

**The Truth and Reconciliations Commission in South Africa:
How many sides to one coin?**

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Abstract: Every story has at least two sides. The story of the Truth and Reconciliation Commission has been well endowed with many narratives, discourses, identities and representations. The TRC was the preferred route accounting for and at the same time, combating the lasting effects of Apartheid's colonialism in South Africa. The main objective of this paper is to show how the TRC ought to be viewed as a transformative force in the scope of an exceptional sticky post-conflict environment and a stage for historical reparation for the thousands of victims of Apartheid, fighting for the right to memory and history.

Key words: South Africa; Truth and Reconciliation Commission; post-colonialism; Apartheid; *victims*; truth; reconciliation.

1. Introduction

We must break the spiral of reprisal and counter-reprisal [...] I said to them in Kigali unless you move beyond justice in the form of a tribunal, there is no hope for Rwanda. Confession, forgiveness and reconciliation in the lives of nations are not just airy-fairy religious and spiritual things, nebulous and unrealistic. They are the stuff of practical politics.

*Desmond Tutu*¹

After decades of obscurity, the majority of people living in South Africa looked forward to a period of positive political change with the onset of the first peaceful political negotiations in 1990, between the then ruling Nationalist party (under Fredrick de Klerk, the president of the country at the time) and the erstwhile

¹Nobel peace-prize winner, Archbishop Desmond Tutu remains a central figure in South African society and the chairperson of the Truth and Reconciliation Commission.

insurgent-at home and hero-abroad, Nelson Mandela, leader of the African National Congress (ANC)². A striking feature of the negotiations by way of content was most noticeable in the decision to set up a Commission, the Truth and Reconciliation Commission (TRC) as a pertinent first step to reconciliation³ (cutting across society and not only along racial lines) by virtue of a constitutionally-embedded legal framework. In a nutshell, the Commission was the handy-practical expression of fresh political discursive commitments to a national political resolution-cum-reconciliation, codified in the legal language (final clause) of the 1993 Interim Constitution (later passed in Parliament as the Promotion of National Unity and Reconciliation Act, No. 34 of 1995⁴) which conferred an absolute acknowledgment as a tribute to the *victims*⁵ of Apartheid era crimes⁶. However moving beyond the discourses of pretension to practice blended the idea of reconciliation with purpose, followed a route that would help build on the one hand, a repertoire of the nature of specific abuses during Apartheid and, on the other address the subject of amnesty. Though in part dismissed as encumbering the country with amnesty through the negotiated political agreement: “so we had to give effect to the amnesty agreement in our Constitution,” (Gakunzi, 2012:1) the South African Constitution remains significant in ways that go beyond any simple idiom of common good; under the auspices of the TRC’s main mandate: reconciliation was seen to be:

² The ANC has been in power in South Africa since the first democratic elections in 1994.

³ The TRC Report which can be downloaded from <http://www.justice.gov.za/trc/> describes reconciliation as a continuous long-winding process, costly and agonizing that depends upon the consolidation of a culture of human rights and democracy. It is grounded in a conceptual mode of human dignity; “a call for a more decent, more caring and more just society.” (TRC, 2003: 349)

⁴ For more information kindly refer to the Truth and Reconciliation website: <http://www.justice.gov.za/trc/>

⁵ As far as the TRC is concerned, the violence and turmoil exerted on the peoples of South Africa was not exclusive to a distinct group in society. In fact it is observable on its official webpage that “no section of society escaped these abuses.” The word victim (s) of Apartheid is a perfectly acceptable term, appearing in the Promotion of National Unity and Reconciliation Act, the TRC and the survivors of political crimes use the word to this day. (Hamber *et al.*, 2000:18)

⁶ Considered to be human rights violations such as, persecutions, emotional impairment, physical and psychological torture, attempted murder and murder. On page 349 of the TRC’s Report, Apartheid is defined as a crime against humanity.

