



The Battle Against Forgetting:

HUMAN RIGHTS AND THE UNFINISHED BUSINESS OF THE TRC



“The struggle of man against power
is the struggle of memory against forgetting.”
- Milan Kundera

“The records are crucial to hold us accountable...
They are a potent bulwark against human rights violations.
We must remember our past so that we do not repeat it.”
- Desmond Tutu

The
ATLANTIC
Philanthropies



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INTRODUCTION

In December 1995, the South African Truth and Reconciliation Commission (TRC) came into operation to promote an examination of past conflicts as an investment in the country's transition to democracy. Committed to the principles of transparency and public participation, the aim of the TRC was to begin the long, difficult journey towards a post-apartheid reconciliation by exploring and acknowledging the harsh realities inherited from the past.

Though not without its critics, the South African TRC has been lauded internationally as an exemplary effort in striking the balance between remembering the past, pursuing justice and effecting reconciliation. The TRC was the first of its kind as a public process and the multiple public hearings were seen to be an effective mechanism for promoting national healing, contributing to the creation of new public histories, and the guarding against amnesia.

Fifteen years on, however, South Africa seems in danger of forgetting the work of the TRC. Most South Africans have not seen the findings and recommendations of the Commission. Little has been done to build on the ideals that underpinned the TRC's initial establishment and a persistent lack of political will and resolve to follow up on the recommendations made in the TRC Report prevails. Only a selection of recommendations have been engaged with - often controversially so. In recent years, the presidential pardoning of perpetrators who were denied amnesty by the TRC or who eschewed the amnesty process has made a mockery of the TRC's promise of amnesty only for full and frank disclosure from amnesty applicants.

The Unfinished Business of the TRC

- To provide reparations to identified victims of gross human rights violations, from both government and big business who benefitted 'financially and materially from apartheid policies';
- To pursue the prosecution of perpetrators who ignored the TRC's amnesty process or who failed to secure amnesty;
- To manage the presidential pardons process in line with the recommendations of the TRC;
- To conduct ongoing truth recovery to uncover further evidence about unknown, unacknowledged aspects of our past;
- To protect and make readily accessible to all South Africans the 'national asset' that is the TRC archive;
- To publish and distribute widely across South Africa a popular version of the final TRC report.