

# TEACHING THE SOUTH AFRICAN TRUTH AND RECONCILIATION COMMISSION (TRC)

## BACKGROUND FOR EDUCATORS

### Transitional Justice

#### - How to heal the nation

The issue of justice is vitally important in societies in transition. How do societies where human rights violations were perpetrated in the past move forward to a new future that will allow for reconciliation and transformation? Different societies have made use of different forms of transitional justice in order to seek healing after periods of war and tyranny.

The idea of a commission of sorts to deal with South Africa's tortured past was written into the South African Constitution as a postamble. Here, the terms of a commission were spelled out. There was a "need for understanding but not for vengeance; a need for reparation but not for retaliation; a need for ubuntu but not for victimisation."

This led to the Promotion of National Unity and Reconciliation Act, passed on 19 July 1995, that set up the South African Truth and Reconciliation Commission (TRC).

### Mandate of the TRC

The mandate of the Truth and Reconciliation was extensive and multi-dimensional. Its over-riding goal was to promote national unity and reconciliation. The TRC aimed to establish as complete a picture as possible of the causes, nature and extent of gross human violations that took place during the apartheid regime.

Gross human rights violations were defined as:

- Killings;
- Abductions;
- Torture; and
- 'Severe mistreatments'.

This was a narrow view of gross human rights violations. The focus was on individual violations. It did not include the violence of the system of apartheid. Thus, by blaming perpetrators for individual acts, it allowed the beneficiaries of apartheid to distance themselves from taking responsibility for the past.

Moreover, the TRC would only recognise gross human rights violations that took place between

1 March 1960 to 6 December 1993. However, this was later extended to 10 May 1994 in recognition of the violence that took place during the period of negotiations.

In order to achieve its aims, the TRC would do the following:

- Carry out investigations.
- Hold hearings.
- Grant amnesty to any person making a full disclosure about acts with a political objective.
- Compile a report of its findings.
- Suggest ways of how future human rights violations could be prevented.

The process of amnesty stripped victims and survivors of recourse to justice through the courts. To try and compensate for this the TRC had to recommend reparations to restore the human and civil dignity of victims and survivors of abuses.

## THREE COMMITTEES

### Under the Chairperson, Archbishop Desmond Tutu, three committees were set up:

#### THE HUMAN RIGHTS VIOLATION COMMITTEE

- This would consider the accounts of victims and survivors through public hearings.
- Over 80 public hearings were heard and more than 21,000 statements were taken.
- Over 2000 submissions were examined publicly.

The idea behind the Human Rights Violation Committee was to give political victims a voice. They would be able to provide an account of how they had suffered, either publicly or through a statement made to the TRC. The TRC documented each case and this would form part of an attempt to capture the 'hidden history' of South Africa.

However, thousands of violations were not reported or did not reach the TRC. Thus, a complete picture of the past did not emerge. The commission was unable to secure a representative cross-section of submissions. Many political activists, leaders, parliamentarians and cabinet ministers did not submit statements.

Apart from the personal hearings, the Human Rights Violation Committee also addressed the institutional context of apartheid through nine institutional and

special hearings on different sectors of state and society. These included business and labour; the religious community; the legal community; the health sector; the media; prisons; compulsory military service; children and youth; and women.

### THE AMNESTY COMMITTEE

- This would hear amnesty applications from perpetrators of gross human rights violations.
- Appeals had to be made through the courts
- The notion of making the amnesty process a part of the TRC was a unique feature. In other countries, it has been a separate legal mechanism
- 7060 applications amnesty applications were received.

The TRC came into being as a result of a political compromise. Amnesty was a political deal sealing the bigger political deal of a negotiated settlement. During negotiations preceding the 1994 election, the National Party favoured a blanket amnesty, while the ANC wanted criminal trials for apartheid perpetrators. As Terry Bell says, “the one side wanted to forget, the other to know.”

The TRC became the instrument of compromise between these two perspectives. Amnesty was conditional. Perpetrators from all sides had to make a full disclosure of each crime they had committed. Amnesty would only be given if the crime had been of a political nature, and if the perpetrator told the whole truth. If these criteria were fulfilled, the perpetrator would be granted amnesty and any criminal and civil liability for that crime would fall away. Perpetrators were not required to be remorseful; they simply had to tell the truth.

In this way, it was hoped that the truth of South Africa's past would be revealed. It was felt that only with a full knowledge of what had happened in the past, could there be understanding and healing. Truth was considered a vital building block of reconciliation.

### THE REPARATION AND REHABILITATION COMMITTEE (RRC)

In the TRC Final Report, it stated that reconciliation was not possible without reparations. Thus the issue of reparations formed an integral part of the TRC process. It was the duty of the Reparations and Rehabilitation Committee to create a programme that would facilitate the ‘rehabilitation and restoration of the human and civil dignity of victims of violations of human rights’. Unfortunately, the RRC was only able to recommend a reparations program to government; it did not have the powers to ensure its implementation. This was to prove to be ongoing problem in terms of the credibility of the reparations programme.

