

## **"TELLING IT LIKE IT IS ... " : UNDERSTANDING THE TRUTH AND RECONCILIATION COMMISSION FROM THE PERSPECTIVE OF SURVIVORS**

*Brandon Hamber\*, Dineo Nageng & Gabriel O'Malley*

*Transition and Reconciliation Unit*

*Centre for the Study of Violence and Reconciliation*

*Box 30788*

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*\*Author to whom correspondence should be addressed.*

*bhamber@csvr.org.za*

**Abstract.** The article focuses on survivors' perspectives of the Truth and Reconciliation Commission (TRC). It probes their feelings, thoughts and views both before and after interacting with the Commission. Their feelings and opinions about issues such as justice, punishment and amnesty are explored. This information, which forms the backbone of this article, was obtained from interviews with twenty survivors of political violence committed under the apartheid government. The article shows that healing, truth, justice and reconciliation are interrelated. For survivors the relationships between the concepts is not linear, that is truth does not automatically lead to reconciliation. The article demonstrates that those who interacted with the TRC held a range of largely legitimate expectations; most expected, at the very least, that they would get some truth about their case. Many are currently feeling let down by the TRC process, despite its successes at publicising the atrocities of the past and fostering national reconciliation.

### **INTRODUCTION.**

There have been over twenty truth commissions in the last twenty-five years (Hayner, 2000), but few have captured the world's attention to the extent of the TRC. This is, in part, due to its unique approach to granting amnesty. Broadly speaking, the African National Congress (ANC) did not have sufficient power during the negotiations process to demand prosecutions of all former human rights abusers. In addition, the criminal justice system did not have the capacity to prosecute large numbers of individuals. However, the ANC had sufficient power to prevent the National Party from granting itself an unconditional blanket amnesty; the result was a criterion-driven amnesty process. The function of deciding who would be granted amnesty fell to the TRC. Amnesty was granted only if the crime was political in nature and if the individual fully

disclosed the details of the act for which amnesty was sought. In essence, truth was traded for formal justice.

However, it was the TRC's reported ability, within the context of a tumultuous transition, to balance the granting of amnesty with meeting the needs of victims<sup>1</sup> of political violence whilst ensuring political reconciliation and stability, which placed it squarely on the international stage. Archbishop Tutu, Chairperson of the TRC, with the assistance of several commissioners, brought the notions of forgiveness and healing of survivors to the fore of the process (Tutu, 1999). To do this, the truth commissioners had to step outside the legalistic framework of the Act that established the TRC, which does not even mention the word healing. Although each commissioner understood healing very differently, healing as a concept became an integral part of the TRC's discourse very early on (Orr, 2000).

Thus, the TRC became an official fact-finding process, which would grant conditional amnesties, but would have the added benefits of reconciliation and healing through truth. According to the official discourse of the TRC, amnesty was a necessary step to peace in South Africa, but amnesty was dependent on truth; truth, in turn, was liberating and psychologically beneficial, as was the space afforded to survivors to publicly recall their traumatic stories. At the beginning of the TRC, most authors and social commentators (Asmal, Asmal, & Roberts, 1994; Boraine, Levy & Scheffer, 1994) routinely supported this fairly linear view of healing and professed a direct relationship between healing, reconciliation and public truth-telling. In the first years of the TRC few made the point, albeit obvious from a psychological perspective, that individual healing was a complex and highly individualised process that the TRC would, at best, be able only to begin (Hamber, 1995).

From a psychological (psychoanalytic) perspective, sleeping dogs do not lie and past traumas do not simply pass or disappear with the passage of time; but testimony and telling (and hearing) the truth will not instantaneously result in healing (Hamber, 1995; 1998a). Revealing is not simply healing; the process of healing depends on how we reveal, the context of the revealing, and what it is that we are revealing (Hayes, 1998). In the final report of the TRC, the Commission acknowledges the healing potential of storytelling, whilst noting that it initiated more than it closed when it came to individual healing (TRC, 1998).

It was only much later, and nearly a year after the Commission, that views such as "forgiveness, healing and reconciliation are deeply personal processes, and each person's needs and reactions to peacemaking and truth-telling may be radically different" (Hayner, 2000: 40) became common currency. However, despite the growing number of writings on the TRC, there is little empirical research on how survivors who

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<sup>1</sup> The terms victim and survivor are used inter-changeably. This is done because the *Promotion of National Unity and Reconciliation Act* uses the word victim. It defines the so-called victims as all those who have suffered physical or mental injury, emotional suffering or a substantial impairment of human rights due to gross violation of human rights associated with the political conflicts of the past. The Act includes both direct and indirect survivors in its definition of victims. In addition, many of the survivors with whom we have had contact over the years continue to use the term victim themselves.

interacted with the Commission actually experienced the process. There are few studies that have followed up survivors after the hearings and assessed the impact of the TRC on their lives from a psychological and social perspective.

At the Centre for the Study of Violence and Reconciliation (CSVr), a team of researchers and fieldworkers has been assessing the TRC in its entirety for the last few years<sup>2</sup> and has undertaken a range of evaluative research. This article reports on one of the components of the team's research, which focuses on the psychosocial impact of the TRC on survivors. Specifically, it focuses on survivors' perspectives of the TRC both before and after testifying. It also provides an analysis of survivors' opinions on the value of truth-telling and its inter-relationship to justice, punishment and amnesty. This analysis provides same base data on survivors' experiences of the TRC and is being used as a foundation for further and more representative studies that the CSVr is carrying out.

### **METHODOLOGY.**

Interviews were conducted with twenty members of the Khulumani Victim Support Group (hereafter Khulumani) between January and May 1998. By this time, the TRC had ended its public hearing process. It stopped taking statements from victims in December 1997 and reported on its victim findings in October 1998 (cf. TRC, 1998).

Khulumani is a self-help survivor support group that was started in January 1995 and adopted the name Khulumani ("speak out" in Zulu) in June 1995. The group began in anticipation of the TRC. The primary aim of Khulumani was to assist survivors to gain access to the TRC. The group was founded on the premise that encouraging people to "speak out" about the atrocities of the past was psychologically beneficial. In some areas, local people were trained with basic counselling skills and with small income generation skills (e.g. sewing, food gardening, etc.). The group also has a strong focus on advocacy activity with the intention of keeping the TRC and the reconciliation process victim-centered.

