

Special Hearing: Women

• HOW THE GENDER HEARINGS CAME ABOUT

- 1 In March 1996, as the Commission commenced its hearings, the Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand hosted a workshop entitled 'Gender and the Truth and Reconciliation Commission'. Participants included psychologists, lawyers, people from non-governmental organisations (NGOs), members of the Gauteng Legislature and representatives from each of the four regions of the Commission. The workshop resulted in an in-depth submission that discussed ways in which the Commission might be missing some of the truth through a lack of sensitivity to gender issues. The submission, as well as relying on discussion at the workshop, used material from in-depth interviews with women leaders who had suffered gross human rights violations.
- 2 The term 'gender' encompasses both women and men, and the social relations between them. The CALS submission unashamedly focused on women in the belief that it is the voices of women that more often go unheard. Further, while much of their discussion dealt with gross human rights violations as defined by the Commission, the submission also devoted some time to questioning the way gross human rights violations were understood, thereby masking the types of violations more commonly suffered by women.
- 3 Ms Cheryl de la Rey, addressing the Cape Town special hearings, noted that "(t)oo often when we do not undertake specific actions to draw attention to the issues that affect women, what happens is that men and the experiences of men become the yardstick by which judgements are made". The argument that apparently gender-neutral approaches are often discriminatory because they unwittingly assume a male outlook is in accordance with the conception of equality found in the South African Constitution. This conception is one of substantive, rather than merely formal, equality. It recognises indirect as well as direct discrimination, implicit as well as explicit and intentional bias.
- 4 The Commission took up the challenge of the CALS submission. It organised two workshops to which it invited representatives of women's organisations and the media. Participants discussed how they could attempt to bring more women into the Commission process. The Commission also agreed to the proposal for special women's hearings. Three women's hearings were subsequently held – in Cape Town, Durban and Johannesburg. It should be noted that the absence of a special hearing in the Eastern Cape could, in itself, distort the picture as the Eastern Cape is known as an area in which treatment in prison was particularly brutal. The testimony of Ms Zubeida Jaffer (referred to below) about her torture while held in Eastern Cape prisons is illustrative.
- 5 The Commission also attempted to amend its procedures in ways that would encourage women to speak. By April 1997, the form used by the Commission to record statements had been refined (Version 5) and included the following cautionary note:

IMPORTANT: Some women testify about violations of human rights that happened to family members or friends, but they have also suffered abuses. Don't forget to tell us what happened to you yourself if you were the victim of a gross human rights abuse.

- 6 This chapter of the report focuses primarily on what was revealed during the special women's hearings. Women were by no means absent from other hearings of the Commission. Indeed, the CALS submission acknowledged that they were alerted to gender bias when they noticed that over half of those who spoke were women, but that the roles and capacities in which women and men spoke differed. They saw that, while the overwhelming majority of women spoke as relatives and dependants of those (mainly males) who had directly suffered human rights violations, most of the men spoke as direct victims. The figures below confirm that this pattern persisted over the full period of the hearings.
- 7 Over the life of the Commission, commissioners distinguished less and less between what were originally perceived as 'primary' and 'secondary' victims. They acknowledged the difficulty of distinguishing between, or weighting, the physical and psychological pain suffered by the direct victim and the psychological pain of those to whom this person was precious. The CALS submission elaborated on other types of pain and suffering, such as when a family loses a breadwinner and the loss of status of a woman who is widowed when her husband is killed. It quotes Ms Seipati Mlangeni, widow of Mr Bheki Mlangeni, widowed two months after her marriage: "I am an outcast in my own society"¹.
- 8 During the special women's hearings, the testimony of Ms Agnes Gounden emphasised how easy it was for a 'secondary' victim to become a direct target. Ms Gounden was resting at home, medicated, trying to get over the death of her only sister a few days earlier at the hands of the police, when the police arrived to demand a statement.

They said to my mother, that if this child is drunk like this again tomorrow, you'll see what we will do to you. So can you imagine the fear that we felt.

- 9 Most of those who spoke at the special hearings spoke of their experience as direct victims. This chapter, in focusing on their stories, underlines the fact that there were many women who suffered from the full range of abuses which fell within the Commission's understanding of its ambit. It also, however, points out the particular ways in which these women might have experienced abuses. At the level of biology, it points to sexual abuses and threats. At a broader level, it looks at how gendered roles affected the experience and its aftermath.
- 10 This short chapter cannot hope to do justice to the testimonies heard. It can do no more than give a flavour of what was said. It will, however, attempt to give an idea of the range of roles in which women were revealed, and in particular, the ways in which their experiences might have differed from those of men.
- 11 The chapter commences by presenting gender-disaggregated statistics culled from the database of the Commission. It follows with general discussion as to how the outlook of the Commission might have affected what was heard, given the gendered roles and socialisation within the society. It looks at the nature of possible 'silences'. Against this background, the chapter then presents some of the stories related in the special hearings or recorded in the submissions. These provide some idea of the range of sexual, physical and psychological abuses experienced by women. While most of the stories focused on experiences while in detention, one section looks specifically at abuses

suffered by women outside of prison. The penultimate section looks at relationships, a theme that emerged strongly when women discussed all forms of abuse. The final section looks at women as perpetrators.

• THE STATISTICS

- 12 Table 1 below shows that, overall, somewhat over half of all deponents to the Commission were women. The pattern varied geographically, ranging from four in every ten deponents in Cape Town to three-quarters of deponents in Durban, the centre with by far the largest number of deponents.

Table 1:

Statements describing gross violation of human rights by sex of deponent

OFFICE	WOMEN	MEN	UNSPECIFIED	TOTAL	% WOMEN WHERE SEX KNOWN
Cape Town	652	1 013	115	1 780	39.2
Durban	6 461	3 346	485	10 292	65.9
East London	1 216	1 569	58	2 843	43.7
Johannesburg	2 942	3 382	57	6 381	46.5
Grand Total	11 271	9 310	715	21 296	54.8

- 13 Table 2 records only those deponents who reported violations of which they themselves were victims. Here the overall percentage falls to 43,9 per cent, suggesting that men were more likely than women to talk about their own experiences as direct victims. Durban again accounted for the highest proportion of female victims, and in this centre women were somewhat more likely than men to present themselves as the direct victims.

Table 2:

Deponents who were themselves victims of gross human rights violations

Office	Women	Men	Total
Cape Town	24.3%	75.7%	100.0%
Durban	59.8%	40.2%	100.0%
East London	23.9%	76.1%	100.0%
Johannesburg	30.7%	69.3%	100.0%
National	43.9%	56.1%	100.0%

- 14 Table 3 breaks down the violations into four broad categories of attempted killing, killing, severe ill treatment and torture. The first column provides the percentage of reports of this category reported by women. It shows, for example, that while, overall, women accounted for 70 per cent of reports of killings, they accounted for only 19 per cent of reports of torture. The second column indicates the percentage of women's reports of this category where the woman said she herself was the victim. Here women are seen to be most likely to present themselves as victims of severe ill treatment. The third column gives the percentage of all reports (with known sex) of self as victim where the deponent was a woman. Women are again under-represented among those reporting torture. The fourth column indicates, for each centre, what proportion of victim women deponents reported each of the four categories. This column reveals that, overall, a full 85 per cent of women deponents who were themselves victims, spoke about severe ill treatment.