When making its recommendations, the RRC based its recommendations on the following international norms:

- Redress,

- Restitution,
- Rehabilitation,
- Restoration of dignity, and
- Reassurance of non-repetition.

The RRC recognized that reparations and rehabilitation should take place at the individual, community and national level. The committee recommended a range of reparations. These included a monetary compensation, the provision of social and medical services, symbolic reparations, memorialization, institutional transformation, and community based reparations (which included health care, mental health care, education and housing).

Although these recommendations were laid out in the Final Report of the TRC released in 1998, government refused to implement any reparations until the final volumes of the report were completed in 2003. This meant that many victims were forced to wait for reparations while perpetrators were seen to benefit from the amnesty process immediately. Naturally this caused a great deal of resentment.

During this period, the government continued to delay paying reparations and also began to argue that the provision of social services and infrastructure constituted reparations. When criticized for this approach, the government retaliated by attempting to shame those applying for reparations. They accused the victims of using apartheid and the liberation struggle for their own material gain.

When the government did finally implement a programme of reparations, it did not reflect the recommendations of the TRC. A once off payment was made to victims, which came to less than a quarter the original amount recommended by the RRC. The government also disregarded the RRC's recommendation for a once-off wealth tax to contribute towards reparations and also refused to hold individual and corporate beneficiaries of apartheid to account. The government's decisions has led to much anger amongst victims and victims groups and has clearly contributed to a sense of the ‘unfinished business’ of the TRC.

## SOME PROBLEMS AND LIMITATIONS OF THE TRC

Alex Boraine, the deputy chair of the Truth and Reconciliation Commission, viewed the achievements of the TRC in a very positive manner. “We managed to combine a limited form of amnesty, setting out clear criteria, and with no guarantee that amnesty would be granted, with a very strong emphasis on truth-telling by victims, a reparation policy, and an attempt to reach consensus of what really happened between 1960 and 1996.”

*(Source: Boraine, A. A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission, Oxford, 2001)*

However, the achievements of the TRC were limited. There certainly has been no consensus of what really happened between 1960 and 1996, because of the limited framework of the TRC, as well as the limited time frame, within which they were operating. By all accounts, the reparation policy has not been fulfilled in accordance with the recommendations of the TRC. And truth-telling and truth was essentially traded off for amnesty.

### THE LIMITATION OF THE MANDATE

The mandate of the TRC was to investigate 'gross violations of human rights'. However, the form that these investigations took depended on how the TRC chose to define 'gross violations'. In the end, these were defined as "the killing, abduction, and torture, severe ill treatment of any person, as well as any attempt, conspiracy, incitement, instigation, command or procurement to commit an act referred."

This excluded thousands of other serious human rights violations and narrowed the parameters of truth-telling. Moreover, the limited definition of the beneficiaries of apartheid allowed most whites to distance themselves from the process and from any kind of responsibility for apartheid.

### THE TIME FRAME

Given the wide brief of the Commission and the vast undertaking that would be required to gather information on gross violations committed between 1 March 1960 and 6 December 1993 (later extended to 10 May 1994), it is surprising that the Commission only gave itself a life span of initially 18 months, later extended to two years. It is also alarming that the decision to embark on the Commission took place almost immediately. Once the commissioners were appointed in December 1995, the work of the commission had begun, and it became a race against time to complete its mandate in the time given. There was little time to prepare adequately before the first hearing took place four months later. There was a lack of clarity regarding the TRC's mandate and the way in which it was supposed to function. This clearly generated tensions between the commissioners throughout the life of the TRC.

### PERIOD OF INVESTIGATION

According to Boraine, the decision to investigate the period between 1 March 1960 to 6 December 1993 was arbitrary, though he does suggest that the cut-off date was to encourage peaceful opposition in the lead-up to the first election and to avoid impunity. This raises a number of questions: given the enormity and seriousness of this task, why make an arbitrary decision? Why ignore violations that occurred before 1 March 1960? Apartheid was instituted in 1948 and had always been a violent system.

The decision to make the cut-off date in December 1993 is even more questionable. Some of the worst

violence had taken place in the build-up to the first election and it was at this time that Third Force activities were at their height. From the start, was the Third Force meant to be ignored? Was this part of the political deal?

### RESOURCES

There was not enough skilled personnel or resources to fulfil the commission's task adequately. It is clear that the commission underestimated the amount of documentation that had to be sifted through and remained understaffed throughout its lifespan. It also lacked adequate funding.

