

Methodology and Process

INTRODUCTION

- 1 Section 4 of the Promotion of National Unity and Reconciliation Act (the Act) sets out the functions that the Truth and Reconciliation Commission (the Commission) is required to perform. It reads as follows:

Functions of Commission

*The functions of the Commission shall be to achieve its objectives, and to that end the Commission shall-
a facilitate, and where necessary initiate or co-ordinate, inquiries into-*

- (i) gross violations of human rights, including violations which were part of a systematic pattern of abuse;
 - (ii) the nature, causes and extent of gross violations of human rights, including the antecedents, circumstances, factors, context, motives and perspectives which led to such violations;
 - (iii) the identity of all persons, authorities, institutions and organisations involved in such violations;
 - (iv) the question whether such violations were the result of deliberate planning on the part of the State or a former state or any of their organs, or of any political organisation, liberation movement or other group or individual; and
 - (v) accountability, political or otherwise, for any such violation;
- b facilitate, and initiate or co-ordinate, the gathering of information and the receiving of evidence from any person, including persons claiming to be victims of such violations or the representatives of such victims, which establish the identity of victims of such violations, their fate or present whereabouts and the nature and extent of the harm suffered by such victims;
- c facilitate and promote the granting of amnesty in respect of acts associated with political objectives, by receiving from persons desiring to make a full disclosure of all the relevant facts relating to such acts, applications for the granting of amnesty in respect of such acts, and transmitting such applications to the Committee on Amnesty for its decision, and by publishing decisions granting amnesty, in the Gazette;
- d determine what articles have been destroyed by any person in order to conceal violations of human rights or acts associated with a political objective;
- e prepare a comprehensive report which sets out its activities and findings, based on factual and objective information and evidence collected or received by it or placed at its disposal;
- f make recommendations to the President with regard to - (i) the policy which should be followed or measures which should be taken with regard to the granting of reparation to victims or the taking of other measures

aimed at rehabilitating and restoring the human and civil dignity of victims; (ii) measures which should be taken to grant urgent interim reparation to victims;

- g make recommendations to the Minister with regard to the development of a limited witness protection programme for the purposes of this Act;
 - h make recommendations to the President with regard to the creation of institutions conducive to a stable and fair society and the institutional, administrative and legislative measures which should be taken or introduced in order to prevent the commission of violations of human rights.
- 2 Even a cursory examination of this section of the Act reveals that the task facing the Commission was both daunting and formidable. Not only was it required to perform the extensive activities listed in section 4, but it had to do so in an extremely difficult context.
- 3 The Commission was required to consider cases that had occurred over a thirty-four year period, stretching from 1 March 1960 to 10 May 1994. In so doing, it found itself responsible for the examination of over 50 000 cases of gross violations of human rights. As described in the *Mandate* chapter, these violations were narrowly defined in the Act. This means that numerous other violations of human rights – all heinous and, in their own way, ‘gross’, were not considered. It is in this context that this chapter will examine the ways in which the Commission chose to complete its work.

p **THE START UP**

- 4 One of the greatest challenges the Commission faced was that the two-year period within which it was required to complete its work began on the day that the commissioners were formally appointed. The Act made no provision for a start-up period during which offices could be located and established, staff sought and appointed, and a *modus operandi* carefully developed. There was little time for reflection. The result was that the methodology of the Commission evolved and changed quite considerably throughout its term of operation.
- 5 In addition, although the Act listed a set of functions that the Commission was required to fulfil, it provided very little guidance on how these functions were to be performed. While this gave the Commission the freedom and flexibility to develop appropriate systems and staffing structures, it also posed a tremendous challenge. It was difficult to design, in a short period, systems that adequately addressed the extensive, at times competing, priorities of the Commission. This meant that many of the Commission’s systems had to be adapted as priorities changed and new needs and challenges emerged.

p **DECENTRALISATION**

- 6 One of the first decisions the Commission was required to take was whether it should operate from one central location or on a decentralised basis. Because of the sheer size of South Africa (1,2 million square kilometres) and the uneven and far-flung distribution of its population, the Commission decided to set up a head office (in Cape Town), four regional offices (in Cape Town, Johannesburg, Durban and East London) and a subregional office (in Bloemfontein). These regional operations were designed to help reduce logistic difficulties associated with holding hearings, taking statements and conducting investigations over an extremely large area. They also allowed the Commission to respond more effectively to the significant differences and characteristics of various regions. It needs to be recognised, however, that the regional

offices themselves had jurisdiction over what were, in their own right, very large geographical areas with significant intra-regional differences.

- 7 One of the major challenges, therefore, was to find ways to ensure that people everywhere could access the Commission with relative ease. Despite the fact that the Commission made a conscious effort to communicate and interact proactively with communities throughout South Africa, the sheer size of the country made this an extremely difficult endeavour.

p COMMITTEE MEMBERS

- 8 The Act allowed for the appointment of additional committee members, other than commissioners, to serve on the Human Rights Violations and Reparation and Rehabilitation Committees. The Commission decided to appoint such members, not only to assist in discharging the functions and responsibilities of these committees, but also to ensure that their membership was representative in terms of race, gender and geographical origin. The Commission felt that it was important that the membership of the committees reflected the life experiences of all South Africans - black and white, men and women, urban and rural.

p THE PROTOCOLS

- 9 At the outset, the Commission decided that the primary means by which it would establish the identity of victims was by inviting them to make statements. In order to ensure that as much relevant information as possible was gathered from these statements, a protocol was developed which attempted to structure and systematise the evidence given by each victim. The protocol was also designed to promote uniformity and consistency in the way statements were taken from victims. The Commission appointed specially trained statement takers to ensure that information provided by victims was captured as accurately as possible.
- 10 Every effort was made to ensure that statement takers could speak the major languages of the region in which they worked to allow victims to tell their stories in their mother tongues. Statement takers were also trained to identify signs of emotional distress presented by those from whom they took statements. This allowed them to offer preliminary assistance to victims who found the process of making statements difficult or traumatic, and to refer those in need of professional assistance to appropriate mental health care facilities where these existed and were accessible.
- 11 As the early statements were received and analysed, it became clear that the initial protocol, developed before the Commission began its work, was inadequate. This may be attributed to two factors. First, the structuring of information gathered from long and complex narrative statements imposed some technical difficulties: narrative statements might contain information on gross violations of human rights which occurred on one or more occasions, at one or more places, to one or more victims and carried out by one or more perpetrators. As different kinds of evidence of varying degrees of detail and complexity were gathered, it became clear that there was a need to adjust and fine-tune the structure of the protocol in order to ensure that all necessary information was captured in a uniform manner.
- 12 Second, as the Human Rights Violations Committee and the Reparation and Rehabilitation Committee confronted various policy issues, it became clear that new and additional information would be required. For example, the Human Rights Violations Committee's policy on the corroboration of victim statements set out

a range of ‘corroborative pointers’¹ designed to assist in the process of finding whether or not a deponent was, in fact, a victim of a gross violation of human rights. The first draft of the protocol was not structured in a way that prompted victims to provide as many as these pointers as possible. As these new requirements were identified, the protocol evolved, with the result that the final version of the protocol, on which the majority of victim statements were captured, was the fifth version.

