

# Foreword by Chairperson

**THE MOST REVD D M TUTU ARCHBISHOP EMERITUS**

1. All South Africans know that our recent history is littered with some horrendous occurrences - the Sharpville and Langa killings, the Soweto uprising, the Church Street bombing, Magoo's Bar, the Amanzimtoti Wimpy Bar bombing, the St James' Church killings, Boipatong and Sebokeng. We also knew about the deaths in detention of people such as Steve Biko, Neil Aggett, and others; necklacings, and the so-called 'black on black' violence on the East Rand and in KwaZulu Natal which arose from the rivalries between IFP and first the UDF and later the ANC. Our country is soaked in the blood of her children of all races and of all political persuasions.
2. It is this contemporary history - which began in 1960 when the Sharpville disaster took place and ended with the wonderful inauguration of Nelson Mandela as the first democratically-elected President of the Republic of South Africa - it is this history with which we have had to come to terms. We could not pretend it did not happen. Everyone agrees that South Africans must deal with that history and its legacy. It is how we do this that is in question - a bone of contention throughout the life of the Commission, right up to the time when this report was being written. And I imagine we can assume that this particular point will remain controversial for a long time to come.

## **p ON PREPARING THE REPORT OF THE TRUTH AND RECONCILIATION COMMISSION**

- 3 One of the unique features of the South African Commission has been its open and transparent nature. Similar commissions elsewhere in the world have met behind closed doors. Ours has operated in the full glare of publicity. This means that some of the information contained in this report is already in the public domain. Nonetheless, some significant and new insights are included in the pages that follow.
- 4 The work of the South African Commission has also been far more extensive than that of other commissions. The volume of material that passed through our hands will fill many shelves in the National Archives. This material will be of great value to scholars, journalists and others researching our history for generations to come. From a research point of view, this may be the Commission's greatest legacy.
- 5 The report that follows tries to provide a window on this incredible resource, offering a road map to those who wish to travel into our past. It is not and cannot be the whole story; but it provides a perspective on the truth about a past that is more extensive and more complex than any one commission could, in two and a half years, have hoped to capture.
- 6 Others will inevitably critique this perspective - as indeed they must. We hope that many South Africans and friends of South Africa will become engaged in the process of helping our nation to come to terms with its past and, in so doing, reach out to a new future.

- 7 This report has been constrained by a number of factors - not least by the extent of the Commission's mandate and a number of legal provisions contained in the Act. It was, at the same time, driven by a dual responsibility. It had to provide the space within which victims could share the story of their trauma with the nation; and it had to recognise the importance of the due process of law that ensures the rights of alleged perpetrators. Several court rulings emphasised the importance of the latter. Obviously, the Commission respected these judgements. They did, however, sometimes make our efforts to obtain information about the past more difficult. This, in its turn, caused us to err on the side of caution in making our findings. Despite these difficulties, however, we can still claim, without fear of being contradicted, that we have contributed more to uncovering the truth about the past than all the court cases in the history of apartheid.
- 8 There are a number of important points I would like to make before moving to a discussion of this report.
- 9 First, because the Amnesty Committee has not completed its statutory responsibilities and will not have done so until it has considered every application for amnesty before it, this report cannot, strictly speaking, be considered to be final. Once the Amnesty Committee has completed its work, the Commission will be recalled to consider the implications of the hearings that have taken place and to add a codicil to the report. Only at that stage can the Commission's report be regarded as final.
- 10 The second point is to stress that, in preparing this report, we have followed procedures common to many other national and international commissions. It would have been totally impossible for seventeen commissioners to write a single report. We have thus leaned very heavily on our Research Department to produce drafts for consideration by commissioners. Further, we have used group methods and different commissioners have been given responsibilities in respect of different chapters. The product is thus a joint effort of staff and commissioners, but each section was formally adopted by the full Commission in plenary sessions. Thus, the ultimate responsibility for this report lies with the commissioners.
- 11 The third point I would like to make concerns lustration - the disqualification or removal from public office of people who have been implicated in violations of human rights. The Commission considered this question carefully and finally decided not to recommend that this step be pursued. It is suggested, however, that when making appointments and recommendations, political parties and the state should take into consideration the disclosures made in the course of the Commission's work.
- 12 Fourth, a few words need to be said about that great difficulty South Africans experience when describing their fellow compatriots. The former government defined every person according to a racial category or group. Over the years, these became the badges of privilege and of deprivation. For the purposes of the report, the significance of this racial branding is simply that these categories are reflected in statistics produced over the years and, in their own way, provide a guide to the inequities of the past.
- 13 From the late 1960s and 1970s, the Black Consciousness Movement campaigned for the use of the word black to describe all those defined as other than white. However, this was by no means universally accepted and many members of the so-called black group still prefer to be described as coloured, Indian and so on. Another debate arises

around the term African. Does this or can this refer only to black Africans? The debate is not really capable of being resolved. Generally in this report, black Africans are referred to as Africans. Coloured people, people of Indian or Asian origin and white people are referred to as such. No disrespect is intended to any group or political perspective. It is simply impossible to write a history of South Africa without erring on one side or another of the argument.