Table 3:

Women's reports of gross human rights violations by type of violation

		% REPORTS	SELF VICTIM/ WOMEN	WOMAN SELF VICTIM/ ALL SELF	TYPE/ WOMEN/S REPORTS
Cape Town	Attempt to kill	33%	37%	21%	4%
	Killing	61%	0%		0%
	Severe ill treatment	30%	55%	22%	80%
	Torture	14%	69%	11%	16%
	TOTAL	33%	36%	19%	100%
Durban	Attempt to kill	54%	42%	39%	3%
	Killing	73%	0%		0%
	Severe ill treatment	62%	66%	58%	96%
	Torture	16%	45%	9%	1%
	TOTAL	63%	40%	54%	100%
East London	Attempt to kill	30%	58%	22%	9%
	Killing	72%	0%		0%
	Severe ill treatment	32%	59%	24%	64%
	Torture	22%	56%	15%	27%
	TOTAL	36%	37%	20%	100%

		% REPORTS SELF VICTIM/ WOMAN SELF TYPE/ WOMEN VICTIM/ ALL SELF WOMEN/S REPORTS			
Johannesburg	Attempt to kill	45%	54%	36%	11%
	Killing	66%	0%		0%
	Severe ill treatment	34%	54%	28%	67%
	Torture	19%	61%	15%	22%
	TOTAL	39%	31%	24%	100%
All Offices	Attempt to kill	43%	49%	32%	5%
	Killing	70%	0%		0%
	Severe ill treatment	48%	63%	42%	85%
	Torture	19%	58%	14%	9%
	TOTAL	49%	37%	35%	100%

• THE DEFINITION OF GROSS HUMAN RIGHTS VIOLATIONS

15 The Commission went some way towards meeting the criticisms of gender bias. Nonetheless, there were those who argued that it did not go far enough. Activist lawyer Ms Ilse Olckers, describing discussions between two commissioners and women working on gender issues, said it was as if they “were asking them to convince the other members of the Commission to see the earth as round. We added a third dimension to a task already wearisome. A task which they felt they could hardly cope with in its current two dimensional state”.²

16 The inclusion of a separate chapter on gender will be understood by some readers as sidelining, rather than mainstreaming, the issue. Women will again be seen as having been portrayed as a ‘special interest group’, rather than as ‘normal’ members of the society.

17 To integrate gender fully, however, would have required the Commission to amend its understanding of its mandate and how it defined gross human rights violations. The Act states that

‘gross violation of human rights’ means the violation of human rights through – (a) the killing, abduction, torture or severe ill treatment of any person; or (b) any attempt, conspiracy, incitement, instigation, command or procurement to commit an act referred to in paragraph (a).

18 The CALS submission argued that the definition of ‘severe ill treatment’ should be interpreted to include apartheid abuses such as forced removals, pass law arrests, alienation of land and breaking up of families. This approach finds

support in the declaration to the Commission by five top judges at the legal systems hearing that apartheid was in and of itself a gross violation of human rights.³

- 19 The Commission's relative neglect of the effects of the 'ordinary' workings of apartheid has a gender bias, as well as a racial one. A large number of statistics can be produced to substantiate the fact that women were subject to more restrictions and suffered more in economic terms than did men during the apartheid years. The most direct measure of disadvantage is poverty, and there is a clear link between the distribution of poverty and apartheid policies. Black women, in particular, are disadvantaged, and black women living in former homeland areas remain the most disadvantaged of all. It is also true that this type of abuse affected a far larger number of people, and usually with much longer-term consequences, than the types of violations on which the Commission was mandated to focus its attention.
- 20 The suffering caused by influx control and related laws was not only physical, but attacked the very selfhood of many women and men. In this respect, Goldblatt and Meintjes quote from an interview with Ms Lydia Kompe, formerly a trade unionist and organiser of rural women, and now a parliamentarian. Ms Kompe was forced to use a different name so as to be able to pass for 'coloured' and remain in an urban area:

I had to do away with my own African culture, with my own self and call myself a different thing so that I could come and work, because I was not allowed to work in the so-called proclaimed areas of Johannesburg.⁴

• GENDERED ROLES AND SOCIALISATION

- 21 While a person's sex is determined by biology, gender is a social construct. It is determined by the relationships between women and men and by the roles they play. One of the more important divisions in terms of gender analysis is that between the public and private spheres. Men are more commonly 'active' in roles in the public sphere, while women predominate in roles in the private sphere. Politics as usually understood pertains primarily to the public sphere. The public-private distinction played itself out in the Commission hearings to the extent that women were often constructed – and constructed themselves – as wives, mothers, sisters and daughters of the active (mainly male) players on the public political stage.
- 22 In some cases, it was clear that men actively prevented women from engaging in politics. In one of the general hearings, Ms Ncediwe Euphemia Mfeti remarked: "We are not allowed to ask our husbands about politics in my culture". Her observation was confirmed by nods and laughter in the audience. African National Congress (ANC) veteran Mr Govan Mbeki testified that:

The police were looking for meetings. So when you left you did not tell your wife where you were going, and when you returned ... they were asleep and your food was on the stove... Women created problems for the (liberation) movement because they wanted to know.

- 23 Ms Sheila Masote, daughter of Pan Africanist Congress (PAC) leader Mr Zeph Mothopeng, said that they had a similar policy that:

women should stay at home, should not participate. It was all by way of trying to say when we go out to jail, when we go out and be killed, you look after the children... The husbands wouldn't share much.

24 The statistics on Commission evidence bear out the differential engagement of women and men in 'active' politics. Very early in the process, anthropologist Fiona Ross analysed the 204 testimonies that she heard presented during the first five weeks of Commission hearings. She found that close on six of every ten deponents were women, but that over three-quarters of the women's testimonies and 88 per cent of the men's testimonies were about abuses to men. Only 17 per cent of the women's testimonies and 5 per cent of the men's were about abuses to women, with the remainder about abuses to women and men. Ross found that 25 per cent of all cases involved women speaking about their sons, 11 per cent were women speaking about their spouses and 8 per cent were women speaking about their brothers. Only 4 per cent of the cases involved men speaking about sons, and 0 per cent of the cases involved men speaking about either spouses or sisters.

25 Commenting on these figures, Beth Goldblatt writes that they:

reflect the reality that women were less of a direct threat to the apartheid state and were thus less often the victims of murder, abduction and torture. This was due to the nature of the society which was, and is, structured along traditional patriarchal lines. Men were expected to engage with the state in active struggle while women were denied 'active citizenship' because of their location within the private sphere.⁶

26 To the extent that people came to the Commission hoping for compensation, the figures could also reflect the fact that men who were killed or otherwise incapacitated were more likely than women to have been primary breadwinners upon whom whole families were dependent.

27 Other figures provide some support for Goldblatt's assertions. In 1986/7, for example, it was estimated that only 12 per cent of all state of emergency detainees were women. In the Sharpsville massacre of March 1960, at the beginning of the period covered by the Commission, fifty-one men were killed, compared to eight women and ten children. Within the armed forces, women accounted for a small minority during the 1960s and 1970s. By the early 1990s, women still accounted for only 14 per cent of the Permanent Force of the South African Defence Force (SADF) and approximately 20 per cent of Umkhonto weSizwe (MK) cadres. Moving away from politics, official figures show that only 13 per cent of all those convicted of crimes between July 1995 and June 1996 were women.

28 One can, however, overstate the case. The hearings provided ample evidence that women fulfilled all roles in the struggle and suffered the full range of human rights violations. There were stories of women active – and abused — in all three decades covered by the Commission. There were stories of and by women of all races and of all ages. In terms of educational level, the women ranged from those with limited formal education to others with tertiary degrees. Ms Lita Nombango Mazibuko emphasised the fact that, despite her lack of (formal) education, "the contribution that I've put in within the ANC structures is quite massive". Elsewhere, there is plenty of documentary and other evidence⁷ that women were active before the 1960s – in particular in the memorable 1956 anti-pass march that is today celebrated each year on Women's Day. There is also plenty of evidence in documents⁸ that women were severely punished – through detention, torture and other means – for their involvement.