- 13 This demonstrates the point made at the beginning of the chapter: it is difficult to embark on work and simultaneously develop systems to manage it. Yet, despite the number of different protocols used to take statements, and some slight variations in the kind of information captured, the Commission was satisfied that neither the overall integrity of the information gathered nor the quality of the findings was affected.

p THE INFORMATION MANAGEMENT SYSTEM

- 14 The Commission decided to establish an information management system to ensure that all information gathered from victims was captured, processed and corroborated according to a uniform methodology. This was viewed as essential in ensuring that the findings of the Human Rights Violations Committee were as rigorous and defensible as possible. The information management system prescribed that each statement received should be processed according to certain specified and consecutive steps - resulting in what was described as the Commission’s ‘information flow’. Seven major steps were involved: statement taking, registration, data processing, data capture, corroboration, regional ‘pre-findings’ and national findings. Each is discussed in detail below.

Statement taking

- 15 The Commission employed trained statement takers and volunteers (called ‘designated statement takers’) from non-governmental organisations (NGOs), community-based organisations (CBOs), religious and civic organisations to take statements from deponents. The statement taking process served two different functions. First, it helped to ensure that information on gross violations of human rights was gathered from victims of these violations. Second, it served a therapeutic purpose in that it provided victims with an opportunity to speak about their suffering or that of their families to people who listened sympathetically and acknowledged their pain. The methodological difficulties of attempting to serve both functions in the statement taking process will be discussed in greater detail.
- 16 The Commission took statements in three different ways.
- a It took statements at its offices. In other words, trained statement takers, employed by the Commission, were available to take statements from victims who travelled to the Commission’s offices in their region.
 - b It took statements in communities. In these instances, statement takers attended hearings held by the Commission in various communities throughout South Africa. Because these hearings generated interest and awareness, they usually had the result of prompting people to come forward and make statements. In other instances, the Commission generated awareness about its work, either by holding public meetings in various communities, or by implementing a communications strategy in specific areas. Thereafter statement takers made themselves available to take statements in these areas.

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- c The third way in which the Commission solicited statements was through the designated statement taker programme.² This programme was launched by the Commission in order to extend its reach and to ensure that as many communities as possible were given the opportunity to make statements. The designated statement taker programme was funded by a foreign donor and involved training staff based in community organisations throughout the country to take statements on behalf of the Commission. The project increased the number of statements taken by the Commission by almost 50 per cent and allowed for a focus on victims in rural communities or those communities that had experienced a high incidence of human rights abuse. It also concentrated on communities in which the Commission did not hold hearings and in which, therefore, there may not have been knowledge about the Commission and its work. The local recruitment of statement takers meant, too, that victims could tell their stories in their mother tongue, often to people they knew, thereby enhancing the quality and reliability of the testimony and reassuring victims who felt apprehensive. Some, however, chose not to share intimate details with neighbours and others from their own communities – not least where differences between rival groups was a continuing factor.

Registration

- 17 The statements were brought back to the regional offices where they were registered on the Commission's database. They were then photocopied and the originals stored in strong rooms.

Data processing

- 18 Each regional office employed a team of data processors who read and analysed the statements in order to identify each discrete violation of human rights mentioned in them. A statement might, for example, identify one or more victims, each of whom may have suffered one or more different violations of their human rights at different times in different places. The violations suffered by the victims were then categorised into one of the four violations types defined in the Act. Data processors also generated a brief narrative summary of each statement in order to provide those working on corroboration and findings with a quick overview of the salient facts.
- 19 The data processors identified the nature of each violation, its date and place, its consequences for the victim and the political context in which it occurred. They also noted the organisational affiliations of the victims and alleged perpetrators. Each violation of human rights was captured on the Commission's database as a separate act. This provided the basis for a powerful and sophisticated analysis of the data gathered. It allowed, for example, for an analysis of the number and kinds of violations suffered by each victim over a period, as well as an assessment of the categories of victims who experienced the largest number of violations over certain periods in time. This analytic capacity greatly enhanced the quality of the final report.

Data capture

- 20 Once the statement had been perused, the details of each violation were entered onto the database. Because the database was connected to the regional offices by means of a wide-area network, data were shared between the four offices, helping to ensure that each data processing unit followed a standardised approach.
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Corroboration

- 21 Once the statements had been entered onto the database, it was the task of a team of investigators to corroborate the basic facts of each matter according to a standard list of corroborative pointers (for example, by obtaining court records, inquest documents, death certificates, newspaper clippings and so on).
- 22 In addition, regional researchers conducted literature searches and field trips in order to produce briefing documents on the political conflicts that had taken place in areas where gross violations of human rights had occurred. This allowed them to generate valuable background material and information on the political context in which the violations took place. This corroborative material and background research provided the commissioners with the additional information they needed to make their findings – establishing whether the allegations in the statements were, on a balance of probability, true.
- 23 Corroborating the evidence gathered in more than 20 000 statements received in the two years between 14 December 1995 and 14 December 1997 proved one of the greatest challenges faced by the Commission. Many of the statements consisted simply of a story told by a particular victim and contained no supporting documentation or evidence on the basis of which the Commission could make a defensible finding. The onus was, therefore, on the Commission itself to attempt to locate relevant evidence or documentation in order to corroborate each victim's statement. The following examples of types of incidents requiring corroboration illustrate the magnitude of this task:
- a incidents that had occurred more than 1 000 km away from the closest office;
 - b incidents that had occurred more than twenty, and in some cases thirty, years ago;
 - c incidents that had occurred at a police station at which either no records of the event existed or all records had been destroyed;
 - d incidents in which all victims had been killed, or were dead, and the whereabouts of the only eye-witness were unknown;
 - e incidents that had occurred in a neighbouring state or in Europe.
- 24 It is clear from the above that the corroboration of statements was an extremely difficult and time-consuming task. It was complicated by the large numbers of statements involved and because each statement, on average, referred to between two and three victims. The Human Rights Violations Committee was, as a result, faced with the task of corroborating over 50 000 individual cases. The enormity of this task cannot be overemphasised.