- 14 Finally, every attempt has been made to check, recheck and check again the spelling of the names included in this report. If there are errors, please forgive us.
- 15 Ultimately, this report is no more than it claims to be. It is the report of a commission appointed by Parliament to complete an enormous task in a limited period. Everyone involved in producing this report would have loved to have had the time to capture the many nuances and unspoken truths encapsulated in the evidence that came before us. This, however, is a task which others must take up and pursue.
- 16 A Dutch visitor to the Commission observed that the Truth and Reconciliation Commission must fail. Its task is simply too demanding. Yet, she argued, "even as it fails, it has already succeeded beyond any rational expectations". She quoted Emily Dickinson: "the truth must dazzle gradually ... or all the world would be blind". However, the Commission has not been prepared to allow the present generation of South Africans to grow gently into the harsh realities of the past and, indeed, many of us have wept as we were confronted with its ugly truths. However painful the experience has been, we remain convinced that there can be no healing without truth. My appeal to South Africans as they read this report is not to use it to attack others, but to add to it, correct it and ultimately to share in the process that will lead to national unity through truth and reconciliation.
- 17 The past, it has been said, is another country. The way its stories are told and the way they are heard change as the years go by. The spotlight gyrates, exposing old lies and illuminating new truths. As a fuller picture emerges, a new piece of the jigsaw puzzle of our past settles into place.
- 18 Inevitably, evidence and information about our past will continue to emerge, as indeed they must. The report of the Commission will now take its place in the historical landscape of which future generations will try to make sense - searching for the clues that lead, endlessly, to a truth that will, in the very nature of things, never be fully revealed.
- 19 It has been the privilege of this Commission to explore a part of that landscape and to represent the truths that emerged in the process. And we have tried, in whatever way we could, to weave into this truth about our past some essential lessons for the future of the people of this country. Because the future, too, is another country. And we can do no more than lay at its feet the small wisdoms we have been able to garner out of our present experience.

## **p TRANSITIONAL OPTIONS**

- 20 We could not make the journey from a past marked by conflict, injustice, oppression, and exploitation to a new and democratic dispensation characterised by a culture of respect for human rights without coming face to face with our recent history. No one has disputed that. The differences of opinion have been about how we should deal with that past; how we should go about coming to terms with it.

- 21 There were those who believed that we should follow the post World War II example of putting those guilty of gross violations of human rights on trial as the allies did at Nuremberg. In South Africa, where we had a military stalemate, that was clearly an impossible option. Neither side in the struggle (the state nor the liberation movements) had defeated the other and hence nobody was in a position to enforce so-called victor's justice.
- 22 However, there were even more compelling reasons for avoiding the Nuremberg option. There is no doubt that members of the security establishment would have scuppered the negotiated settlement had they thought they were going to run the gauntlet of trials for their involvement in past violations. It is certain that we would not, in such circumstances, have experienced a reasonably peaceful transition from repression to democracy. We need to bear this in mind when we criticise the amnesty provisions in the Commission's founding Act. We have the luxury of being able to complain because we are now reaping the benefits of a stable and democratic dispensation. Had the miracle of the negotiated settlement not occurred, we would have been overwhelmed by the bloodbath that virtually everyone predicted as the inevitable ending for South Africa.
- 23 Another reason why Nuremberg was not a viable option was because our country simply could not afford the resources in time, money and personnel that we would have had to invest in such an operation. Judging from what happened in the De Kock and so-called Malan trials, the route of trials would have stretched an already hard-pressed judicial system beyond reasonable limits. It would also have been counterproductive to devote years to hearing about events that, by their nature, arouse very strong feelings. It would have rocked the boat massively and for too long.
- 24 The Malan trials and the Goniwe inquest have also shown us that, because such legal proceedings rely on proof beyond reasonable doubt, the criminal justice system is not the best way to arrive at the truth. There is no incentive for perpetrators to tell the truth and often the court must decide between the word of one victim against the evidence of many perpetrators. Such legal proceedings are also harrowing experiences for victims, who are invariably put through extensive cross-examination.
- 25 In his judgement in the case brought by AZAPO and others against the Truth and Reconciliation Commission, Judge Mahomed, then Deputy President of the Constitutional Court and now our Chief Justice, quoted Judge Marvin Frankel. In his book, *Out of the Shadows of the Night: The Struggle for International Human Rights*, Judge Frankel wrote:

*The call to punish human rights criminals can present complex and agonising problems that have no single or simple solution. While the debate over the Nuremberg trials still goes on, that episode - trials of war criminals of a defeated nation - was simplicity itself as compared to the subtle and dangerous issues that can divide a country when it undertakes to punish its own violators.*

*A nation divided during a repressive regime does not emerge suddenly united when the time of repression has passed. The human rights criminals are fellow citizens, living alongside everyone else, and they may be very powerful and dangerous. If the army and police have been the agencies of terror, the soldiers and the cops aren't going to turn overnight into paragons of respect for human rights. Their numbers and their expert management of deadly weapons remain significant facts of life.... The soldiers and police may be biding their time, waiting and conspiring to return to power. They may be seeking to keep or win sympathisers in the*

*population at large. If they are treated too harshly - or if the net of punishment is cast too widely - there may be a backlash that plays into their hands. But their victims cannot simply forgive and forget.*

