

Foreword and Context of Institutional and Special Hearings

• INTRODUCTION

- 1 An important debate with which the Commission had to wrestle was, as has been fully discussed in the chapter on *The Mandate*, how to paint the backdrop against which such human rights violations occurred. Without some sense of the “antecedents, circumstances, factors and context” within which gross violations of human rights occurred, it is almost impossible to understand how, over the years, people who considered themselves ordinary, decent and God-fearing found themselves turning a blind eye to a system which impoverished, oppressed and violated the lives and very existence of so many of their fellow citizens.
- 2 It is an old question: one that is asked of any country that undertakes acts so foul that the world openly condemns it. It is a question that has been answered in different ways, for such is the nature of historical debate. However, what is clear is that apartheid could only have happened if large numbers of enfranchised, relatively privileged South Africans either condoned or simply allowed it to continue.
- 3 How did so many people, working within so many influential sectors and institutions, react to what was happening around them? Did they know it was happening? If they did not know, or did not believe it was happening, from where did they derive their ignorance or their misunderstanding? Why is it only with hindsight that so many privileged members of society are able to see that what they lived through was a kind of madness and, for those at the receiving end of the system, a kind of hell?
- 4 One of the things one needs to remember is that the greater majority of South Africans knew only one system of government (although the foundation for apartheid was, as mentioned elsewhere, laid much earlier). This means that those who were born, went to school, took jobs and raised families knew only one society – the apartheid society. To those who reaped its benefits, it was an extremely comfortable society. But what is important is that they knew no other. It was a closed world, surrounded by fences, prohibitions and some terrible assumptions about their fellow countrymen and women.
- 5 There were those, of course, from the heart of the privileged community who not only *did* know what was happening, but condemned it. In the process, they themselves became victims of government action. But, significantly for this argument, their credibility was frequently also questioned by those around them, and their simple humanitarian responses often resulted in rejection by members of their own communities. Part of the explanation lies in the state's

demonisation of its opponents and, quite probably, in a wish to avoid the obligations that knowledge implied. Yet the question remains, if some knew, why did others not know and believe?

• INSTITUTIONAL HEARINGS

- 6 It was in search for the beginning of an answer to these questions that the Commission decided to host a number of hearings on the role of some of the influential sectors of the apartheid society. Clearly, there were time restraints, requiring the Commission to limit its focus. A number of institutions were identified: the media, business, prisons, the faith community, the legal system and the health sector. All these sectors had, over the years, come under attack for what was seen by some as their complicity with the apartheid system. What the Commission sought to find out was how these institutions saw themselves and how, brought together with those who had opposed them, a part of the enigma of the South African evil could be unravelled.
- 7 It was considered extremely important that both 'sides' should be present and able to speak at the hearings of their perceptions and experiences. Sometimes the Commission was successful in obtaining the participation of all role-players, and sometimes it was not. Some refused the invitation of the Commission.
- 8 Often the hearings revealed just how far apart the opposing views were. But there were some heartening moments. There were signs that the hearings triggered a kind of self-analysis, a mood of introspection that may lead to a deeper realisation of the need for commitment to a new society and a culture of human rights.
- 9 At the end of each chapter, there is a set of findings the Commission made after the hearings and, in the chapter on *Recommendations* in the last volume of this report, the Commission gave serious thought to ways to ensure the transformation of society.

• SPECIAL HEARINGS

- 10 The last three chapters in this volume are of a different kind. They focus on three areas that, the Commission felt, warranted individual attention.
- 11 The Commission decided to host a hearing on compulsory military service. It was a difficult decision and one that followed a great deal of debate. It was clear that conscripts could not as a rule be described as victims of gross violations of human rights as defined in the Act. Some of the evidence that emerged at the hearing, however, showed that they were victims of another kind – victims of a system they found themselves obliged to defend.
- 12 The chapter on children and youth describes the devastating effects of apartheid on young people in South Africa. It also pays tribute to the extraordinary heroism of generations of young people who risked their education, their safety and often their lives for a better society. Many of them today are greatly the poorer for their sacrifice. Many others did not live beyond their teens and became victims of the system against which they struggled.