Regional pre-findings

- 25 The information taken from the statements, the corroborative material gathered by the investigators and the background research material provided by the researchers were presented on a regular basis to the Human Rights Violations Committee, which would then make 'pre-findings' at a regional level.
- 26 Making 'pre-findings' involved either rejecting statements of alleged violations as untrue or outside the mandate of the Act, or sending them back for further corroboration, or finding them true on a balance of probability. In instances where the 'pre-finding' process confirmed the truth of the statement, and that statement included the names of a perpetrator or perpetrators, those named were sent letters (in terms of section 30 of the Act). The letters informed them that they had been adversely implicated in a statement upon which the Commission was contemplating making a finding, and informed them of their right to respond to the allegations.

- 27 The virtually insurmountable practical difficulties the Commission faced in attempting to corroborate each statement served to crystallise a profound dilemma at the heart of the findings process. On the one hand, the Commission was a legal institution with the responsibility of making defensible findings according to established legal principles. This was particularly important, both to safeguard the credibility of the Commission's final report and to ensure that those who received reparations were genuinely victims as defined in the Act. On the other hand, the Commission embodied a moral and therapeutic process that aimed at acknowledging suffering and giving victims an opportunity to tell their stories. This aspect of the work would have been greatly diminished had the findings process been approached in too technical a manner, focusing narrowly on rules of evidence and requirements of proof. The methodology of the Commission sought to reconcile these potentially conflicting objectives in various ways.
- 28 By holding public hearings or granting private interviews, the Commission attempted to diminish the legal, and at times adversarial, nature of its work and to focus on the restorative and therapeutic dimensions of its mandate. Witnesses were not cross-examined by the Commission and, unless there were glaring inconsistencies and falsehoods, their oral testimony was generally accepted. As a result, the interaction of the vast majority of victims with the Commission was a positive and affirming experience. This meant, however, that at times not all relevant information was obtained when the victim testified in public, placing an additional burden on those attempting to corroborate the statement at a later stage. In general, the Commission sought to be both therapeutic in its processes and rigorous in its findings, but sometimes the effort to satisfy one objective made it more difficult to attain the other.

National findings

- 29 After a 'pre-finding' had been made at a regional level, it was ratified at a national level and recorded on the database. The process of making national findings was greatly facilitated by the work of the National Findings Task Group. This group met regularly to discuss policy issues and to ensure that policy on findings was applied in a consistent manner in each region. The task group also appointed two commissioners to review a sample of each region's findings so as to ensure that the findings process conformed to agreed standards.

p THE DATABASE³

- 30 Any organisation that deals with large quantities of data must ensure that they are accessible. It must also ensure that information gathered from a wide range of sources and locations is properly integrated to allow for meaningful analysis. The Commission decided to establish a state-of-the-art database system to allow it to administer and analyse all victim statements received. The database operated across a wide area network (WAN) which linked the four regional offices, giving each regional office immediate access to all information collected in the other offices. This helped to ensure that existing or new information regarding individual victims gathered in each office was stored in one location, thus assisting with the integration of information and helping prevent unnecessary duplication.
- 31 The database proved an invaluable analytic tool that allowed researchers in each of the regional offices to access all information in the possession of the Commission regarding particular themes or their specific research areas. The database also performed a crucial 'housekeeping' function by allowing the Commission

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to monitor developments constantly - such as the number of statements it had received and the rate of processing and corroborating statements.

p HEARINGS

- 32 The Commission gathered an enormous amount of important information and evidence at the hearings held by the Human Rights Violations Committee. There were five types of hearings.

Victim hearings

- 33 At the victim hearings, some of the victims who had made statements to the Commission were given the opportunity to testify in public. Typically, these hearings lasted over three to five days and involved testimony from between twenty to sixty victims. In certain remote communities, the Commission held single-day hearings. In most instances, the Commission received more statements from victims in specific communities and areas than could be heard in the allotted time period. It was therefore necessary to make a careful selection of victims who would be invited to testify in public. In making this selection, the Commission was careful to stress that whether or not a person appeared in public was irrelevant to the process of making a finding that he or she was a victim. In other words, the Commission made no distinction in respect of the findings process between those victims who appeared at a public hearing and those who did not. In selecting which persons should be afforded a public hearing, the Commission took the following considerations into account:
- a The nature of abuse in the community or area: the Commission attempted to select a group of victims whose experiences represented the various forms of human rights abuse that had occurred in the area.
 - b The various groups which had experienced abuse: the Commission attempted to select a group which included victims from all sides of the conflict so as to present a picture of abuse from as many perspectives as possible. In many instances, this required that the Commission proactively seek out victims from particular communities.
 - c Representivity in relation to gender, race, age and geographical location in the area where the hearing was to be held.
- 34 Before, during and after each hearing, the Commission tried to ensure that victims who testified and their families could access appropriate psychological support services. The Commission appointed several people with either formal or informal training in mental health care to act as 'briefers' in each of its regional offices. The decision to appoint briefers was an aspect of the Commission's commitment to a 'victim-centred' approach as required by its mandate. The task of the briefers was to ensure that victims were provided with appropriate support. In many instances, the Commission also held follow-up meetings in communities where hearings had been held. These meetings were designed to elicit feedback as to how the community had experienced the hearing and to explore the possibility of building co-operation and unity in areas where there had been conflict and division. However, they did not always succeed in this task. The Commission was often cautioned, not without good cause, for failing to ensure that follow-up counselling for those who testified before the Commission and others was being provided. In many instances, co-operation between the Commission and those who were able to provide counselling services at a local level was inadequate.

- 35 The Commission was determined that victims be allowed to testify in the language of their choice. It believed that the therapeutic effects of giving testimony about abuse, hardship and suffering would be greatly diminished if victims were required to speak in languages in which they were not comfortable. As a result, the Commission retained the services of a company which provided simultaneous translation services. This allowed victims, members of the Commission and those attending hearings to speak in the language of their choice and to listen to a simultaneous translation of a language that they did not understand or in which they were not fully conversant.
- 36 In many respects, the victim hearings constituted the core of the Commission's work. While some victims chose, for a variety of reasons, not to appear before the Commission, the hearings gave victims an opportunity to testify publicly about the violations of their rights and served as a powerful medium of education for society at large. The hearings generated public discussion around a spectrum of fundamental issues, such as complicity in human rights abuse and what steps should be taken to ensure that such abuse does not recur in the future. They also exposed communities who did not know, or had not wanted to know, to the truth about human rights abuse to the reality of suffering which had occurred during the period under review.