[...] a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans irrespective of colour, race, class, belief or sex (...) The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge. These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu⁷ but not for victimisation. In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. (TRC, 2003a: 48)

Thus, the TRC represented a political commitment requiring it to unearth violations against humanity in the ambit of a transitional justice through seeking the truth of South Africa's rather thwarting past. Travelling into Apartheid's genealogy was a crucial entry point to "uncovering the truth about abuses and establishing exactly who was responsible and the extent of the abuses. It attempted to establish who should be held responsible at a political level" (Gakunzi, 2012: 1), while simultaneously spot individual architects of violations by entering uncharted waters of a restorative rather than retributive process of justice. Nuremberg style trials were snubbed from the start on the moral grounds that a restorative justice seemed by far more favorable to a form of reconciliation - at least advance a dialogue involving different persons overtly or covertly affected by apartheid. The observation by Hugo Van der Merwe of the Centre for the Study of Violence and Reconciliation remains pertinent:

Fundamentally, the TRC is based on a compromise of justice because we had amnesty [...] essentially we wanted to move to reconciliation so we tried to find a middle ground between impunity and completely forgetting the past. It has been a very

⁷ Ubuntu has its origins in the African Bantu languages. It is widely used in South Africa to express an African philosophy based on pertinent human principles underpinning the essence of all relationships in terms of how they ought to be managed and nurtured.

difficult compromise [...] we have sacrificed justice to a large extent, and we have tried to develop other forms of justice. (Gakunzi, 2012:1)

Grounded in a scenario of a post-conflict and despite the evident critiques namely from sections of society that wished to see perpetrators judged and punished in a court of law and attending to the TRC's Christian-like forgiveness (Gakunzi, 2012:1) and at the same time, established accomplishments (especially in terms of the long awaited voice given to victims) the TRC might be considered as one of the most important transitional justice instruments and its enhanced significance in the context of other post-conflict settings (replicated in more than a dozen contexts in Africa⁸) gave it a sustained impact/influence beyond the propinquity it enjoyed in the South African context. Given this backdrop cohered with a shared vision of conflict resolution among other instruments of transitional justice of having to transcript conflict and recuperate the truth, as the first step toward reconciliation (Chapman and Merwe, 2008: 18) the South African TRC had at the same time eminent and novel distinctions. Its substantive involvement in the mobilization/endorsement of national unity and reconciliation, spread over a *thick* content of *amnesty-for-truth*⁹ (Verdoolaege, 2009: 297) to those who made full factual disclosure and activity exhorting human and civil dignity to victims through public story-telling (Chapman and Merwe, 2008: 18) was perceived as a distinguishing feature of the South African truth and reconciliation process. In the end, as with all truth commissions, the TRC in South Africa raised important questions about how it would roll out its mandate on the ground in terms of achieving a sustained reconciliation (for that to happen victims would have to experience a form of healing- a coming to terms with the past), also beyond the structured spaces of the TRC's hearings.

The ideational/conceptual dimensions of reconciliation through a form of healing although, not encoded in the legal language of the TRC was used interchangeably as perception and subjectivity dictated and became an integral part of the

⁸ Such as: Rwanda (1993), Ethiopia (1993-2000) and Nigeria (1999).

⁹ Amnesty would only be granted for political crimes and on condition of full disclosure of the details of the acts. Hamber *et al.*, narrow this down to mean: truth that is traded for formal justice.

TRC's discourses very early on (Hamber *et al.*, 2000: 19). Notwithstanding, reconciliation in part, political and to a larger degree social (between *victim* and perpetrator¹⁰; Van der Merwe refers to this also in the context of the communities post TRC, from the perspective of recovering and/or a right to history (Gakunzi, 2012: 2) - is understandably complex, multifaceted and difficult to gauge. To this day it remains a constant complexity of South Africa's protracted *raw* political transition. But the TRC cannot be deprived of its fundamental role in unveiling certain truths about Apartheid which created a space of enunciation of reconciliation/truth and the possibility for healing. After all, the discursive practices of the TRC, observed by Verdoolaege, such as "testifying, complaining, apologizing, venting one's rage, expressing one's grief, disappointment or despair" (Verdoolaege, 2009: 298) were also avenues for freeing up two-way communication. Verdoolaege notes that perpetrators and victims often began to listen to each other at the hearings and, to an extent, also tried to understand each other. Hugo van der Merwe reinforces what ought to be considered one of the accomplished undertakings of the TRC in part coheres concomitantly with its mission towards reconciliation:

I think the successes are firstly in terms of truth. The truth commission has established a fairly comprehensive official record of the past. It's very difficult for people to say "no, Apartheid wasn't like that, Apartheid wasn't about gross human rights violations." White South Africans particularly who have been trying to deny what Apartheid meant, [...] have now seen what Apartheid meant to most of South Africans. So I think we have some common basis from which to look at the past. We can't say those were the good old days as some whites would want to say. We have to see it in the stark reality that it was. This agreement about the past is an important and fundamental basis for reconciliation. [...] the TRC has moved us to some extent towards the truth, at least towards reducing the number of lies about the past. (Gakunzi, 2012: 2)

¹⁰ There were extraordinary accounts/testimonies of genuine remorse and forgiveness and even open reconciliation between victims and perpetrators but there were also many examples where this did not occur unfortunately which is understandable in the context of the brutalities of apartheid- the ghosts live on and are likely to remain a constant in the country for many years to come.

This paper endeavors to react to the call by Santos to work with and learn from the *South*. The main objective of the paper is to place the experience of the Truth and Reconciliation Commission in the context of a post-colonial study. It is patent from the introduction to this paper the TRC was the preferred route/stage accounting for and one and the same time, combating the lasting effects of apartheid's colonialism in South Africa. In much the same way the focus of post-colonialism is learning from colonial experiences as a possible means to move beyond it, towards a place of human dignity (TRC, 2003: 350) the TRC, recognizing the underlining logic of colonialism alive in the country, ought to be recognized and heralded for mobilizing and representing a space of enunciation for multiple subaltern voices: "That is very meaningful for a lot of these victims because their voice was suppressed in the past. [...] the silence has been broken both on local community level and at a national level" (Gakunzi, 2012: 2). The main objective is to show how the TRC might be seen as a transformative force in the scope of an exceptional sticky post-conflict environment; a stage for historical reparation for the thousands of victims of Apartheid, fighting for the right to memory and history (and thus emancipation) in spite of the ambiguity of their struggles, tied to an array of conflicting associations: pain/anguish/torment re-lived and victory/story-telling/relief/hope (for at worst a better future or at worst, a different future). This essay plans to follow the strategy of Spivak, a *strategic essentialism* to allow the voices of Apartheid's subalterns *speak* about their resistances and emancipations in an entirely new context. Against this backdrop, the intent is to bring one part of the South to the centre of a semi-peripheral country like Portugal, where little research has been undertaken on the subject of transitional justice in South Africa. Few have had the privilege of considering the stories (exhibiting variations) of the different variations of apartheid directly from the *horses' mouth* (the subjects) so to speak. The idea is to also create a level of perceptivity into what might constitute *lessons learnt* within the context of conflict-conflict resolution/reconciliation. This may serve as a handy tool in the future, given the budding risk for outright conflict in some semi-peripheral countries in Europe that, until now enjoyed a period of *peace* but experiencing growing social disgruntlement.

2. The structure and process of the TRC: pros and cons

We had decided that the first public proceedings of the Commission would be victim hearings to underline the fact that those who for so long had been consigned to the edges of society as voiceless and anonymous could now emerge from the shadows and occupy, for a while during the lifetime of the Commission, centre stage. We hoped this would help in the process of restoring their civic and human dignity.

Desmond Tutu

It's the intervention of the [Commission] that brought about the dignity of the people that was lost during the political era in our country. People had no one to listen to their griefs or pay attention to some of those griefs until the establishment of [Commission] came into being. Then many of the victims came forward and started, for the first time, to talk about their past griefs.

Duma Khumalo, Khulumani Support Group

How the TRC was structured attended the expectation of *leaving no stone unturned*: reaching a wider audience as possible in the context of the apartheid era crimes. There were amnesty hearings (1996-2000); special hearings (1996-1998) focusing on the atrocities of the political parties/movements; human rights victims hearings (1996-1997) which took place in the cities of Cape Town, Durban, East London and Johannesburg; sector hearings (such as, business, legal, medical, defense sectors) and post-hearing workshops (where victims and perpetrators could access ongoing support if required). One positive element of the TRC centered in the principles of public inclusion, transparency (in the selection of commissioners) and concentrated media coverage of the hearings and the process overall. (TRACES OF TRUTH, 2012: 1) But the South African experience with transitional justice did not go without its tests and tribulations even though, there were many moments of awe and jubilation, observed in the testimonies of acceptance, acknowledgment and of new beginnings such as, Lukas Sikwepere during the human rights violations hearings and Tim Ledgerwood during the special hearing on conscription in Cape Town in 1997 and