- 13 The chapter on women reports on a series of hearings that were held at which women were given the opportunity to speak on their own behalf. It was discovered early in the life of the Commission that the majority of women who came forward to testify did so on behalf of others and seldom on their own account. It was also felt necessary to give women the opportunity, amongst members of their own sex, to speak of the particular violations experienced by women and, also, the particular way in which women experience violations.
- 14 The following chapters do no more than summarise the events that took place at the hearings. The full transcripts are to be found in the National Archives. However, beyond the documents, the Commission hopes that the legacy of these hearings will be to stimulate further debate, further discussion and further exploration of the difficult and complex issues that underpinned apartheid.

● A NOTE ON NAMES

- 15 Every attempt has been made to check and re-check the names of people who approached the Commission, made statements or are otherwise quoted. Inconsistent spellings emerged in the transcripts, in statements and frequently the same name was spelt in a variety of different ways. Where there are errors, despite all efforts to ensure that names are correctly spelt, the Commission apologises.
- 16 In addition, the Commission decided, for the purposes of its report, that the titles of Mr and Ms would be used throughout. This is not to fail to acknowledge that some women might still prefer to be addressed as Mrs or Miss or even Mama and does not constitute a social or political comment on their right to do so. It was simply a decision that was taken in order to ensure uniformity and, of course, to eliminate error where the marital status of the person was unknown.

● CONCLUSION

- 17 The journey between 1960 and 1994 was a long and terrible one, wasteful of human life and of human potential. Yet, it was a path that everyone travelled.
- 18 Today, South Africans have embarked on another journey. Some travel joyfully into the future. Others still carry their baggage, uncertain of whether or how to dispose of it. Thus, although it is a collective journey, it is also an individual journey. A journey that depends on our ability to examine with honesty and with humility the role we have played in the past and, more importantly, what role we can – as individuals and as institutions – play in the future.
- 19 The Commission hopes that the hearings reported on in this volume may provide some guidance on a way forward.

APPENDIX

Submissions to the Commission

The Commission received numerous formal submissions, written statements and opinions during its existence. At the time of reporting, the Records Management Department of the Commission was making every effort to record this material.

Amnesty investigations were, however, still underway at the time of reporting. In addition, the cataloguing of some material from the Commission's regional offices was incomplete and some documentation, used in the writing of the Commission's report, had not yet been lodged in the Records Management Department.

The inventory that follows lists submissions made to the Commission and lodged in the Records Management Department at the time of going to press. The documentation originates either from unsolicited representations made to the Commission or in response to requests for submissions relating to Commission hearings. It does not include documentation accessed by the Commission from the National Archives, the civilian intelligence services, the archives of security forces or other documentation used for research and investigative purposes.

The complete inventory of all documentation accessed by the Commission will become available in due course.

CATEGORY	NAME
Armed Forces and Police	African National Congress
	Azanian Peoples' Liberation Army
	Barnard, L D
	De Haas, M
	Foundation for Equality before the Law: Stadler, H D
	Hechter, J
	Liebenberg, W R
	Malan, M A de M
	Ministry of Defence
	Molebeleli, T
	National Intelligence Agency
	Odendal, C A J
	Schoon, W F
	South African National Defence Force
	South African Police Service
	Van der Merwe, J V
	Williamson, C M
Business and Labour	Afrikaanse Handelsinstituut
	Anglo American Corporation of South Africa Ltd
	Anti-Apartheid Movement
	Armaments Corporation of South Africa (ARMSCOR)
	Avalon Cinemas South Africa (Pty) Ltd
	Ball, C

Bernstein, A
Black Management Forum
BMW South Africa
Brown, G D
Building Industries Federation of South Africa
Bulk Commodities International
Centre for Policy Studies
Chamber of Mines
Coleman, A
Congress of South African Trade Unions
Consultative Business Movement
Crawford-Browne, T
De Castro-Moura, M M
Development Bank of Southern Africa
Economic Advisory Council: Warren Clewlow
Eskom
Ex-Ford Workers Committee
Federated Mining and Allied Industries Workers Union
Flynn, L
Food and General Workers Union
Foundation of African Business and Consumer Services
Fourie, R
Genkor Limited
German Chamber of Commerce and Industry
Groenendijk, C
Hulett Aluminium (Pty) Ltd
Investor Victims Association
Islamic Chamber of Commerce and Industry
Johannesburg Chamber of Commerce and Industry
Juergensen, B
Jumuna, N
Land and Agricultural Bank of South Africa
Loyson, M
Mercedes-Benz S A
Mkhwanazi, D
Muller, K M
Nampak Limited
Narrandes, C
National African Federated Chamber of Commerce and Industry
National Association of Automobile Manufacturers of South Africa
National Business Initiative for Growth, Development & Democracy
National Campaign on the Apartheid Debt
National Small Business Council
Old Mutual
Padayachi, N
Phaswana, F