- 29 Further, in South Africa, as elsewhere, women's 'private' roles have often been a strong motivating factor in their political engagement. Ms Thandi Modise of MK, for example, has stated emphatically that she was a guerrilla "because I am a mother". During the women's hearing, Ms Zodwa Lephina Thobela said that it was when her son was arrested in 1976 that she and her husband became involved in politics and "started being enemies with the security police". Also at the hearings, Ms Noncebo Zokwe recalled how the security police named her a "Communist mother". She used her role as mother and protector of the home when a policeman came to her home, telling him: "On these premises I am the government". When he threatened to kill her, she said: "The only pain I know is the pain of giving birth". She said: "It is womanhood which brought me this strength".⁹
- 30 Women's socialisation and roles could also mean that certain experiences, although seemingly similar, might bear more heavily on women than on men. For example, women's socialisation, more than that of men, focuses on intimate relationships. Without negating the pain felt by men in solitary confinement, this could make the experience even more painful for women. During the hearings, many women spoke in particular about what it meant to be separated from their children. Ms Evelyn de Bruin of Upington who, together with her husband, spent many long months on death row after being convicted of common purpose simply because they were present at a killing, told how she had to leave her two young children behind. On the basis both of the unfair judgement and the cruelty of separation, she was certain that "Judge Basson will never see the heavens".
- 31 Some women spoke about how their torturers used the strength of the mother-child bond against them. Ms Albertina Sisulu was told that her child was in intensive care with pneumonia and that, if she did not give a statement, "you won't bury the child". Ms Joyce Sikhakhane Ranken feared that she herself would be killed in detention, leaving her three-year-old child an orphan.

To crown it all, during a torturous interrogation session ... a three year old Afrikaner toddler was brought in to remind me of Nkosinathi.

- 32 Ms Zubeida Jaffer, in an early stage of pregnancy, was told that she would be assaulted until she lost her baby.
- 33 Some of the women who had been threatened in this way went on to describe their reasons for resisting. Ms Albertina Sisulu felt "let the child die if the nation is saved". Ms Joyce Sikhakhane Ranken felt "the price to pay ... was worth our cruel separation." Ms Zubeida Jaffer,

didn't want my child to grow up with that burden on her, because ... if she is brought into this world thinking that her mother gave this information so that she could live, that's a heavy burden for a child to carry.

- 34 There were also many stories about how previously 'apolitical' women became activists because of the abuses suffered by themselves and their families. For example, Ms Nozizwe Madlala told the story of Ms Kubeka. Ms Kubeka's home was twice burnt down during the KwaZulu-Natal violence, while police looked on without intervening. On the second occasion, Ms Madlala was in detention when the arson attack took place. The security police broke the news to her and:

boasted about this evil attack on a woman whose only crime was that she had given birth to children who did not want to stand by and watch while their people were brutalised.

Ms Kubeka ... had no particular interest in politics. Her hands were already full anyway with the burden of scratching a living for herself and her children. It was the brutal experience that turned her into one of the strongest and (most) resilient fighters of our movement.

- 35 Finally, one can argue that the centrality of women in the struggle depended on the nature of that struggle and the chief protagonists at a particular point. In the 1980s, for example, when much of the activity was undertaken by scholars and students, these young women did not have the same social constraints against engaging in the struggle that might have been felt by slightly older women or those with more family responsibilities. In terms of the public/private distinction, women scholars and students were more firmly located in the public sphere, the sphere in which political action is most explicit, and where it was most likely to provoke state retaliation.

• SILENCES

- 36 A primary aim of the Commission was to end the silences around the atrocities under apartheid. A primary aim of civil society's intervention around gender was to end the silences around the gendered nature of those atrocities.
- 37 One of the silences was that of women who had themselves suffered gross human rights violations, but spoke only as relatives of men who had suffered. Hence, for example, in the first week of hearings in the Eastern Cape, the widows of the Cradock Four spoke about their murdered husbands. Each had herself been arrested and harassed, but their own stories did not become the subject of the hearings. Later in the hearings, Dr Liz Floyd and Ms Nyameka Goniwe spoke about the abuses suffered by their partners, Mr Neil Aggett and Mr Matthew Goniwe. They, too, mentioned their own roles and suffering only in passing.
- 38 Several of the women who spoke at the special hearings began their testimony by stating their reluctance to come forward. Some said that they felt their sufferings were less severe than those of many other people. Ms Jubie Mayet, who had been banned and detained, said she was reluctant "because my experiences under the old regime were nothing compared to what so many countless other people suffered." Ms Nozizwe Madlala, detained for a year in solitary confinement, said that when people ask her if she was tortured, "I usually answer in the negative, for my own experience of torture was much milder than that of many others."
- 39 At the time the abuses occurred, many women (and men) remained silent about their sufferings. Ms Wilhelmina Cupido, reported that after her sister, Ms Coline William's, detention, Coline "said she just want to go on with her life, she just want to leave it there and carry on." There could be multiple reasons for this silence — a desire to protect her family, a desire to protect herself by keeping silent about 'illegal' activities, and/or a desire to forget a terrible experience.

- 40 Others might have kept silent because they felt there were not ready listeners. Thus Ms Zubeida Jaffer described how most people react:

They'll smile at me and say: "Oh, you're the journalist, you were detained..." Then they'll say to me: "But I am sure they never did anything to you". I think it's maybe too much for people to think that things [like this can happen]. I think also because I am a woman there is always the assumption that they wouldn't have touched me ... "[they] didn't really do anything to you, did they?"

- 41 In opening one of the special hearings, Ms Thenjiwe Mtintso spoke about the difficulties of describing one's suffering in a public arena. Ms Mtintso had previously spoken openly in a face-to-face interview as part of the CALS research. She was not, however, prepared to speak about her personal experiences in the open hearings. She congratulated the women who were prepared to "open those wounds... The personal cost may be high. They may have to go back home and deal with the pain that has opened today."

- 42 Many claim that, by talking things through, people come to terms with what has happened and the pain is lessened. In opening the Cape Town hearings, Trauma Centre psychologist Ms Nomfundo Walaza questioned this conventional wisdom:

We talk very glibly about the fact that we can show our weaknesses in a way that will render us much more strong later on. Some women are sceptical that the process will uncover the wounds that are healing and render them even more vulnerable that they started off with...

- 43 After hearing Ms Zubeida Jaffer's testimony, Commissioner Mary Burton commented on how someone "who is known as a strong person in the community" had been brave enough to give "a glimpse into a vulnerable side" of herself.

● SILENCES ABOUT SEXUAL ABUSE

- 44 One of the particularly difficult areas of silence is sexual abuse. The Commission saw its provision of the opportunity "to relate their own accounts" as a way of restoring "the human and civil dignity" of victims. For many women, relating the story of their sexual abuse would in no way serve this purpose. It would, instead, leave them feeling a loss of dignity.
- 45 It is, perhaps, surprising that as many women as did spoke about being raped or otherwise sexually abused. As Ms Jessie Duarte put it, "the Commission is actually asking people to open the empty cupboard and expose that there are no groceries in the cupboard and then they have to live with that".
- 46 She noted the way in which the liberation movements had contributed to the silence during the 1980s, in that "if women said that they were raped, they were regarded as having sold out to the system in one way or another".¹⁰ She noted that women were among the cruellest in enforcing these attitudes.

- 47 Ms Thenjiwe Mtintso suggested that men use sexual abuse to show the weakness of the men on the opposing side “because women are supposed to be these people that are protected by these men”. She suggested that sexual violence is also used by those in power to destroy the identity of women who have rejected traditional roles, for example by engaging in ‘masculine’ roles in the struggle. Seifert suggests that in a war situation men, or the ‘nation’, might well collude in silencing talk of sexual abuse.

(T)he commemoration of female war victims would pass on the violation of manhood into peacetime. This would be a continuous reminder that ‘national manhood’ has been humiliated by the enemy. What is chosen instead is the mechanism of repression.¹¹

- 48 Where the sexual abuse was perpetrated by men within the liberation movements, there were further pressures not to speak. Ms Thenjiwe Mtintso described how “comrades who were contacts inside the country would come outside to report ... They would put up a comrade in a particular place and comrades would sleep with them. And that’s rape. That for me is rape”.

- 49 She described how, despite her own high position, one of her male comrades said to her:

You know, it’s going to get to the point that I am going to rape you. And it’s going to be very easy to rape you ... and I know there is no way that you are going to stand in front of all these people and say I raped you.¹²

- 50 In presenting the ANC report to the Commission, Deputy President Thabo Mbeki acknowledged that men in the camps had committed “gender-specific offences” against their woman comrades. He said that the perpetrators had been punished, but did not describe either the offences or the punishment in any detail. In the light of these silences, Commissioner Hlengiwe Mkhize remarked that “the submission fail(ed) women”.