*These problems are not abstract generalities. They describe tough realities in more than a dozen countries. If, as we hope, more nations are freed from regimes of terror, similar problems will continue to arise.*

*Since the situations vary, the nature of the problems varies from place to place.*

- 26 There were others who urged that the past should be forgotten - glibly declaring that we should 'let bygones be bygones'. This option was rightly rejected because such amnesia would have resulted in further victimisation of victims by denying their awful experiences. In Ariel Dorfmann's play, *Death and the Maiden*, a woman ties up the man who has injured her. She is ready to kill him when he repeats his lie that he did not rape or torture her. It is only when he admits his violations that she lets him go. His admission restores her dignity and her identity. Her experience is confirmed as real and not illusory and her sense of self is affirmed.
- 27 The other reason amnesia simply will not do is that the past refuses to lie down quietly. It has an uncanny habit of returning to haunt one. "Those who forget the past are doomed to repeat it" are the words emblazoned at the entrance to the museum in the former concentration camp of Dachau. They are words we would do well to keep ever in mind. However painful the experience, the wounds of the past must not be allowed to fester. They must be opened. They must be cleansed. And balm must be poured on them so they can heal. This is not to be obsessed with the past. It is to take care that the past is properly dealt with for the sake of the future.
- 28 In our case, dealing with the past means knowing what happened. Who ordered that this person should be killed? Why did this gross violation of human rights take place? We also need to know about the past so that we can renew our resolve and commitment that never again will such violations take place. We need to know about the past in order to establish a culture of respect for human rights. It is only by accounting for the past that we can become accountable for the future.
- 29 For all these reasons, our nation, through those who negotiated the transition from apartheid to democracy, chose the option of individual and not blanket amnesty. And we believe that this individual amnesty has demonstrated its value. One of the criteria to be satisfied before amnesty could be granted was full disclosure of the truth. Freedom was granted in exchange for truth. We have, through these means, been able to uncover much of what happened in the past. We know now what happened to Steve Biko, to the PEBCO Three, to the Cradock Four. We now know who ordered the Church Street bomb attack and who was responsible for the St James' Church massacre. We have been able to exhume the remains of about fifty activists who were abducted, killed and buried secretly.
- 30 I recall so vividly how at one of our hearings a mother cried out plaintively, "Please can't you bring back even just a bone of my child so that I can bury him." This is something we have been able to do for some families and thereby enabled them to experience closure.
- 31 The lies and deception that were at the heart of apartheid - which were indeed its very essence - were frequently laid bare. We know now who bombed Khotso House. We can recall how Mr Adriaan Vlok, a former Minister of Law and

Order, lied publicly and brazenly about this; how he unashamedly caused Shirley Gunn to be detained with her infant son as the one responsible for this act. It must be said to his credit that Mr Vlok apologised handsomely to Ms Gunn during his amnesty application.

- 32 Thus, we have trodden the path urged on our people by the preamble to our founding Act, which called on “the need for understanding but not for vengeance, a need for reparation but not retaliation, a need for *ubuntu* but not for victimisation.”

## **p CRITICISMS AND CHALLENGES**

- 33 It would have been odd in the extreme if something as radical as this Commission had met with universal approval and acceptance. It would have been even more odd had we been infallible and made no mistakes as we undertook the delicate task of seeking to help heal the wounds of a sorely divided people.
- 34 Some of the criticism levelled against the Commission has been legitimate. However, there has been much which was merely political point scoring, ignoring the facts in favour of taking up cudgels against us. There were those who decided from the outset, long even before the Commission had begun its work, to discredit us by trying to paint the Commission as a witch-hunt of, especially, Afrikaners; by claiming that we were biased in favour of the ANC, and as having failed in the end to advance the course of reconciliation. This latter kind of criticism was a clever ploy to seek pre-emptively to discredit the Commission and hence its report.
- 35 Those who have cared about the future of our country have been worried that the amnesty provision might, amongst other things, encourage impunity because it seemed to sacrifice justice. We believe this view to be incorrect. The amnesty applicant has to admit responsibility for the act for which amnesty is being sought, thus dealing with the matter of impunity. Furthermore, apart from the most exceptional circumstances, the application is dealt with in a public hearing. The applicant must therefore make his admissions in the full glare of publicity. Let us imagine what this means. Often this is the first time that an applicant's family and community learn that an apparently decent man was, for instance, a callous torturer or a member of a ruthless death squad that assassinated many opponents of the previous regime. There is, therefore, a price to be paid. Public disclosure results in public shaming, and sometimes a marriage may be a sad casualty as well.
- 36 We have been concerned, too, that many consider only one aspect of justice. Certainly, amnesty cannot be viewed as justice if we think of justice only as retributive and punitive in nature. We believe, however, that there is another kind of justice - a restorative justice which is concerned not so much with punishment as with correcting imbalances, restoring broken relationships – with healing, harmony and reconciliation. Such justice focuses on the experience of victims; hence the importance of reparation.
- 37 The Commission has also been harshly criticised for being loaded with so-called ‘struggle’-types, people who were pro-ANC, SACP or PAC. We want to say categorically we did not choose ourselves, nor did we put our own names forward. We were nominated in a process open to anyone - whatever their political affiliation or lack of it. We were interviewed in public sessions by a panel on which all the political parties were represented. Moreover, when the President made his choice from a short list, it was in consultation with his Cabinet of National Unity, which included the

ANC, the IFP and the National Party. No one, as far as we know, objected publicly at the time to those who were so appointed. Indeed, many of us were chosen precisely because of our role in opposing apartheid - which is how we established our credibility and demonstrated our integrity. I am myself, even today, not a card-carrying member of any political party. I believe, on the other hand, that some of my colleagues may have been chosen precisely because of their party affiliation, to ensure broad representivity.