The CSVr was a main partner in helping to kick-start the process, although the group runs completely independently of the CSVr. Through using an educative workshop format (that focused on TRC information) the CSVr and Khulumani members set up a loose network of self-help support groups across Gauteng and the neighbouring provinces. At different stages over the last few years there were as many as 35 groups running, some as far as 300 kilometres from Johannesburg.

Khulumani is still functioning, although the number, size and activity of the different groups depends on the group's proximity to the Johannesburg advice office,<sup>3</sup> the local support network available to the group and whether Khulumani has a full-time organiser

<sup>2</sup> See website <http://www.wits.ac.za/csvr> for a full list of publications evaluating the work of the TRC and a host of online articles and papers.

<sup>3</sup> In March 1996 a central Khulumani Advice office was established in Johannesburg. This office serves as nerve centre for Khulumani activities. The office is used to take statements from victims, give fellow victims advice and co-ordinate the activities of the various satellite groups. Survivors or families of victims staff the office.

(or fieldworker) in the region. The movements of the TRC in (and out) of the different regions often caused transient increases in membership, which have decreased since the end of the TRC.

The Khulumani fieldworkers who organise localised Khulumani groups and branches chose those selected for interviews. The fieldworkers (who operate only in Soweto, Mamelodi, the East Rand townships and the Vaal region in Gauteng) were asked by researchers at the CSVR to suggest people in their regions for an interview. The criteria given to the fieldworkers were that those selected had to be members of the group and, in the opinion of the fieldworkers, who all had several years experience of working for Khulumani in the area, have experiences representative of those in their community. The fieldworkers were also asked to select a mix of people who had testified publicly, as well as those who had simply given the TRC a statement.<sup>4</sup> All twenty of those interviewed in this convenience sample gave statements to the TRC, only 8 interviewees also gave testimony at a TRC public hearing.

Although those we interviewed were Khulumani members, the exact extent of their involvement in the group was not ascertained. However, each was considered sufficiently active by the Khulumani fieldworkers to be included in the group of survivors interviewed. None of those interviewed were facilitators or fieldworkers. In this respect, they are representative of the average Khulumani group member.

Khulumani as a group, similar to the TRC process as a whole, over-represents survivors of direct violations by the state and its security forces. Membership, as such, is skewed relative to the recorded numbers of deaths attributed directly to state actors,<sup>5</sup> that is those killed or victimised by apartheid security forces compared with those victimised directly by paramilitary groupings (e.g. the defence units of the Inkatha and ANC). However, a number of those victimised by non-state actors are active in Khulumani, but they are not the majority. Furthermore, because some were victimised by paramilitary groups who were covertly supported by the state, they consider themselves primarily victims of state or apartheid violence.

CSVР fieldworkers, who have worked with Khulumani for the last four years, were also asked to review the nature of the group interviewed. From their experience of running over two hundred workshops with the group, they felt the interviewees were broadly

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<sup>4</sup> Each victim who made contact with the TRC had to give the TRC a statement. Some 22,000 people gave statements to the TRC, 1,818 people testified publicly as their stories were considered broadly representative or "window cases".

<sup>5</sup> The 1990-1994 violence in South Africa, typified by conflict between the African National Congress and Inkatha Freedom Party, some of which was covertly sponsored by the state and its agents, accounted for the greatest number of fatalities. The South African Institute of Race Relations reports 14,807 deaths during the negotiating period from February 1990 to April 1994. This is in stark contrast to the previous five years, when the Institute reported 5,387 deaths from political violence. Of course, looking at the number of deaths that took place in the 1980s alone does not tell the whole story. Over the state of emergency period thousands were wounded and assaulted by state agents, and reports of torture and assault were commonplace amongst approximately 70,000 people who were detained by the state for political reasons since 1960 (Foster, 1987; Coleman, 1998).

representative of Khulumani membership. It was only the issue of disappearances that was highlighted as being slightly over-represented.

The interviews were conducted in the respondent's preferred language, although some respondents said they felt comfortable speaking English when asked what language they favoured for the interview. Where the interviewee did not speak English the interviewer translated the interviews. The interviews were translated directly into English as the respondents spoke. On evaluation, it was felt that this resulted, at times, in some of the subtleties of the respondents' language being lost, although the interviewer tried to translate responses in detail.

A content analysis of the transcripts of the interviews was undertaken and the respondents' narratives were scrutinised for dominant themes and response types. These were then counted and rates of occurrence of the different responses were tabulated in a report of frequencies. This process was cross-checked by two of the authors against one another. Where necessary, categories were synthesised and structured to form exhaustive classifications.

In the interviews the following issues were explored using standard questions:

- A history of the incident that made the respondent approach the TRC;
- How the incident impacted on the respondent and their family;
- How the respondent and their family coped;
- Attitudes toward the TRC prior to its commencement;
- Expectation of services from the TRC;
- Thoughts about the TRC process once it had begun;
- Attitudes towards knowing and meeting the perpetrators;
- Attitudes regarding the amnesty hearings and reparations;
- Perceptions of the TRC towards its conclusion.

A selection of the content analyses is summarised and reported below.

## **ANALYSIS OF RESPONSES.**

### **Demographics of the Respondents.**

The twenty respondents came from the areas where Khulumani fieldworkers were most active, that is the Vaal and Pretoria areas. There were 6 respondents from Mamelodi (near Pretoria) and the rest were from the Vaal area south of Soweto (7 from Sebokeng, 3 from Sharpeville, 2 from Evaton and 2 from Boipatong). The majority of respondents were women in their late 40s and upwards. This is commensurate with the average membership profile of Khulumani.

**Table 1 - Type of incident**

What kind of incident happened to you?	Number
Direct and indirect victims allegedly shot by security forces at protest marches	6
"Disappeared" or missing relative	6
Relative allegedly shot or killed by the security forces, or security force involvement suspected	3
Attacked and injured by paramilitary group (IFP)	2
Child taken at birth	1
Injured in bomb blast	1
Wrongfully arrested	1

As is evident in Table 1, most of those interviewed had suffered indirectly (e.g. a relative of a victim) at the hands of the state security forces. This is fairly representative, as Khulumani tends to attract indirect survivors to a greater extent than those who were directly victimised. The group tends to attract mature women, most of whom are relatives of victims. Generally, they are the people, unlike the direct survivors (e.g. torture, assault), who had the most "truth" to find out by interacting with the TRC. It is also a reflection of the fact that few support structures (formal or informal) exist for unemployed older women within the townships around Johannesburg.