- 51 Some of those who spoke about sexual abuse said that this was the first time they had done so. Ms Thandi Shezi said that this would be the first time her mother would hear about her having been gang raped by security police. She said that one of the reasons she had remained silent was because, as so often happens with rape victims, she had felt that she was in some way to blame: “I thought I’d done something that I deserved to be treated like that.” Ms Kedibone Dube said that after her abduction and rape, she had only told her family that she was kidnapped. Other women said that they had only been able to talk after undergoing counselling.

● SEXUAL ABUSE

- 52 Given the close relationship between sex and gender, one of the more obvious differences in the way women and men might experience gross human rights violations is the extent to which they suffered from sexual violations, and the nature of those sexual violations. Of the 446 statements that were coded as involving sexual abuse, 398 specified the sex of the victim. Of these 158, or 40 per cent, were women. Rape was explicitly mentioned in over 140 cases.
- 53 The Commission regarded rape as ‘severe ill treatment’ regardless of the circumstances under which it occurred. Solitary confinement was the other abuse categorised in this way. The women who described how they had been

raped while in detention were, in effect, often describing a double experience of those abuses regarded as most severe. Ms Thandi Shezi first had her hands and feet chained while she was assaulted.

Then they unchained me, and Sam took the white sack and put it on my head... they poured acid on this water that they were pouring on me and that acid got into my eye and today I can't see properly in the other eye ... they used this electrodes to choke me ... until I bit my tongue and my tongue got torn ... And one of them said, "We must just humiliate her and show her that this ANC can't do anything for her"... then the whole four of them started raping me whilst they were insulting me and using vulgar words and said I must tell them the truth.

54 Ms Phyllis Naidoo reported that, in 1976, when assisting child detainees, she came across several young women who had been raped and impregnated by the officers who detained them. Despite her offer of assistance, "they wouldn't (abort). They feared the special branch."

55 Several women described how they had been sexually abused, although not necessarily raped, while in detention. Ms Evelyn Masego Thunyiswa was twenty-two years old in 1977 when she and others were detained by police on their way to Steve Biko's funeral. She told the story at the special hearing on children and youth:

The other one came to me... and said, "Stand up! I want to see your vagina", and they started hitting me with fists. After that, they electrocuted us... I can't remember where did they apply this to my body because, when they switched it on, I felt as if my private parts were falling... While [I was] crying, they were sitting in front of me laughing .

56 Ms Fonzani Joyce Marubini was a member of the Youth Congress in the Northern Province at the time of her detention in 1986. She and five other women were arrested.

They did not give us food, they did not give us water, they shut the toilets so that we could not go in there to relieve ourselves... that night, they came and woke us up and they switched off the lights and said we should lie on our stomachs. They started assaulting us with sjamboks [whips] ... assaulting us on our buttocks up to the time that our panties were torn and our under-garments were exposed.

57 Their assailants said the reason they had undressed the women was that "they said they wanted to show us as to where Mandela is".

58 Ms Nomvula Mokonyane was arrested and put into solitary confinement eleven days after her wedding and two months into her pregnancy. The district surgeons disputed the fact that she was pregnant. They said that her fallopian tube was blocked "and they had to make sure that they unblock them so that then you can begin to have menstruations; and if you begin to resist that then torture will take its own course." Ms Sheila Segametsi Masote also miscarried in detention after being kicked and left "all bleeding, blood oozing down your legs and drying up there."

59 Ms Hilda Bernstein documented the torture of Black Consciousness leader, Ms Joyce Dipale, while in solitary confinement for 500 days. Dipale's torture included electric shocks on her naked breasts, buttocks and genitals. She said that she "got used to the pain, but never the humiliation"¹³

60 Ms Elaine Mohamed was made to strip, do star jumps, and was fondled by doctors and prison officials. During the hearings, Ms Virginia Mbatha described how her captors "would fondle me in whatever part of the body that they wanted to and I couldn't do anything because my hands were tied to the back".

61 Women who were not actually raped spoke about the ever-constant fear that they would be. Ms Joyce Sikhakhane Ranken described how, while in prison, she "was terrified that one day I would be gang raped by those bullies." Ms Thenjiwe Mtintso described an incident in which she was captured by a group of eight security force members and taken to Kei Bridge.

They asked me to get out of the car and they all got out. And I had not minded being beaten or anything or even died in the process, but rape, just as far as I was concerned, this was... going to be a gang rape and they were just going to leave me here..."¹⁴

62 Ms Yvonne Khutwane of Worcester described how she was first humiliated by repeated questions about her sex life. She broke down and cried when one of the young soldiers who had arrested her put his hand inside her vagina: "I was afraid [because] we have heard that the soldiers are very notorious of raping people".

63 There were many stories of how women were degraded when menstruating. Most commonly, women would be forced to stand, with or without pads, with blood running down their legs while being tortured. Ms Phyllis Naidoo was forced to use newspapers instead of pads: "It was horrible, and terribly demeaning." For Ms Joyce Sikhakhane Ranken, "the feel and smell of the sticky blood [was] a reminder of imminent slaughter at the hands of your torturers". When Ms Elaine Mohamed was told she was not allowed to use tampons, a policeman "shook the pad and hit it against the wall saying 'Put it on'". Ms Mohamed also reported that another woman had rats pushed into her vagina. She said that rats would come into her own cell and eat her soiled pads. "I'd just pick up the bits of my pads, but that experience was terror for me. I always felt that the rats were gnawing at me".¹⁵

64 Stories of rape and sexual abuse were not confined to those that occurred in detention. In the Durban hearings, speaking from behind a screen, a woman described how she was gang raped by youths from an opposing political organisation. Her husband was forced to watch the entire attack. When she awoke in hospital, she was told that she needed a hysterectomy. Like some others, this woman felt she was in some way responsible: "Sometimes I feel like I invited the trouble myself. I feel very degraded and dirty. And especially because I am a Christian."

65 Ms Gloria Ella Mahlophe related how her sixteen-year-old daughter went with two other young girls to a meeting in Thokoza.

When they arrived in Thokoza, they were put inside the hostel. They started undressing them, taking of their clothes. After they've undressed them, they raped them. After they raped them, they took them and threw

them outside the hostel, at the back of the hostel and they started shooting at them. They were trying to chop them with some huge bush knives.

- 66 Fourteen-year-old Ms Winnie Makhubela, the child of Ms Mahlophe's brother, was the only one of the three young women to survive. In her testimony, Ms Makhubela said that the meeting was attended by women as well as men, and that the women "started applauding and they were very happy when they saw this happening to us. They slapped us when we tried to plead to them to help us."
- 67 Another anonymous witness from KwaZulu-Natal also described herself as apolitical, but said she lived between an Inkatha Freedom Party (IFP) and ANC area, and that "they used to tell themselves that in my house that's where Inkatha people were staying." One day, on her way to hospital, the woman was offered a lift by a man who then abducted and raped her. This rape was followed by further rapes by other men. The woman was sixteen when this happened, and had been hoping to preserve her virginity as her mother had done. However, the rape resulted in pregnancy "and now I have a child whom I don't know his father". Further, when this woman tried to report the incident to the police, "the judge told me that I was just a concubine in that area, [that] I am lying, they didn't rape me."
- 68 Ms Kedibone Dube, who also said she "wasn't a comrade", spoke about her experience when Inkatha invaded Swanieville in 1992. A man, promising to take her to safety, took her instead to a house in which no one was living.

And each and everyone pulled their own girls there and they were sitting together with their girls. And I said to him, "I'm not going to sleep here, I want to go home." He said, "I will take you to the Xhosa people and the Xhosa are going to kill you." And he beat me up the whole night until he raped me.