### THE ISSUE OF JUSTICE AND UBUNTU

Criticisms have been made of the TRC regarding its choice to reject retributive justice for restorative justice. Some feel that by linking human rights with ubuntu, the real issues of justice were compromised. The state gave up its right to due process and the constitutional rights of the people to pursue civil claims against perpetrators was taken away by the amnesty laws. This was justified in the name of ubuntu. However, this was not necessarily what the majority of people in South Africa wanted. For many victims, the idea of amnesty was unacceptable. It should also be acknowledged that justice is often an important part of healing for the victim. Many victims adopted the view that the TRC had favoured perpetrators as they were free and often re-integrated into society, while they, the victims, had not even received promised reparations.

### THE FINAL REPORT

Although the TRC set out in its mandate to write a history of apartheid, this was not evident in the final report. It certainly did not put apartheid on trial. It focused, rather, on narrow, legalistic findings of individual gross human rights violations.

Some of the problems of the final report can be outlined as follows:

- In the final report, the voices of the victims are excluded.
- There is no underpinning narrative.
- Violations are listed but not theoretically analysed.
- There is no integrated explanation for the reasons for violence.
- There is no theory relating to violence during apartheid.
- It fails to engage with the historical debates about apartheid.

Nevertheless, the Final Report is a valuable document and does provide an accurate account of some of the horrors perpetrated during the apartheid regime. It is a document that South Africans should be familiar with. The TRC promised to undertake to write a popular and accessible version of the Final Report. To date, this has not taken place.

## THE NUREMBURG TRIALS AND THE TRC: A COMPARISON

The ways of seeking justice for crimes against humanity in Nazi Germany and apartheid South Africa were dealt with differently. The Allied powers focused on the perpetrators of the atrocities in Nazi Germany. They sought retribution (punishment) by bringing the perpetrators to trial before an international court. Thus the emphasis was on retributive justice which focuses on the rule of law.

Trials decide questions of law, and the law requires evidence. The Allied powers felt confident that they would secure convictions of these Nazis if they went to trial because they had a wealth of evidence available to them. The Nazis had kept meticulous records of their actions.

For South Africa the issues were different. First and foremost, any attempt to investigate and deal with issues of the past was to be seen in terms of nation-building. The Truth and Reconciliation Commission felt it had to navigate a delicate balancing act between peace and justice, between forgetting and forgiving, healing and punishment and truth and reconciliation.

Lack of evidence was a major problem confronting the TRC. Most of the atrocities and gross human rights violations that were perpetrated in South Africa took place in secret without official sanction. The evidence that did exist was deliberately destroyed by the apartheid regime when it became clear that a new democratic government would come into being. As there was little evidence of these atrocities, it would be counter-productive to place the perpetrators on trial. Without evidence it was unlikely that they could be convicted of any crime.

The TRC therefore embraced the concept of restorative justice which aimed to bring about reconciliation between the perpetrator and the victim. It focused on both victims and perpetrators and tried to reintegrate both parties into a new, reconciled nation.

By including the word ubuntu in the post-amble, the TRC was attempting to create a very specific South African form of justice, which was free from revenge and legally sanctioned retribution. This was to be 'restorative' justice as opposed to 'retributive' justice. Desmond Tutu, Chairperson of the Commission, became a symbol of ubuntu, and he promoted it unashamedly. He castigated retributive justice as something decidedly western, and thus looked to create a form of justice that was clearly South African. There can be no doubt that this was part of the nation-building exercise that was part of the dominant discourse of the TRC.

## THE NUREMBURG TRIALS AND THE TRC: DIFFERENT CONTEXTS – DIFFERENT APPROACHES

NUREMBURG TRIALS	TRUTH AND RECONCILIATION COMMISSION
Focused on retributive justice	Focused on restorative justice
Large body of evidence was available. These included Nazi documents, records, photographs, films as well as survivor testimonies and eye-witness accounts.	Lack of evidence. Most incriminating documents were destroyed by the apartheid state towards the end of the apartheid era. The TRC hearings had to rely primarily on oral testimonies of victims and perpetrators.
The mere punishment of the defendants or even thousands of others equally guilty can never redress the terrible injuries which the Nazis visited on these unfortunate peoples. For them it is far more important that these incredible events be established by clear and public proof, so that no one can ever doubt that they were fact and not fable.  <i>US Brigadier General Telford Taylor, Chief Prosecutor, Nuremburg Trials, 1946</i>	I hope that the work of the Commission, by opening wounds to cleanse them, will thereby stop them from festering. We cannot be [simplistic] and say bygones will be bygones, because they will not be bygones and will return to haunt us. True reconciliation is never cheap, for it is based on forgiveness which is costly. Forgiveness in turn depends on repentance, which has to be based on an acknowledgement of what was wrong, and therefore on disclosure of the truth. You cannot forgive what you do not know.  <i>Archbishop Desmond Tutu on his appointment as Chairperson of the TRC, November 30, 1995</i>

