

**ADMINISTRATIVE REPORTS  
OF THE COMMISSION'S STATUTORY COMMITTEES**

# **Amnesty Committee**

## **p INTRODUCTION**

- 1 The primary function of the Amnesty Committee was to consider applications for amnesty that were made in accordance with the provisions of the Promotion of National Unity and Reconciliation Act (the Act).
- 2 Initially, applicants could apply for amnesty in respect of any act, omission or offence associated with a political objective committed between 1 March 1960 and 6 December 1993. The cut-off date was later extended to 10 May 1994 by an amendment to the interim Constitution. The final date for the submission of applications was midnight 30 September 1997.
- 3 The total number of applications received before the deadline was 7 127.

## **p CONSTITUTION AND ADMINISTRATIVE COMPONENT**

### **Constitution of the Amnesty Committee**

- 4 In terms of section 17 of the Act, the Amnesty Committee consisted initially of a chairperson, a vice-chairperson and three other members who were South African citizens, fit and proper persons, appropriately qualified and broadly representative of the South African community. Owing to the heavy workload, the number of additional members was twice increased in order to complete the process in the shortest possible time. On 27 June 1997, an amendment to the Act (18 of 1997) increased the number of committee members to eleven, and on 10 December 1997, a further amendment (84 of 1997) increased the number to a chairperson, a vice-chairperson and seventeen members. The full committee included six High Court judges, eight advocates and five attorneys, namely:
  - a Judges Hassen Mall (Chairperson), Andrew Wilson (Vice Chairperson), Selwyn Miller, Sandile Ngcobo, Bernhard Ngoepe, Ronnie Pillay.
  - b Advocates Francis Bosman, Chris de Jager SC, Leah Gcabashe, John Motata, Denzil Potgieter SC, Ntsiki Sandi, Jonas Sibanyoni, Sibongile Sigodi.
  - c Ms Sisi Khampepe, Mr Ilan Lax, Mr Wynand Malan, Mr Jake Moloi, Dr Wycliffe Tsotsi (attorneys).

### **Committee staff**

- 5 From the date of its establishment in 1996, the Amnesty Department was based in the national office in Cape Town. At that time, there were two evidence leaders, two candidate attorneys (later referred to as evidence analysts), an administrative secretary, a filing clerk and a senior secretary.
- 6 Until the end of 1996, the Amnesty Department was managed by the chief leader of evidence, assisted by an administrative secretary. Both reported directly to the chief executive officer of the Commission.

- 7 At the beginning of 1997, the department's personnel was increased through the addition of an executive secretary, five secretaries to assist committee members and professional staff, an office assistant and a filing clerk.
- 8 As work increased, however, the staff component was expanded. In August 1997, the first executive secretary resigned and was replaced by a person seconded from the Department of Justice. By that time, the Amnesty Department had grown substantially to include an executive secretary, a chief leader of evidence, six leaders of evidence, eight evidence analysts, an administrative secretary, an administrative co-ordinator, six administrative assistants, an amnesty victim co-ordinator, five senior secretaries, six logistics officers, two data administrators, two secretaries and twenty-four investigators. In addition, three international interns and nine international investigators were assisting the department.

## **Administrative procedures**

### ***Registration***

- 9 All 7 127 amnesty applications were registered on the database and allocated a serial number. Original applications were then filed in strong rooms, and a working file was created for each application.

### ***Perusal***

- 10 During September 1997, all applications were perused and divided into:
  - a 'hearable matters' (those applications involving gross human rights violations which required a public hearing in terms of the Act);
  - b 'chamber matters' (applications involving violations of human rights which were not 'gross' as defined by the Act);
  - c 'possible refusals' (applications that, at least superficially, did not qualify for amnesty in terms of the Act).

### ***Operational themes***

- 11 The 'hearable matters' were divided into themes. This assisted evidence analysts and evidence leaders in the perusal of the applications for consideration by the Committee. The themes were selected at a workshop attended by the Research Department, the Investigation Unit, data capturers and Amnesty Committee personnel. The themes were as follows:
  - a the Pan Africanist Congress (PAC) and its alliances
  - b the African National Congress (ANC) and its alliances
  - c the white right wing
  - d pro-state organisations
  - e the Inkatha Freedom Party (IFP) and its alliances.