Reverend Bongani Finca chairperson at the human rights violation hearing in Grahamstown, April 1997:

I feel that what has been making me sick all the time is the fact that I couldn't tell my story. But now it feels like I got my sight back by coming here and telling you the story. (TRC, 2003a: 352)

The Commission has deeply affected my life in a short space of time that has elapsed since I first came to their offices here in Cape Town and told my story to one of the investigators. It has begun a healing process of all sorts or relationships in my family and has enabled me to begin on my own road to inner healing. [...] It is almost as if it is all right to talk about it now. Slowly things are changing. As if I've been freed from a prison in which I have been for eighteen years. (TRC, 2003a: 353)

We found that many parents are not aware whether their children died as heroes because at that time you couldn't go home and tell your parents what you were involved in. You did not want them to expect you to be shot and to be in jail. I think this is one of the important things in this Commission, that old people like you, at last, would find the truth, the truth about the struggle of their children [...] go to your children's graves, to talk to your children- that you were not aware that they were fighting for their country- so that you can salute them. (TRC, 2003a: 358)

On the other side of the coin, there have been varying accounts revealing the multi-layered dimensional complexities (spotty and thorny) of the TRC, some remain silent but not completely invisible although, out of the public eye/debate (has constituted the core of Trudy de Ridder's analysis for over ten years, as observed below). There are the cases of *victims* who interacted with the TRC, having legitimately hoped to unearth the truth about their case, expressed in a number of interviews after their hearings, a sense of disappointment and "felt let down by the TRC process, despite its successes at publicizing the atrocities of the past and (attempts at) fostering national reconciliation" (Hamber *et al.*, 2000: 18). Notwithstanding, I found fascinating the stories of men and women who have had to struggle daily with the truth about the lies of a past they would rather not have encountered. Confused and bewildered by a past they thought they understood and identify with, they fight to reconcile themselves with the decriminalization of what constituted former enemies of

Apartheid (in particular the ANC's military wing, Umkhonto we Sizwe or MK)- to an extent their enemies too. With the end of Apartheid the tables which defined victims and perpetrators along a single genealogy of *us* and *them*, turned, intensifying the intensity/complexity of the work of the TRC and at the same time in terms of the "diversity of individual experiences [...] vividly [highlighting] the long, difficult road to healing" (TRC, 2003a: 354). This has formed the backdrop of a meticulous work with ex-South African Defence Force conscripts (forced to compulsory military service during apartheid) which Trudy de Ridder, a psychologist, explicates in a written submission to the Commission in the late 1990s:

Central to most of the testimonies [by ex-conscripts] is the notion that the present destroyed the foundations of 'meaning' these conscripts adopted to cope with their traumatic experiences. It is easier to cope with having killed someone you believe to be the sub-human agent of forces [...] than it is to cope with having killed a normal man, woman or child that history happened to cast as 'your enemy'. This crisis is greatly intensified when it is revealed to you that the person you have killed is a 'hero' or 'freedom fighter' or 'innocent civilian'. [...] Most of these conscripts have up until now, silently considered themselves victims (of neglect and manipulation) but are now publicly portrayed as perpetrators (of apartheid military objectives or even gross human rights violations). The Truth Commission has helped break the silence of past suffering, atrocities and abuses. In so doing, it has both released some traumatized ex-conscripts from the prison of silence and trapped them in the role of perpetrators of apartheid. For some, the contradictions of their experience might prove intolerable; for others, the process of revealing the truth about the past might allow them to confront and deal with their experiences. (TRC, 2003a: 360)

From the various testimonies of the victims and perpetrators alike, it ought to be said the TRC delivered part of its mandate in terms of documenting an *officially recognized archive* of apartheid even if not completely representative: that gives a full account of the true dimensions of apartheid's carnage. The contingencies that followed the roll out of TRC in terms of its wider impacts and capability to record the *full truth* of Apartheid was determined and restricted to the submissions (over 21 000 accounts of human rights violations), amnesty applications and other sources where information was gathered. (TRC, 2003a: 196-197)