- 38 Many here and overseas have criticised us sharply for having been so conciliatory and accommodating towards Mr PW Botha. We have been accused of handling him with kid gloves; of bending over backwards whilst he has responded with arrogant defiance and intransigence. It is not too difficult to imagine the reaction in certain quarters had Mr Botha been a member of the ANC.
- 39 We were told that we revealed our true colours when blanket amnesty was granted to thirty-seven ANC leaders. This accusation is understandable when it comes from those who are not familiar with the law that brought the Commission into being. At the insistence of the National Party, it was decided that the Amnesty Committee should be completely autonomous in all matters relating to the granting or refusal of amnesty. The Commission was thus prevented from interfering in any way in this process. The decision to grant amnesty to the thirty-seven ANC members was taken by three judges who could not be accused of being ANC lackeys.
- 40 Nevertheless, at our very first Commission meeting after this Amnesty Committee decision, we agreed unanimously to apply to the High Court for a judicial review of the Committee's decision, which was the only course open to us. We then tried to persuade the ANC to agree to a judgement by consent in order to save time and money. Despite this, a certain political party, fully aware that the matter was in hand, sought to derive political capital by rushing its own application. If we were biased in favour of the ANC, why did we take the action we did?
- 41 When the ANC suggested that its members would not apply for amnesty because they were involved in a just war, I threatened to resign from the Commission. Happily, the ANC changed its mind so I was not forced to do so. It should be noted that I have not taken such a position about the action of any other party. Can you imagine the outcry if the Commission had put a National Party member through the kind of nine-day gruelling hearing to which Ms Madikizela-Mandela was subjected?
- 42 We have been accused, too, of an ANC bias for refusing to hold public hearings over the gross violations that allegedly took place in the ANC camps in Angola. The fact is that a few people did come forward to testify at human rights violations hearings about what they say happened to them in Quatro. Indeed, one of these people testified when President Mandela was visiting the Commission to attend a hearing in Gauteng. He had to sit through a tirade against the ANC. Had we been ANC lackeys, is it not likely that I would have stopped this witness to spare the ANC President this embarrassment?
- 43 We held, in addition, a special hearing on prisons where evidence about conditions in Quatro was led. The ANC provided considerable information in the Stuart, Motsuenyane and Skweyiya Commissions, which it had itself appointed to investigate allegations of these abuses. There are likely to be amnesty hearings involving those involved in these violations.

- 44 It is thus mischievous to suggest that we have not wanted to investigate incidents that might prove embarrassing to the ANC. We would urge our over-enthusiastic critics to read our findings in this report relating to those abuses of which the ANC might be guilty.
- 45 These examples should surely be sufficient to establish that we are politically independent and not biased in favour of any particular political party or group.
- 46 Another frequent criticism has been that we have allowed people such as Ms Madikizela-Mandela, Mr PW Botha and Dr Wouter Basson, in a manner of speaking, to 'get away with murder'. In response to this, we have pointed out that we are not a court of law. Ms Mandela, for example, was cross-examined by a panel of lawyers and gave the answers she chose to give. We announced that we were not going to pronounce a verdict at the end of that sitting but would be making our finding (contained in this report) based on the evidence and our impression of the witness.
- 47 In both her case and that of Dr Basson, one almost has the impression that people would like us to squeeze satisfactory responses from the witnesses. However, short of putting them on a rack and torturing them, there is in fact nothing one can ultimately do in a constitutional democracy beyond making an appropriate finding. After all, even in a court of law there is nothing the prosecution can do to force witnesses to give satisfactory answers except to charge them with contempt. Even that will not necessarily elicit the facts.
- 48 Equally, in the case of Mr Botha, all we could do was to lay a criminal charge - which we did, however reluctantly. Even while the court case was in progress, we continued to seek an acceptable solution - both in the interests of reconciliation and because we did not want to see him humiliated. We offered to have an *in camera* hearing and to provide him in advance with the list of questions we wanted to ask him. Only a thoroughly biased person could accuse us of harassing a hapless old man. In the face of his obduracy, we were faced with no choice but to lay charges. The decision to prosecute was taken independently by the Attorney-General. But we did thereby demonstrate that nobody is above the law.
- 49 Others have taken us to task because they were unhappy when the Amnesty Committee gave amnesty to certain perpetrators - such as those responsible for the St James' Church killings or the murder of Amy Biehl. Clearly these people have forgotten the *raison d'être* for amnesty. Amnesty is not meant for nice people. It is intended for perpetrators. There are strict criteria to be met and we believe that the Committee has used those criteria to determine whether or not amnesty should be granted. Amnesty is a heavy price to pay. It is, however, the price the negotiators believed our country would have to pay to avoid an "alternative too ghastly to contemplate". Sadly, in almost all cases, there was an outcry only when the victim was white and the perpetrator black. I wonder whether people have considered how the Trust Feed Farm community must have felt when Brian Mitchell got amnesty since it was his misinterpreted orders that led to the death of eleven persons in that community?
- 50 As a matter of fact, the Amnesty Committee has granted only about 150 amnesties out of 7 000 applications, with a further 2 000 still to be dealt with. This can hardly be described as an avalanche of reckless decisions.
- 51 I think some people have wrongly thought that we were targeting former security force members because there has been so much about them and their mis-demeanours in the media. This, in very large measure, is because most of the violations of which the liberation movements are guilty were already in the public domain. Most of the perpetrators had been arrested; often they had been convicted and sometimes even executed - as for example in the case of the Magoo's Bar bombers, the Amanzimtoti Wimpy Bar bomber and those responsible for various necklacings. The South African Police used to preen itself about its successes in these operations. Concerning events such as the PEBCO Three, the Cradock Four and so on, the police engaged in elaborate and effective cover-ups. Now that their nefarious deeds are coming to light on their own admissions, the white community especially is appalled to discover that their 'boys' were not always the paragons of virtue they had presented themselves as. The disillusionment is