Event hearings

- 37 In the event hearings, the Commission focused not on the individual experiences of victims, but on specific events in which gross violations of human rights occurred. These hearings explored the context in which a specific event occurred and typically involved testimony not only from victims but also from alleged perpetrators and experts with specific knowledge about the event or issues related to it. These hearings were selected as 'window cases' and aimed to provide detailed insights into particular incidents that were representative of broader patterns of abuse. Event hearings also provided affected communities and their representatives with the opportunity to speak about collective experiences of abuse, thus offering a more global perspective of human rights abuse. The following event hearings took place:
- a The 1976 Soweto student uprising.
 - b The 1986 Alexandra six-day war that followed attacks on councillors.
 - c The KwaNdebele/Moutse homeland incorporation conflict.
 - d The killing of farmers in the former Transvaal.
 - e The 1985 Trojan Horse ambush by the security forces in the Western Cape.
 - f The 1986 killing of the 'Gugulethu Seven', following security force infiltration of African National Congress (ANC) structures in the Western Cape.
 - g The 1990 Seven-Days War, resulting from IFP-ANC clashes in the Pietermaritzburg area.

- h The Caprivi Trainees, who were trained by the South African Defence Force (SADF) and deployed in KwaZulu-Natal as a covert paramilitary force in 1986.
- i The 1960 Pondoland Rebellion, in response to the imposition of the Bantu Authorities Act which prepared the way for the independent homelands.
- j The 1992 Bisho Massacre, in response to an ANC national campaign for free political activity in the homelands.

Special hearings

38 Special hearings sought to identify patterns of abuse experienced by individuals and groups. An attempt was made to elicit the experiences of vulnerable persons who had suffered gross human rights violations. Specific attention was given to the prevention of future human rights violations and recommendations to promote reconciliation. Hearings were held on:

- a Children and youth
- b Women
- c Compulsory national service (conscription)

Institutional hearings

39 At the institutional hearings, the Commission sought to receive evidence from various professions, institutions and organisations about the role they had played in committing, resisting or facilitating human rights abuse. The purpose of these hearings was to enrich the Commission's analysis of human rights abuse by exploring how various social institutions contributed to the conflicts of the past. The hearings often provoked considerable public debate about, for example, the role of the legal and medical professions during the Commission's mandate period. They also triggered or encouraged introspection and self-analysis by these professions and organisations. In addition, they helped the Commission to formulate some of the recommendations made to the President concerning legislative, institutional and administrative measures that should be taken to prevent future human rights abuse. Institutions were often criticised for failing to acknowledge adequately their complicity in gross human rights violations. In certain instances, however, institutional hearings served as a catalyst for professions and organisations themselves, triggering transformation from within.

40 The following institutional hearings were held:³

- a health sector hearings
 - b legal hearings
 - c media hearings
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d business hearings

e prison hearings

f faith communities hearing

Political party hearings

41 The Commission provided political parties with an opportunity to offer their perspectives on the causes and nature of the conflicts of the past, together with an account of their involvement in and/or responsibility for gross violations of human rights. The hearings examined as carefully as possible the question of accountability for gross violations of human rights. In most instances, these hearings consisted of two phases. In the first phase, the Commission allowed the political parties to make their submissions and asked questions only for purposes of clarification. In the second phase, the Commission put substantive questions to the various parties, based on a detailed study of their submissions and of evidence gathered through investigations and research.

INVESTIGATIONS

- 42 Section 28 of the Act provided for the establishment of an investigation unit to be headed by a commissioner. The work of the Investigation Unit clearly illustrates the general comment made above: it is difficult to develop a clear *modus operandi* in a context where an institution is constantly changing and evolving in response to both internal and external developments. The structure and functioning of the Investigation Unit altered as the institutional priorities of the Commission changed.
- 43 The initial focus of the Commission's work was the holding of a large number of hearings in many locations throughout the country. At this stage, the task of the Investigation Unit was to assist in the verification of statements provided by victims who were to testify at hearings. The Unit also engaged in a range of logistic activities associated with the hearings, such as locating and transporting witnesses. In addition, it assisted in gathering evidence and preparing questions for event, institutional and political party hearings.
- 44 From the beginning of the hearings process, it was apparent that the number of victims who would give statements to the Commission would be far greater than the number of victims who would actually testify. There was, as has been mentioned, recognition by the Commission that all statements received from victims, regardless of whether or not they testified, would need to be corroborated in order for findings to be made. After the first year of operation, given the large number of statements being taken, the Investigation Unit's responsibilities became more focused on the task of verifying and corroborating statements.
- 45 Finally, in the last quarter of the Commission's life, it became evident that the Amnesty Committee would require considerable investigative support in order to deal with the large number of people who had applied for amnesty. Again, the Investigation Unit was required to shift resources to meet this institutional need. The shifting priorities of the Commission and their impact on its methodology are discussed in greater detail in the analysis section of this chapter.
- 46 In addition to assisting with hearings, undertaking corroborative work and supporting the work of the Amnesty Committee, the Investigation Unit had other functions to perform. One of these was to embark on proactive investigations into a range of strategic areas relating to the mandate of the Commission. These investigations focused on various themes, patterns and trends relating to human rights abuse that occurred

during the mandate period. The results of these investigations were the subject of ongoing discussions and interaction with the Research Department. A specialised 'analysis function' was established within the Investigation Unit in order to assist these strategic investigations.

- 47 A further function of the Investigation Unit was to convene and undertake the necessary preparatory work for enquiries held in terms of section 29 of the Act. The primary purpose of these hearings was to question persons who may have had information relevant to the investigations and work of the Commission. In addition to section 29 hearings involving a range of individuals, hearings also focused, *inter alia*, on the following enquiries:

- a Vlakplaas
- b Witdoek violence in KTC
- c Civil Co-operation Bureau (CCB)
- d Security Police in KwaZulu and Natal
- e Mandela United Football Club
- f Chemical and biological warfare

RESEARCH

- 48 The Commission established a research department in order to assist with the analysis and contextualisation of the enormous amount of data, evidence and information that it received. Although the department was principally concerned with primary data received from various sources, it also considered a range of secondary sources on issues relevant to the Commission's work. By continually evaluating the Commission's primary data in the light of material already written on the subject, the Research Department was able to enhance the evidence presented to the Commission.
- 49 The Research Department began its work by generating regional chronologies of human rights abuses that had occurred during the Commission's mandate period. These chronologies were used to isolate fifteen strategic research themes which helped to explain the causes and nature of various modalities of human rights abuse. These themes were constantly revised and updated as more information and evidence was placed before the Commission. The Research Department then analysed each statement received by the Commission and categorised it according to theme. This helped ensure that any explanation or analysis generated by the Commission would be based primarily on information gathered by the Commission itself.
- 50 The Research Department considered and analysed almost all of the information gathered and received by the Commission. This included submissions made by various institutions (political parties, state structures, non-governmental organisations and so on); evidence received at the various hearings of the Commission; evidence received in amnesty applications and hearings; archival material; transcriptions of section 29 enquiries; interviews conducted by experts or relevant persons, and secondary material.
- 51 This research and analysis on the nature and genesis of human rights abuse in various regions or according to various themes also assisted the Human Rights Violations Committee in making findings on the statements it received. Similarly, the work of the Research Department provided valuable background material which assisted the Amnesty Committee in its deliberations. The Research Department, guided by the work of the Commission as a whole, also facilitated the drafting of the various chapters of the Commission's final report and managed the editing and production process.