(Source: Table adapted from *The Holocaust: Lessons for humanity. Educator's Resource Manual*, by Marlene Silbert, The Holocaust Centre, Cape Town, 2007)

# ACTIVITIES: TEACHING THE TRUTH AND RECONCILIATION COMMISSION

## DEALING WITH ISSUES OF JUSTICE AND RECONCILIATION

### ACTIVITY 1:

#### Engaging with the conceptual underpinning of the Truth and Reconciliation Commission

Learners will need to engage with a number of conceptual issues when studying the TRC. These include concepts such as justice, reconciliation, retribution, forgiveness, remorse and revenge. Learners need to grasp the meaning of these concepts. Moreover, many of these concepts may mean something different to each person. Therefore, it is important that learners engage with these concepts in a meaningful way and explore their own personal perceptions of these issues.

Learners should work in groups of seven people. Each group is given an envelope containing the following words written on separate pieces of paper:

- Truth
- Justice
- Retribution
- Revenge
- Remorse
- Forgiveness
- Reconciliation

Each person in the group receives one of these words. Each member of the group explains what their particular word means to them.

The other members of the group should discuss whether they share the same understanding of the term. What are the points of similarity and what are the points of difference.

Each member of the group should then share an experience in which someone did something wrong to them or where they felt wronged. How would the member of the group like to see the issue resolved? Which of the seven elements would be best suited to resolving this personal conflict?

Teachers should facilitate a feedback discussion in which the different meanings of each term are explored.

When the learners relate their own personal

experiences and desires to solve a personal conflict, the teacher should point out that members of the different groups chose different solutions to solve a problem. The teacher should use this opportunity to show how difficult it would be to please all South Africans when trying to address the problems of the past.

### ACTIVITY 2:

#### Comparing the Nuremburg Trials with the Truth and Reconciliation Commission

##### A. Documentary comparison on the aims of the Nuremburg Trials and the TRC

###### Source A

**Robert H Jackson, a Justice on the United States Supreme Court, opened the Nuremburg Trials with the following speech:**

We seek to condemn and punish the wrongs of the Nazis. What they did was so calculated, so malignant, and so devastating, that civilisation cannot tolerate their being ignored. We cannot survive these wrongs being repeated.

###### Source B

**The terms of the TRC were spelled out in a postamble to the new Constitution:**

"... there is a need for understanding but not for vengeance; a need for reparation but not for retaliation; a need for ubuntu but not for victimisation."

#### Possible questions

- In what ways did the Nuremburg Trials and the TRC differ in their ways of healing the past?
- Do you think that the vision of the TRC was a realistic one? Explain your answer.
- Which form of justice do you think is more appropriate for South Africa? Explain your answer

##### B. Comparing aspects of the Nuremburg Trial and the TRC

Teachers could use the comparative table on Nuremburg and the TRC to develop learners' skills of comparison. When comparing, learners need to examine what is similar and what is different between the two events.

- Learners could be asked to draw up their own table following a discussion on the Nuremburg Trials and the TRC
- The table could be used as a basis for discussion to highlight similarities and differences

## DEALING WITH ISSUES OF FORGIVENESS

### DISCUSSION

#### Issues of forgiveness

Use the sources below as a basis for discussion on the following points:

- Is it possible for victims of crimes against humanity to forgive the perpetrators of these crimes?
- Should victims forgive the perpetrators?
- During the TRC, when perpetrators of gross human rights violations came forward, they were only required to make a full disclosure of their actions; they were not required to express remorse or say sorry. Many victims found it difficult to forgive their perpetrators because they did not express remorse. Can there be forgiveness without expressions of remorse? Can there be reconciliation without forgiveness?

Teacher can hold a class discussion or allow learners to discuss the issues in groups.

#### Source A

**Simon Wiesenthal was a Holocaust survivor. All of the members of his family perished in the death camps. He dedicated his life to finding Nazi war criminals and bringing them to trial**

One of the worst crimes of the Nazi regime was that it made it so hard for us to forgive. It led us into the labyrinth of our souls. We must find our way out of the labyrinth – not for the murderers' sake but for our own. Neither love alone expressed in forgiveness, nor justice alone, exacting punishment, will lead us out of the maze. A demand for atonement and forgiveness is not self-contradictory; when a man has wilfully extinguished the life of another, atonement is the prerequisite for forgiveness. Exercised with love and justice, atonement and forgiveness serve the same end: life without hatred. That is our goal: I see no other.

(Source: S. Wiesenthal, *The Sunflower*, Schocken, 1976)

#### Source B

**TRC Chair, Archbishop Desmond Tutu, on the first day of hearings in the Eastern Cape**

Forgiveness will follow confession and healing will happen, and so contribute to national unity and reconciliation.

