

UNFINISHED BUSINESS: Tutu, truth and reconciliation

The purpose of South Africa's Truth and Reconciliation Commission was to uncover apartheid-era human rights violations and to promote reconciliation between victims and perpetrators of apartheid.

The commission had three specific tasks:

- To discover the causes and nature of gross violations between 1960 and 1994
- To propose reparations and measures to help rehabilitate victims
- To grant amnesty to those who fully disclosed politically-motivated crimes

Chaired by Desmond Tutu, the TRC identified 22 000 victims to receive reparations. But its proposals for reparation payments were never fully implemented. And although amnesty hearings revealed many new details of atrocities, the promise that those who failed to get amnesty would be prosecuted has proved empty.







"We are charged to unearth the truth about our dark past, to lay the ghosts of that past to rest so that they will not return to haunt us; and thereby contribute to the healing of a traumatised and wounded people, for all of us in South Africa are wounded people."

"The truth which victims of repression seek so desperately is more likely to be forthcoming if those responsible for monstrous misdeeds are encouraged to disclose the whole truth, with the incentive that, if they do, they will not receive the punishment which they undoubtedly deserve."

JUSTICE ISMAIL MAHOMED
Constitutional Court, 1996

UNFINISHED BUSINESS:

Tutu, truth and reconciliation









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Desmond Tutu had demonstrated his belief in the power of confession, restitution and forgiveness to bring about reconciliation long before he was appointed to chair the TRC in 1995. In both Israel and Palestine in 1989, and in Rwanda in 1995, his advocacy of forgiveness for perpetrators of atrocities led to controversy. After visiting a Rwandan church filled with corpses of victims of the 1994 genocide, he broke down and sobbed.

© Source Unknown

Before hearings began, Ntsiki Biko, the widow of Steve Biko, and two other families challenged Parliament's right to give the TRC the power to grant amnesty to people who had broken the law. The Constitutional Court ruled against the families. It said the peaceful settlement which ended apartheid might never have happened without provision for amnesty. The Biko family later appeared at hearings in Port Elizabeth, where they succeeded in preventing amnesty from being granted to the murderers of Steve Biko.

After public hearings for those shortlisted, President Nelson Mandela appointed 17 TRC commissioners, including human rights lawyers, clergy, medical professionals and two former apartheid politicians. Desmond Tutu, was named chairperson.

Adv Denzil Potgieter (second left), Ms Yasmin Sooka, Dr Wendy Orr, Ms Mary Burton, Mr Wynand Malan, Dr Alex Boraine (Vice Chairperson), Archbishop Desmond Tutu (Chairperson), Dr Fazel Randera, Mr Dumisa Ntsebeza, Rev

Khoza Mgojo, Rev Bongani Finca, Ms Hlengiwe Mkhize. Not pictured here: Ms Sisi Khampepe, Mr Richard Lyster, Ms

Glenda Wildschut, Dr Mapule Ramashala, Adv Chris de Jager.