THE AMNESTY PROCESS

- 52 In terms of section 20(c) of the Act, one of the preconditions for the granting of amnesty was that the applicant made full disclosure of all relevant facts. The amnesty process was thus one of the most important sources of information regarding gross violations of human rights. In particular, the amnesty process provided vital insights into the motives and perspectives of perpetrators and offered important evidence regarding the authorisation of gross violations of human rights.
- 53 Information derived from the amnesty process took two forms. First, it was contained in the written applications submitted by those applying for amnesty. Second, it was derived from the testimony given at the amnesty hearings themselves. The latter information was usually considerably richer and more detailed than the former, and it must be noted that, at times, significant discrepancies emerged between information contained in applications and that adduced at hearings. This presented a difficulty in the drafting of the Commission's report, which is discussed below.
- 54 Members of the Research Department and Investigation Unit perused all amnesty application forms. These applications were classified based on the identity of the applicant according to a classification system developed by the Commission. Broadly speaking, the applicants were divided into three categories:

- a those working within the previous state system or in support of the *status quo*;
- b those working to overthrow the state;
- c the white right wing.

- 55 Once this classification was complete, each sub-category was further analysed in order to identify key themes common to each. These themes, together with a list of amnesty applications relevant to each of them, were made available to the Research Department and Investigation Unit to assist them in their work. This process allowed for the information contained in amnesty applications to be considered during the process of drafting relevant chapters of the final report. For example, researchers responsible for providing an account of the role played by the Azanian Peoples Liberation Army (APLA) in the commission of gross violations of human rights were able to refer to all amnesty applications submitted by members of APLA or the Pan Africanist Congress (PAC). They were also able to scrutinise these applications according to certain themes, for example: attacks on 'soft targets' (urban); attacks on 'soft targets' (rural); attacks on the South African Police/South African Defence Force.
- 56 This allowed the evidence collected from sources such as victim statements and section 29 enquiries to be integrated with the information contained in amnesty applications. The result of this process of gathering information from a range of sources and representing a range of perspectives was a more nuanced and sophisticated analysis of the nature, causes and extent of gross violations of human rights.
- 57 A cause for concern, alluded to above, was the fact that the analysis of information derived from the amnesty process (reflected in various chapters of the report) was, in many instances, based on written amnesty applications and not on the proceedings before the Amnesty Committee. This is because not all amnesty applications had been heard prior to the submission of the report.

p WITNESS PROTECTION

- 58 Persons who were offered protection by the Commission's witness protection programme provided a certain amount of information to the Commission. This information was generally recorded either by the witness protector or an investigator and forwarded to the Investigation Unit.

p OVERVIEW OF THE COMMISSION'S WORK

- 59 The evolution of the Commission's work through three broad phases had a direct bearing on its methodology. Although the phases overlapped to a large extent, it is nevertheless useful to characterise them as distinct phases for the purpose of understanding the various ways in which the Commission's work changed during its term of operation. The phases can be defined as the hearings phase, the statements phase and the amnesty phase.

The hearings phase

- 60 The first hearing held by the Commission attracted both national and international attention. It created a tremendous demand from communities throughout the country to hold hearings in their areas. As a result, each of the Commission's regional offices developed a fairly extensive hearings schedule, aimed at ensuring that as many communities as possible were accessed and provided with an opportunity to testify.

On numerous occasions, two and sometimes three regional offices held hearings on the same day in different parts of the country. This illustrates the extent to which the work of the Commission was driven by public hearings.

- 61 The prioritisation of hearings meant that a large proportion of the time, energy and resources of the Commission was devoted to this activity. Commissioners and committee members spent a significant percentage of their time preparing for hearings and presiding over them. Regional office staff provided the necessary logistic and administrative support for hearings. Researchers provided background briefs on the communities in which hearings were held, and the Investigation Unit allocated a large number of investigators to the task of locating victims and transporting them to and from hearings.
- 62 The holding of hearings throughout the country, and the public attention they attracted, resulted in a dramatic increase in awareness about the Commission and its work. This, in turn, resulted in a significant increase in the number of victims wishing to provide statements to the Commission. At the same time, the Commission initiated the designated statement taker programme (see above), which also resulted in a large increase in the numbers of statements made. This large influx of statements put considerable pressure on the staff and infrastructure of the Commission, which had, up until then, been oriented towards the holding of hearings and not the processing of large numbers of statements. It quickly became clear that staff and resources should be allocated towards the Commission's information management system and that functions associated with the holding of hearings should be scaled down.

The statements phase

- 63 As soon as it became evident that the information management system would not be able to cope with the large influx of statements, the Commission decided to reduce the number of hearings and to increase the Commission's capacity to take and process statements. This involved increasing the number of staff members involved in the capture, processing and corroboration of statements and placing greater emphasis on the efficient and professional processing of statements. This shift in priorities required that the Commission devote greater attention to the legal and administrative dimensions of its work (the processing of statements and the making of findings) and less attention to the public and symbolic aspects of its activities (the holding of hearings). It also resulted in an inevitable reduction in emphasis on the therapeutic and restorative dimensions of statement taking and an increased bias towards the information-gathering and fact-finding nature of the exercise. Such institutional reorientation is not easily achieved and, although the Commission recognised the necessity for change, there was also considerable concern that it would become driven by technical rather than moral considerations. In developing priorities on how best to achieve its objectives, the Commission constantly grappled with the tension between attempting to acknowledge in a meaningful manner the suffering of each person who made a statement to the Commission and attempting to process and corroborate tens of thousands of statements.
- 64 In the final weeks before the 14 December 1997 cut-off date for submission of statements to the Commission, the Durban regional office received approximately 5 000 statements. This meant that over 40 per cent of all statements received in Durban were submitted in the last two weeks before the cut-off date. The Commission took a decision to enlarge the data processing and corroborative capacity of the Durban office to enable it to cope with this massive influx of statements.