shattering. But it is not the Commission that should be blamed for this. The truth has always been there. It had simply been hidden from the public gaze.

- 52 Some have criticised us because they believe we talk of some acts as morally justifiable and others not. Let us quickly state that the section of the Act relating to what constitutes a gross violation of human rights makes no moral distinction - it does not deal with morality. It deals with legality. A gross violation is a gross violation, whoever commits it and for whatever reason. There is thus legal equivalence between all perpetrators. Their political affiliation is irrelevant. If an ANC member tortures someone, that is a gross violation of the victim's rights. If a National Party member or a police officer tortures a prisoner, then that is a gross violation of the prisoner's rights.
- 53 The supporters of the previous regime have been at great pains to insist that the reason they did many of the unsavoury things that have since come to light was largely because they were fighting against an evil and predatory Communism. This shows that they *do* accept that the use of force is subject to moral judgement and distinctions. When a woman kills a person who tries to rape her, she has committed homicide; yet, society and the law would argue that she was not criminally culpable. Society might even commend her. If a hijacker kills the driver of the car he was hijacking, he has committed a homicide. Society heaps condemnation and opprobrium on him and the law finds him guilty of culpable homicide.
- 54 Hence, the same kind of act attracts different moral judgements. A venerable tradition holds that those who use force to overthrow or even to oppose an unjust system occupy the moral high ground over those who use force to sustain that same system. That is when the criteria of the so-called 'just war' come into play - as discussed in *The Mandate* chapter in our report. This does not mean that those who hold the moral high ground have *carte blanche* as to the methods they use. Thus, to hold this particular view is not to be guilty of a bias. It is to assert that we move in a moral universe where right and wrong and justice and oppression matter.
- 55 It would be the height of stupidity as well as being self-defeating for the Commission to subvert its work by being anything less than fair and even-handed. This is, after all, required by the law that brought it into being. We want our work to be generally accepted. Unfair discrimination would be prejudicial to such acceptance. Some of us have been characterised by an independence that has led us to condemn wrong wherever it happened or whoever was the culprit, and have done so without fear or favour. We could not change this critical independence when so much hinged on it.
- 56 We have sought to carry out our work to the best of our ability, without bias. I cannot, however, be asked to be neutral about apartheid. It is an intrinsically evil system. But I *am* even-handed in that I will let an apartheid supporter tell me what he or she sincerely believed moved him or her, and what his or her insights and perspectives were; and I will take these seriously into account in making my finding. I do believe that there were those who supported apartheid who genuinely believed that it offered the best solution to the complexities of a multiracial land with citizens at very different levels of economic, social and educational development. I do not doubt that many who supported apartheid believed that it was the best policy in the circumstances to preserve their identity, language and culture and those of other peoples as well. I do believe such people were not driven by malicious motives. Many believed God had given them a calling to help civilise benighted natives. I do not for a single moment question the sincerity of those who believed that they were defending their country and what they understood to be its Western Christian values against the atheistic Communist onslaught. No, I do not call their motives into question. I do, however, condemn the policy they applied.
- 57 A last word to those who have made it their obsessive business in life to discredit and vilify the Truth and Reconciliation Commission. It has been wonderful to see the high regard in which the Commission is held in the international community. Almost without exception, foreign heads of state visiting this country have insisted on paying a visit to the Commission. The royal couples of Norway, Sweden and Denmark have been among such visitors. Presidents of the German Republic, Portugal, France and most recently of the Swiss Confederation have met with the

Chair of the Commission, as did the First Lady of the United States and the Secretary General of the United Nations, Mr Kofi Annan. The international community has supported our work financially, and through staff secondments and generous donations to the President's Fund.

58 Some of us have been awarded the highest decorations of some of these countries; others have received honorary doctorates, and some of my colleagues have gone on from the Commission to take up prestigious appointments. One, for example has been appointed vice-chancellor of the University of Durban-Westville; another as an acting Judge of Appeal. Others have been given fellowships to eminent universities.