(Source: Desmond Tutu, *No Future without Forgiveness*, Rider, 1999)

#### Source C

**An account of the possibilities of healing through the TRC**

There was an 83-year old man from Alexandra township called Thladi. He had spent 12 years on Robben Island and was very bitter. In his statement he said that if he went to heaven and met his jailers there, then he would ask to leave. He testified at the Alexandra Human Rights Violations hearings and

became less bitter. He was reconciled and died a few months later.

(Source: Wilson, R. *The Politics of Truth and Reconciliation in South Africa*, Cambridge University Press, 2001)

#### Source D

**Chris Ribeiro is the son of Dr Fabian and Florence Ribeiro who were murdered in Mamelodi on 1 December 1986**

My family want the Government to reinstate the death penalty so that those who committed these murders can be hanged if found guilty ... We are not talking about vengeance here but justice.

(Source: *The Sowetan*, 25 October 1996)

#### Source E

**In Australia, the Aboriginal people were persecuted by the white settlers. They were hunted down and killed. Half-caste children were seized from their families in an attempt to integrate them into white society. White Australians felt that the only way to heal these wounds would be to say sorry. In 1996, they created a Sorry Day. Sorry Day is commemorated on 26 May. It is a day when Indigenous and non-Indigenous Australians come together, remember the harm done and commit themselves to healing the wounds.**

All Australians are encouraged to make an entry into a Sorry Book on Sorry Day. Here are two entries.

It's been a hard time  
for you Aboriginal People,  
I'm happy you're all  
making it through and  
I love you all. Sorrys  
about the past.  
Cheryl Renteria

I am deeply saddened at  
the direction this government  
is going in with regard to  
reconciliation. For Australia to  
-all Australians to heal and  
move forward together as a whole,  
reconciliation must happen.  
I am very, very sorry for the  
role my ancestors and I have  
played in the travesty of the  
past. I pray that reconciliation  
can be found.  
Elizabeth Hyland

# CARTOONS AND THE TRUTH AND RECONCILIATION COMMISSION

A useful way of exploring the public's perceptions of the Truth and Reconciliation Commission is to examine the cartoons that appeared in newspapers during the course of the TRC. SAHA is fortunate to house the cartoons produced by Zapiro during the TRC. (See pages 77 to 86.) Jonathan Shapiro, also known as Zapiro, is a South African cartoonist, well-known for his satirical and critical commentary on political events both in South Africa and the wider world.

A cartoon is a drawing that makes a particular point, often by using humour or satire. A political cartoon usually targets a personality or an issue that is currently in the news. In the cartoon booklet provided, all the cartoons relate to the Truth and Reconciliation Commission.

Cartoon analysis is an important historical skill. Below are a number of steps that will help learners to analyse a cartoon correctly.

## Steps in analysing a cartoon

### STEP 1:

#### Place the cartoon in its historical context

You need to identify the event that the cartoon is about. The following elements will help you to do this.

- To what historical event does the cartoon refer?
- When did the event take place? (the date of the cartoon will help you to answer this question).

### STEP 2:

#### Identify and explain the important elements in the cartoon which help understanding

The following elements will help you do this:

- The people in the cartoon, and who they represent
- Any symbols or objects which may appear in the cartoon
- The action that is shown in the cartoon
- The caption of the cartoon, if there is one.

### STEP 3:

#### Identify the cartoonist's point of view in relation to the issue

It is important to remember that a cartoon always reflects the view of the cartoonist and is not an objective representation of an issue, nor is it meant to be.

The cartoonist usually conveys his point of view through the use of humour. It is thus important to identify this use of humour where possible.

In Zapiro's case, he often makes use of irony to convey his point of view. For example, the cartoon on page 83, dated 13 March 1998 has the apartheid operatives carrying out an assassination on The Truth. The one killer states that the assassination has been done humanely. He says this as he goes into the Amnesty hearings. This is clearly ironic, because we know that apartheid assassinations were brutal and were never done humanely. We can also see that Truth has been butchered in a brutal way. It is this use of irony that highlights both the actions and evidence of some of the apartheid operatives.

Sometimes Zapiro plays with the meaning of words. For example, in the cartoon on page 79, dated 23 August 1996, he plays on the meaning of the phrase "the whole truth" and makes an important point by rather using the phrase "the hole truth". In any submission made to the TRC, people providing testimony were required to tell the whole truth. However, FW de Klerk's testimony on the role of the National Party during apartheid contained many gaps and failed to provide the 'whole truth'. Zapiro suggests rather that FW de Klerk's testimony was full of holes.