Rakgahla and Associates
Reichenberg and Co.
Rembrandt Group Ltd
Reynecke Inc. for Financial Research Foundation
Rosholt, A M
Rubenstein Finance Company
Rupert, E A
South African Breweries
South African Motor Industry Employers' Association
South African Reserve Bank
Sanlam
Shell South Africa
Simkins, C
Soller and Manning
South African Black Technical and Allied Careers Organisation
South African Chamber of Business
South African Communist Party
South African Democratic Teachers' Union
South African Federated Chamber of Industries
Steel and Engineering Industries Federation of South Africa
Terreblanche, S
Textile and Clothing Industry
Textile Federation
The Centre for Conflict Resolution
The Land and Agricultural Bank
The Tongaat-Hulett Group Ltd
Toyota S A
Transnet
Tucker, R S K
Tyacke, E and Lowry, D
Van Niekerk, P
Van Zyl, J
Wiehahn, N
Zimema, P M

Children and Youth

Human Rights Committee
Junior Rapportryerbeweging
Justice Goldstone, R J - several submissions
KwaZulu-Natal Programme for Survivors of Violence
National Children and Violence Trust
National Children's Rights Committee
Ndlozi, G
Nkomo, M N
Reynolds, P and Dawes, A
Smith, T S J

Health

American Association for the Advancement of Science
Amnesty International

Baragwanath Hospital
Centre for Psychosocial and Traumatic Stress
Citizens' Commission on Human Rights South Africa
Democratic Nursing Organisation of South Africa
Dental Association of South Africa
Department of Health
Department of Psychiatry, Tygerberg Hospital
Fanner, M
Greater Johannesburg Welfare, Social Service and Development Forum
Groote Schuur Hospital Region
Independent Mediation Service of South Africa
Independent Medico-Legal Unit:
 Main submission
 Maller, R
 Colvin, M
 Reid, S and Giddy, J
 Lasich, A J
 Akoojee, S B
 Nel, J P
 Organisation for Appropriate Social Services for South Africa
Health Psychology Unit, Centre for Peace Action, University of South Africa
Holomisa, B
Islamic Medical Association South Africa
Jeppe, C
Johannesburg Child Psychotherapy Group
Johannesburg Welfare Society
Khulumani Support Group
Kistnasamy, M B
Klatzow, D J
Lasich, A J
Medical Research Council
Medical Association of South Africa
Medical University of South Africa
Mohare, D E
National Institute of Mental Health, Rockville, Maryland, USA
National Traditional Healers Association of Southern Africa
Organisation For Appropriate Social Services for South Africa
Pillay, S R
Professional Board for Occupational Therapy
Progressive Doctors' Group
Psychology Association of South Africa
Rataemane, S
Respiratory Clinic
Society of Psychiatrists of South Africa
Soobiah, R
South African Academy of Family Practice/Primary Care

South African Council for the Aged
South African Medical and Dental Council
South African Medical and Dental Practitioners Association
South African Medical Service
South African Medical Students Association
South African Nursing Council
South African Pharmacy Council
University of Cape Town: Dept of Community Health
University of Cape Town: Dept of Medicine
University of Cape Town: Dept of Pharmacology
University of Cape Town: Dept of Primary Health Care
University of Natal: Medical School
University of Pretoria
University of the Witwatersrand
University of the Western Cape - Centre for Student Counselling
Van Speyk, V
Vegetarian Society of South Africa
Vitus, L
Witwatersrand Mental Health Society
World Federation for Mental Health

