory body (the Commission on Gender Equality)”. It surmises that “on the whole, there is a positive legislative, policy, and institutional framework with regard to gender equality”. In practice, however, it states that there are “serious gaps” including systemic inequalities and discrimination in social structures, practices, and attitudes. This is said to impair the capacity of women to fully enjoy the rights enshrined in the legal framework.³²

4. Do police have the resources and ability to protect citizens?

The resources and ability of police to protect citizens has been criticised. *Economist Intelligence Unit* published a report in 2008 which states that despite its efforts, the Government had made slow progress in improving the country’s security environment with regard to crime. It adds that “police are inexperienced, poorly trained and corrupt; the institution itself cannot be relied upon to enforce the law adequately and to protect the public”. Critics of the Government’s crime policies held protest rallies in Johannesburg, Cape Town and Durban – led by the Victims in the Republic of South Africa (Virsa) which attracted several thousand people. Despite its criticism, the report states that the Government no longer viewed the crime debate as an irritant but as a serious policy issue.³³

5. It is worth noting that the security industry in South Africa is well-developed, and many foreign firms employ “sophisticated monitoring and alarm systems”. The report details a range of security measures used by expatriates including “electric fences and gates, high walls... security gates that separate sleeping and living areas.”³⁴ **Is there any information in relation to the claim that “there is a racial war (or genocide) going on”?**

Some whites have claimed genocide is occurring in South Africa. There is, however, little credible evidence of this to be found.

³⁰ ‘Canada SA refugee ruling ‘racist’ 2009, *BBC News*, 2 September

<http://news.bbc.co.uk/2/hi/africa/8233004.stm> – Accessed 23 September 2009 – Attachment 21

³¹ Warwick, R. 2008, ‘Is SA crime a “race war”?’ , *Weekend Argus*, 5 April – Attachment 22

³² Oxfam GB 2008, ‘Popularising and Implementing the Africa Women’s Protocol in Mozambique and South Africa’, Oxfam Briefing Paper, February, pp. 10-11

http://www.ciaonet.org/pbei/oxfam/0003414/f_0003414_2518.pdf – Accessed 22 April 2009 – Attachment 23

³³ ‘South Africa risk: Security risk’ 2008, *Economist Intelligence Unit*, 20 October – Attachment 8

³⁴ ‘South Africa risk: Security risk’ 2008, *Economist Intelligence Unit*, 20 October – Attachment 8

Afrikaner websites such as Afrikaner Genocide Archives broadly link the violent crimes committed against South Africa's whites to genocide.³⁵ In August 2010, a South African farmer lodged a petition with the United Nations Office of the Special Adviser of the Secretary-General on the Prevention of Genocide, urging it to “‘act swiftly’ and investigate the ‘extremely high incidence’ of murder, rape, torture and dehumanisation of white farmers”. The petition claims that Afrikaners (the majority of whites in South Africa) have become the victims of genocide and crimes against humanity. The petition accuses President Jacob Zuma of allowing African National Congress Youth League President Julius Malema to encourage his supporters to kill white farmers.³⁶ The murder of Afrikaner white supremacist Eugene Terreblanche in 2010 was also said to be a “‘declaration of war’ by blacks against whites” by one of Terreblanche’s supporters.³⁷

More broadly, there was heavy criticism by whites of the Government which it claimed was discriminating against them. An MP from South Africa’s Freedom Front Plus Party (FF Plus) likened the policies of South Africa’s Government to that of President of Zimbabwe Robert Mugabe.³⁸ In the past the party has been accused by the ANC Government of encouraging racial divisions.³⁹ A spokesman from the white trade union, Solidarity, stated that:

Whites feel alienated from not only the ANC, but also their country of birth. They feel like second-class citizens in their own country. Should the ANC continue on their path of not striking a balance between the rights of the majority and minorities, I foresee growing friction and alienation.⁴⁰

Some unemployed whites blame affirmative action policies aimed at redressing blacks’ past disadvantage for their unemployment.⁴¹ Whites also claim to suffer poverty due to these policies. In 2008 there were 38 white squatter camps around Pretoria alone.⁴² A news article from 2006 reported a protest by white students in Pretoria who blackened their faces and registered with the South African department of labour in order to have a “better chance of

³⁵ ‘Farms, smallholdings: murder-victim names’ 2010, Afrikaner Genocide Archives website, 12 January <http://afrikaner-genocide-archives.blogspot.com/2010/01/police-jail-rapes-of-white-sa-men-is.html> Accessed 2 March 2011 – Attachment 24

³⁶ ‘SAfrican national petitions UN to stop "genocide" against white farmers’ 2010, South African Press Association, 23 August – Attachment 25

³⁷ ‘White supremacist sees race war in South Africa’ 2010, *Canada Broadcasting Corporation*, 4 April <http://www.cbc.ca/news/world/story/2010/04/04/terreblanche-supremacist-killed.html> Accessed 2 March 2011 – Attachment 26

³⁸ 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 – Accessed 21 April 2009 – Attachment 27

³⁹ ‘No discrimination against white matrices’ 2004, *IOL Daily News*, 8 January http://www.iol.co.za/index.php?click_id=13&art_id=vn20040108141836333C269784&set_id=1 – Accessed 21 April 2009 – Attachment 28

⁴⁰ 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 – Accessed 21 April 2009 – Attachment 27

⁴¹ Basson, A. 2008, ‘Dazed, confused (and racist?)’, *The Mail and Guardian*, 25 April – Attachment 29

⁴² Ritchie, K. 2008, ‘SA’s poor whites left behind, but all is not lost’, *SATST*, 19 April – Attachment 20

gaining employment”⁴³ However the unemployment level for white South Africans is significantly lower, 4.6% compared to 27.9% for blacks.⁴⁴

Attachments

1. McGreal, C. 2008, ‘There’s racism, but not in public’, *The Guardian*, 7 March <http://www.guardian.co.uk/world/2008/mar/07/southafrica.race> – Accessed 21 April 2009.
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⁴³ ‘Racial discrimination against whites in South Africa’ 2006, Citizens Against Racism and Discrimination (CARD) website, 7 October <http://card.wordpress.com/2006/10/07/racial-discrimination-against-whites-in-south-africa/> – Accessed 21 April 2009 – Attachment 31

⁴⁴ 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 32

14. Hlongwane, A. 2008, 'Home robberies rise', *Sunday Tribune*, 7 September.
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http://www.issafrica.org/index.php?link_id=14&slink_id=6265&link_type=12&slink_type=12&tmpl_id=3 – Accessed 4 December 2008.
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<http://card.wordpress.com/2006/10/07/racial-discrimination-against-whites-in-south-africa/> – Accessed 21 April 2009.
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