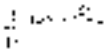
VOLUME FIVE

Truth and Reconciliation Commission of South Africa Report

The report of the Truth and Reconciliation Commission was presented to President Nelson Mandela on 29 October 1998.

Archbishop Desmond Tutu
Chairperson



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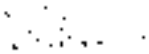
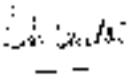


Dr Alex Boraine
Vice-Chairperson

Mr Dumisa Ntsebeza



Ms Mary Burton

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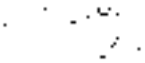

Adv Denzil Potgieter

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Mr Wynand Malan*

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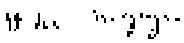

Dr Khoza Mgojo

* Subject to minority position. See volume 5.

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Analysis of Gross Violations of Human Rights

INTRODUCTION

1 The Committee on Human Rights Violations (the Committee) was established on 16 December 1995 at the first meeting of the Commission. It was composed of Archbishop Desmond Tutu (chairperson of the committee), Yasmin Sooka and Wynand Malan (vice-chairpersons), Alex Boraine, Mary Burton, Bongani Finca, Richard Lyster, Dumisa Ntsebeza, Denzil Potgieter and Fazel Randera.

2 At its first meeting, the Committee considered the appointment of ten additional committee members, as provided in the Promotion of National Unity and Reconciliation Act (the Act). Consideration was given to regional needs as well as the wish to ensure the broadest possible representation in terms of skills, culture, language, faith and gender. The following members were appointed to the Human Rights Violations Committee: Russell Ally, June Crichton, Mdu Dlamini, Virginia Gcabashe, Pumla Gobodo-Madikizela, Ilan Lax, Hugh Lewin, Yolisa (Tiny) Maya, Ntsikelelo Sandi, Joyce Seroke, and, in the final months, Mothofela Mosuhli.

3 The Committee met at an early date to discuss and begin to implement its duties and functions as laid down in the Act[1]. It was guided by the underlying principles of compassion, respect and equality of treatment in all its dealings with people who were to be defined as “victims of gross violations of human rights”.

4 Its first responsibility was to establish a mechanism by which the “complete picture” of gross violations of human rights was to be drawn. There were enormous expectations, from the public and also from within the Commission, that public hearings would be held which would expose a considerable part of this picture. It was even hoped that a first public hearing could be held as early as February 1996, but it soon became apparent that a great deal of preparatory work had to be done first. Looking back with the wisdom of hindsight from the perspective of July 1998, it is amazing that a public hearing was in fact achieved as early as April 1996.

1 See further, volume one, *The Mandate* and *Administrative Report of the Human Rights Violations Committee.*

5 Information had first to be gathered. A number of sources were available, with substantial documentation that could be accessed from organisations which had endeavoured to keep records of abuses that had taken place during the period under review. These were studied and augmented by submissions later received from such organisations. This information was invaluable for research purposes and was used for the corroboration of statements (although some difficulties were experienced, for example, with incompatible databases). At a later stage in the Commission's life, a much debated resolution was taken to use these secondary sources for corroboration purposes only, and not for the identification of 'victims' for the purpose of reparations.

The public hearings

6 Thus, the preparation and organisation of the first public hearing became the primary goal of the Committee in the first months. Together with the whole Commission, it had decided that particular emphasis would be placed on hearing the experiences of victims of gross violations from the people themselves. It would seek out all such people, old and young, living in urban or rural areas, and provide a forum for many voices that had previously been silenced.

7 The first public hearing was held in East London in April 1996. The choice of a centre in the Eastern Cape was no accident, but a deliberate decision to focus attention on an area which had borne the brunt of some of the heaviest repression by the security forces of the previous government, in direct response to some of the most militant resistance.

8 The four days of hearing set a model for future hearings (later reduced to three days), and it is worth describing in some detail the planning and arrangements that took place.