Individuals

Bothma, K
Chaskalson, A; Langa, P; Mahomed, I; Corbett, M M; Van Heerden, H J O
Coetzee, L F
Grundlingh, L and Smit, R
Hain, P
Hendrickse, M A
Joubert, A J M
Kitson, D
Kleyn, J J G C
Lategan, B
Madlala-Routledge, N
Mokhele, T
Pepinsky, H E
Skoulariki, P
Southall, R and Wood, G
Van Hees, S
Zeiss, R K R

Law and Human Rights

Ackermann, L W H
Addison, G
Aitchison, J J W
Amnesty International
Anonymous - Afrikaans letter from a mother re: conscript
Anonymous - re: Conscripts
Anti-Apartheid Movement
Association of Law Societies of the RSA
Black Lawyers Association

Botha, C
Bozalek, L J
British Rights Watch
Cachalia, F
Cameron, E
Campus Law Clinic
Centre for the Study of Violence and Reconciliation
Chatsworth Child and Family Welfare Society
Coetzee-Andrew, M
Commission for Gender Equality; South African Human Rights Commission and South African NGO Coalition
Community Law Centre; Development Action Group; Legal Resources Centre; Black Sash;
NGO National Coalition; National Land Committee; National Literacy Co-operative: Peoples' Dialogue;
Urban Sector Network
Corbett, M M
CURAMUS: Botha, J H
Deegan, J
D'Oliveira, J A v S
De Ridder, T
De Vries, A P
Department of Justice
Die Afrikanerbond
Du Plooy, N
Dyzenhaus, David
Eloff, C F
Expatriates of Hambanathi
Forsyth-Winberg, T D
Friedman, G
General Council of the Bar of South Africa
Goldblatt, B and Meintjes, S
Goldstein, E L
Goldstone, R J
Govender, K
Graaf, M
Harms, L T C
Hart, O D
Hattingh, J
Hemson, D
Human Rights Committee
Human Rights Watch (South Africa Desk)
International Association of Democratic Lawyers
Jana, P
Joffe, M M
Joubert, C P
Jurgens, J W
KAIROS
Keys, Liza

Khumalo, J A M
Kriek, J J
Laka
Land and Agriculture Policy Centre
Langa, P N
Langeveld, L J
Ledgerwood, T
Legal Resources Centre
Lichtenberg, E K W
Liebenberg, I
Lowenstein International Human Rights Law Clinic of Yale Law School, Lawyers Committee for Human Rights and others
Magistrates' Commission
McBride, P and Ekambaram, S
McNally, T P
Melamet, D A
Minnaar, A
Moll, P G
Mtetwa, C J
Nathan, L
National Association of Democratic Lawyers
National Association of Independent Lawyers
National Association of Law Societies in South Africa
National Literacy Co-operation and other educational stakeholders
National Police and Public Civil Rights Union
Nel, C D H O
Netherlands Institute for Southern Africa
Network of Independent Monitors, Port Shepstone
Olivier, Pierre J J
Omar, A M - Minister of Justice
Practical Ministries
Rasefate, R E
Rautenbach, E D
Ravele, F H
Richard, A
Roberts, L J
Rossouw, D J
Sandager, A
Sarkin, J and Varney, H
Satchwell, K
Schwartzman, I
Selikowitz, S
Simelane, B Q P
Skosana, J B
Smalberger, J W; Howie, C T; Marais, R M; Scott, D G
Society of University Teachers of Law

Sole, S
South African Council for Town and Regional Planners
South African Medical Services Care for the Disabled
South African National Council for Child and Family Welfare
South African Police Service
South African Prisoners' Organisation for Human Rights
South African Veterans Association: Tucker, P and Van Niekerk, M
Steele, R
Steiner, C
Torr, D
Travers, G N
Tshishonga, M M
Tswana Renaissance Movement
University of Potchefstroom
University of the Witwatersrand
University of Venda
Urban Monitoring and Awareness Committee
Van Zyl, D H
Von Lieres und Wilkau, K P C O
White, C S
Wright, G F
Africa Muslim Party
African National Congress
Alternative Media in the Cape: Badat, S; Fisher, R; Issel, J; Jackson, D; Jaffer, M; Patel, L; Seria, R
and Williams, M
Barker, M
Bekker, Jo-Ann
Bird, E and Garda, Z
Bothma, P
Broadcast Monitoring Project
Bussiek, H and C
De Beer, A S
Dickson, P J
Du Plessis, T
Du Preez, M
Etherington, G
Evans, G
Forbes, D
Forum of Black Journalists
Freedom of Expression Institute:
Main Submission
Kable, J
Martin, K
Moorhead, K
Naum, J
Nix, J