Khulumani has an open-door policy and accepts members from all political backgrounds. However, due to the previous affiliations of most of the founder members of Khulumani, most of its members are broadly aligned with the so-called liberation forces and suffered directly or indirectly at the hands of the apartheid security forces. Some respondents were victims as a result of other atrocities (e.g. paramilitary violence, liberation force attacks). These are a minority, both in the group of survivors interviewed and the Khulumani group as a whole.

There is some over-representation of cases of disappearance as was noted earlier. This over-selection by the fieldworkers probably reflects the fact that the CSVR has routinely expressed an interest in these families. Both within the CSVR and Khulumani, the plight of the disappeared is considered a top priority now that the TRC is over.

Most of those interviewed had a relatively uniform experience following the atrocity. Directly following the incident most survivors received little or no help at all. When help was received it was normally from their families and relatives. Institutional and psychological support services were seldom mentioned. Routinely, respondents commented that the police were unhelpful; when the case was reported nothing was done. In fact, all but three victims mentioned the deficiencies of the police when it came to investigating their case.

### Feelings about the idea of a TRC.

Khulumani members held remarkably similar opinions of the TRC when it started. They were supportive and hopeful. They shared a general sentiment that an initiative of this nature was long overdue. Only one respondent said that she felt that "it really didn't matter" because "nothing in this world would replace" the loss of her son (Respondent 4). Another respondent was not sure about the idea of a TRC when it first began.

**Table 2 - Respondents' feelings about the idea of a TRC**

How did you feel about the idea of the TRC when it first began?	Nos. <sup>6</sup>
Felt it would help find the truth / get answers / find out what happened	12
Felt excited / hopeful / glad / good idea	9
Supportive of the TRC as felt it could help deal with problems (e.g. medical problems, get them a job, get schooling for their children, etc.)	6
Felt it was positive as it would raise awareness about what happened in the past for those who did not know	3
Supportive of the idea because at that stage thought the TRC could prosecute perpetrators	1
Ambivalent and was not sure about the idea of a TRC	1
Did not care either way	1

From Table 2, there are four main reasons why these Khulumani members were positive and supportive about the idea of a TRC. Firstly, most respondents (12 in total) were incredibly supportive of the TRC when it began because they were hopeful that the TRC would uncover the truth about what had happened in the past. In most cases they saw truth as necessary for closure or dealing with the impact of the incident. Typical responses included:

*Respondent 2: "I thought that my prayers had finally been answered. I had told myself that I would now finally know the truth about my son and what really happened. Over the years I got to accept that he might be dead and I just wanted the TRC to give me concrete information as to what happened"*

*Respondent 20: "I was glad because I hoped that it would bring out the truth about what happened that led to the shootings. We had never quite got the truth about what had happened and that was the one thing that led to most families being unable to let go of the pain of the past"*

Secondly, some respondents (6 in total) expressed a rather generalised view that the TRC would "help them with their problems". To this end, the respondents were enthusiastic and supportive of the initiative. Their support was, to some degree, based

<sup>6</sup> Throughout the article "Nos." is taken to mean the number of times a specific sentiment was expressed. Interviewees could have expressed more than one sentiment, hence the fact that response sets do not add up to 20 in each case.

on relatively high expectations. They hoped (and expected) that the TRC would meet some general needs, as well as provide medical and material assistance. Typical responses included:

*Respondent 10:* "I'm not even sure why I submitted a statement to them but I did. I thought that maybe they would help me find a job and get better medical assistance. I also had problems looking after my child because of these problems so I was hoping that they would help me"

*Respondent 16:* "I had hope that it would help me with my problems at home. I was still feeling the pain of losing my son and the idea of taking care of his child made my pain more because I couldn't even find work anymore"

Thirdly, a limited number of respondents (3 in all) expressed the view that they were supportive of the TRC because they believed it could raise awareness amongst the "people who didn't know what happened" (*Respondent 18*). One respondent specifically felt that awareness needed to be increased in the white community because, "It was obvious that there were some white people who actually didn't know about what happened...and how hard life was because of the deeds of their fathers and brothers" (*Respondent 1*).

Finally, two respondents said that they had supported the TRC initiative because they thought it would bring some form of justice. One of these respondents mistakenly thought that the TRC could prosecute those who came forward. She was initially "excited by the idea [of a TRC]" because she "thought that once we had told the TRC what had happened they would investigate and arrest those responsible for my husband's death" (*Respondent 3*).

Thus, in retrospect, those interviewed and who engaged with the TRC process report that they were relatively supportive of the initiative at the outset. This may have been their reason for joining the Khulumani group in the first place. They were united in their quest for the truth and felt the TRC would help in that regard. For most respondents, justice did not seem a priority (or at least not a vocalised priority) before the TRC began. Expectations of what the TRC could achieve were relatively high, but were not completely unreasonable.

#### **Current feelings about the TRC.**

Despite very positive support for the TRC before it began operating, most of the twenty interviewed became disillusioned once the TRC got underway.

**Table 3 – Respondents' current views of the TRC**

What do you think of the TRC now that the process has begun?	Nos.
Expectations not met / promises not kept / nothing received by the victims / still waiting for help / not sure if it will help anymore / not helpful at all	14
There has been a lack of investigation / follow-up / no new information revealed	5
The TRC has been helpful in people's stories being told / sharing of experiences / more acceptance of victims	5
TRC is problematic as it favoured perpetrators over victims / because of amnesty / because of no prosecutions / no one has claimed responsibility	4
The TRC has been helpful as some truth has come out	2

We furthered categorised the responses in Table 3 into three main groups, namely, those who expressed a completely positive view of the TRC, those who expressed a completely negative view of the TRC and those who were ambivalent (expressed both positive and negative views about the TRC).

**Table 4 - Categorised views about the TRC once it began**

What do you think about the TRC now that it has begun?	Number
Ambivalent – both positive and negative views of the process	11
Positive – only expressed positive views of the TRC	2
Negative – only expressed negative views of the TRC	7

As is evident in Table 4, Eleven of the 20 respondents were considered ambivalent, seven made purely negative statements about the TRC and only two respondents views could be considered completely positive.