### ***Data gathering***

- 12 The Amnesty Committee gathered data from a variety of sources, as did the other committees of the Commission. Evidence analysts and evidence leaders read and perused each application received with a view to verifying the information it contained. In addition, use was made of information gathered by the Research Department and the Investigation Unit or contained in submissions made to the Commission by

political organisations and liberation movements. The section 29 *in camera* hearings were another source of information used to verify and corroborate information provided in applications.

#### ***Corroboration***

- 13 The Investigation Unit and, to a certain extent, the Research Department assisted with the corroboration of statements made by applicants. The Investigation Unit was asked to obtain police dockets and other relevant information from institutions like the National Intelligence Agency (NIA), the South African Police Service (SAPS) and the Department of Justice. In certain instances, evidence leaders and analysts interviewed individuals, applicants and/or victims to corroborate information contained in particular submissions.

#### ***Document retrieval***

- 14 In an endeavour to assist the Committee in assessing and considering particular amnesty applications, documentation was retrieved from (amongst others) the NIA, the SAPS, the attorneys-general, and masters and registrars of the Supreme Court.

#### ***Workshops***

- 15 The Amnesty Department held three workshops aimed at streamlining and assuring the proper execution of its work:
- a for evidence leaders and investigative personnel in October 1996;
  - b for evidence leaders, analysts and the Investigation Unit in November 1997;
  - c for logistic officers in December 1997.

### **FLOW CHART OF AMNESTY PROCESS**

- 16 The purpose of the flow chart is to give an oversight of the whole amnesty process.

#### **Notes on the flow chart**

- 17 The process should be seen as overlapping and integrated and cannot be demarcated into clear-cut compartments. In order to understand the flow process in its entirety, the following points should be noted:

#### ***Starting point***

- 18 By the time the starting point was reached, a great deal of work had already taken place. Steps performed by the administrative personnel included:
- a the registering of the application and the allocation of a reference number;
  - b sending an acknowledgement of receipt to the applicant;
  - c creating a working file;
  - d filing the original application and the working copy;
  - e capturing the information in the application on the database;
  - f compiling spreadsheets on group applications, applicants, political affiliation and incidents;
  - g ongoing correspondence and telephonic discussions with applicants, victims and legal representatives regarding non-legal matters;

- h controlling and maintaining the flow of applications between filing rooms, evidence analysts, leaders, investigators, researchers and committee members.

### **Stage one**

- 19 Evidence analysts were divided into 'specialisation groups'. They were provided with computer spreadsheets that prioritised applications (priority was generally given to applications from people in custody). The analysts then drew the applications and took whatever steps were necessary to prepare them. It is estimated that fewer than 10 per cent of all applications were complete and required no further preparation. Where further work was required, it may have included one or more or all of the following steps:
  - a ascertaining whether the application complied with the formal requirements of the Act;
  - b requesting further particulars from the applicant or his or her legal representative;
  - c obtaining the relevant prison records from the Department of Correctional Services;
  - d requesting a criminal docket from the SAPS;
  - e securing transcripts of all relevant court records from the registrars or clerks of the court;
  - f acquiring a report from the attorney-general concerned;
  - g asking the Investigation Unit to investigate the application;
  - h making recommendations to the Amnesty Committee or evidence leaders.
- 20 The analysts and the analyst co-ordinator held fortnightly meetings to deal with problems and chart the progress of work.

### **Stage two**

- 21 This was the quality control stage. One of the following routes would be followed. Incomplete applications were referred back to the analyst with further instructions. Completed applications were forwarded to the Committee by different routes. If the application did not involve a gross human rights violation and a public hearing was, therefore, not required, it was referred directly to the Committee which dealt with it in chambers. If a completed application involved a gross human rights violation, a public hearing was held. In the latter case, the application was scheduled for a hearing (in consultation with the legal representatives of the applicants, implicated persons and victims) and allocated to an evidence leader for preparation and finalisation.
- 22 Various factors determined the process of scheduling hearings including, amongst others:
  - a the place where the violation took place (to allow for the public to attend the hearing);
  - b the current location of the applicant;
  - c the location and availability of victims;
  - d whether other similar applications could be heard simultaneously;
  - e the availability of legal representation for applicants, victims and implicated persons (some applications involved no less than fifteen legal representatives);
  - f the availability of the necessary logistic services, for example, a suitable and secure venue, translation services, sound and recording facilities, accommodation, transport and witness protection facilities and services;
  - g financial costs and constraints.