- 69 Ms Khosi Dora Mkhize of Mpumalanga said that, when she and her family were attacked in 1987, they were living in an ANC stronghold. However, she said, "I didn't know anything about politics". In the middle of the night, a gang attacked the house, seemingly without reason. Three of the attackers raped her as well – she suspects – as her sister. The assailants stabbed her mother to death, and then burnt down the house. Ms Mkhize said she had never told anyone, even her sister, about the rape. Today, she said, "I totally do not trust a man... I regard him as an enemy". This legacy was echoed by Ms Thandi Shezi, who said that her experiences had left her unable to have a good relationship with a man: "They say to me I'm frigid. Because if I get involved with a man I get very scared."

● OTHER PHYSICAL ABUSE

- 70 Several women spoke about how their femaleness affected how they were treated, and how they themselves behaved when tortured. Ms Jenny Schreiner described how, when she articulated her rights, she was met with brute force:

(Mostert) walked around the table and physically picked me up and stood me up ... so that he could slam my back into the wall. Which although, I mean he didn't shatter my skull or anything, but it's a clear statement from step one: "I am in control of this, I am bigger than you, I'm more aggressive than you and I have no respect for

*you". And ... I think that it's also a question of it being a gender thing. There's a man who is physically picking you up and shoving you into a wall.*¹⁶

- 71 Ms Zubeida Jaffer recalled how, when the security police came to detain her at her parent's house, Warrant Officer 'Spyker' van Wyk

said to me as we were going out of my mom's house, "Pollsmoor Prison is a five star hotel compared to where you are going". And then he said that they were going to break my nose and they were going to beat me up and that was as I walked out of my parents' house.

- 72 Ms Elaine Mohamed recounted how she burst into tears when a security policeman said to her, "I really enjoy interrogating women. I can get things out of them and do things to them that I can't do to a man".¹⁷

- 73 Several people spoke of the strength women showed in withstanding severe physical torture. Mr Tokyo Sexwale recalled the detention and trial of the Pretoria Twelve in 1977/8.

We learnt with horror what one of us, Paulina Mohale, went through ... the kind of pain that even we, as men, could not withstand, was doubly inflicted upon her... (N)evertheless ... Paulina Mohale stood tall. To us that represented a focal point of admiration. We often thought that it is only the men who were supposed to withstand the kind of pain.

- 74 Ms Thandi Shezi recalled that, when she was arrested and detained, the members of her unit "were not even too alarmed ... because they knew I was a strong person, I could withstand difficulties."

- 75 Nevertheless, this strength could be a double-edged sword for the women concerned. Ms Sandra Adonis, a member of the Bonteheuwel Military Wing, described at the children's hearing in the Western Cape how she "was like trying to hit back at (the policeman) all the time, but also in a very gentle way not to have him think that this is a stubborn woman, because once you show stubbornness, they would show no mercy". Similarly, Ms Thenjiwe Mtintso noted that when men:

stood ground against the physical abuse, there was a sense of respect – where the torturers would even say: "Hy is 'n man" [He is a man]. But when a woman refused to bow down, to be cowed down, then that unleashed the wrath of the torturers, because in their own discourse a woman, a black 'meid', a 'kaffermeid' [kaffir servant girl], had no right to have the strength to withstand their torture.

- 76 Ms Mtintso recalled the anger of her captors when she was still holding out after two months of detention – anger "for not fitting the stereotype of this woman who was going to break down... It was always 'You think you are a man, you think you are strong, we are going to bring you down, we've brought down better people than yourself, men, strong men'".¹⁸

- 77 Most of those who were detained were kept in solitary confinement, which in itself was understood by the Commission to constitute severe ill treatment. Many were subjected to further physical abuse.

- 78 Several of the women described in some detail the extent and nature of the physical abuse to which they were subjected. Ms Sylvia Nomhle Dlamini was hit with a wet towel. She was hung through a window and threatened that she would be dropped. She was blindfolded, handcuffed and then assaulted. She was forced to do the 'frog jump' and, when sweating, had a tube put over her head. Ms Deborah Matshoba was strangled with a towel and had her head bashed against the wall: "The beating up lasted for a week. I was asthmatic and they refused to give me medication." Ms Evelyn de Bruin described how her neck was measured against a metre-long rope in preparation for her hanging.
- 79 Ms Zubeida Jaffer was not allowed to sleep for several days, during which time she was offered only coffee and dry bread. Finally, she was offered curry, rice and tea which she realised, once out of prison, had been drugged. After she had eaten, the captain in charge kept repeating that her heart was going to collapse as a result of the lack of sleep. She was also threatened with being thrown out of a window, threatened with rape, and then left in a room with two policemen.
- I was starting to get very hot and I was getting these pains across my chest. I just felt I was getting really ill because I hadn't slept for the few days... And then I started seeing all my veins in my hand dilating... it looked like worms coming out of my hands... I felt pains across my chest and suddenly I started feeling like all my insides were going to come out. And I said to them I am going to get sick.*
- 80 Ms Virginia Mbatha said she, too, had been given daily medication in the form of nine tablets: "I would feel very tired and my eyes would be hazy and when I came out of the prison I was partially blind."
- 81 Some women, such as Ms Yvonne Khutwane, described how they fought back against their torturers. Ms Khutwane's counter-attack provoked insults and taunts from onlookers that "I am a John Tait and a Gerrie Coetzee", but she persevered until her shirt was "in tatters". Ms Khutwane's anger was heightened by the fact that her young, white male attacker "could be as old as one of my children".
- 82 While several white women had been detained before, Ms Stephanie Kemp was perhaps the first to be physically tortured when she was arrested in 1964. Ms Kemp's Afrikaner background may have increased her captors' anger, but she also acknowledged her relative 'advantage' in that the fact that she, a white woman, was assaulted "made international headlines... (when) this was commonplace for black women in this country."
- 83 In describing her experiences, Ms Kemp recalled how "Rossouw said he was very sorry that we had used women, but if I wanted to behave like a man, he would treat me like a man." She then related how Warrant Officer 'Spyker' van Wyk "pleaded with Rossouw to allow him to be alone with me. In retrospect it was clear that he was seeking permission to use violence to break me." Warrant Officer Van Wyk was also a primary actor in the stories of several other women victims of abuse. Ms Shirley Gunn recalled her own feelings when confronted with Warrant Officer van Wyk, as she had named her son after Iman Haron, who Warrant Officer van Wyk had been accused of killing in detention.

- 84 Age was no defence against torture. Ms Elda Bani was fifty years old when she was detained in 1986 in Port Elizabeth. A diabetic, Ms Bani was denied medication and forced to eat normal prison food at prison meal times. After Ms Bani was finally taken away, allegedly to see the doctor, she returned with blood on her clothes and injuries on her back. Shortly afterwards she died. Ms Jubie Mayet described another case of an attack on an elderly woman when she described how Ms Gladys Hope Manzi, of Umlazi, bore *sjambok* marks on her back.
- 85 Even where they were not physically assaulted, the living conditions of women in detention in themselves often posed severe physical hardship. Ms Zahrah Narkedien spoke about the huge “cat-size” rats that inhabited her cell. Ms Shirley Gunn spoke about the toilet in her cell, whose contents overflowed and ran under the bed and into the yard when it was flushed.