Those respondents who expressed positive views (including views contained in ambivalent statements) generally focused on the TRC's success in increasing public awareness about the plight of victims. These five respondents felt that the increased public awareness had some positive effect on those sharing their stories, as well as on the country as a whole. The views that it was a "good idea that people should know about the things" (*Respondent 6*), that it was helpful to "share their experiences" (*Respondent 4*), and that "the people of this country needed to know" (*Respondent 18*), were those mainly expressed. The publicity generated by the TRC and the telling of stories to the nation seem to be what the survivors (including those who were ambivalent about the successes of the TRC) felt was most useful about the process.

Only two respondents stressed that the TRC individually helped them. One respondent (*Respondent 7*) said she was "happy" because she found out what actually happened. Another respondent said that the TRC had helped in so far as she felt that "people are now better prepared to accept" her in her community (*Respondent 17*).

However, many respondents expressed dissatisfaction with the TRC in one way or another (category one in Table 3). These respondents, for example, stated that they felt let down because they had expected to "get assistance to study further" (*Respondent 8*), "money for a tombstone" (*Respondent 16*), "money to have an operation and go back to school" (*Respondent 11*), and that the TRC would assist in "something like a memorial" (*Respondent 7*).

Negative statements about the TRC tended to focus on the TRC's lack of follow up of individual cases and inability to get back to survivors on the progress of investigations. Typically respondents stated:

*Respondent 8*: "I feel cheated. It wasn't how I expected things to be. Up to now they still haven't started with investigations".

*Respondent 9*: "I'm actually not sure what their work was. All that I thought would happen like investigations, compensation and prosecution of perpetrators has not happened and I just don't see what it is that the TRC was here to do. What I do know is that it brought me heartache because I had such high expectations of it".

*Respondent 19*: "I don't know what's going on now - I had hoped that by now I'd have more information about what happened. I had hoped that by now I'd have concrete proof of what had happened to my son. It's almost as though the TRC is scared of the ANC – surely this could have been solved long ago".

However, it was ambivalence, rather than passionate castigation or praise, that marked the sentiments of many of those interviewed. Although this group of 11 expressed negative sentiment about the TRC, they also had some positive comments about the Commission. Typically:

*Respondent 1*: "In a way it has been helpful but then again I have my doubts. It was helpful because people told their stories about what happened to them in those days and how they suffered because of apartheid laws and the cruelty of Boers. But then again I have doubts about whether this TRC is really taking us seriously as people who suffered so terribly. We haven't seen anything to show that they understand our experiences – all they do is promise that they will help us but that has never happened".

*Respondent 18*: "It depends. I think it has helped because people told their stories and I think that the people of this country needed to know these things. On the other hand, we were told that we would be helped but we're still waiting for that. So in a way the TRC is good but on the other hand things have been slow in terms of delivering to victims".

Therefore, at the time of these interviews, the respondents cannot be said to be at all satisfied with all the outcomes of the TRC. Given the findings in the previous section, namely that most felt supportive of the TRC because they thought it would find the truth, their dissatisfaction and disappointment is understandable. The majority of those

interviewed were still waiting for their cases to be solved and investigations appear to have been sketchy. Although some expectations of those interviewed were high (or generalised and unspecified), some remained fairly realistic (a tombstone, reburials, new investigations, etc.) and on the whole, these have not been met.

#### **Views of those who testified publicly.**

As was noted earlier, only eight of the twenty respondents gave a statement and testified at a public hearing. It might be predicted that these individuals, who had the benefit of giving a statement and addressing the Commission publicly, should be more satisfied with the proceedings. This was found, in part, to be true, although equal numbers remained unsatisfied with the process.

The eight respondents who testified publicly were asked a range of specific questions regarding their testimony. These respondents testified in order to find out more information about their cases and to share their experiences of what happened to them in a public forum. Before their actual testimony, respondents either felt "anxious" (5), "ready to talk" (3), "hopeful" (2) or a mix of all three feelings. This was to be expected given the public nature of the hearings and the sensitivity of the material most were relaying.

**Table 5 - Respondents' feelings after testifying**

<b>How did you feel after testifying?</b>	<b>Nos.</b>
Regretful / waste of time / cheated	4
Relieved / comforted	4
Felt as though I represented others	1
Not sure	1

Following their testimony this group of eight respondents seemed to be split in their views (see Table 5). They either seemed to feel the process was beneficial or a complete waste of time. Those who felt the experience was positive spoke fondly of the TRC commissioners and felt they were received compassionately. This suggests that the public process of the TRC was of use to some; half of those interviewed who testified publicly expressed feelings of relief upon doing so.

Others, however, felt "cheated" by the process and felt that the experience was a "waste of time". Those who expressed such feelings reasoned that they had yet to receive much from TRC in the form of concrete assistance:

*Respondent 9: "I don't think there was any point in me testifying. The TRC promised to help me and I'm still waiting for that help from them and people's perceptions haven't changed about me. As far as I'm concerned I wasted my time. I'm sure I could have spared myself the pain of talking about my life".*

For one respondent, the public testimony had a hidden cost, that is they have become stigmatised in their community as a result of the hearing:

*Respondent 10:* "I regret it so badly. Since then I'm even scared to walk out in the street because people swear at me, saying that I want to make money from my children's death. I didn't mean it like that. It's just that people decided to believe what they wanted to and I have become so miserable because of my testimony".

Thus, although the number interviewed is small, it seems that there was a slightly higher level of satisfaction among those who testified publicly than those who simply gave statements.

#### **Views on the perpetrators.**

An overwhelming majority of the Khulumani members expressed a desire to *know the identity* of those who committed crimes against them or their families, only two respondents did not care to know the identity of the perpetrator. Of the eighteen victims who did not already know who the perpetrator was, thirteen respondents said they wanted to know the identity of the perpetrator. This desire helps to explain why many of the respondents were initially supportive and hopeful of the process of truth recovery, and why there was a general sentiment that an initiative of this nature was long overdue.

Eleven of the respondents wanted to *meet* the perpetrators (see Table 6). Two expressed uncertainties and one respondent said that she wished to meet the perpetrator only if the perpetrator wanted to "make good by helping my son".