### **Stage three**

- 23 The preparation of an application depended on whether it was a 'hearable' or a 'chamber' matter.
- 24 In the case of chamber matters, the analyst prepared a memorandum setting out the recommended decision and reasons for it. The application was then forwarded to the Committee in chambers and the recommendation to the chief leader of evidence.
- 25 In the case of 'hearable' matters, preparation was far more complex. First, the application was assigned to an evidence leader. The evidence leader and the analyst who prepared the application then served the necessary section 19(4) notices on all interested parties at least twenty-one days prior to the hearing date. They requested and confirmed all logistic requirements and arrangements with the logistics officers in the area concerned. The evidence leader and analyst then prepared the hearing bundle, comprising all relevant documentation and ranging in length from 50 to 500 pages. Copies of these bundles were made for the members of the hearing panel, applicants, victims and implicated persons, and forwarded to them by courier. Finally, as part of the general preparations for the hearings, the evidence leader and analyst presented the application to the Committee to assist it in coming to a correct decision.

***Stages four and five***

- 26 The Amnesty Committee then considered the application either in public hearings or in chambers. It should be noted that, owing to unforeseen circumstances, it often happened that a hearing could not be finalised in the time allotted and had to be postponed. This meant that the detailed process of scheduling would have to begin again.
- 27 Once a hearing was concluded, it remained for the Committee to make a decision on whether or not to grant amnesty.

***Stage six***

- 28 The last administrative steps were taken and the file closed.
- 29 All of the above steps were managed and supervised by the executive secretary.

## **p STATISTICAL INFORMATION**

Status of amnesty applications at 30 June 1998

### **APPLICATIONS FINALISED**

Amnesty application withdrawn	18
Amnesty granted	122
Amnesty not applicable: applicant acquitted	1
Amnesty not applicable: no offence specified	1
Amnesty not applicable: outside jurisdiction	281
Amnesty refused: denied guilt	158
Amnesty refused: no full disclosure	138
Amnesty refused: no political objective	2629
Amnesty refused: no political objective, denied guilt	211
Amnesty refused: no political objective, personal gain	275
Amnesty refused: outside cut-off date	564
Amnesty refused: personal gain	45
Subtotal	4443

### **APPLICATIONS NOT FINALISED**

Amnesty granted in part	9
Hearable matters	1239
Incomplete applications	160
Matters for chambers	602
Refusal: refused in part	2
Waiting for further particulars	672
Subtotal	2684

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Grand Total	7127
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# Human Rights Violations Committee

## INTRODUCTION

- 1 The duties and functions of the Human Rights Violations Committee were clearly stipulated in section 14 of the Promotion of National Unity and Reconciliation Act (the Act). With reference to gross violations of human rights, the Committee was mandated, amongst other things, to enquire into systematic patterns of abuse, to attempt to identify motives and perspectives, to establish the identity of individual and institutional perpetrators, to find whether violations were the result of deliberate planning on the part of the state or liberation movements and to designate accountability, political or otherwise, for gross human rights violations.

## MEMBERSHIP

- 2 The Human Rights Violations Committee was made up of commissioners and committee members. In accordance with section 13(a) and (b) of the Act, the following commissioners were appointed to serve on the Human Rights Violations Committee. The regional offices in which they were located are indicated.

Archbishop Desmond Tutu (*Chairperson, Cape Town*)

Ms Yasmin Sooka (*Vice-Chairperson, Johannesburg*)

Mr Wynand Malan (*Vice-Chairperson, Johannesburg*).<sup>1</sup>

Dr Alex Boraine (*Cape Town*)

Ms Mary Burton (*Cape Town*)

The Revd Bongani Finca (*East London*)

Mr Richard Lyster (*Durban*)

Mr Dumisa Ntsebeza (*Cape Town*)

Adv Denzil Potgieter (*Cape Town*).<sup>2</sup>

Dr Fazel Randera (*Johannesburg*)

- 3 In accordance with section 13(c), a further ten persons were appointed as Human Rights Violations Committee members.<sup>3</sup> These were:

Dr Russell Ally (*Johannesburg*)

Ms June Crichton (*East London*)

Mr Mdu Dlamini (*Durban*)

Ms Virginia Gcabashe (*Durban*)

Ms Pumla Gobodo-Madikezela (*Cape Town*)

Mr Ilan Lax (*Durban*).<sup>4</sup>

Mr Hugh Lewin (*Johannesburg*)  
Ms Judith 'Tiny' Maya (*East London*).<sup>5</sup>  
Ms Motho Mosuhli (*East London*).<sup>6</sup>  
Adv Ntsikilelo Sandi (*East London*).<sup>7</sup>  
Ms Joyce Seroke (*Johannesburg*)

- 4 An executive secretary was appointed to the Human Rights Violations Committee.