The amnesty phase

- 65 The initial cut-off date for amnesty applications was 14 December 1996. This was, however, extended to 10 May 1997 in order to allow persons who had previously not been entitled to apply for amnesty to submit their applications⁴. By early 1997, it was already apparent that the Commission would receive thousands more amnesty applications than had been anticipated. It was also clear that each individual amnesty application would take far longer to settle than initially envisaged. Reasons for this included: the public nature of the proceedings; the right of victims and their legal representatives to be present, adduce evidence and ask questions, and the complex and contested nature of many of the applications. The Commission's projections indicated that, if amnesty hearings were to continue at the same pace, it would take many years to hear the cases of the thousands of people who had applied for amnesty. It was on this basis that the Commission approached Parliament with a request that it be allowed to enlarge substantially the capacity of the Amnesty Committee and that funds be made available to allow for the simultaneous holding of up to six hearings. This was agreed, and the Amnesty Committee appointed additional committee members, leaders of evidence, logistics officers, secretaries and investigators.
- 66 By 1998, the Commission devoted virtually all of its resources to ensuring that statements were properly processed and corroborated so that findings could be made, and that amnesty applications were dealt with as expeditiously as possible. By the end of its term of operation, the Commission had succeeded in making findings in respect of all statements submitted to it, but had been unable to hear and decide upon all amnesty applications.
- 67 Once the Amnesty Committee has completed its work, the Commission will file a codicil based on the amnesty hearings.
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p APPENDIX 1: METHODOLOGY AND THE INFORMATION MANAGEMENT SYSTEM

Terms of reference

- 1 In February 1996, the Commission's Database Development Group⁶ reviewed the Act to determine sources of information legally available to the Commission, and the kinds of reports and analysis that would be necessary to satisfy the functions defined by the Act as objectives of the Commission.
- 2 The group developed the specifications for an information management system aimed at providing a rigorous and consistent process through which raw information given to or collected by the Commission would meet the analytical and reporting objectives set out in the Act - particularly in section 4, 'Functions of the Commission'.
- 3 Requirements that the system had to satisfy were:
 - a In accordance with section 4(b), the Commission would receive human rights violations statements from tens of thousands of individual deponents and from thousands of amnesty applicants.
 - b Such a large volume of data required methodical and consistent treatment to ensure that each statement and amnesty application received a fair and equal evaluation of its content and balance of probabilities.⁷
 - c The information stored by the Commission had to be accessible to each of the four regional offices because each statement or amnesty application might have implications for hearings or investigations in any of the other offices.
- 4 The Commission adopted an eight-stage information flow to collect information, process it into standard internal formats, capture it in a computerised database and then analyse it using quantitative and qualitative techniques. This analysis fulfilled three requirements of the Act, in terms of which the Commission was obliged to:
 - a identify those violations that constituted a "systematic pattern of abuse" (section 4(a)(i)). To achieve this, the Commission used quantitative analyses to show statistical regularity.
 - b describe the "nature ... and extent" of gross human rights violations (4(a)(ii)).⁸ The 'nature' of violations means the types of violations that were committed and in what ways; the 'extent' of violations was interpreted to mean how many violations were committed.
 - c produce a report on its "activities and findings" (Section 4(e)). Given the importance and magnitude of the Commission's 'activities', it was considered necessary to include a statistical description of the population who gave statements to the Commission or applied for amnesty.

The structural complexity of human rights violations

- 5 Every effort was made to avoid errors in representation and analysis of the information collected by the Commission. A deponent who gives a statement presents a narrative account of great potential complexity.⁹ To avoid errors of representation and analysis, the Commission's database was designed to address the following complexities:
 - a **Many victims:** the deponent may speak about violations that happened to one or many victims. The deponent may or may not herself be a victim. She may discuss her own detention and subsequent torture in addition to her son's killing or her husband's disappearance.

- b **Many violations:** each of the victims described in a particular statement may have suffered one or several gross violations. For example, the deponent's son may have been detained and tortured on several separate occasions before he was killed. These violations may have been connected to other violations that occurred at the same time and place (for example, several different people detained and tortured together), or they may have been isolated incidents.
 - c **Many perpetrators:** each of the violations described in the statement may have been committed by one or many perpetrators. Furthermore, each of the identified perpetrators in the narrative may have been responsible for one or more violations. For example, a deponent might identify Mr A as the man responsible both for her torture and for her daughter's killing.
- 6 The Commission took great care to build a system that was sufficiently flexible to accept any combination of these complexities, without simplifying deponents' stories in ways that led to the distortion or systematic concealment of certain kinds of information. Accepting a reduced version of a complex story is a frequent cause of this kind of distortion.
- 7 The data was very carefully managed at every stage of the information management process, in order to maximise validity, reliability and precision of analysis from the information given to the Commission. This was done for the following reasons:
 - a The Act required that findings be "based on factual and objective information" (section 4(e)). For the information to be factual, it had to be collected and stored without introducing oversimplifying distortions. For the information to be objective, it had to be coded in standard forms and according to clear and consistent definitions.
 - b Respect for deponents and victims¹⁰ involved treating statements with integrity, and keeping them intact to the limits of the available technology. Integrity, in this sense, meant that deponents' narratives should not be fragmented; nor portions discarded through decisions of the Commission¹¹ or inadequate representation. There was a need for information to be maintained in a secure fashion and protected from theft or abuse, and the analysis needed accurately to reflect the information given in statements and qualified by findings.

Sources for the design

- 8 The Commission drew on a variety of prior human rights data projects in order to design its database. These included the experience of the Haitian National Commission for Truth and Justice and the United Nations Commission for Truth in El Salvador - at the time, the only two truth commissions to have undertaken quantitative analysis of human rights violation data on the scale proposed by the South African Commission. Consultants from the Investigative Task Unit (a special unit established by the Minister of Safety and Security to investigate alleged hit squad activities in KwaZulu-Natal) and non-government organisations (NGOs) that had participated in the Human Rights Documentation Project also made suggestions on the information flow.
- 9 The instrument most extensively used by the Commission's Database Development Group was developed by representatives of six human rights NGOs with experience in the design of human rights information systems.¹² Full evaluations of the Commission's information flow were conducted in September 1996 and April 1997¹³. In addition, numerous periodic office-specific or stage-specific evaluations were conducted.