Zapiro also plays with visual imagery, an important tool of the cartoonist. For example, in the cartoon on page 82, dated 18 November 1997, Zapiro conveys the sense that Big Business is lying about not benefitting from apartheid by using a visual image from a well-known fairy tale, Pinocchio. Whenever Pinocchio told a lie, his nose grew longer. When we relate this visual image of Big Business with an ever-increasing long nose to the tale of Pinocchio, it is clear that Zapiro is making the point that Big Business is lying.

### STEP 4:

#### Identify your own point of view in relation to the cartoon

Do you agree or disagree with the cartoonist's point of view? Try to provide a clear reason for your own perspective.

These steps should be used when setting questions relating to a specific cartoon. Below is an example of the kinds of questions that may be set on a particular cartoon. Teachers should work with similar types of questions if they wish to set a guided analysis of any of the TRC cartoons.

## EXERCISE 1

### Cartoon: 1 May 1996 (See page 78)

- Who are the people climbing the 'mountain'?
- What does the woman in the cartoon represent? How do you know this?
- What does the mountain represent? How do you know this?
- Why are the people climbing up the mountain?
- Why is the mountain made up of skulls?
- To what does the caption "As the TRC scales Mount Evidence ..." refer?
- Is this an effective metaphor? Explain your answer.
- What is the main intention of the cartoonist in creating this cartoon?
- Do you think he has achieved his aim or not? Explain your answer with reference to elements in the cartoon.
- Do you support Zapiro's point of view about justice and the TRC? Explain your answer.

## EXERCISE 2

### Examining the changing attitudes of Zapiro towards the TRC by analyzing the cartoons in chronological order

Zapiro's TRC cartoons begin in December 1995 when the TRC was formed and its mandate was made public. He traces the workings of the TRC during its course and beyond. The final cartoon in the collection provided in this booklet is drawn in March 2003 when the final report of the TRC was handed over to government. It may be useful to get learners to fill out the following table from which they can draw conclusions about changing perceptions of the TRC.

The first cartoon analysis has been done. The learner should fill out the rest of the table.

**NOTE TO TEACHER:** This may prove to be a fairly long exercise for the learners to complete. You may wish to highlight only a few of the cartoons for analysis. As long as you choose cartoons that reflect a changing attitude and some of the problems that emerge as the TRC runs its course, this will still be a valid activity.

Once you have filled out the table, answer the following questions from the evidence you have drawn from the table.

- Identify some of the changes in attitude towards the TRC from December 1995 to March 2003.
- What were some of the problems that emerged during the course of the TRC? Provide some examples from the cartoons to show this.

CARTOON DATE	ATTITUDE/MESSAGE OF CARTOON	REASON FOR ATTITUDE/MESSAGE
1 Dec 1995	The South African nation is about to embark on a process of healing through the means of the TRC. Although the process will be difficult, it will ultimately heal the nation.	The TRC process is about to begin and there is a feeling of hope for the future, and a belief that the TRC will be able to heal the wounds of South Africa's tortured past
16 April 1996		
1 May 1996		
27 May 1996		
23 Aug 1996		
26 Aug 1996		
13 Dec 1996		
18 Dec 1996		

CARTOON DATE	ATTITUDE/MESSAGE OF CARTOON	REASON FOR ATTITUDE/MESSAGE
9 May 1997		
24 Oct 1997		
18 Nov 1997		
13 Mar 1998		
29 Oct 1998		
1 Nov 1998		
9 June 2000		
5 Sept 2000		
5 Feb 2003		
27 Mar 2003		

# USING SOURCES TO THINK CRITICALLY ABOUT THE TRC

Teachers should encourage learners to think critically of the TRC. All too often the TRC is presented to the public as an overwhelming success. It has been used as a tool for nation-building. People overseas view the TRC as a shining example of reconciliation. Learners need to gain a more balanced view of the TRC.

## Source A

**An extract from an article by Brandon Hamber which provides a critical view of the TRC. Brandon Hamber is an Associate of Democratic Dialogue in Belfast and the Centre for the Study of Violence and Reconciliation in South Africa.**

Although the TRC has on the whole been seen as successful in revealing the broad and essential story of what happened in South Africa between 1960 and 1994, not all the truth about the past has emerged. This factor undermined the process of reconciliation as it was originally envisaged. The TRC began a process it was unable to complete. There is a huge amount of evidence yet to be uncovered, and many of the guilty remain in positions of considerable power.

Many relatives of the missing and the murdered, including high profile cases such as Biko, Ribeiro, Mxenge, Slovo, Schoon, Asvat, and Madaka, are still seeking justice and fundamental elements of the truth. Scores of victims feel let down in that they did not get the whole truth through the TRC process. Although it would never have been feasible to investigate every case, many victims' high expectations were dashed and the commission's credibility consequently undermined in their eyes. On the psychological front, the process may have helped some with healing, but was hardly sufficient and the impact not necessarily psychologically beneficial.