## **p MODUS OPERANDI**

- 5 The Committee met on a regular basis. As a rule this was once a month in Johannesburg. The recorded minutes of these meetings reflect all the policy decisions adopted. A monthly activity report with recommendations was submitted to the Commission for inclusion on its agenda for discussion and adoption.
- 6 The Human Rights Violations Committee Findings Task Group, which included the vice-chairpersons, the executive secretary and one representative from each region (either a commissioner or committee member), met prior to each national meeting to make policy recommendations regarding the findings process and to report on regional pre-findings. Towards the end of the process, a representative from the Reparation and Rehabilitation Committee joined the group. The Findings Task Group tabled reports and policy recommendations for approval and acceptance by the national business meeting held the following day.
- 7 While the Act outlined certain statutory obligations for the Human Rights Violations Committee, it gave it the latitude to develop its own unique operational procedures. Inevitably, a primary focus of the regular, national business meetings was to provide an operational policy framework for work in progress and anticipated work, processes and procedures. As a result, the development of policies that would govern the work of the Human Rights Violations Committee was both reactive and proactive. It was reactive in the sense that the experience of gross violations of human rights differed from region to region. It was proactive insofar as one could anticipate emerging processes. Policy formulation was thus a dynamic context-driven process that tried to be sensitive to regional dynamics within a national operating framework.<sup>8</sup>
- 8 The evolving methodological framework was comprehensive, ranging from the development of regionally sensitive policy on the gathering, processing and interpretation of data on gross human rights violations to mundane operational considerations such as the timing of business meetings.
- 9 The work of the Human Rights Violations Committee was extensively supported by the Investigation Unit, especially concerning the pre-findings and findings process. The Research Department also contributed by establishing the political context of the violations alleged by victims. It also provided an analytical capacity to enquire into the systematic patterns of abuse and the motives and perspectives that led to gross human rights violations.

## **p FUNCTIONS AND DUTIES**

- 10 Many of the operational activities of the Commission were driven by the need of the Human Rights Violations Committee to fulfil the terms of its mandate. Areas of operational policy included the following:

### **Public awareness**



- 11 Public awareness initiatives, aimed at communicating the mandate of the Commission to ordinary South Africans, were co-ordinated by a Media and Communications Department.

### **Liaison with stakeholders and others**

- 12 Meetings were held with various stakeholders, nodal (liaison) points<sup>9</sup> and state and non-state structures in order to encourage individuals and organisations to make statements (tell their stories) to the Commission.

### **Public ‘victim hearings’**

- 13 Public victim hearings were hosted. These had to take into account:
- a the safety and security of all activities and participants;
  - b representivity of victims appearing at hearings;
  - c sensitivity with regards to choice of hearing venues;
  - d seating arrangements at hearings;
  - e simultaneous translation services;
  - f the format and length of hearings;
  - g the length of testimony of victims;
  - h legal assistance to victims;
  - i psycho-social support for victims and their families who testified;
  - j the issuing of section 30 notices to alleged perpetrators;
  - k policy on ‘cross examination of victims’ by alleged perpetrators;
  - l policy on the types of public hearings to be held, including victim hearings, where the focus was on the individual victim testifying on her or his experience of suffering.

### **Theme hearings**

- 14 Theme and event hearings were hosted with the aim of understanding patterns of abuse, motives and perspectives. Although the focus was on victims, theme hearings focused on groups of hearings rather than on individuals. These included hearings on:
- a women as subjects of gross human rights violations
  - b youth and children
  - c Caprivi trainees in KwaZulu-Natal
  - d Moutse/KwaNdebele incorporation conflict
  - e Soweto 1976
  - f the killing of the ‘Guguletu Seven’
  - g the ‘Bisho massacre’
  - h the ‘Seven Day War’ in KwaShange/Imbali in 1990
  - i the ‘Trojan horse’ incident (Athlone, Cape Town)
  - j the issue of compulsory military service
  - k the special hearing on the disappearance of Siphiwe Mthimkulu in the Eastern Cape