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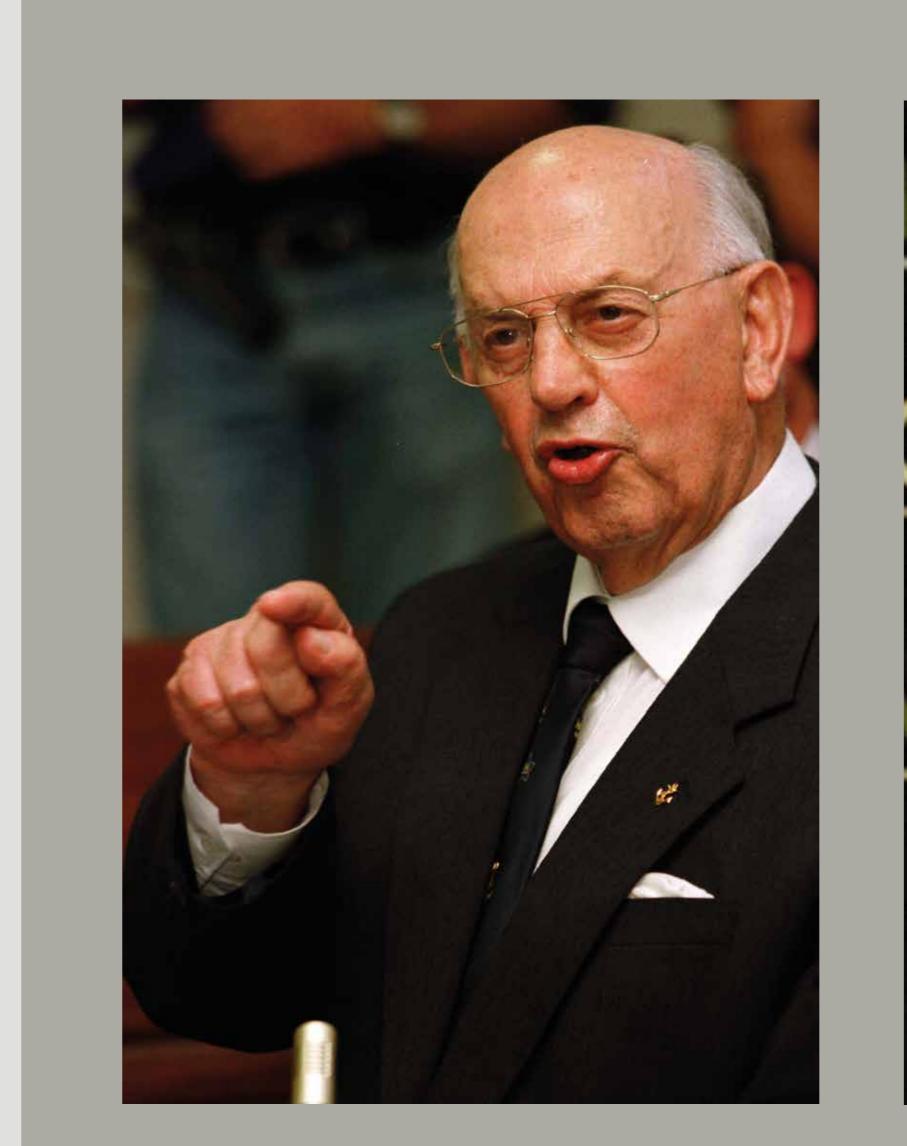
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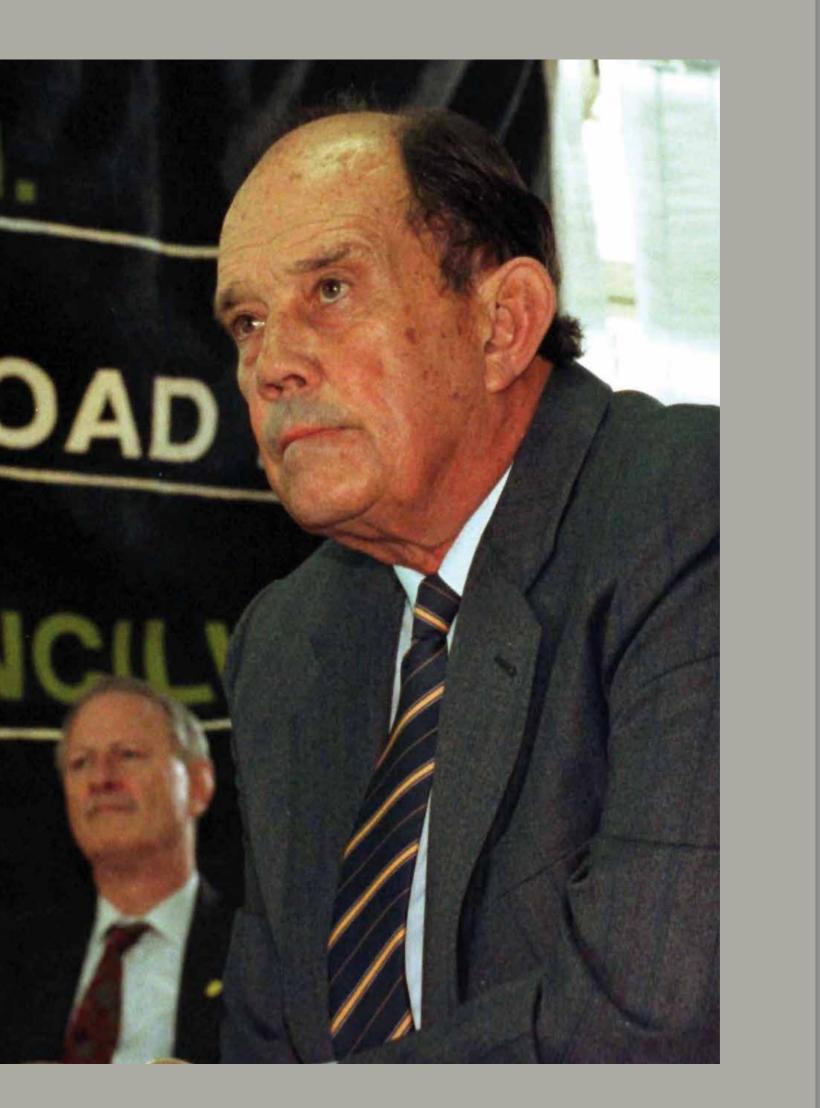
The largest of the three TRC committees was the Human Rights Violations Committee. Headed by Tutu himself, its task was to hear and investigate the accounts of survivors and family members of victims. The first hearings took place in East London in April 1996. Of the 22 000 people declared victims by the commission, about 2 000 appeared to tell their stories at hearings.