• PSYCHOLOGICAL ABUSE

- 86 The Commission’s conception of gross violations of human rights explicitly included mental or psychological torture in its definition of torture. Nevertheless, commenting on the first five weeks of hearings, Fiona Ross wrote that “the main focus has been on bodies and on the visible embodiment of suffering”.¹⁹ It was not insignificant that psychologists were prominent among the CALS grouping and that the two opening addresses in the Cape Town women’s hearings were by psychologists Ms Nomfundo Walaza and Ms Cheryl de la Rey.
- 87 It is often difficult to distinguish between physical and psychological abuse. Many of the stories indicated the way in which physical abuse was exacerbated by psychological. Many also showed how physical abuse was used to humiliate the victims. Women, more than men, were prepared to talk about psychological aspects of their experience. Women were also more likely than men to talk about the psychosomatic and psychological problems experienced afterwards.
- 88 Ms Dee Dicks, for example, told the children and youth hearing that she had been arrested and charged with public violence at the age of seventeen: “[T]he experience that I lived through in the 1980s is like forever in my mind. And it has become quite difficult for me to cope and it makes me very angry, because at that time I could and now I cannot”. Ms Zubeida Jaffer who, after sustained torture, signed a statement, said that “it completely made me feel like I was worthless, that I had gone against everything that I stood for... and I was never able to overcome it for many, many years.” Ms Joyce Sikhakhane Ranken, tortured twenty-six years previously, said she still often found herself “back in the dungeons of solitary confinement, ready to take away my life... I hate it when my mind brings those terrifying memories, but my mind just does it for me.” Ms Sethwala spoke about how, after the death of her son, the Paballelo community accused her of ‘shopping’ him to the police for money. She said she felt she was “already dead” and that it “will take a lot of effort to make me entirely normal again”. Ms Ruth First and Ms Jenny Schreiner have both described how they tried to kill themselves while in detention.
- 89 One possibility is that women were more affected than men psychologically. Another possibility is that men had more need, because of socialisation, to see the abuse as a test of their strength. If this is true, by listening to women we can also learn something about men’s unacknowledged suffering.

90 Solitary confinement and detention are, in themselves, psychological abuses. Often, however, psychological abuse was used consciously by captors to achieve their purposes. In many instances, their tactics focused on the victim's female roles. Thus, Ms Lydia Kompe said she was asked: "What do you think your husband thinks about you? This is the reason why all the men are getting divorced".²⁰ Ms Jenny Schreiner related how she was subjected to

*ruthless prying into an area of a person's personal life that they knew was vulnerable ... and in a context where they are going to send you back to a police cell to sit with nothing other than the emotions that they've scratched open. You're thirty and you're single, therefore there's something wrong with you as a woman, and that's why you get involved with politics.*²¹

91 Similarly, Ms Thenjiwe Mtintso described taunts that women combatants had joined because they had failed to find a husband, to look after their children, or because they were unpaid prostitutes:

This consistency of drawing away from your own activism, from your own commitment as an actor, was perhaps worse than torture, was worse than the physical assault... when even what you have stood for is reduced to prostitution, unpaid prostitution.

92 Many women related how threats to their children or other family members were used to try to extract information from them. Ms Zubeida Jaffer signed a statement only when police threatened that her father would be detained, and put him on the telephone to confirm the veracity of the threat: "I was shattered at that point. I just felt that it's fine if they involve me, but why involve my family to this extent, and why involve my father?"

93 Ms Deborah Matshoba recounted how she had only broken down and cried when she was eventually allowed to see her son and family:

You can go very strong when they beat you up and you become stubborn and you stand your ground, but once they start being kind to you it can, it is a very, very delicate spot.

94 Ms Sylvia Nomhle Dlamini described how her child was taken away from her when it wanted to suck. In the end, she stopped breast-feeding and the child became very sickly. This and subsequent events left Ms Dlamini insecure about her ability as a mother: "I don't know whether I acted in the proper manner; I doubt myself as a mother."

95 Ms Thandi Shezi was told that her children had been handed over to welfare, "and if I didn't tell them the truth, they would kill my children". Ms Shirley Gunn had a young toddler and was eight months pregnant when she was detained in 1989. Her alleged crime was that she had blown up Khotso House, a deed which, it was later confirmed, was actually performed by agents of the then government. Ms Gunn found her detention particularly hard "at a point in my life where I as a woman really needed to be with other woman and I really needed to be with my mother too, specifically." Despite her objections, Ms Gunn's toddler was taken away from her. She now feels she suffers from an exaggerated and irrational fear that she will lose her child.

96 In some cases, there was evidence that a woman's social role was to her advantage. When police first came to detain Ms Jubie Mayet, she pointed to her fatherless children and asked whether they were now going to deprive them of

their mother as well: "Some of the children started crying and I remember son number three saying through his tears: 'No, they cannot do this, they cannot take our mother away from us.'" The police left without Ms Mayet, although she was indeed arrested at a later stage. Similarly, Ms Marie Odendaal Magwaza said she heard from another detainee that the security police complained to him that she "had been cheeky and if it had not been for the baby he would have detained me".

- 97 On the other hand, Ms Phyllis Naidoo described how her maternal duties and feelings were ignored when she was sentenced to ten days imprisonment on failing to report as prescribed by her banning order when her son suffered an asthma attack during her law exams.

● NON-PRISON EXPERIENCES

- 98 While torture, as defined by the Commission, occurs in prison or in custody – and is thus primarily perpetrated by agents of the state – there were also women who described gross violations of human rights which occurred outside of captivity, and which were perpetrated both by the state and others.
- 99 In the earlier decades covered by the Commission, banishments and banning were a popular form of punishment. The punishment provided for people to become their own jailers, thus relieving the state of the burden of providing for them. Ms Frances Baard, an Eastern Cape unionist, was banished to Mabopane in the Transvaal. She was dumped there in the cold with only the clothes she was wearing, without even a blanket for protection. She faced severe isolation on a personal level:

I didn't even know a person in that place; I couldn't even speak the language of the people there. Since I was brought there by the SB [Security Branch], the people were afraid to talk to me.²²

- 100 Ms Fatima Meer and her husband were first banned in 1954 and needed special permission to speak to each other. In 1977, during her second banning term, someone attempted to kill Ms Meer in the home to which she was confined. She escaped only because a taller visitor opened the door, catching on his shoulder the shot that was aimed at Ms Meer's head level. The would-be assassin's car was suspiciously similar to that seen at the time of Mr Rick Turner's murder.²³
- 101 Harassment continued for those who went into exile. Ms Phyllis Naidoo described how her "backside ... is full of potted holes" from a parcel bomb received while outside the country.
- 102 Ms Selina Williams, mother of Ms Coline Williams, was convinced that her daughter had actually been murdered. Ms Williams was sceptical of the police story that her daughter and Mr Robert Waterwitch had blown themselves up in error. Her other daughter, Ms Wilhelmina Cupido, pointed out that the fact that Coline's nose was still intact, while her eyes were out of her sockets, seemed inconsistent with death from a bomb. Ms Williams herself had a further, 'gendered' reason for disbelief. She noted that when the police handed back some of Coline's goods, her bag contained intact sanitary towels. She asked: "How could sanitary towels survive a bomb blast?"

- 103 There were several stories of abduction. For example, Ms Nozibele Maria Mxathule described how, in 1986, a group of young girls and boys were abducted *en route* to a funeral of children shot by police:

They took us to a guesthouse. We were bleeding... They told us to face the wall. We stripped naked, all of us, against the wall, boys and girls the same. They assaulted us. They threw us out on the grass and poured water on us and left us there.

- 104 While much of the evidence related to abuse by government forces, women within the opposition also faced abuse from colleagues. General Masondo, who testified to the Commission about the ANC Quatro camps, gave the following evidence on the position of women MK members in exile

In Angola there are at one time twenty-two women in a group of more than 1 000 people ... there was an allegation that ... Commanders were misusing women ... the law of supply and demand must have created some problems.

- 105 Ms Lita Nombango Mazibuko had a long tale of her suffering at the hands of ANC colleagues while in exile. Ms Mazibuko was responsible for assisting people to cross the border illegally. In 1988, after one of her comrades had been killed, she became “regarded as an enemy and as a spy”. She was kidnapped, tortured and interrogated. Torture included hitting and kicking, as well as being forced to stay in holes for long periods. Ms Mazibuko was confident that there “was no mistake in the job that I was doing, but there was some hatred because I did not want to get intimately involved with one of them.... They said I should have some men in my life who could sort out my problems.”
- 106 Ms Mazibuko acknowledged that “within the ANC there is no such rule that women should be violated in this manner. We used to be in camps and we would be told that men do not have a right to violate us. You could only get involved if you wanted to.” Nevertheless, she reported being raped by at least three comrades, one of whom “cut through my genitals and ... he tied my hands, my legs, they were apart, he also tied my neck and he would also pour Dettol over my genitals.”
- 107 Attitudes towards women who played active roles in organisations engaged in violent conflict were illustrated in evidence given at the Children and Youth hearings by Mr George Ndlozi, who had been involved with self-defence units (SDUs).