### **Institutional hearings**

- 15 Institutional hearings focused primarily on organisations as opposed to individuals within those organisations. These hearings examined:
- a the prison system

- b the media
- c the legal system
- d the role of business during apartheid
- e the health care sector
- f the faith communities
- g the state security system
- h the role of the armed forces
- i the involvement of the former state in chemical and biological warfare

### **Statement taking**

- 16 Policy was also developed to govern the gathering and processing of information, including for example:
- a designing a statement (protocol) form, which would serve as the information gathering instrument to record the experiences of victims;
  - b training statement takers to enable them to record the oral testimony of victims in a professional manner, recognising that the language of the oral testimony might differ from that used in the record;
  - c designing and developing a database management system that would serve the analytical needs of the Commission, and in particular the Human Rights Violations Committee;
  - d appointing and training appropriate staff to operate the database;
  - e determining what would constitute a sufficiently 'corroborated' statement in order that findings could be made;
  - f identifying technical enhancements to the database, such as the pre-findings screen, the corroboration details screen and the findings register;
  - g preventing political parties and organisations from using their submissions for political or publicity purposes.

## **p THE POLICY FRAMEWORK**

- 17 The activities of the Human Rights Violations Committee, namely the hosting of public victim hearings and the not-so-public processing of victim statements by the information management system, took place within the policy framework.

### **Public victim hearings**

- 18 The most visible activity of the Human Rights Violations Committee was its public victim hearings programme, which commenced on 15 April 1996 in East London. The rapid proliferation of public victim hearings necessitated the scheduling and streamlining of pre-hearings preparation. This required a number of steps, which included making information available in each area in which statements were to be taken, the logistics of statement taking, the briefing of statement takers, statement taking and follow-up visits after the hearings.
- 19 The statements themselves were processed in accordance with the policy developed for the database.
- 20 In addition, an extraordinary number of operational considerations had to be taken into account when hosting the hearings. An important concern of the Human Rights Violations Committee was to ensure that the human and civil dignity of victims was restored by granting them an opportunity to relate their own accounts of violations (as emphasised in section 3(1)(c) of the Act). It was, therefore, incumbent on the

Human Rights Violations Committee to make sure that the environment at the hearing was conducive to achieving these objectives. Two examples illustrate the kinds of sensitivities that were enshrined in the policy.

- 21 First, the Committee had to ensure the availability of appropriate translation services for victim testimony. It was policy that victims should be allowed to tell their stories in the language of their choice, even if such languages fell outside of the eleven official languages of South Africa. The multi-lingual nature of South African society posed the unique challenge of ensuring that all the victims testifying across the country enjoyed the same access to translation services. However, the shortage of translation services meant that hearings schedules had to be carefully co-ordinated. To this end, the Committee later decided to allocate to each region a specific week of the month for hearings. The translation service could then travel between regions and be available for all hearings.
- 22 A second illustration of contextual and victim-sensitive policy development, within the context of public hearings, was the provision of adequate psycho-social support services (in co-operation with the Reparation and Rehabilitation Committee) for victims before they testified. Victims selected to give public testimony were debriefed before and after the hearing by specially trained Commission personnel known as briefers. The briefers accompanied the victim throughout the process of public testimony, ever ready to be the shoulder on which victims could lean for emotional support.
- 23 It was also anticipated that commissioners, committee members and staff involved in the public hearing process might be affected by the collective trauma of receiving and processing victim testimony. To this end, the Commission employed mental health specialists to facilitate the debriefing of those involved.

### **Processing of victims' statements**

- 24 The most time-consuming and costly (though invisible) activity of the Human Rights Violations Committee was the information gathering and processing operation, known as 'Infocom'.
- 25 The collection of data was done manually by trained statement takers who were required to deal sensitively with the person giving the statement. In many instances, the person testifying would be disclosing his or her experiences of gross human rights violations for the first time. It was also realised that 90 per cent of the victims coming to the Commission would not be appearing at a public hearing and that their experience of the Commission would be through making a statement to one of the Commission's statement takers. It was, therefore, important to ensure that statement takers were able both to act with empathy and to record accurately the stories told to them by victims.
- 26 In order to capture this data, the Commission opted for an information management system that used an electronic database, as opposed to the traditional manual hard copy or cardex system approach to data management. In order for such a process to work, standard operating procedures needed to be developed.
- 27 Statement taking needs to be seen against the broader backdrop of other information gathering processes: for example, section 29 investigative enquiries or the receiving of written submissions from political parties and others. The above discussion on the hosting of public victim hearings and processing of victim statements shows how the Human Rights Violations Committee had to use broad sensitivities in order to develop policy on what often seemed, at first glance, to be basic operational procedures.