"Week after week, voice after voice, account after account, it is like travelling on a rainy night behind a huge truck – images of devastation breaking in sheets on the windscreen."

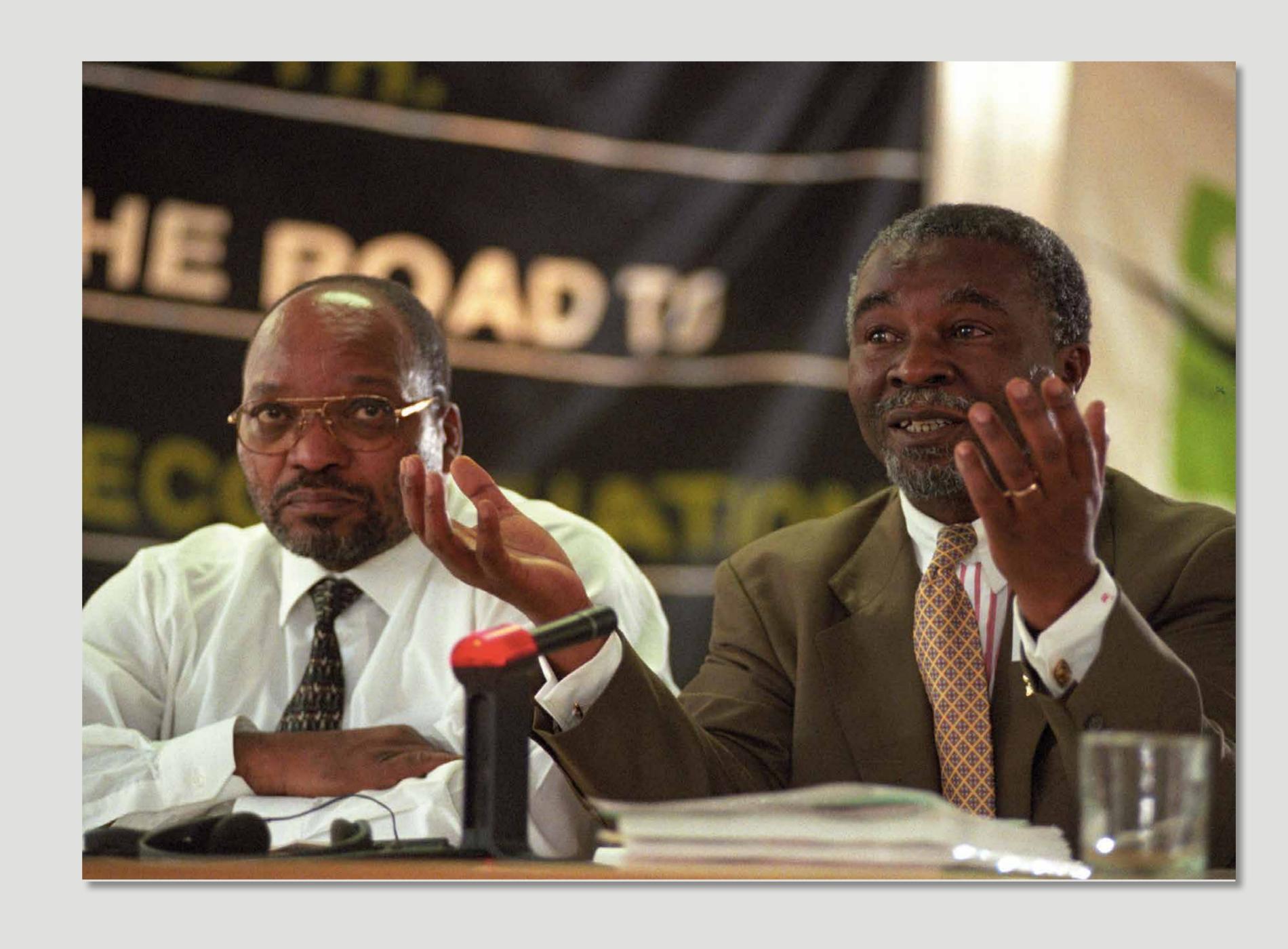
ANTJIE KROG SABC radio journalist reporting on the TRC, 1996 – 1998