Ms Seroke: *George were there girl SDUs?*

Mr Ndlozi: Yes.

Ms Seroke: *And what was their role?*

Mr Ndlozi: *There were some of them who were, I wouldn't say brave enough because I consider all of them to be brave, there were some of them who used to say we also need to take part, I also need to carry an AK47 to defend, I should not be discriminated against because I am a female.*

And there were those who were very important, who played parts in cooking. Although it may look a bit sexist, but they decided that they better cook for people who will be going outside to actually defend the community. So they were all involved.

Ms Seroke: *But there were those who also carried AK47s?*

Mr Ndlozi: *Definitely. Definitely, there were those.*

- 108 Ms Beth Savage described how, in November 1992, she was severely injured in a “terrorist attack” on an annual Christmas party at which she was present. Savage told of the effects on herself and her family. Both she and her daughter suffered nervous breakdowns, and her son was also affected. Her father went into a deep depression that lasted until his death. Nevertheless, Savage felt that the experience had been an “enriching” one “and a growing curve”. She also expressed her appreciation to ANC members who visited her in hospital.
- 109 Ms Annamaria Landman spoke about a 1980 guerrilla attack on the bank in which she worked. She and her colleagues were held hostage for seven hours, during which as the senior employee she acted as spokesperson. After the attack, Ms Landman underwent twelve operations to her elbow, which had been shot. Ms Landman was a single parent at the time of the incident and endeavoured to remain strong so that she could retain her job. She succeeded to the extent that she earned the nickname “the iron lady”. She said that when she was approached to give evidence to the Commission, “this really brought sixteen years of pain and stress to the front”. She underwent shock therapy and was on sick leave at the time she spoke.
- 110 Most of the women who spoke at the special hearings were political leaders and activists in their own right. There were, however, also those who described how they, or their relatives, had suffered abuse, despite their lack of direct political engagement at the time. Ms Fatima Meer, in reflecting on her own suffering and that of her family, felt that they were perhaps fortunate compared to those who became involved unwittingly:

(P)eople in my position who are articulate, who had the comfort and support of friends, who knew exactly why we were opposing the government, we were far better placed to cope with these sorts of persecutions.

- 111 Ms Monica Daniels was shot by the police during the 1985 boycotts, on her way back from buying bread, coffee and a candle for her grandmother. As a result of her injuries, first half her arm, then the whole limb were amputated, and she was left with bullets in her leg and vagina. Monica related that she had been planning to go to a dance on the evening that the accident occurred. Now, however, “since my arm is off I don't go to dances any more”. Monica was not a “political person” at the time of the accident. The incident radicalised her. She was brutally treated – her screams for help when lying wounded were met with a kick and a “voetsek, shut up or I'll shoot and kill you” from a policeman. Consequently, she then “joined the then UDF because I had already been shot”. Monica's response to the question as to how the Commission could assist her, was for help with her eight-year-old child – “I cannot even peel a potato”.

● RELATIONSHIPS

- 112 As noted, women's relationships were often used against them to weaken them and extract information. In their testimony, women also related how their experiences had affected those close to them, and their relationships with them.

113 On the one hand, concern for family could make women act fiercely. Ms Adonis told the Commission that she hit a policeman on the head with a chair when he came to arrest her son. Ms Lephina Zodwa Thobela related how, when she went to visit her husband in prison and a policeman tried to prevent her, she forced her way into the office of a superior officer: "He tried to assault me ... and we started fighting... I challenged him to kill me ... and at that time we were grabbing each other by the throats."

114 On the other hand, their involvement in the struggle and subjection to abuse could endanger important relationships. Ms Ntombenkulu Ngubane was served with a banning order in 1963 for ANC membership. While pregnant, she was arrested and jailed for breaking the order. While in jail, her child was delivered by a fellow-prisoner who was a nurse as no doctors were available.

The next day I found my child yellow ... they took my child, they told me they are taking him to another cell in hospital. When I asked them how can they take my child when he is sick and leave me behind, I am supposed to breast-feed my child, they told me, "You are a prisoner" and then the next day they came back and they told me that, "Your child is dead"... they told me that, "this child will be buried by the government". I don't know up until today if my child is still alive or really my child died.

115 On her release from detention, Ms Ngubane's husband, a reverend, claimed that she was "crazy", and began to beat her. The lack of "peace" between herself and her husband ended in divorce.

116 Ms Deborah Matshoba, too, lost her husband because of her political involvement. Her husband "grew impatient" when Ms Matshoba was restricted to Krugersdorp by a banning order. He objected to the restrictions placed on her, which he saw as offending him and his "man's pride". Ms Virginia Mbatha said that after her arrest, "we were not able to conduct a proper family life" and she ended up separating from her husband. Ms Kedeboni Dube said that after being raped during the Inkatha-ANC conflict in Natal, she was not able to conceive, and that this had caused fights with her boyfriend. Ms Fowzia Turner and Ms Joyce Sikhakhane Ranken spoke about the harassment suffered by those who ignored the Immorality Act and married across the colour line.

117 Several women said that their experience had left them unable to handle their children and other family members as well as they wished. Ms Thandi Shezi said she would "beat up" her children, or even her parents, "because deep down within me I was trying to grapple with this painful experience". Ms Sheila Masote described how her mother, out of frustration at being excluded from the struggle, used to beat her. "And this I carried along even into my marriage life. I also bashed my son. I almost killed my son."

118 Several women felt guilty about how their activities had rebounded on those close to them. Ms Virginia Mbatha acknowledged a broader burden, when she apologised to all the mothers whose children she assisted to leave the country: "I did this because I loved this country and I love those kids." Others spoke more intimately about their own loved ones.

119 Ms Fatima Meer said that her son, Rashid, was only three months old when her husband was arrested for treason. His absence from home "affected the children fairly profoundly". Ms Nozizwe Madlala recounted how, at two years of age, her son saw his father detained, tried and then sentenced to a prison term of ten years:

Although he has grown up to be a gentle young man, at that tender age he had learnt to hate... My mother tells me that during that time he used to complain of pain, physical pain, for which there was no physical explanation.

- 120 Ms Sheila Masote, speaking as the child of a leading politician, described how, “from my childhood I developed a block. I hated politics. I hated this *gogga* that took my father away from me, that destroyed my home.”
- 121 Many women tried to protect their families. Ms Thandi Shezi, active in the ANC Youth and Women’s Leagues, recalled how, when she told her mother that she suspected she would be detained, her mother told her to run away. “I said: ‘No, if I run away, they’re going to beat all of you here in the house and even the children. I don’t want you to get hurt’.”
- 122 Ms Sylvia Nomhle Dlamini had a longer tale describing how her mother was actually victimised. Ms Dlamini initially felt unable to tell her mother she was a UDF member. “My mother was old and she was very strict. She didn’t like things like politics... because she was a Christian.” One night, when Ms Dlamini was out, police arrived at their house. “Police asked my mother where we were and she didn’t know truly and they took my mother with them.” When her mother returned the following day, she would not relate what happened but simply asked for painkillers. Later she revealed the extent of her torture:

She was given an electrical shock and she couldn’t remember what they used to use hitting her head. Other day they put a plastic over her head and she couldn’t breathe, and one day she told me one white man came and he tied her and then he hit her, and even after she died, she had bruises all over her ribs.