Theoretical basis for the information flow

- 10 The Commission based its work on the assumption that objective¹⁴ knowledge about the social world in general, and about human rights violations in particular, is possible. Some analysts, in particular academic anthropologists, have questioned this assumption. Their criticism is directed primarily at the decontextualised nature of human rights reporting in anecdotal presentations or legal casework, but it is equally - possibly even more - relevant to quantitative analysis.
- 11 In brief, analysts such as Richard A Wilson are concerned that “violence, like any other social process, is expressed and interpreted according to sets of metaphors about the nature of power, gender relations, and human bodies.”¹⁵ Any report of political violence must place the violence within the relevant web of social networks and contingent cultural meanings. However, Wilson does *not* conclude that objectified or universalised human rights analysis is somehow fundamentally meaningless; only that, on its own, legalistic or quantitative analysis is inadequate. He thus calls for a blend of methods at different levels to explain human rights violations.
- 12 Wilson’s call provides an anthropological parallel to the Act’s legal requirements. The Act demands methodological pluralism. As argued above, it required that the Commission gather information and analyse it rigorously. Beyond rigour even, it requires an analysis of “systematic patterns” and of “context, motives and perspectives which led to such violations” (4(a), sections (i) and (ii)). The first level implies a quantitative treatment, and the second necessitates historical or ethnographic reflection.
- 13 In short, the Act echoes classical sociologist Max Weber’s definition of the sociological method, whereby “historical and social uniqueness results from specific combinations of general factors, which when isolated are quantifiable.”¹⁶ Like the Commission, Weber is concerned that social analysis should be sufficient to draw general conclusions, but that it simultaneously preserve and reflect on individual case details. Weber recommends that analysts identify general factors in the universe of examples by applying ideal types - “controlled and unambiguous conceptions” - which illuminate particular phenomena of study. However, the general factors must be understood in terms of the particularities of individual cases. This definition of a set of ‘ideal types’ is then applied to a universe of narrative (or semi-structured) statements taken in interviews with deponents.
- 14 At the Commission, the data processing teams implemented these ‘ideal types’, using a controlled vocabulary and a coding frame. The teams coded deponents’ statements in standard forms before capturing the information on the database.
- 15 Weber was careful to note that this method is most useful as a comparative device. That is, the aggregation of examples of a particular ideal type with one set of characteristics provides a basis for evaluation of a second aggregation of examples of a similar but distinct ideal type with a different set of characteristics.¹⁷ The comparison of patterns of violations - among regions, across time, between types of victims, and among groups of perpetrators - is the basis for the quantitative analysis presented in the report.¹⁸

Statistical limitations and sampling

- 16 Section 4(b) of the Act required that the Commission accept statements from all South Africans who wished to make them. Hence, the Commission did not carry out a ‘survey’ of violations in the sense of drawing a
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probabilistic sample of victims.¹⁹ Those who chose to come forward defined the universe of people from whom the Commission received information.

- 17 Human rights data are almost never taken from probabilistic samples. Instead, people decide for themselves if they will make statements. This 'self-selection' of the sample introduces a number of factors that must be taken into account when interpreting findings:²⁰
- a people who live in areas very far from where the data are being collected have less chance of being in the sample than those closer to the offices in which statements are taken, because of transport difficulties, for example, or the relative inaccessibility of rural areas;
 - b people who are energetic are more likely to give statements than those who are ill, injured, elderly, traumatised, or suffering profound depression;
 - c deponents who died before the Commission began work cannot give statements; hence events that took place in the past are under-reported;
 - d people with no access to the media (radio, newspapers or television) are less likely to approach the Commission;
 - e people from constituencies that are hostile to the Commission are less likely to make statements.
- 18 Since the Commission's sample was not a probabilistic sample, it was not possible to use the data to calculate how many violations, in total, took place in South Africa. Without knowing what proportion of all potential victims actually came to the Commission, the overall total cannot be estimated. What is known is that there were *at least* 21 000 gross violations of human rights.
- 19 However, the data gathered from the human rights violations statements do permit the kinds of analyses to which they are subjected in the various chapters of this report. It is important to note that the Commission's data were based on corroborated findings. This means that, at a minimum, these violations (if not many more) definitely happened in these places at these times. Furthermore, none of the conclusions in the Commission report are based on quantitative data alone; in each case, the quantitative data is linked to the accounts of contemporary journalists, histories of the various regions, and analyses of reported situations by NGO human rights groups.
- 20 The quantitative results on which arguments in this report are made are not subtle. Only where there are great differences in relative rates, or very distinctive patterns that are stable across regions, does the report interpret the statistics as findings.
- 21 The Commission's database represents an unequalled collection of data on a set of events that took place during a unique period of South Africa's history. It may only have scratched the surface, but that surface has been scratched in unprecedented detail.
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b **APPENDIX 2: WHO CAME TO THE COMMISSION?**

Introduction

- 1 In order to establish as complete a picture as possible of the conflicts of the past, the Human Rights Violations Committee focused the bulk of its energy and resources on gathering and processing statements from deponents²¹. The corroborated allegations of gross violations of human rights contained in these 21 000 statements form the basis for the Human Rights Violations Committee's conclusions about the nature of the conflict.
- 2 The purpose in describing *who* came to the Commission and *what* they talked about is to allay fears that these conclusions are flawed because, for example, the constituency that approached the Commission was in some way partisan, or because the Commission itself did not reach out to a sufficiently broad cross-section of people.
- 3 The methodology of the statement-taking process was such that deponents came to the Commission of their own volition. The Commission did not carry out a survey of human rights violations in the sense of a conventional 'market research' approach using a stratified random sample, nor did it carry out a census of violations. The information gathered came from those who wished to tell the Commission about the gross violations of human rights they had experienced. In other words, the sample was self-selecting²².
- 4 This section of the report looks at the cross-section of people who came to the Commission, in terms of their broad demographics and what they spoke about, in order to build up a picture of this constituency.

Geographical coverage

- 5 The Commission's four regional offices gathered statements in all nine provinces²³. The table below shows the number of statements taken in each of the provinces, starting with the provinces that took the largest number. For purposes of comparison, it also shows the total population of each province and the average number of statements taken per 1 000 people in the province.

PROVINCE	OFFICE RESPONSIBLE	NUMBER OF STATEMENTS TAKEN IN EACH PROVINCE	STATEMENTS FROM EACH PROVINCE %	TOTAL POPULATION OF EACH PROVINCE, IN 1,000's ²⁴	AVERAGE NO. OF STATEMENTS TAKEN PER 1,000 PEOPLE
KWAZULU-NATAL	Durban	9,506	44.6	7,672	1.24
GAUTENG	Johannesburg	3,511	16.5	7,171	0.49
EASTERN CAPE	East London	2,847	13.4	5,865	0.49
WESTERN CAPE	Cape Town	1,320	6.2	4,118	0.32
MPUMALANGA	Johannesburg	1,112	5.2	2,646	0.42
NORTH WEST PROVINCE	Johannesburg	861	4.0	2,470	0.35
FREE STATE	Durban	862	4.0	3,043	0.28
NORTHERN PROVINCE	Johannesburg	723	3.4	4,128	0.18
NORTHERN CAPE	Cape Town	450	2.1	,746	0.60
OTHER		106	0.5		
Total		21,298	100.0	37,859	0.56