Justice, in the retributive sense, remains a burning issue and the entire justification for amnesty was often unacceptable to many victims. Politicians may have been able to justify the exchange of formal justice for peace, but it has been difficult for victims to watch while the perpetrators have received amnesty. Justice is an important and sometimes essential component of a victim's recovery and psychological healing. This is compounded by the fact that at the time of writing the ANC government of Thabo Mbeki had not acted on any of the TRC's recommendations regarding long-term reparations submitted to the government in October 1998. This has left victims' groups feeling that they "have been

unjustly treated by the TRC process and this still continues with the government seemingly looking for ways to avoid making final reparations".

*(Source: "Rights and Reasons: Challenges for Truth Recovery in South Africa and Northern Ireland" by Brandon Hamber, 2003)*

## Possible questions

- Identify four issues where the author believes that the TRC has not been successful.
- Why do some families of victims feel that justice was not served in the TRC?
- Do you think that the TRC made the correct decision to follow the path of restorative justice rather than retributive justice? Explain your answer.

Another way to encourage learners to gain an understanding of the processes of the TRC and to determine the success or failure of its actions is to examine some of the transcripts from the TRC. Transcripts from the hearings at the TRC can be accessed from the SAHA/SABC project. The audio soundtrack will add another dimension to learners' understanding of the workings of the TRC

## Source B

**An extract from the testimony given by Gideon Nieuwoudt, during his amnesty application, on the actions taken by him and other security policemen which led to the death of Steve Biko on 12 September 1977.**

EXAMINATION BY ADV BOOYENS: (continued)

Thank you Mr Chairman, page 14 of the application, paragraph 11. On Tuesday, the 6th of September 1977, you received instructions from Major Snyman to fetch Biko at the Walmer police station and to take him to the Sanlam Building for interrogation. Please continue from there, you were accompanied by Captain Siebert and Warrant Officer Marx?

MR NIEWOUDT: That is correct.

ADV BOOYENS: Mr Biko was then taken to the Sanlam Building, please take it from there and tell the Chairperson and the other members of the panel what happened there?

MR NIEWOUDT: Mr Chairperson, he was handcuffed from Walmer police station. We accompanied him, myself, Captain Siebert and Warrant Officer Marx. He was taken to the Sanlam Building to the interrogation room, and he immediately sat down on a chair in this office. At that stage, what I can recall is that Captain Siebert told him you will sit down when we tell you to do so, and you are here in our area, and I will tell you when to sit.

CHAIRPERSON: Was that the same office or room where Mr Jones had been interrogated?

MR NIEWOUDT: Yes.

ADV BOOYENS: I wanted to ask you the same question, so please continue.

MR NIEWOUDT: Afterwards, Mr Biko got up, I removed his handcuffs on the instruction of Siebert and Major Snyman arrived there and the interrogation then took place conducted by Mr Siebert.

My observation at that stage was that Mr Biko was arrogant, aggressive and he didn't answer the questions at all, these were the questions put to him by Siebert.

And on my own observation I can say that the questions put to him, were in my view, not relevant. He immediately realised, Mr Biko immediately realised from the type of questions put to him, that Captain Siebert had absolutely no information about him.

My office was next to this interrogation room, and in the door, I saw Warrant Officer Beneke taking up position. Siebert then confronted him at some point with this pamphlet, this is the pamphlet in Annexure 7. Biko once again got down, sat down on the chair.

ADV BOOYENS: I think, please use the names Mr Niewoudt, who is the he who sat down?

MR NIEWOUDT: The deceased, Mr Biko, once again sat down on the chair. Mr Siebert actually got annoyed and grabbed him by the chest and pulled him to his feet. Mr Biko then grabbed the chair and pushed it forwards in the direction of Mr Siebert and he also lunged at Mr Siebert with his fist, but I don't think the blow actually hit.

CHAIRPERSON: Why was it necessary for all these people to be present during the interrogation?

MR NIEWOUDT: Mr Marx and myself had information about black power or black consciousness activities and Siebert and Snyman weren't quite so familiar with black affairs and that was the one reason Mr Chairperson.

And it was also to enable us to question him during a routine interrogation by people, there is no point in bringing in other people to start questioning him and so on. It was just a method.

CHAIRPERSON: To achieve what exactly?

MR NIEWOUDT: To gather the information from him.

CHAIRPERSON: Yes?

ADV BOOYENS: The purpose of confronting him with the issue of the pamphlet was to ultimately charge him with that and to neutralise his involvement in the unrest.

Siebert had to admonish him on several occasions, because he simply refused to answer any questions.

ADV BOOYENS: You said that Mr Biko pushed the chair in the direction of Mr Siebert, and aimed a blow at him, you are not sure if it actually hit. What happened then?