59 Surely, if the institution were so thoroughly discredited, nobody respectable would want to touch us with a bargepole. The opposite is clearly the case. The world is waiting expectantly for this report because the world has marvelled at how we South Africans have gone about trying to deal with our past. Many are wondering whether they can learn from our experience. In December 1998, Switzerland will host a seminar to consider the contribution of truth and reconciliation commissions in other post-conflict situations in the world. We have been asked to contribute to this by sharing our unique experiences with other countries.

60 I have been at great pains to demonstrate the Commission's independence and lack of bias because we are concerned that its work and report should gain the widest possible acceptance. This could well prove to be a futile exercise if those who think that the best way of responding to a report they suspect is going to be less than favourable to them is to come out with all guns blazing to attack the Truth and Reconciliation Commission, and hope thereby to discredit it and its report.

61 This would be a shortsighted approach - what one might call the Esau option, seeking a short-term advantage at the cost of a longer-term but greater benefit. Thus, when the Commission declares apartheid a crime against humanity, its most ferocious critics will say: "What did we tell you; what did you expect from such a skewed Commission packed with 'struggle' types, hell bent on a witch-hunt against Afrikaners and so obviously biased in favour of the ANC?"

62 Mercifully the international community, and not just the Communist bloc, has already declared apartheid to be a crime against humanity. For the international community, indeed, this is no longer a point of debate. The world Christian community has declared that the theological justification of apartheid is a heresy. Closer to home, the Nederduitse Gereformeerde Kerk has said that apartheid is a sin. Some of the most senior judges in our country - who could not by any reasonable person be described as demagogues or lackeys of the ANC - have called apartheid a gross violation of human rights. Thus, the Truth and Reconciliation Commission is a latecomer in this area. The world would indeed be surprised if the Commission had not found apartheid to be a crime against humanity.

63 This means that we cannot hope properly to understand the history of the period under review unless we give apartheid and racism their rightful place as the defining features of that period. People would be surprised if anyone wanting to describe or understand the post World War II period were to ignore Soviet Communism or not give it a central, indeed pivotal, place in the geopolitics of that period. We know that nations defined themselves in terms of their relationship to Communism. That is what determined the politics, economics and foreign policies of the different protagonists at the time. It is what determined the nature of the Cold War period. The attitude towards Communism defined who one's allies and enemies were, what sort of defence budget was necessary and which surrogate states to support. The threat was seen as so serious that the world's greatest Western democracy saw nothing wrong with supporting some of the world's worst dictatorships - for example, Pinochet's Chile, other Latin American military dictatorships and Marcos' Philippines - simply because these declared themselves to be anti-Communist. The USA was ready to subvert democratically-elected governments by supporting internal dissidents in their efforts to overthrow legitimate regimes - such as the Contras in Nicaragua and UNITA in Angola - because the elected governments were Communist-influenced or fellow-travellers. The West did not seem to care too much about the human rights records of their

surrogates. What we are underlining is that, to understand this Cold War period, one has to acknowledge the key role of Soviet Communism.

- 64 I want to suggest that apartheid and racism played a similar defining role in the history of the period under review. The vast majority, if not all, of the gross violations of human rights that were perpetrated in this period happened at the hands either of those who sought to defend the unjust apartheid and racist dispensation or those who sought to resist and ultimately overthrow that system.
- 65 This is not the same as saying that racism was introduced into South Africa by those who brought apartheid into being. Racism came to South Africa in 1652; it has been part of the warp and woof of South African society since then. It was not the supporters of apartheid who gave this country the 1913 Land Act which ensured that the indigenous people of South Africa would effectively become hewers of wood and drawers of water for those with superior gun power from overseas. 1948 merely saw the beginning of a refinement and intensifying of repression, injustice and exploitation. It was not the upholders of apartheid who introduced gross violations of human rights in this land. We would argue that what happened when 20 000 women and children died in the concentration camps during the Anglo-Boer War is a huge blot on our copy book. Indeed, if the key concepts of confession, forgiveness and reconciliation are central to the message of this report, it would be wonderful if one day some representative of the British/English community said to the Afrikaners, "We wronged you grievously. Forgive us." And it would be wonderful too if someone representing the Afrikaner community responded, "Yes, we forgive you - if you will perhaps let us just tell our story, the story of our forebears and the pain that has sat for so long in the pit of our stomachs unacknowledged by you." As we have discovered, the telling has been an important part of the process of healing.
- 66 To lift up racism and apartheid is not to gloat over or to humiliate the Afrikaner or the white community. It is to try to speak the truth in love. It is to know the real extent of the sickness that has afflicted our beloved motherland so long and, in making the right diagnosis, prescribe the correct medicine. We would not want to be castigated as the prophet Jeremiah condemned the priests and prophets of his day (Jeremiah 6:13-14):

*For from the least to the greatest of them,  
every one is greedy for unjust gain;  
and from prophet to priest,  
everyone deals falsely.  
They have healed the wound of my people lightly,  
saying "Peace, peace,"  
when there is no peace.*

- 67 It is to give substance to our cry from the heart that politicians should really stop playing ducks and drakes with our future - for the greatest sadness that we have encountered in the Commission has been the reluctance of white leaders to urge their followers to respond to the remarkable generosity of spirit shown by the victims. This reluctance, indeed this hostility, to the Commission has been like spitting in the face of the victims.