**Table 6 - Reasons respondents wanted to meet the perpetrator**

<b>Why do you want to meet the perpetrator?</b>	<b>Nos.</b>
Want them to know how much they've hurt me	3
To understand perpetrators emotionally / how they could do it or why they did it	8
To be at peace with myself	1

There were two main responses amongst those who expressed an interest in meeting the perpetrator. Firstly, many of the Khulumani members wanted to understand the perpetrators; to understand how it was that they could have committed such acts:

*Respondent 5:* "I want to see them once more and try to understand from them why they did such a thing to me. I never did anything to anyone and I just don't understand why one would want to do this to me".

*Respondent 8:* "I definitely want to meet them. I often wonder if they actually think back on things they have done to people or if they feel bad about that at all. Maybe if I met with them I might understand what goes on in their heads".

Secondly, others (3 in total) wanted the perpetrators to know exactly how much pain their acts had caused the victims:

*Respondent 1:* "Yes. I want to look them in the eye and make them aware how much they have hurt me. I want to tell them that if it wasn't for them I could be living a better life with my family - now I have nothing and I feel as though I am nothing".

**Table 7 - Reasons why respondent did not want to meet the perpetrators.**

Why don't you want to meet the perpetrator?	Nos.
Could not stand to be near them	3
The perpetrator's words are useless now	1
Just make things worse	1

As is evident in Table 7, there was also those (6 in total) who did not want to meet the perpetrator. Three main reasons surfaced as to why they felt as they did. Firstly, three were adamant that they did not want to be anywhere near the perpetrators. For these individuals, the idea of having to face one who had caused them so much pain was repugnant:

*Respondent 7:* "I don't want to meet them. I don't think I could be near them".

*Respondent 17:* "I don't want to see them. I don't even want to have a picture of what they look like. These people destroyed my life - what good reason would I have to look at their faces and talk to them?"

Another individual felt that a meeting with the perpetrator would do him no good, as any words heard now would be "useless". Finally, one respondent felt that any meeting with the perpetrator would probably just "make her life worse".

Overall, despite these six, most of the respondents felt ready to meet the perpetrators. It is debatable whether or not meeting the perpetrators would actually help bring closure to the trauma these victims endured. However, this desire may be one reason why so many looked favourably upon the TRC at its inception, but were frustrated once it started, when their hopes of confronting the perpetrator (or simply knowing who they were) did not materialise.

#### **What respondents felt should happen to the perpetrators.**

Khulumani members had varied reactions to the question of punishment (see **Table 8**), but they were unanimous that the perpetrators should be punished in some form or another. These calls for punishment ranged from requests that the perpetrators be forced to meet the victims to pleas for the death penalty.

Table 8 - What respondents think should happen to perpetrators

What do you think should happen to the perpetrators?	Nos.
They should serve jail time	11
They should be made to "pay" / "be punished"	3
They should serve jail time and / or pay direct compensation	3
They should be subjected to the death penalty	2
They should tell the truth	2
They should be made to pay direct compensation	1
They should be forced to meet the victims	1
It is not for me to say	1

The respondent's main sentiment was that the perpetrators should face jail time. Eleven respondents demanded that the perpetrators be sentenced to jail, and three more advocated either jail time or direct compensation. Jail was seen as a logical step in dealing with the crimes:

*Respondent 7:* "If people are so heartless I see nothing wrong with sending them straight to prison. That's exactly where they belong".

*Respondent 16:* "They must go to jail. What they did was wrong and they must pay for that like all other criminals do".

Among those who called for jail, there were two respondents who advocated the death penalty. Each seemed to hint that the death penalty could be useful, on a limited basis, for people like these perpetrators:

*Respondent 19:* "They should be sent to prison for what they did. Maybe the death penalty should be brought back just to deal with them".

Four respondents expressed a desire that the perpetrators pay them direct compensation to redress the harm they caused. They saw a need for perpetrators to take responsibility for their acts. They were also keenly aware of their financial position relative to that of the perpetrators. Responses to this effect included:

*Respondent 9:* "They must pay for what they did. If it wasn't for these boys I'd still have a job now and I wouldn't be suffering as I am. They should be made to pay compensation to us as their victims"

*Respondent 11:* "These people got a lot of money from the government so they must help us as their victims. So they should make some kind of reparations to us as their victims".

Three respondents were not as concrete in their wishes, although they did seem to echo the sentiments of the others. They argued that perpetrators should "pay" or be "punished" but offered nothing more substantial than these general ideas. There were a

few respondents who asked for other forms of punishment such as the perpetrators being forced to meet the victims, or being forced to tell the truth, but even these requests were coupled with calls for traditional retributive justice such as incarceration or compensation. It is clear that for these respondents, the TRC's limited system of justice (public accountability as the price for truth) did not suffice for these respondents.

#### **Feelings about amnesty.**

The most striking commonality between all of the responses is that of the twenty, not one of those interviewed is in any way supportive of the amnesty process.

**Table 9 – Respondents' feelings about amnesty**

<b>How do you feel about amnesty?</b>	<b>Nos.</b>
Unfair to victims	11
Don't completely understand amnesty / thought it would be different than it is	6
Amnesty is wrong	9
Worried about safety because perpetrator is "on the loose"	1

There were three main reactions to the question (see Table 9). Firstly, the majority felt that the process was unfair to victims. They felt that the entire process was skewed; the perpetrators received benefits, while the victims, those in need of support, received nothing:

*Respondent 15:* "I think it's so unfair. The victims have been waiting for the TRC's help for so long and we haven't received anything but perpetrators are already getting amnesty".

*Respondent 16:* "It's so unfair that these people get amnesty when their victims aren't being helped by the TRC at all".

Secondly, many (9 in total) disagreed with the idea of amnesty because it did not conform to their notions of justice. The majority reasoned that truth in itself should not be a mitigating factor when deciding the perpetrator's punishment. Many felt that the prospect of amnesty undercut the effectiveness of the entire TRC:

*Respondent 9:* "It's rubbish this amnesty thing. If people have confessed to committing such nasty deeds then they must be shown that they did wrong and they should be punished. Amnesty is like telling them that they did good by telling the truth and this would save them from punishment and that is not fair to any of us who are victims".