9 The selected venue was the East London City Hall, an imposing Victorian-style building in the centre of the city. Stringent security measures had to be put in place, and were provided and maintained by the South African Police Services (as at all subsequent public hearings). Provision had to be made for the media. Food and accommodation had to be provided for the deponents and for at least some of their families who attended to support them. Transport had to be arranged, entailing heavy costs and considerable logistical difficulties, and interpretation services had to be arranged for simultaneous translation into all the languages to be used. The placing of tables for the witnesses and for Commission members received careful attention — witnesses were to take pride of place and there

was to be no suggestion of their being 'in the dock' as in a court. They were also always to be accompanied by a Commission 'briefer'[2] and, if they chose, by a family member or other supporter. The deponents were brought together during the weekend before the hearings in order to prepare them, and the Committee worked closely with members of the Reparation and Rehabilitation Committee in this process.

10 All the hearings were to have a ceremonial aspect: the chairperson's opening remarks were often preceded by prayer, by the lighting of a memorial candle, by hymns or songs. When Archbishop Tutu presided, he wore his purple robes, lending his own special presence to the occasion. This religious aspect of the hearings was sometimes criticised, especially for its mainly Christian focus. It became clear, however, that this was not inappropriate in a country where a considerable majority of the population is Christian. In later hearings, when Archbishop Tutu himself was not present, other religious leaders were often asked to pray. Often, too, local community groups would introduce songs and ceremony (in the little country town of Hanover a choir sang a song composed specially for the Commission).

11 In East London, a special inter-faith ceremony was held the day before the hearing, and the hearing itself opened to a packed hall humming with anticipation.

12 The four days were extremely emotional and dramatic. The witnesses included the families of the well-known 'Cradock Four', community leaders assassinated in 1985; individuals and the families of those who were killed or injured in bombings carried out by revolutionary activists; and people who were detained, tortured, or victimised in other ways. Deponents were sometimes stoical, almost matter of fact, but others succumbed to tears or expressed their anger as they relived their experiences. The panel of commissioners and committee members was visibly overcome. The public sat silent and spellbound during the testimony, but was occasionally moved to angry murmuring. Tea and lunch breaks were marked by singing and chanting of political slogans.

13 The large media contingent included national and international representatives, and filled to overflowing the room provided for them. By the end of the week, awareness of the work of the Commission had burst upon the newspapers, television screens and radio broadcasts in a way that began to change the perceptions of millions of people.

2 As defined the chapter on *Methodology* in Volume One.

14 Thus was the pattern set for the many hearings of the Commission.[3] They were held in large cities or small rural towns, in city halls or educational institutions or church halls. They were made possible by the meticulous work and planning of the various logistical teams in the regions and by the assistance of many people in the local areas.

Preparations for the hearings

15 The preparatory work began with the dissemination of information about the Commission and its work, followed by the gathering of statements and background information.

16 Preparatory discussions, during what was usually an eight-week cycle, often coincided with preparations made by the Reparation and Rehabilitation Committee to lay foundations for counselling and other assistance which could be obtained from local sources.

Public information

17 Public meetings and workshops were held in each area selected for a hearing, organised with the assistance of local municipalities, faith organisations, non-governmental organisations (NGOs), civic bodies or any other appropriate grouping. Commissioners would explain the aims of the Commission and the way it would work, and would answer questions and attempt to allay fears or respond to criticism. Announcements would be made about the advent of statement taking in the area, and where statements could be made. The media and communications staff assisted with leaflets, banners and press releases.[4]

The gathering of statements

18 The Commission devised a form, referred to as a 'protocol' or 'statement form', for recording the statements made to the Commission by people who believed they had suffered gross violations of human rights. It appointed and trained 'statement takers' to listen to the accounts related by such persons, and to record them in a manner which would facilitate their entry into the Commission's database.[5]

3 See appendix 1 for a list of hearings, including dates.

4 See *Administrative Report: Media and Communications* in Volume One for details of publications and the workshop manual.

5 For further details of this process, see the chapter on *Methodology* and its appendix on the information management system in Volume One.