## p **RECONCILIATION**

- 68 Some have been upset by the suggestion that the work of the Truth and Reconciliation Commission could have resulted in making people angrier and race relations more difficult, as indicated by a recent survey. It would be naïve in the extreme to imagine that people would not be appalled by the ghastly revelations that the Commission has brought

- about. It would have been bizarre had this not happened. What is amazing is that the vast majority of the people of this land, those who form the bulk of the victims of the policies of the past, have said they believe reconciliation is possible.
- 69 The trouble is that there are erroneous notions of what reconciliation is all about. Reconciliation is not about being cosy; it is not about pretending that things were other than they were. Reconciliation based on falsehood, on not facing up to reality, is not true reconciliation and will not last.
- 70 We believe we have provided enough of the truth about our past for there to be a consensus about it. There is consensus that atrocious things were done on all sides. We know that the State used its considerable resources to wage a war against some of its citizens. We know that torture and deception and murder and death squads came to be the order of the day. We know that the liberation movements were not paragons of virtue and were often responsible for egging people on to behave in ways that were uncontrollable. We know that we may, in the present crime rate, be reaping the harvest of the campaigns to make the country ungovernable. We know that the immorality of apartheid has helped to create the climate where moral standards have fallen disastrously.
- 71 We should accept that truth has emerged even though it has initially alienated people from one another. The truth can be, and often is, divisive. However, it is only on the basis of truth that true reconciliation can take place. True reconciliation is not easy; it is not cheap. We have been amazed at some almost breathtaking examples of reconciliation that have happened through the Commission. Examples abound in the chapter on reconciliation. I want to make a heartfelt plea to my white fellow South Africans. On the whole we have been exhilarated by the magnanimity of those who should by rights be consumed by bitterness and a lust for revenge; who instead have time after time shown an astonishing magnanimity and willingness to forgive. It is not easy to forgive, but we have seen it happen. And some of those who have done so are white victims. Nevertheless, the bulk of victims have been black and I have been saddened by what has appeared to be a mean-spiritedness in some of the leadership in the white community. They should be saying: "How fortunate we are that these people do not want to treat us as we treated them. How fortunate that things have remained much the same for us except for the loss of some political power."
- 72 Can we imagine the anger that has been caused by the disclosures that the previous government had a Chemical and Biological Warfare Programme with projects that allegedly targeted only black people, and allegedly sought to poison President Nelson Mandela and reduce the fertility of black women? Should our land not be overwhelmed by black fury leading to orgies of revenge, turning us into a Bosnia, a Northern Ireland or a Sri Lanka?
- 73 Dear fellow South Africans, please try to bring yourselves to respond with a like generosity and magnanimity. When one confesses, one confesses only one's own sins, not those of another. When a husband wants to make up with his wife, he does not say, "I'm sorry, please forgive me, but darling of course you too have done so and so!" That is not the way to reach reconciliation. That is why I still hope that there will be a white leader who will say, "We had an evil system with awful consequences. Please forgive us." Without qualification. If that were to happen, we would all be amazed at the response.

## p **APPRECIATION**

- 74 It has been a distinct honour and privilege to have been asked to preside over and participate in the crucial process of attempting to heal a traumatised and deeply divided people. We want to say thank you to the President, Mr Nelson Mandela, for having appointed us to this noble task. He has been an outstanding example and inspiration for the work of reconciling our alienated and polarised people.

- 75 We owe a great debt of gratitude to the Minister of Justice, the Honourable Mr Dullah Omar, who has been readily accessible and wonderfully supportive of us all in the Truth and Reconciliation Commission. It has been a great pleasure to have worked under the auspices of his department. He and his staff have spared no efforts in assisting us.
- 76 The Department of Safety and Security and the South African Police Services (SAPS) have been efficient in providing security to our buildings and personnel as well as at our various hearings. They have proved friendly and efficient and a splendid example of the kind of transformation we would like to see. They have increasingly become friends of the people.
- 77 We also want to express our appreciation to various other government departments at national, provincial and local levels.
- 78 Our difficult work would have been even more so had it not been for the outstanding contributions of the various faith communities, non-governmental organisations (NGOs) and other organisations of civil society, so many of whom have facilitated our work at different levels and in all kinds of ways. We have benefited from the participation of many volunteers and we want them to know that we are deeply indebted to them for their invaluable contribution.
- 79 We have been fortunate that the media, both print and electronic, have helped to carry the Commission and its work into every corner of our own land and other lands. We are particularly grateful for the work of SABC (South African Broadcasting Corporation) radio, which communicated in all our official languages to ensure that even the illiterate did not miss out. We want to mention, too, the special television programme that was broadcast on Sunday evenings - giving a summary of the previous week's events at the Commission and a preview of the coming week's events. No wonder these television and radio programmes won prestigious awards - on which we congratulate them. The media helped to ensure that the Commission's process was as inclusive and as non-elitist as possible.
- 80 I am honoured to express our gratitude to all those over 20 000 persons who came forward to tell us their stories - either at the public hearings of our Human Rights Violations Committee or in the statements recorded by our statement takers. They were generous in their readiness to make themselves vulnerable; to risk opening wounds that were perhaps in the process of healing, by sharing the often traumatic experiences of themselves or their loved ones as victims of gross violations of human rights. We are deeply in their debt and hope that coming to the Commission may have assisted in the rehabilitation of their human and civil dignity that was so callously trampled underfoot in the past. We pray that wounds that may have been re-opened in this process have been cleansed so that they will not fester; that some balm has been poured on them and that they will now heal.
- 81 We want to thank the various organisations, professional bodies and individuals who made written submissions as well as those who appeared before the Commission during the special institutional hearings. We are disappointed that certain bodies rejected our invitation to make submissions and are particularly distressed that judges refused to appear before the Commission, although a significant few did send written submissions. We have not been persuaded by the judges' arguments as to why they did not appear.
- 82 We are grateful, too, for the support we have received from the international community - in personnel as well as financial aid. Our work would have been severely hampered had it not been for the generosity of foreign donor nations. They provided us with experienced police officers and investigators who strengthened our Investigation Unit quite considerably. They gave us funds to help to pay for the live radio and television broadcasts that made the Commission so much a part of the South African landscape. We are equally grateful to them for the generous donations they have already made to the President's Fund from which reparations will be disbursed.