A number of other keys that would give the TRC access to the highly sensitized intelligence of apartheid proved testing and a non-starter in spite of the initiatives of a great number of security police who chose amnesty in exchange for full disclosure (at least that was the idea); this was the case of Eugene de Kock (previous head of the South African police), named the arch villain of apartheid: the Commission acknowledged “it was largely he who broke the code of silence” (TRC, 2003a: 202). One of the greatest challenges to the TRC’s information gathering initiative was in the motions of accessing and assembling classified information. Unfortunately around the time of Apartheid’s demise, huge chunks of state documentation were deliberately destroyed: “hundreds of thousands of classified records-literally scores of tons-were destroyed. Much of this documentation related to the inner workings of the security forces and the intelligence agencies, covert projects, informer networks, personnel records of security force members,” (TRC, 2003a: 203) to prevent possible incriminations in the future. The TRC’s final report of findings and recommendations reveals a certain umbrage and dismay at this apparent nonchalance: “the destruction of this documentation deprived the Commission and the country as a whole of a rich and valuable source of material for its investigation into the conflicts of the past” (TRC, 2003a: 203).

The TRC had a number of other thorns in its side, from non-compliance on the part of erstwhile warring political factions of apartheid: Inkatha Freedom Party (IFP- staunch rival of the ANC particularly in KwaZulu-Natal- remains a thorny issue today), United Democratic Front (UDF- ANC’s main internal ally) National Party (NP) and the ANC (namely senior leadership) as well as the SADF to the sticky question of prosecutions where amnesty had not been granted or sought. Political actors gave the TRC a very hard time- they seemed smug, cynical and flippant, deliberately contesting and disturbing the work of the TRC. Unlike its former enemy the ANC and MK which applied for amnesty, collectively assumed responsibility for its part in the apartheid era crimes, the NP, UDF and in part, one aspect of the ANC’s (leadership) performance at the TRC was a major distress, described in the TRC report as follows:

[...] the usefulness of these submissions varied widely, but they were generally disappointing and did little to further the work of the Commission. Frequently, they consisted of little more than recitations for the policies under which these groups operated and often unconvincing apologies for excesses committed. [...] former President FW de Klerk as spokesperson of the National Party (NP) perspective was a particular disappointment to the Commission. As one who had done so much to turn the tide of South African history, his evasiveness and unwillingness candidly to acknowledge the full burden of the NP's responsibility seemed to the Commission to be a missed opportunity to take the reconciliation process forward. [...] The Commission received few statements from the ANC leaders, past or present. Almost none of the ANC's senior leaders in exile came to the Commission to give first-hand details of what had led them into exile or their experiences at the hands of cross-border intruders. [...] Scarcely any former UDF regional or local leadership gave statements to the Commission. In some areas they were openly cynical. The UDF played a central role for a significant part of the 1980s, the period which saw a considerable intensification of conflict and abuses. Thus again, an important and crucial input has been denied to the Commission. (TRC, 2003a: 199-200)

Yet the question of the (abortive) prosecutions of Apartheid's heavy weights (exemplified by former police coronel Gideon Nieuwoudt and Walter Bousson, the so-called mastermind of the South African Defence Force who had ordered the use of biochemical weapons against the enemies of the state) approximately 800 in total which the TRC handed over to the National Prosecuting Authority (NPA) to investigate and initiate trials, ought to be viewed as acts the former state's ideology and practice had given thrust to in the form of state interference in the affairs of autonomous non-state bodies. (TRACES OF TRUTH, 2012: 5)

The decision by the ANC government in 2004 to suspend these through a meddling in the NPA's dealings as a kind of balancing act, in favor of the "sensitivities of national reconciliation" (TRACES OF TRUTH, 2012: 5), was a massive punch to the many victims expecting a sense of exoneration for past suffering. In the end,

The absence of prosecutions and a political commitment to secure them has ensured a de facto amnesty for most perpetrators from the past conflict. The passage of time has

lead to disappearing docket and evidence, fading memories, the death of witnesses and indeed the death of perpetrators themselves who take the truth of the atrocities to the grave and leave the victims with neither truth nor justice. Such is the case with Gideon Nieuwoudt who died in 2005, taking with him crucial evidence relating to the disappearance of the Pebco 3, the Motherwell Bombing, the torture and death of Steve Biko and more. (TRACES OF TRUTH, 2012: 4)