The first agents of the apartheid state to apply for amnesty were these five members of the Northern Transvaal Security Branch. They rushed to apply in 1997 to escape prosecution. Thirty members of their unit ultimately applied for crimes including 45 murders, 22 abductions, 16 bombings or arson attacks on homes and 12 incidents of torture or serious assault. Amnesty was granted in 120 instances and refused in nine.

Depending on who tells the story, Warrant Officer Joe Mamasela (left) was either a common thief awaiting trial or a liberation movement operative when he was recruited by security police. He became a notorious killer who roamed the country with death squads murdering at least 40 activists. Though he testified at the TRC, he refused to apply for amnesty.

Major Craig Williamson (right) was a student leader turned apartheid spy. He confessed to commissioning letter-bombs which killed academic Ruth First in Mozambique in 1982 and teacher Jeanette Schoon and her daughter in Angola in 1984. He applied for and was granted amnesty for these crimes.

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The TRC declared apartheid a crime against humanity and held the

apartheid government primarily responsible for the human rights violations it investigated. But only one former Cabinet minister (Adriaan Vlok) applied for amnesty. Former President PW Botha (left) refused to testify. Although former Minister of Defence Magnus Malan (right) – who set up military death squads – appeared before the commission, he denied wrongdoing and urged SADF soldiers not to apply for amnesty.

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The TRC said that the liberation movements were under an obligation to use "just means" in fighting for a just cause. Leaders of the ANC, including then Deputy President Thabo Mbeki (right) and National Chairperson Jacob Zuma, were among those who appeared before the commission. It held the movement accountable for actions including the killing of informers, the torture and execution of suspected enemy agents or mutineers, and for

violations of its policy to avoid loss of civilian lives.

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"The Commission is of the view that gross violations of human rights were perpetrated or facilitated by all the major roleplayers in the conflicts of 1960 to 1994. At the same time, the Commission is not of the view that all such parties can be held to be equally culpable. The preponderance of responsibility rests with the State and its allies."

TRC REPORT Volume 5, 1998

EFOAD TO In a special ceremony held on 29 October 1998, Desmond Tutu handed over the final report of the TRC to President Nelson Mandela. It may be considered testimony to its impartiality that sections of the leadership of both the National Party and the ANC objected to certain of its findings. Two further volumes were handed to President Thabo Mkeki in 2003 after amnesty hearings were completed. After taking 21 290 statements, more than 19 050 people were declared victims eligible for reparations. Another 2 975 victims were identified in the amnesty process. A total of 293 members of apartheid security forces applied for amnesty, 31 of whom were soldiers. Applications came from 998 ANC members and supporters, 138 from the Pan Africanist Congress, 109 from the Inkatha Freedom Party and 107 from white right-wingers. © Louise Gubb



The TRC also held hearings into the roles played by major sectors of South African society during apartheid.

It did so in order to present as complete a picture as possible of the nature, causes and extent of gross violations of human rights.

These institutional hearings probed big business, the legal profession, the media and the health sector. There were also special "Faith Communities Hearings" at which leaders of churches, mosques, synagogues and temples presented their views.

Here leaders of different faith communities offer their apologies for not taking a clear stand against apartheid.

UNFINISHED BUISINESS

The TRC recommended reparations payments of R17 000 to R23 000 per year for six years. The government granted only R30 000 in a single, once-off payment.

The government rejected a recommendation to impose a "wealth tax", which would largely be payable by white South Africans who grew rich under apartheid.

The TRC referred to the National Prosecuting Authority about 300 cases in which amnesty was refused, or not applied for. It emerged in 2019 that the government had discouraged prosecutions. By 2021 only one prosecution had been completed.

The National Director of Public Prosecutions told Parliament in 2019 that 37 cases were being actively investigated.

The TRC worked to promote but did not achieve reconciliation. Desmond Tutu voiced his sadness over the reluctance of white leaders to urge their followers to respond to the generosity of spirit shown by the victims of apartheid.

The work to achieve reconciliation continues, notably through the efforts of nongovernmental organisations who lobby for survivors and for the prosecution of perpetrators.

SPECIAL HEARINGS

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THEME ONE

MONITOR STAND