*Respondent 17:* "I think that's just nonsense. How can judges in their right minds allow people who have admitted doing wrong to go free and unpunished? What is the purpose of the law if not to protect the community from wrongdoers?".

Lastly, some (6 in total) expressed confusion as to what exactly amnesty is, or to how the government could have adopted it. This incredulity is understandable given the

general sentiment that the victims were being overlooked in the whole process. Many seemed to blame the government, or the TRC itself, for having allowed amnesty to replace traditional forms of retributive justice:

*Respondent 6:* "I don't understand how the government could allow this. There should be no circumstance that allows for such wrongs to be pardoned".

*Respondent 19:* "I don't understand how it was agreed to by the TRC. It just makes me think that these people don't really care about our experiences and our pain".

A few others, who expressed many of the sentiments above, also commented on other aspects of amnesty. One, in particular, seemed distressed because she feared that she would be in danger if the perpetrator was free and able to victimise her again.

In general, there was an overwhelming uniformity in the responses. Regardless of whether respondents felt amnesty was unfair to victims, or incompatible with justice, or even if they were simply confused by the process, no one supported it. These feelings are not entirely surprising given the trauma these individuals were forced to endure, but they do cast doubt onto whether the TRC was able to help individual victims deal with their pain, and begin to reconcile with the perpetrators. It also casts doubt on whether the so-called trade of truth for justice was vindicated for these survivors. They certainly feel they have received little of either. If anything, amongst these respondents, the process of amnesty seems to have ignited a flame of anger and bitterness that may (or may not have) been extinguished if some form of prosecution process, even if limited, had been undertaken.

### **DISCUSSION.**

When evaluating the work of the TRC, one must be cognisant of the inevitable shortfall of any legal or institutional response to the pain and psychological suffering engendered by a mass atrocity. Furthermore, as Verwoerd (2000) notes, it would be a mistake to evaluate the TRC's single public hearings against the backdrop of an intimate long-term therapeutic psychological relationship. The TRC was a construct of the human mind, and was implemented by mere mortals who, despite (relatively) substantial resources, were inhibited by political and temporal restraints. Its fallibility was guaranteed from the outset.

Despite this shortcoming, it was the process of the TRC, however flawed, not the final report, which had the most potential for the healing of both the nation and individuals. However, to what degree the process of truth and reconciliation was aimed at healing the so-called collective psyche of the nation as opposed to that of the individual victim was never clear. Was individual reconciliation between perpetrator and victim the goal? Was healing the individual wounds of survivors paramount? Or, was the TRC aiming solely for national unity, with individual cases acting as mere stepping-stones towards that end?

Much like the legislative act which gave birth to the TRC, the body itself seemed mired in its own indecision (or perhaps it was overwhelmed) about whether it existed to

promote individual or national healing. Irrespective of this, the reality is that most survivors, and certainly those we interviewed, engaged in the process with the belief that it was going to be *personally* beneficial (e.g. they would get the truth about their case, or be compensated in some way).

While the TRC may have helped to create some base level of trust within the country as a whole, our findings suggest this was not the case on the individual level. Although the telling of the "truth" may have been cathartic for some, and it may have created a belief that the government was working to promote certain social values, it does not seem to have helped many of the victims cope with their tragedies in a convincing manner, or help them deal with the ongoing personal and social difficulties created by their victimisation.

On the whole, those interviewed, showed limited regard for the national process of reconciliation as characterised by confined story-telling and the granting of amnesty to perpetrators. Few spoke of a sense of closure and their disappointment was palpable.<sup>7</sup> This frustration strongly juxtaposed their initial positive and hopeful feelings about the TRC. Before the TRC began most were confident that the TRC would be able to "help them" and get to the truth about what happened to their loved ones in the past. Some, although not the majority, had over-inflated expectations (e.g. get a job, help at home, etc.), but most had relatively realistic expectations (e.g. get medical attention, a tombstone, exhumations, further investigations, etc.).

Many of those interviewed would also have liked to meet the perpetrator to be able to better understand their motives and actions. Once the TRC began, most of the respondents were left with a feeling that the process was not complete and that they had received few answers. Seven of the twenty respondents had completely negative feelings concerning the TRC. Only two respondents reported having a completely positive experience. The majority were ambivalent about the experience, expressing both positive and negative views.

As was noted above, on some levels, it was inevitable that victims would not see the TRC as completely successful. On a purely psychological level it is impossible to address all the levels of pain and sense of loss experienced by survivors of political violence. This task is further complicated when it is a governmental body, founded within the quagmire of transitional politics, which is expected to address these emotions.

In interviews with 25 non-government organisations, the TRC was often praised for opening the door for more reconciliation work and for popularising the need for psychological support. At the same time, it was criticised for creating the impression that healing is simply a linear process, or something which is readily remedied (Van der Merwe, Dewhirst & Hamber, 1999). Although the process of giving a statement or

<sup>7</sup> Of course, a central weakness of this point, is that we have not compared this population group to those who did not interact with the TRC at all. Perhaps they would be in a considerably worse predicament.

testifying may have been a necessary starting point on the road to psychological healing, it can, by its very limited nature, never be sufficient (Hamber, 1998).

Nonetheless, we cannot ignore the fact that for some survivors, the process of testifying was, at times, psychologically beneficial. The process of unleashing the stories, revealing the hidden traumas and covering latent tensions is largely considered a positive contribution by some 25 organisations across the country who the CSVR interviewed (Van der Merwe, Dewhirst & Hamber, 1999). The ability to speak out, in front of a respectful institutional body, was viewed as a foundation from which reconciliation could flourish. Internationally, truth commissions have proved to be far more effective than court proceedings in theatricalising a new official history (Wilson, 1996).

In its final report, the TRC acknowledged the "healing potential of storytelling, of revealing the truth before a respectful audience and to an official body" (TRC, 1998:351). This potential is best illustrated by the testimony of Mr Sikwepere whose case is documented in the TRC's final report. Mr Sikwepere described to the Commission how he had been shot in the face, and lost his sight. He also described the torture he received at the hands of the police. When asked how he felt after having testified, he stated, "I feel that what has been making me sick all the time is the fact that I couldn't tell my story. But now it feels like I got my sight back by coming here and telling you the story" (TRC, 1998:352).