This unfinished business is a poignant business at near boiling point to which the TRC alludes as perilous in its final report in 2003: “Sometimes these different needs themselves compete with one another, leading to fresh conflicts. This makes reconciliation a complex, long-term process with many dimensions.” (TRC, 2003a: 350) The observation of the previous Commissioner of the Truth Commission of Chile remains pertinent in terms of the ongoing challenge of pushing a sustained reconciliation: “leaders should never forget that the lack of political pressure to put these issues on the agenda does not mean they are not boiling underground wanting to erupt. They will always come back to haunt you” (FACES OF TRUTH, 2012: 5).

If the TRC were to be given anthropomorphic features it would be analogous to man being perfectly imperfect, as this paper has tried to show. But what might be considered laudable is its ability to recognize this through pinpointing a number of shortcomings: its failure to investigate and make sense of one of the darkest decades of apartheid (the 1990s) and *civil society's* connivance with apartheid (the case with the white's communities overall non-admittance to an involvement with the past). (TRC, 2003a: 206-207)

It was also perfectly good at shining an unglamorous light on apartheid's more invisible imperfections on the neglected topics of the past and future of rural communities and the townships of South Africa. These hit hard on the nail of post-coloniality as documented by the TRC in its final report although, has evolved very little since the ANC came into power, most noticeable in the ongoing protests in the country (coined the protest capital of the world):

Rural communities have been characterized by stark racial polarization and unequal power relations. They have been described as the most conservative and the most neglected in South Africa. [...] Community mobilization influenced the state's view of entire communities as homogenous entities. This often resulted in the arrest, detention, torture or killing individuals who were seen as symbols of resistance. Thus, according to the construction of communities of 'us' and 'them', and articulated in the South African context in racial terms, the white state constructed black South Africans as the enemy. (TRC, 2003a: 158-164)

To conclude with a last point on the issue of the TRC's more visible imperfections is the notion a number of studies in South Africa (also a passing statement from the TRC itself) have pointed at a lacking reflection in the country as to the after effects of the TRC in terms of de facto social and psychological outcomes. This is what a woman had to say as an afterthought of witnessing a number of hearings:

We need not pay enough time to give them enough opportunity to heal once they left these halls. I have been to Cape Town where there were hearings [...]. I have been to Port Elizabeth. I have been to King William's Town. There are wounds that have been left gaping, It may not be the duty of the (Commission) alone; it may be the duty of the public, of all of us; but those wounds, they need to be addressed [...]. You cannot open them in this hall and leave them gaping. (TRC, 2003a: 356)

Along a similar narrative trajectory Brian Mkhize said at the human rights violations hearing in KwaZulu Natal: "We need counseling because this affects you mentally and psychologically. Nobody has come forth to suggest how we can get this counseling; how the element of criminality can be rooted out; how we can become human again." (TRC, 2003a: 367)

3. Voices of memory and self-professed truths: more sides to an unsingular story of apartheid and the road to reconciliation?

The TRC report can be considered an album of recorded memories (some diluted others clearer) of the atrocities of apartheid. Taking a deeper look at the stories of memories represented a harrowing ordeal for the majority of people living in

South Africa during apartheid, leaves one mesmerized and heart-broken. I have picked a few that point at the scope of the atrocities and ordeals that many persons carry to this day unfortunately:

Testimony: Mr Juqu provides background information into the killing of his son, Fuzile:

I told myself, my wife, that I couldn't find him. So, I went to Salt River. There I went to the police station. I asked them. They said no, they don't know anything. They said no; you're wasting our time. They said go sit over there. When I got to the police station, I was told that my son is in the mortuary...I saw him. Actually, he was lying on his stomach. His whole back was full of bullets. This policeman was a white man. I don't even know his name. I didn't even want to know his name because I was already hateful towards him. (TRC, 2003a: 354)

The following assertion was described by Father Smith at the Pietermaritzburg hearing:

Every day, you can see the aftermath of the violence that took place in 1990. The houses, the shops were burnt down. The schools were also burnt down. You see the place where a number of people were staying, and they are no longer there at this present moment. (TRC, 2003a: 163)