- 123 When her mother died some time later from heart disease, Ms Dlamini felt responsible for her death: “I realised that my mother died because of me.” She said that relatives ostracised her and also blamed her for her mother’s death. But, she also said that, when her mother was ill, “I asked her as to how she was feeling about the whole issue of my joining politics, she said to me what I was doing was right, because I was fighting for rights.” One of the anonymous KwaZulu-Natal witnesses who was raped and impregnated also felt her mother’s health was affected by the incident “My mother, after I came back and told her about the story, she had a heart disease. Up until today she is suffering from heart attacks.”
- 124 It would be wrong, however, to assume that it is only women who experience strong family ties and the associated guilt and protectiveness. Ms Sylvia Dlomo-Jele related how her son, Sicelo, refused to stay at home once he began to be harassed by the police. He said “that it would not be nice for his parents to see the police killing him”.²⁵

• WOMEN AS PERPETRATORS

- 125 The women who spoke at the hearings spoke as primary or secondary victims of abuses. There were, however, also women who perpetrated abuses on others. In her address to the hearings, Ms Thenjiwe Mtintso pointed out that nowadays:

We go to the women's conferences and hug and kiss, we are kissing with some of the perpetrators. It is okay that we kiss, but it is not okay that they do not come forward and talk about the role that they played.

- 126 She included among the perpetrators those who supported the “boys on the border” by sending them packages, by giving space to them in the media, and by otherwise “egging them on”. She was clear that “patriarchy must not be allowed to shield these women, because they claim they did this for their partners, for their husbands, for their brothers.”
- 127 Ms Ann-Marie Wallace, on the other hand, spoke as the mother of a white soldier who was killed. She spoke about the pain of losing a son in this way, but also about her and her community’s ignorance of what men were doing in the army. She said that they “had come to accept that it is the law. Your children get called up for two years and that’s it.” She noted that her son, too, “did not have time to learn that it was all lies. According to him, he died a hero because that’s all he knew.”
- 128 Of the 7 128 applications for amnesty received by the Commission, only fifty-six were known to come from women and 4 665 from men, while in 2 407 cases the sex of the applicant was unknown. Thus only 1 per cent of those where the sex was known came from women. Of the forty women’s applications available for analysis, two had been granted amnesty, twenty-four had been refused and fourteen cases were still awaiting a decision at the time of reporting. The two whose applications were granted were ANC members. One had planted bombs and been involved in theft, while the other had been found guilty of possession and distribution of weapons.
- 129 Amongst those still awaiting decisions were seven women who had applied for amnesty under the ANC’s collective responsibility application, or had otherwise failed to specify the exact nature of their act. Of the thirty-eight who had been refused, the most common offences were murder (five applications) and theft or fraud (eight applications).
- 130 One of the most intriguing applications came from a young Indian woman, who applied for amnesty for what she describes as her “apathy”. The application stated that those applying on these grounds recognised that they:

as individuals can and should be held accountable by history for our lack of necessary action in times of crisis ... in exercising apathy rather than commitment we allow(ed) others to sacrifice their lives for the sake of our freedom and an increase in our standard of living.

- 131 The applicants argued that apathy fell within the Commission’s ambit as an act of omission. The application was, however, refused on the basis that it did “not disclose an action or omission which amounts to an offence or a delict in respect of which amnesty can be granted.”
- 132 From the men’s side, one of the more bizarre applications was that of Mr Michael Bellingham. Mr Bellingham was one of the more than thirty security policemen who applied for amnesty for the bombing of Khotso House, Cosatu House and ‘Cry Freedom’ cinemas.²⁶ Bellingham requested amnesty for the murder of his wife on the grounds that she had threatened to reveal his political role.²⁷

133 Several of those who testified at the hearings spoke about the extent to which those who had perpetrated abuses against them were women. They spoke, in particular, about women warders in prisons. The CALS interviews provided further evidence on this topic.

134 Most of those who had suffered explicit torture had done so at the hands of men, most of whom were white. Mr Thandi Shezi explained that “the female used to hand over their assault and brutalisation to their male counterparts”. However, Ms Nomvula Mokonyane said that it was women who pumped water into fallopian tubes. She could not understand this betrayal:

This woman knows exactly what the effects of that pain will be on that other woman. It is hard to know if you will be able to reconcile with that woman perpetrator.²⁸

135 In the main, women warders exhibited cruelty in the way they treated prisoners outside of the explicit torture sessions. Thus, Ms Deborah Matshoba described as ‘torture’ the way that women warders threw her (bad) food at her. Her exasperation was such that one day she grabbed the hair of the woman concerned and “started bashing her head against the bars”. Her resistance won her a new warder, as well as exercise time and a weekly shower. Ms Matshoba noted that, when women warders were black, one was able to “conscientise them as time went on and to appeal to their senses and you would sensitise them to the point that they would realise that you are there for them.”

136 Ms Elaine Mohamed said she felt betrayed by the way the women police would “flick with their nails on my nipples, saying, ‘It’s a shame nobody wants you. You’ve obviously never had a boyfriend. No one touched these breasts, else why are they so firm?’”²⁹. Ms Phyllis Naidoo said that while, at first, she thought that women warders would be better because they would understand the women detainees’ fears of rape and violence, her experience of the “horrors” in Durban Central changed her mind.

137 Ms Stephanie Kemp, on the other hand, remembered some kindness. She remembered a 19-year old warder “with uncommon sensitivity” who took the risk of telling her John Harris had been hanged. She remembered the then matron of Kroonstad Prison, Ms Erica van Zyl, who “sent the special branch away. She sat down with me and said that as long as I was in her prison, she would not allow the special branch near me.”

138 At the human rights violation hearing in Port Elizabeth, Ms Ivy Gcina told of the kindness of her warder at North End Prison, a Ms Irene Crouse:

The same night I saw a light at night and my cell was opened. I did not see who was opening my cell. I did not look at the person. She said to me, "Ivy, it is me. I am Sergeant Crouse. I have fetched your medicine". She rubbed me. She made me take my medicine. I told her that I could not even hold anything but I can try. I told her I was going to try by all means. She said "It is fine, do not worry yourself. I will help you". So she made me take the medicine and then she massaged me. Then after that I could at least try and sleep.

139 A few days later the local newspaper, the Eastern Province Herald, carried a front page, full size picture of Ivy Gcina hugging Irene Crouse: The report read:

Tortured activist Ivy Gcina was yesterday reunited with her Angel of Mercy – the kind jailer who held her hand and tended her wounds after hours of brutal interrogation by security police. “I never thought you’d remember me”, said Irene, 37, as the two women threw their arms around its other on the stoep, crying and laughing at the same time. Ivy, 59, replied: “But after I was assaulted it was you who was there to help me, who entered my cell at night. Can you ever forget someone like that?”

- 140 “We met as human beings, as women,” Ivy recalled. “There was such communication there. Ensuring I had a clean towel, asking me how I was. The relationship was so good.” Irene felt she was “only doing her duty” when she helped Ivy.
- 141 Ms Deborah Matshoba recalled how a white, male, Afrikaans-speaking uniformed policeman had assisted her by smuggling her asthma spray and tablets to her, and later smuggling her out to see a doctor.
- 142 Outside of the prison context, Ms Agnes Gounden and Ms Zodwa Lephina Thobela described how nurses had assisted and protected them when security police wanted to interrogate them. However, as emerged in the health hearings, nurses (most of whom are women), although not active perpetrators, often turned a blind eye to what was happening. Ms Betty Ncanywa, who worked at Livingstone Hospital in the 1980s, explained that they had been instructed not to obstruct the work of the security forces — that they must “try to refrain from politics, otherwise my future would be in jeopardy”.

● CONCLUSION

- 143 This chapter draws primarily on the testimony of women who made presentations during the three special hearings organised in Cape Town, Durban and Johannesburg. It also draws on the associated submissions to the Commission and on statistics generated from the Commission’s database of deponents and applicants. As elsewhere in the Commission, the relatively few women whose experiences are recorded must represent many, many more who did not want to present their own stories, or were not able to do so for some reason. Nevertheless, the limited evidence available confirms the fact that women were active in all roles – as perpetrators, and in the full range of different victim roles. It also indicates ways in which women’s experience of abuse might have differed from that of men.
- 144 The chapter suggests further that the definition of gross violation of human rights adopted by the Commission resulted in a blindness to the types of abuse predominantly experienced by women. In this respect, the full report of the Commission and the evidence presented to it can be compared to reports on South African poverty, which make it very clear that while women are not the only sufferers, they bear the brunt of the suffering.*