- 83 I want to pay a very warm tribute to all my colleagues, my fellow commissioners, our committee members and our dedicated staff. My fellow commissioners are gifted persons, frequently leaders in their particular fields. They have worked themselves to a frazzle, committed and conscientious to a fault.
- 84 None will take it amiss when I single out for special mention the vice-chairperson, Dr Alex Boraine. We were fortunate to have had him because frankly he performed nothing short of a miracle in getting the ball rolling, employing staff and procuring premises for the Commission in record time. Without his remarkable energy and competence, we would not have started as soon as we did. I would not want to wish such a project - starting up a massive undertaking such as this *de novo* - on my worst enemy. We made it very largely because of Dr Boraine. He has taken a lot of flak from those who have delighted in taking political pot shots at him. He is a man of unshakeable integrity and commitment. I want to assure those who might have thought of him as a political opponent from his parliamentary days that he is scrupulously fair.
- 85 We have been served by a team of outstanding individuals - starting from Dr Minyuku, our indefatigable chief executive officer, to the most junior staff member. They have had to gel quickly, despite knowing that this intense and gruelling task would last only two years or so. This knowledge could have been thoroughly debilitating, sapping morale and energy, but I have been amazed that almost all our staff members have been so dedicated and so conscientious. Most have gone well beyond the call of duty, working many overtime hours as proof of their dedication.
- 86 The Research Department led by Professor Charles Villa-Vicencio has played a major role in producing this report. Our thanks are due to them for their sterling work.
- 87 It has been a gruelling job of work that has taken a physical, mental and psychological toll. We have borne a heavy burden as we have taken onto ourselves the anguish, the awfulness, and the sheer evil of it all. The interpreters have, for instance, had the trauma of not just hearing or reading about the atrocities, but have had to speak in the first person as either a victim or the perpetrator,

*They undressed me and opened a drawer and shoved my breast into the drawer which they then slammed shut on my nipple! [or] I drugged his coffee, then I shot him in the head. Then I burned his body. Whilst we were doing this, watching his body burn, we were enjoying a braai on the other side.*

- 88 The chief of the section that typed the transcripts of the hearings told me:

*As you type, you don't know you are crying until you feel and see the tears falling on your hands.*

- 89 We have been given a great privilege. It has been a costly privilege but one that we would not want to exchange for anything in the world. Some of us have already experienced something of a post traumatic stress and have become more and more aware of just how deeply wounded we have all been; how wounded and broken we all are. Apartheid has affected us at a very deep level, more than we ever suspected. We in the Commission have been a microcosm of

our society, reflecting its alienation, suspicions and lack of trust in one another. Our earlier Commission meetings were very difficult and filled with tension. God has been good in helping us to grow closer together. Perhaps we are a sign of hope that, if people from often hostile backgrounds could grow closer together as we have done, then there is hope for South Africa, that we can become united. We have been called to be wounded healers.

90 I pay a warm tribute to all my fellow wounded healers. You have done a splendid job of work. You have given it your best shot. It has been an immense privilege to captain such a superb team.

## p **CONCLUSION**

91 Ours is a remarkable country. Let us celebrate our diversity, our differences. God wants us as we are. South Africa wants and needs the Afrikaner, the English, the coloured, the Indian, the black. We are sisters and brothers in one family - God's family, the human family. Having looked the beast of the past in the eye, having asked and received forgiveness and having made amends, let us shut the door on the past - not in order to forget it but in order not to allow it to imprison us. Let us move into the glorious future of a new kind of society where people count, not because of biological irrelevancies or other extraneous attributes, but because they are persons of infinite worth created in the image of God. Let that society be a new society - more compassionate, more caring, more gentle, more given to sharing - because we have left "the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice" and are moving to 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."

92 Like our Constitution, the Commission has helped in laying-

*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.*

93 My appeal is ultimately directed to us all, black and white together, to close the chapter on our past and to strive together for this beautiful and blessed land as the rainbow people of God.

94 The Commission has done its share to promote national unity and reconciliation. Their achievement is up to each one of us.

95 I am honoured to commend this report to you.