One issue that is overlooked in the ambit of the apartheid crimes and which remains sticky in the post-Apartheid era is the sensitive issue of the former black collaborators of Apartheid called the *kitskonstabels*. Beatrice Sethwale is the mother of a former black police officer-cum-collaborator who testified before a human rights violation hearing in Upington. Her statement reveals an unusual peculiarity of apartheid, where a blind spot remains in the subject of reconciliation within black communities. This is likely to remain a thorny issue into the future. Nonetheless, the testimony of this woman speaks at an incredible resilience like many other victims and in spite of the ordeal, demonstrates a willingness to forgive and to rise above the circumstances:

On the 13th November 1985, it was a Wednesday morning. My son was driven out of the house by a crowd of people who were stoning the house [...]. He was driven out of the house, and shortly afterwards, he was killed and burnt. [...] In 1986 December, I went back to my home, and I tried to pick up the pieces of my life again. Thereafter, I had to hear from the people in the Paballelo community that I had shopped my son to the police, that I had betrayed him to the police and that I had been paid for doing so—that I had been paid for my child’s murder. I went through a great deal of pain through all these years. It is now ten years and ten months and forty-three days ago that he died, but the pain is still with me. It still lives inside of me because the ‘whys’ and the wherefores I still don’t know. [...] I had to suffer a lot of prejudice, and people swearing at me, insults I had to endure. But the fact that I am sitting here today does not mean that I want to accuse anybody in Paballelo of anything. [...] I am extremely disappointed in you people of Paballelo community. [...] Paballelo community, the community killed my son and they burnt him to death. That is the truth. Lastly, I would like to say thank you very much to the South African Police (SAP) who looked after me and my children as well during that time. [...] I want to say it was a low blow, it was a high blow, but I picked myself up again. I survived. (TRC, 2003a: 363)

Lebitsa Solomon Romokhoase tells the TRC of his problems with finding employment after he was shot in 1960 during the Sharpville massacre:

[...] I wouldn’t stay a long period in the employment. I would tell them my problem and they would say, if we knew we would never employ you. And I realized that I have to pack my clothes now; there is nothing I live on. I have to go out and go seek for another employment. But every time I got a new employment I wouldn’t tell them that I was shot but soon as they discover that I had been shot, they let me go. And every time I would lose my job. Now this leg was really destroying my future. My children were starving. (TRC, 2003a: 154)

Yet, amidst the dissonances of ache/heartbreak/torture anew and triumph/release/restoration the stories of unadulterated reconciliation between former perpetrators and victims have been, from the perspective of a bystander (like myself) both gratifying and humbling: in fact a lesson in life. There are two particular testimonies in the TRC report which stood out for me where reconciliation occurred:

1. Involves the encounter between Neville Clarence (former captain of the South African Air Force) and Aboobaker Ismail who had planned an attack on the Air Force headquarters which had blinded Neville Clarence. The TRC report details their encounter as follows: "Ismail told Clarence: this is very difficult, I am sorry about what happened to you. Clarence said that he understood, adding, I don't hold any grudges. Both agreed that they should meet again, and they exchanged telephone numbers. Talking about it is the only way to become reconciled, Ismail said. Afterwards, Clarence suggested although he could not gauge the full extent of that encounter he purported to it being a wonderful experience, "I wanted to say I have never felt any bitterness towards him [...] Reconciliation does not come from one side" (TRC, 2003a: 392).
2. At another human rights violations hearing in 1997, Cynthia Ngewu was asked to describe her thoughts on reconciliation in light of a tremendous loss. Cynthia Ngewu's son had been killed by the police in the Gugulethu Seven Incident. This is what she had to say:

What we were are hoping for when we embrace the notion of reconciliation is that we restore the humanity to those who were perpetrators. We do not want to return evil with another evil. We simply want to ensure that the perpetrators are returned to humanity. [...] We do not want to see people suffer in the same way that we did suffer, and we did not want our families to have suffered. We do not want to return the suffering. (TRC, 2003a: 366)

4. Conclusion

It is fair to say the TRC was not an easy ride. Studies of the process point to a number of different commanding interpretations of how the TRC fared overall. On the one hand studies have emerged in its favor, while others have painted a more dismal picture of the TRC especially from the perspective of the victims. In one such study, victims had far more negative things to say about their experiences of the TRC hearings; on the topics that follow they said:

- **Publicity of the hearings** - "Going public makes you vulnerable"
- **Lack of debriefing and counseling** - "We were left to see how we take care of ourselves"
- **Poor communication** - "I am still waiting"
- **Truth** - "The TRC did not finish its job"
- **Reparations** - "The TRC broke its promises." (Picker, 2005: 1)

As the world looked on South Africa in the early 1990s, a general sense of bewilderment and suspicion hovered over the prospects of peace, stability and reconciliation in the country. Having a grisly reputation at the time certainly did not bode well in terms of prospecting about a better future for the people living in South Africa, particularly from the perspective of race relations. In endeavoring to broker peace by means of a transitional justice buttressed in *amnesty-for-truth* in South Africa, the TRC was the visible attempt to address the injustices of apartheid on the assumption that by doing so, enduring peace/reconciliation would eventually be found. The choice of putting the country on the trajectory of restorative rather than retributive justice¹¹ was a strategic decision to support the recent embryonic and delicate peace, informed in the widely-held belief that it would concurrently prepare the grounds for national unity and absolute reconciliation. Therefore, the TRC had a two-pronged function: "it sought justice for victims, but also put a high premium on the need for a reconciled society" (Hofmeyr, 2007: 22). Whether the TRC facilitated the process of reconciliation or not is contestable and complex but Hugo van der Merwe's observation is extremely pointy:

The TRC has also created more public debate about the victims, about the concept of reconciliation, and while we may not agree with what reconciliation means in South Africa, people now have opinions and there is more public debate about it. It is something everyone engages in and victims particularly have been mobilized. While

¹¹ According to Elizabeth Kiss both justices are similar in the intent to restore human dignity, respect for human rights and accountability although, restorative justice is also concerned with reconciliation which is what distinguishes it from retributive justice.

previously victims were scattered and not involved in debates, there are now victims that engage in public debate about justice, about reconciliation and that this is an important step forward. (Gakunzi, 2012: 2)

The TRC got the ball rolling, demonstrating also that another justice is both plausible and possible. Even though the strait to full social reconciliation is not plain and has its share of potential detours which is more observable in certain areas than in others- the case of KwaZulu Natal, there ought to be no doubt the TRC symbolized the turning of a new chapter in South Africa's historical trajectory- provided proof for historical revisionism of state inflicted terrorism and other crimes against humanity, recalled a tragic past with a view to hinder any possible reoccurrence in the future and above all helped thousands to tell their story (ies) - "we tell our painful stories so that we shall remember the years that lie behind with all their struggles and terror as the way that led to new life" (TRC, 2003a: 351).

Nonetheless on what may constitute *hard core* reconciliation, it ought to be said 20 years into the political transition, the *real* work of which the TRC saw only the tip of the iceberg has only just began. Witness KwaZulu Natal and Gauteng where victims and perpetrators live along side one another. There might be an evident hidden danger there, beneath the surface of these relationships: "where these communities have not initiated their own attempts at reconciliation, the divisions continue into the new dispensation, undermining attempts at development and reconstruction and perpetuating the cycle of poverty and violence" (TRACES OF TRUTH, 2012: 5).

Today many people in South Africa wonder about the various possibilities of reconciliation in light of its past. Building a nation is a very difficult task, is lived daily in practice and in the national (political) imaginary. The mantra of apartheid has not disappeared all together. It is still there and resurfaces ever so often to the tunes of the new victims of post-apartheid South Africa: black foreigners living in South Africa as well as a growing number of dissatisfied black South Africans who are likely to remain comparatively disadvantaged in terms of basic needs and services. It should come as no surprise that last year South Africa was the one country in the world with

the most registered revolts/protests. Given this backdrop the idea of full reconciliation can hardly be assumed. In fact, the new problems rooted in an old political order are replenishing familiar questions of human rights: social and economic which points at a country that is still to find its way in a divided society. The established practice of talking but doing little about political reconciliation at the level of government, beyond rhetoric, is one pertinent obstacle to overcoming new conflicts arising out of old moulds of apartheid. Here is the great challenge and at the same time a lesson to be learnt: community outreach and sensitization embedded in different ecologies of knowledge's underpinned by the principles/ideals of inter-cultural translation, is where the real/hard efforts begin but never end.

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