Of the eight Khulumani members interviewed who testified publicly to the TRC, four expressed positive feelings of relief and comfort upon completion. The other four, who were less sanguine about the process, said they felt cheated or regretful. Nonetheless, it remains that almost half of the respondents felt they benefited from the experience.

However, the psychological gains of appearing before the TRC may well have been short-term. Although directly after the hearings (and the debriefing sessions offered by the TRC) most of the witnesses appeared to be psychologically intact, often at times, this outer composure simply masked deeper psychological issues that were sublimated during the adrenaline-filled and cathartic experience of testifying (Hamber, 1998). Trudy de Ridder (de Ridder, cited in Hamber, 1998), a psychologist at the Trauma Centre for Victims of Violence and Torture in Cape Town, argues this is the reason why survivors and families of victims only began to experience a range of psychological problems months after their testimony.

However, the majority testified before the TRC not simply because they thought it would benefit them to speak out publicly. Several of those interviewed spoke of the importance of the testimony to public awareness and the common good, but none spoke (perhaps because it was assumed) of their reasons for testifying as being linked to their own psychological well being. Undoubtedly, they had more extensive expectations of how the TRC could benefit them, particularly with regard to uncovering the truth about the past and receiving adequate reparation.

On a practical level, it was impossible to investigate all the cases brought before the TRC, let alone find resolution to each. The real difficulty is that the majority of victims engaged in the initiative with this hope in mind. It was at the individual level that most survivors felt let down, that is their case was not investigated and no new information was unearthed. Other victims share this view. Many believe that, despite having named perpetrators in their statements, the TRC has done little to follow-up on these accusations (CSV & Khulumani Victim Support Group, 1998).<sup>8</sup> These same victims hold the view that truth is a precondition to reconciliation. Thus, for them, the quest for reconciliation has been left hanging in the balance.

This requirement of truth before reconciliation is not uncommon. In his case study on the community of the Greater Nigel Area, located in the Gauteng province of South Africa, Hugo Van der Merwe described the feelings of many victims in the area with regard to truth and reconciliation:

"Victims are not ready to engage in a reconciliation process unless they know more about what happened. They often say they are willing to forgive, but they need to know who to forgive and what they are forgiving them for. A willingness to reconcile is dependent on the people's ability to cope with and process their knowledge of what had happened. While the past remains hidden, a reconciliation process proceeds on very shaky foundations" (TRC, 1998:429).

Many of those we interviewed had similar feelings at the outset of the TRC. However, they believed that truth merely augmented traditional justice; they did not assume that truth alone would replace justice, nor did the prospect of truth (or the attainment of it) increase their support for the amnesty provisions.

When survivors highlighted the successes of the TRC, it was largely at the national level. Some felt that the TRC was useful as it publicised the plight of victims and increased awareness within populations that did not know about the atrocities of the past. The breaking of public silence about the past on a collective level may go down as the TRC's greatest success (Valdez, 1998; Van der Merwe, Dewhirst & Hamber, 1999).

Public interest in the TRC was high and, as a result, it has become impossible to deny that certain atrocities occurred in the past. The TRC Special Report, a news program that reported on the activities of the TRC, had a 1,1 to 1,3 million strong audience per week in the first year of its broadcast and was rated as one of the top 10 favourite programmes in the country (Theissen, 1999).<sup>9</sup> In the first months of the TRC process,

<sup>8</sup> This finding is based on a submission that distilled the views of about 560 victims/survivors who participated in the eleven workshops hosted by the Centre for the Study of Violence and Reconciliation. The target constituency was mainly victims/survivors and family members of victims of gross violations of human rights, although in some instances individual community organisations did send representatives. The workshops were spread across North West, Mpumalanga, Gauteng and the Northern Province.

<sup>9</sup> The figure finally dropped to an average of about 510,000 viewers after the programme was finally moved to the 6 p.m. slot on SABC1 at the end of 1997 (Theissen, 1999). The number of white viewers also dropped off over the later years and months of the TRC.

white South Africans switched to the Special Report nearly as often as to the English news bulletin at 8 p.m. Similarly, African viewers watched the programme at the same rate they did the African language news (Theissen, 1999).

However, even if we assume that the high numbers of those watching the proceedings of the TRC has had some impact on national reconciliation (or at least raised awareness about those who were victimised in the past), the interviewees in this study suggest that a gap remains between these collective successes of the TRC and its impact on an individual level. The respondents are all members of the Khulumani Support Group and represent some of the most active members of the so-called victim constituency. It is disheartening to register their individual disappointment. If publicising the atrocities of the past is the TRC's greatest success, then the failure of the TRC to adequately deliver compensation, truth-recovery, and fulfilment of traditional notions of justice on an individual level, may turn out to be its greatest shortcoming.

A danger exists that the survivors interviewed here may feel that it was their suffering (and their testimony) that helped contribute to greater collective awareness and national reconciliation. This may be flattering, but without any concrete gains, they may end up feeling that they were merely pawns in a national process over which they had little say. These feelings of frustration may have strengthened their resolve to reject the central tenant of the TRC process, for example amnesty for confessing perpetrators. All those interviewed, even those who were relatively satisfied with other aspects of the TRC work, disagreed with the TRC amnesty provision. Feelings were unanimous that the perpetrators should be punished in one way or another.

The amnesty agreements were made under the extreme pressure of the negotiations. Given this context, a trade of justice (formal retributive justice through the courts) for truth (a full confession or disclosure from the perpetrator) was seen by those involved as the best option for the nation as a whole (cf. Simpson, 1998; Hamber & Kibble, 1999). However, the findings of this article suggest that the trade, particularly for victims, was not as successful as is often portrayed.

It is difficult to assess the truth for justice trade in a context where, for the majority, truth about their case was not forthcoming. Yet even for the few victims who we interviewed who got the truth, truth was not always enough. They still wanted the perpetrators to be punished in some way. For them, truth and possible reconciliation did not equate with justice. The question arises: did telling one's story and hearing the truth compound the psychic burden of revenge, or did the truth alleviate some of the anger? Can truth alone lead to reconciliation on an individual level? We speculate, that those we interviewed, would say no.