- 6 The Durban office gathered the largest number of statements. Thus nearly half of all statements made to the Commission came from KwaZulu-Natal, and almost three times as many statements as were taken in the next most populous province, Gauteng.
- 7 In general, as might be expected, the more populous the province, the larger the number of statements taken. However, certain provinces had experienced greater political instability than others, resulting in more violations of human rights and a consequently larger number of deponents.
- 8 The number of statements taken per 1 000 provincial residents²⁵ illustrates this. Had the political conflict affected all regions equally, the average number of statements per 1 000 residents would have been the same for each province; but it is not.
- 9 The average number of statements per 1 000 people for KwaZulu-Natal, where levels of violence were very high, was more than double that of the national average. This was especially surprising since the climate of hostility to the Commission from many areas in that province discouraged many people from making statements. Had the Commission received a more positive response from these constituencies, the figure would almost certainly have been even higher.
- 10 The rate of statement taking in each province was also affected by the ability of the Commission to reach deponents. The very high rate of statements taken in the Northern Cape was the result of intensive

statement taking in an under-populated province, rather than an above-average number of people who suffered gross violations of human rights.

Statement

- 11 Statements were taken from deponents over a period of two years - from the moment the Commission began work until the cut-off date for human rights violations statements in December 1997. The graph below shows the progress made by the Commission in taking statements.
- 12 Statement taking was carried out steadily throughout the two-year period. There was a lull towards the end of 1997, followed by intensive activity in the very last month as deponents rushed to meet the deadline.

Population groups²⁶

- 13 The apartheid state was fundamentally based on racial and ethnic groupings and this is still one of most important explanatory variables in any sociological and historical analysis of contemporary South Africa. Moreover, the conflicts of the past affected ethnic groups in very different ways, as did the consequences of the violations. Therefore, statement-takers asked deponents to which population group they had been allocated in terms of apartheid terminology. The responses are listed below, together with the national breakdown, for comparison²⁷ :

POPULATION GROUP	NUMBER OF STATEMENTS	% STATEMENTS FROM EACH GROUP	% TOTAL POPULATION IN EACH GROUP 28
African	19,144	89.9	76.1
Coloured	354	1.7	8.5
Asian	45	0.2	2.6
White	231	1.1	12.8
Total statements	21,297	100.0	100.0

- 14 If the conflicts of the past had affected the population groups equally, one would expect that the numbers of deponents in each category would be proportionate to the national population. However, the table shows that the number of deponents who described themselves as African is much higher than would be expected from the population statistics. It was, indeed, overwhelmingly Africans who came to tell the Commission about gross violations of human rights.
- 15 The low number of white deponents is not wholly a consequence of hostility towards the Commission by large sections of the white community. Indeed, the Commission made a concerted effort to reach *all* sections of the community. Special appeals for whites to come forward were made through the media and the Commission held several sectoral hearings focusing on issues of interest to the white community. The reality is that the conflicts of the past affected very few whites in comparison to the rest of the population, so very few came forward to make statements.

Men and women

16 The breakdown of deponents by gender and population group is as follows:

POPULATION GROUP	FEMALES		MALES		TOTAL STATEMENTS ²⁹
	NUMBER	%	NUMBER	%	
African	10,571	55.9	8,329	44.1	18,900
Coloured	134	38.0	219	62.0	353
Asian	9	20.5	35	79.5	44
White	91	40.1	136	59.9	227
Total	10,805	55.3	8,719	44.7	19,524

17 In total, more women came to the Commission than men, because many more African women came to the Commission than any other category. Men dominate the white, Coloured and Asian deponents.

18 Nationally, the proportion of women to men is 54: 52³⁰, so the higher number of African women is not simply a demographic consequence. As will be shown, the violence of the past resulted in the deaths mainly of men.

Age groups

19 The Commission took statements from deponents of all age groups, except children³¹.

20 The chart below shows the number of statements made by women and men in each age group. Most statements were made by those aged thirty-seven and above, with men dominating the younger age groups (youths and young adults), and women in the majority in the middle-aged to elderly age groups. The reason for this pattern is explained by looking at who the victims were and when the violations took place.

What did they talk about?

21 Deponents came to the Commission to tell about gross violations of human rights that had been experienced, either by themselves or by someone close to them. In total, the 21 000 statements made to the Commission contained nearly 38 000 allegations of gross violations of human rights³², of which nearly 10 000 were killings.

22 The table below shows the number of violations, fatal and non-fatal³³, reported by deponents and who suffered from the violation:

<u>Victims and type of violation</u>	<u>Number of violations reported</u>
Non-fatal HRV to men	17,050
Non-fatal HRV to women	7,880

Non-fatal HRV to victims of unspecified sex	2,762
Fatal HRV to men	5,980
Fatal HRV to women	1,031
Fatal HRV to victims of unspecified sex	2,969
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Total reported violations	37,672

23 Men were the most common victims of violations. Six times as many men died as women and twice as many survivors of violations were men³⁴. Hence, although most people who told the Commission about violations were women, most of the testimony was about men. The graph below shows clearly how the testimony of women deponents differed from that of men:

- 24 Most men who came to the Commission reported violations they had experienced, whereas women tended to talk about violations experienced by others. This is not to say that women did not suffer violations themselves - they certainly did suffer - but the focus of women's testimony was more often about someone other than themselves and those victims tended to be men.³⁵

Historical periods

- 25 The Commission's mandate period covered four major historical periods, from 1960 to 1994. The graph below shows that most violations reported by deponents took place in the period after the unbanning of political parties (1990-1994) followed closely by the years in which states of emergency were in force (1983-1989).
- 26 The lower number of reported violations in early periods is partly a consequence of the different political climate during those years, but is also partly due to the fact that people from that time were either too old to come to the Commission, or had passed away.
- 27 A significant point is that violations reported to have taken place in the period after the unbannings were more commonly reported by women. This is because the nature of the violence changed dramatically in that period, during which whole communities were indiscriminately affected.

Concluding remarks

- 28 The Commission did not try to carry out a census of violations of human rights. It had neither the time nor the resources to do so. Consequently, we will never know exactly how many people suffered during the mandate period.
- 29 Instead, the Commission appealed to South Africans to come forward to tell the Human Rights Violation Committee what had happened to them. By the end of the Commission's lifespan, 21 000 people had come forward, women and men, old and young, and told the Commission about nearly 38 000 gross violations of human rights. In the process, the broad outlines of the past emerged with undeniable clarity. Ninety percent of those who came forward were black. Most of them were women. The greatest number of these approached the Commission on behalf of dead men to whom they were related.
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