**ADMINISTRATIVE REPORTS  
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# Reparation and Rehabilitation Committee

**b FUNCTIONS OF THE REPARATION AND REHABILITATION COMMITTEE**

- 1 The Promotion of National Unity and Reconciliation Act (the Act) gave the Reparation and Rehabilitation Committee the following responsibilities:
  - a to consider matters referred to it by the Commission, the Human Rights Violations Committee and the Amnesty Committee;
  - b to gather evidence relating to the identity, fate and whereabouts of victims, and the nature and extent of the harm suffered by them;
  - c to make recommendations to the President on appropriate measures for reparation and rehabilitation of victims and on measures to be taken to restore the human and civil dignity of victims;
  - d to make recommendations which might include urgent interim measures on reparation to victims;
  - e to make recommendations on the creation of institutions conducive to a stable and fair society, and on the measures to be taken in order to prevent the commission of human rights violations.

## **p COMMITTEE MEMBERSHIP AND STAFF**

- 2 In each regional office, the Reparation and Rehabilitation Committee was represented by commissioners and/or committee members.
- 3 The commissioners allocated to the Reparation and Rehabilitation Committee were:  
Ms Hlengiwe Mkhize (Chairperson, Johannesburg)  
Dr Wendy Orr (*Vice-Chairperson, Cape Town*)  
The Revd Dr Khoza Mgojo (*Durban*)  
Dr Mapule F Ramashala (*Cape Town*)  
Ms Glenda Wildschut (*Cape Town*)
- 4 The committee members were:  
Dr S'Mangele Magwaza (*Durban*)  
Mr Tom Manthata (*Johannesburg*)  
Professor Piet Meiring (*Johannesburg*)  
Archdeacon Mcebisi Xundu (*East London*)<sup>1</sup>  
Ms Mandisa Olifant (*East London*)<sup>2</sup>
- 5 A regional co-ordinator was appointed in each region. Each regional office appointed briefers, who were managed by the Reparation and Rehabilitation Committee regional co-ordinator. The Committee office in Johannesburg employed three additional staff members: an executive secretary, a Reparation and Rehabilitation Committee administrator and a mental health specialist. All members of the Committee met on a regular basis to co-ordinate activities at a national level.

## **p METHOD OF WORK**

- 6 The minutes of the Committee's meetings reflected its decisions. These minutes and a monthly activity report were included in the monthly agenda of the Commission. In order to fulfil its obligations and duties, the Committee developed an operational strategy to provide:
  - a networking activities
  - b psycho-social support programmes and follow-up workshops for witnesses
  - c information management
  - d policy development
  - e Commission-related business activities.

## **p OUTREACH AND NETWORKING ACTIVITIES**

- 7 It became evident from the outset that, in order to fulfil its brief, the Commission would have to engage a wide range of groups and community structures to provide information and enlist support. This was done in a number of ways.
- 8 Public meetings, radio, television and the print media were used to inform the public about the Commission generally, and the work of the Reparation and Rehabilitation Committee in particular.
- 9 International visitors were hosted and shared their thoughts on the work of the Committee. Special groups interested in reparation corresponded with the Committee, thereby enriching its work. International literature was used extensively. Some members of the Committee were also invited to participate in conferences in other countries, thus increasing the international exchange of ideas.
- 10 Early in 1996, contact was established with academics nationally in order to get their input on policy development, while the regional offices made contact with local medical and tertiary institutions. In some instances, these institutions provided direct support, such as medical care and counselling services.
- 11 The Reparation and Rehabilitation Committee received significant assistance from the various church structures in its work, especially the South African Council of Churches which has a well developed infrastructure in both urban and rural communities and played an historical role in supporting victims. Its support for the activities of the Reparation and Rehabilitation Committee was invaluable. Interaction with other faith communities also played a part in the development of reconciliation programmes and reparation recommendations.
- 12 The Reparation and Rehabilitation Committee recognised the need to enlist the assistance of non-governmental organisations (NGOs) and community-based organisations (CBOs), particularly in order to provide support to deponents (people making statements) after their old 'wounds' had been re-opened. To avoid or minimise the re-traumatisation of deponents and to strengthen capacity, regional co-ordinators and briefers attempted to involve interested organisations in the provision of services to deponents. These organisations also provided support before, during and after hearings. To ensure that the services provided were adequate, staff provided training to these volunteers.
- 13 The fragmented nature of service provision posed a challenge for the Reparation and Rehabilitation Committee, and attention was given to establishing constructive relationships and alliances. Thus, the Reparation and Rehabilitation Committee established an audit of existing resources, including existing service organisations and their capacity. This information is included elsewhere in the final report, along with recommendations to the President on essential services that are needed and where they should be located.
- 14 All regions established NGO and CBO networks, although the success of these varied from region to region, depending on the availability of community resources. In rural areas, churches, family structures and traditional support systems were used in the absence or scarcity of formal NGOs and CBOs.
- 15 Many of the deponents had needs which could be met through government agencies such as clinics, hospitals and schools. However, access was often denied or payment levied where those seeking help did not pass the means test. As a result, the Commission approached Members of the Executive Councils<sup>3</sup> in the provinces to negotiate concessions for Commission-related requests to support victims of gross human rights violations. A useful result of this exercise was the opportunity to assess the capacity of these state institutions to assist victims. This served to highlight, for example, the glaring disparity of services between rural and urban areas. The issue of such services forms part of the recommendations made to the President.