The right to truth and the right to exercise justice through institutional means are intrinsically linked; one does not negate the other. Survivors can, and most often do, hold the simultaneous view that they want truth and justice through the courts. Drawing on the experience of international survivor associations, Patricia Valdez, director of the Commission on Truth in El Salvador, captures this sentiment when she says:

"Victims do not want a commission to merely record their stories and tell them what they already know. The hope is that the commission will go further, complete the puzzle of the past, assign responsibility and, crucially, use the credibility and power of the state to establish a clear difference between the new political system and the old evil order. The best way of ensuring that an emerging democracy breaks fully with an atrocious past is to accord complete respect to national and international law" (Valdez, 1998:55).

Truth commissions are essentially symbolic, they generally can only make a weak claim to carry out justice (Wilson, 1996). Ideally, survivors want truth from the perpetrators, but they want them prosecuted; justice through the courts is the preferred way of dealing with perpetrators (CSVR & Khulumani, 1998). At the same time they feel that perpetrators should be forced to contribute materially toward the reparation and rehabilitation of victims (CSVR & Khulumani, 1998). The strong anti-amnesty feelings of the survivors we interviewed serve as a useful signpost for other countries considering some form of truth commission to heal the scars of the past. Any effective truth commission process, aimed at promoting reconciliation on both the national and individual level, should, from the survivor's perspective, contain story-telling, truth-recovery, reparation and justice (prosecution).

TRC chairperson Desmond Tutu has said of South African's ability to forsake revenge: "I believe we all have the ability to become saints" (cited in Wilson, 1999:16). This may be true, but it may also ignore the way social cohesion depends upon shared normative ideas about justice. The twenty respondents felt strongly that the perpetrators should be punished - this is their understanding of justice. Survivors' desires for justice should be understood as the bedrock on which shaky transitional justice solutions such as truth commissions will always be founded.

The TRC has acknowledged that justice, like reconciliation, is a process rather than an event, and in doing so, it has created both avenues for institutional retribution (trials for those who do not apply for or receive amnesty) and institutional forgiveness (amnesty). However, the process should not be entirely bifurcated. As Donald Shriver notes, "Forgiveness thrives in the tension between justice-as-punishment and justice-as-restoration" (Shriver, 1995:32). To this end, vengeance (and demands for justice or punishment) and forgiveness are two sides of the same coin; they both spring from an initial feeling of legitimate anger.

Professionals from various disciplines have agreed that feelings of anger often arise when one is harmed by a moral wrong. In his book, **Forgiveness and mercy**, law professor Jeffrey Murphy argues that, "a person who does not resent moral injuries done to him ... is necessarily lacking in self respect." (Murphy & Hampton, 1998:16). Similarly, Michael Ignatieff (1998) recognises the legitimate moral hold of anger and revenge. For Ignatieff, revenge is a profound moral desire to keep faith with the dead and to honour their memory by taking up their cause where they left off; action that follows as a result is a ritual form of respect for the community's dead. The call for punishment through the courts by those we interviewed can be understood in this way - a legitimate and moral aspiration.

The TRC, as a process, did not make sufficient space for this anger. Social anthropologist, Richard Wilson, observes that the Commissioners' responses to victim testimony were, "formulaic, predictable, and they regularly contained the following stages: a recognition of suffering, the moral equalising of suffering, the portrayal of suffering as necessary sacrifice for the 'liberation' of the nation, and finally the forsaking of revenge by victims." (Wilson, 1999:13). The hearings were structured in such a fashion that an expression of anger, or desire for revenge, would have seemed misplaced. Wilson comments that the: "virtue of forgiveness and reconciliation were so loudly and roundly applauded that emotions of revenge, hatred and bitterness were rendered unacceptable, an ugly intrusion on a peaceful, healing process" (Wilson, 1999:17).

This is not to say that vengeance or revenge is a preferred course of action. Revenge can "imprison the victim in horror and degradation" (Minow, 1998:13), and people who commit acts of revenge seem to suffer the most severe and intractable disturbance rather than mitigate their post-traumatic symptoms (Herman, cited in Minow, 1998). Rather, feelings that accompany severe victimisation need to be openly acknowledged. The door to reconciliation and forgiveness will be opened all that wider if the desire for revenge is legitimised and understood, if it is respected and contained, and if it is given both public and private space for its expression. Without this space - that can now only be created outside of the TRC structure - survivors will feel more than simply let down due to the limited amount of truth that has been uncovered. They will continue to feel embittered that yet another of their legitimate feelings has been silenced; that they have to forgo any chance of criminal or civil claim in exchange for limited truth and inadequate reparation.

### **CONCLUSION.**

It is inescapable that the multitude of individual psychological and material needs of survivors can never be addressed through a TRC, or any other body for that matter. However, at this stage, our collective responsibility towards the over 20,000 people who gave statements and testified before the TRC is of paramount importance. According to this study, victims interacted with the TRC in good faith, and with a legitimate expectation that they would, at the very least, get some truth about their case. Most of them feel let down in that regard.

Notwithstanding the near impossible task of continuing investigations and prosecutions of those responsible, and the achievements of the TRC in publicising the horrors of the past, the right to truth and justice of those interviewed cannot, as a matter of principle, be negated by pragmatism or expediency. South Africa has treated truth, justice and reparation as separate issues supposedly because it is impossible to deal with them in any other way in a society in transition. However, for the survivor, truth, justice and reparation are inter-linked. Truth complements justice, justice can reveal the truth, and reparation is not only a right, but an integral part of re-establishing the rule of law and the survivor's trust in a just future. Reparation (and often punishment) is the symbolic marker that tells the survivor that justice has been done, or simply put, justice is reparation.

While official acknowledgement and public testimony may hasten closure on the traumatic events of the apartheid era on a national level, it is unclear how this will effect society overall, and whether it offers individual victims the support needed so that they may put the past to rest. A gap exists between the national and individual successes of the TRC (Swartz, 1998; Hamber & Wilson, 1999). The only way to narrow this gap is to create a social space which approximates the individual psyche as closely as possible. This is a space with no time limits and no boundaries forced from above such as statutes of limitations on prosecutions; a social and political space where anger and frustration are accepted as real and legitimate, and steps are taken, for example adequate reparations, to meet the needs of victims. Practically, this translates into leaving the door open for survivors to continue to express their dissatisfaction in social and private spaces, and allowing them to undertake actions, such as prosecutions of those who did not apply for amnesty, that may move them closer to a point of emotional closure.

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