Media

Gardiner, W
Gerber, A
Hancock, R S
Harris, K
Institute for Democratic Alternatives in South Africa
Jacobs, S
Jaffer, Z
Khathide, B
Killeen, P S
Klaaste, A
Kramer, P S
Kruger, F and Harris, L
Loewe, M
Maluleke, E
Marincowitz, A
Mathiane, N
Matisonn, J
Mayet, Z
McMillan, J O
McPherson, J L
Media Institute of Southern Africa
Media Monitoring Project
Media Workers' Association of South Africa
Mokwena, L
Moyle, D
Muller, K M
Nasionale Pers:
Adams, S
Adema, S
Alfonso, T
Bezuidenhout, C N
Boezak, E
Booyens, J M
Botha, A
Botha, L
Bothma, J P
Botma, G J
Brynard, K
Burger, A
Caldecott, R
Church, R J
Claassen, G
Coetzee, A
Coetzee, C
Coetzee, S
Cornelissen, A S

De Beer, B
De Beer, E
De Lange, L
De Meyer, J
De Waal, E
De Waal, E J
Du Preez, L
Els, J
Engelbrecht, T
Erasmus, E
Eybers, J
Fillies, A
Fourie, C
Fourie, R
Gouws, A
Grobler, M
Hudson, M
Keiser, G
May, J
Olivier, V
Potgieter, De Wet
Pretorius, W
Prinsloo, A
Rossouw, A
Schafer, M
Slabber, C
Swartz, M
Van der Merwe, L
Van der Stad, M
Van Rooyen, A
Van Wyk, M
Waldner, M
Nuttal, J
Orpen, B
Pakendorf, H
Patten, J
Pogrand, B
Pretorius, J
Procter, J
Qwelane, D J
Rogers, P M
Scholtz, L
Smith, M
South African Communist Party
South African National Defence Force
South African Union of Journalists

Sparks, A
Stanbridge, R
Steward, A
Subramoney, M
Terreblanche, S
Times Media Ltd
Turner, N
Van Deventer, J H
Van Druten, R
Viljoen, C
Viviers, J C
Watts, R
Weekly Mail and Guardian
Will, R G
Woods, D

Political Parties

African Christian Democratic Party
African National Congress
Democratic Party
Inkatha Freedom Party
National Party
Pan Africanist Congress
United Democratic Front
Vryheidsfront

Religion

Apostolic Faith Mission of South Africa
Baptist Convention of South Africa
Baptist Union of South Africa
Belydendekring van Nederduitse Gereformeerde Kerke
Catholic Church
Church of England in South Africa
Church of the Province of Southern Africa
Dharma Centre
Dutch Reformed Church, Stellenbosch Circuit
Dutch Reformed Church, Western and Southern Cape
Dutch Reformed Church: Swanepoel, F
Evangelical Alliance of South Africa
GESHER (Jewish Movement for Social Action)
Ibandla Lama Nazareth
Institute for Contextual Theory
International Federation of Christian Churches
Jamiatul Ulama, Transvaal: Bham, E I
Jewish Religious Community
Mathews, C
Methodist Church of Southern Africa
Moravian Church in South Africa
Morgan, L
Muslim Judicial Council

Muslim Youth Movement: Nisaar Dawood
National Spiritual Assembly of Baha'is
Nuttall, M
Old Apostolic Church
Potchefstroomse Universiteit vir Christelike Hoër Onderwys
Presbyterian Church of Southern Africa
Ramakrishna Institute of Spirituality and Hinduism
Reformed Presbyterian Church of South Africa
Research Institute on Christianity in South Africa
South African Council of Churches
South African Council of Churches: Tema, E M
South African Hindu Maha Sabha
Sundberg, L
United Congregational Church of Southern Africa
United Methodist Church of South Africa: Nkosinathi Madikizela
Uniting Reformed Church in Southern Africa
Uniting Reformed Church in Southern Africa – Messina Congregation
World Conference on Religion and Peace - South African Chapter
Zion Christian Church