- 16 As reparations are to be granted by government to established victims of gross human rights violations, the Reparation and Rehabilitation Committee maintained a formal relationship with government through an inter-ministerial committee at Cabinet level<sup>4</sup>. The aim was to facilitate the discussion and adoption of the Reparation and Rehabilitation Committee's policy recommendations and to ensure the speedy delivery of reparation and rehabilitation to victims.

## **p ESTABLISHING APPROPRIATE PSYCHO-SOCIAL SUPPORT PROGRAMMES (WITNESS SUPPORT)**

- 17 From the outset, the Commission recognised the need to provide an environment that supported and respected the dignity of all who approached it. It was also agreed that, as far as possible, there should be sensitivity to the immediate needs of deponents and that they should be referred to existing service agencies.
- 18 In order to achieve this, the Reparation and Rehabilitation Committee provided an internal training programme for briefers and statement takers. This training was then extended to those outside the Commission who would assist in providing support. Working with victims of violence exposed helpers to the high levels of trauma and pain that had been experienced. To deal with this effectively, they needed a certain level of skills. In view of the fact that specialised facilities for trauma services are very limited in South Africa, and tend to be situated mainly in urban areas, the challenge was to train counsellors living in areas that were accessible to deponents.
- 19 Treatment of trauma is also a long and slow process. It was, therefore, essential to provide deponents with a sustainable service that would be available long after the Commission had concluded its work. For this reason, the emphasis was on building capacity in existing community structures.
- 20 Statement takers were exposed to the traumatic accounts of deponents and needed training on how to solicit their stories sensitively, while containing their pain. A team of counsellors, experienced in trauma counselling, was contracted to provide this training, monitored by the Reparation and Rehabilitation Committee.
- 21 The goals identified in the training and re-training of statement takers concerned the ability to take a statement empathetically in accordance with the format or structure of the form. From the very first training programme conducted by mental health professionals, a strong focus was placed on some of the emotional and crisis management elements of statement taking. In retrospect, others who had been involved in processing statements should have been included, in particular representatives of the Investigation Unit, the Research Department and the Legal Department.
- 22 Briefers were responsible for supporting deponents who testified at public hearings. To do this work they needed special skills, including the ability to debrief deponents after testimony and to control their own emotions when faced with the pain of victims. Their training consisted of:
- a sensitisation to inter-personal dynamics;
  - b role playing with a focus on person-centred and fact-centred listening and the effects on the interviewee of different types of questioning style;

- c the paralinguistic aspects of listening, such as body language, pace of speech and eye contact;
  - d an introduction to post traumatic stress syndrome symptoms;
  - e an introduction to basic crisis management skills;
  - f an introduction to stress management, using systems theory;
  - g an accent on defining the boundaries of the briefers' role.
- 23 The Reparation and Rehabilitation Committee maintained a presence in the development and presentation of training, in order to ensure that the concept of reparations remained in the forefront.
- 24 The training of briefers and statement-takers was co-ordinated by the regional co-ordinators and the mental health specialist. Community briefers were trained to increase the Commission's capacity to provide emotional support to those who participated in its activities, and assisted with the briefing and debriefing of deponents before, during and immediately after the hearings. After the hearings, they continued to provide support to people who gave statements, ensuring that support was available to them in their communities. The Commission undertook training in such a way as to strengthen already existing structures. It also ensured that support was provided by people who were trusted by the victims and who shared the same language and culture. Sensitivity to such aspects was part of the commitment of the Commission to provide a service that was victim-friendly, culturally appropriate and respectful of the dignity of witnesses.
- 25 Briefers were familiarised with the Commission's processes. Trauma counselling and training manuals were developed. Special training was also provided to psychologists and social workers in the South African Medical Service of the South African National Defence Force in Pretoria and Cape Town in order to prepare their staff to assist the Commission. Students working at SHAWCO (a student health and welfare organisation based at the University of Cape Town) were also trained.
- 26 After the first round of human rights violations hearings in 1996, it became evident that there was a need for post-hearing follow-up. In some areas, the hearings opened up old conflicts that threatened stability in the community. It also became clear that the hearings did not themselves provide opportunities for reconciliation. The Reparation and Rehabilitation Committee therefore formulated a policy of arranging follow-up visits to help communities to:
- a evaluate the impact of gross human rights violations;
  - b contribute towards the formulation of reparation and rehabilitation policy recommendations;
  - c devise strategies to promote reconciliation and healing in those neighbourhoods;
  - d begin to 'own' the reconciliation process and create community-based initiatives that would continue after the Commission's work had ended.



## **p INFORMATION MANAGEMENT**

- 27 The Human Rights Violations and Amnesty Committees also referred information to the Reparation and Rehabilitation Committee. In addition, the Reparation and Rehabilitation Committee generated information through its own activities, such as briefers' reports, post-hearing follow-up visits and so on. The Committee established a task team whose role it was to recommend a national strategy to process such information.
- 28 The Human Rights Violations Committee statement form included a section on the consequences of violations. People were asked about the emotional, medical and symbolic consequences of violations and the impact on their education and housing. They were also asked to articulate their expectations of the Commission at an individual, community and national level. A coding frame was developed for data relating to reparation and rehabilitation and was integrated into the Commission's information system. This assisted in the interpretation of deponents' responses and hearings, and thus influenced policy development. Unfortunately, data captured in this manner were linked to the deponent and not to the victim. Thus, although the data provided useful indicators, they were not as accessible as they might otherwise have been.

## **p A RESEARCH COMPONENT**

- 29 In order to evaluate the impact of gross human rights violations on people's lives, the Research Department facilitated an investigation in two areas: first, identifying the consequences of gross human rights violations on individuals, families and communities, and second, assessing people's expectations of the Commission. This research provided an empirical foundation for the chapter on the consequences of gross human rights violations contained elsewhere in the report.<sup>5</sup> As the potential variables under study were limitless and both areas were extremely complex, that chapter provides a broad overview of these areas. It identifies patterns and trends, using illustrative case studies extracted from the statements and hearing transcripts, supplemented with statistics drawn from the database.
- 30 The research investigated four areas of differentiation. These were regional variances, gender differentiation, the impact on children and youth, and the effects on families and communities. Underlying questions that guided the research included: What enduring effects have the conflicts of the past had on social values and ways of life? What were the spiralling implications for families and communities? What had been identified as necessary action for dealing with these problems? What contribution could the Commission make in addressing these problems?

## **p THE ROLE OF THE REPARATION AND REHABILITATION COMMITTEE IN OTHER COMMISSION ACTIVITIES**

- 31 The Reparation and Rehabilitation Committee's commissioners, committee members and staff were involved in planning, preparing and conducting different hearings held throughout the country. Some of the event hearings (for example, the children and youth hearings held in all four of the Commission's regions) were the specific responsibility of the Reparation and Rehabilitation Committee.
- 32 A Reparation and Rehabilitation Committee briefer was present at many of the amnesty hearings, and either commissioners or committee members endeavoured to attend sessions of these hearings. Special efforts were made not only to support the victims, but also (when necessary) to give support to perpetrators and their families and to lay the groundwork for victim-offender mediation.

- 33 At most of the follow-up hearings, the Reparation and Rehabilitation Committee explored different views on reconciliation with communities. The committee also co-ordinated all Commission activities aimed at facilitating reconciliation.