MR NIEWOUDT: Mr Beneke who was in the door leading to the next office, then came charging

towards Mr Biko and he tackled him by means of a rugby tackle and he connected with him in the stomach area and they landed up against the wall. Mr Biko resisted quite severely and several blows were aimed at each other, and efforts were made to restrain him, but they weren't successful, nobody could actually grab hold of him.

CHAIRPERSON: How many policemen were present when this happened?

MR NIEWOUDT: May I just explain, at some stage Mr Marx had left the office and when Mr Beneke came in, it was only myself, Mr Beneke who had just joined in and Snyman and Siebert.

CHAIRPERSON: So there were four of you?

MR NIEWOUDT: That is correct. I couldn't manage to grab hold of him and I then grabbed the piece of hose, cut off hose and I hit Mr Biko several blows and that immediately stopped him in his tracks and he turned towards me.

And then Siebert and Beneke then had the opportunity to grab him. I then joined in and I think at that stage Mr Marx had also joined in. We then moved, we grabbed Mr Biko and we struggled and as a result of our momentum, Mr Biko's head hit the wall. He fell onto the floor, and at that stage he seemed to me to be confused and dazed.

He lay up against the wall.

ADV BOOYENS: I beg your pardon, please just give us a better description. You say he was laying against the wall, was he still on his feet?

MR NIEWOUDT: No, he was sitting.

ADV BOOYENS: Continue.

MR NIEWOUDT: After a while Siebert gave me the order to handcuff him and also to cuff his feet.

CHAIRPERSON: Was that whilst he was sitting there against the wall?

MR NIEWOUDT: Yes, correct. After a while when he recovered, Siebert told me to chain him to the bars of the security gate with his hands in an outstretched position. Mr Beneke and I lifted him up from the floor, and we cuffed his hands by means of two sets of handcuffs and his hands were cuffed on either side of his body. The bars were horizontal and we cuffed him to these and the leg irons or footcuffs were also attached to these bars and that is the position in which we cuffed him, he was in a standing position.

ADV BOOYENS: What was the position of his arms, were the arms stretched on either side of his body?

MR NIEWOUDT: Yes.

ADV BOOYENS: At what height?

MR NIEWOUDT: At shoulder height.

ADV BOOYENS: The leg irons were woven through the bars of the security gate?

MR NIEWOUDT: Correct.

CHAIRPERSON: This banging of his head against the wall, was it a hard blow?

MR NIEWOUDT: I would say it was a hard blow, because if you take into consideration what his weight was, Mr Biko was a fairly well-built man and

added to that, our weight and the momentum of that, that means it must have been a considerable impact. CHAIRPERSON: Were you not as a result of that surprised by the fact that he was possibly unconscious?

MR NIEWOUDT: Yes, he seemed to me almost like a boxer that had been knocked out, but he was not totally unconscious to the point that he didn't know what was going on around him. CHAIRPERSON: He would have been counted out on his feet, it would have been a knock out?

MR NIEWOUDT: Yes, he seemed very dazed, very confused.

CHAIRPERSON: Is that the reason why you and somebody else had to actually lift him up onto his feet just before you cuffed him to the bars?

MR NIEWOUDT: Yes.

CHAIRPERSON: He couldn't get up himself?

MR NIEWOUDT: I think that he probably would have been able to get up himself, but we lifted him up to be able to hold him in that position.

CHAIRPERSON: Why didn't you just ask him to get up?

MR NIEWOUDT: I didn't.

CHAIRPERSON: Yes, I know you didn't, but I am asking you why not, isn't it because he was unconscious?

MR NIEWOUDT: It is possible, but I would rather have said that he had showed some reaction, that is how I interpreted it at that stage, and that he might once again resort to violence.

ADV BOOYENS: Perhaps just to complete the picture, more or less how long after falling down onto the ground, did Siebert give you the instruction to chain him to the bars, just approximately?

MR NIEWOUDT: Approximately 10 minutes, if I have to estimate it now.

ADV BOOYENS: So for 10 minutes he was on the floor in this half sitting and half laying position?

MR NIEWOUDT: Yes.

ADV BOOYENS: Siebert then gave you the instruction to cuff him as you described, please continue.

MR NIEWOUDT: Snyman then left the room after more questions had been put to him by Siebert and he not reacted in any way. Snyman then left and as far as I know, reported what had happened to Colonel Goosen.

I observed that his upper lip was swollen and that he had a sort of chafe mark above his left eye.

ADV BOOYENS: Was it on the eye itself?

MR NIEWOUDT: No, above the eye.

ADV BOOYENS: Please indicate where?

MR NIEWOUDT: The speaker is indicating on the forehead, just above the eyebrows.

ADV BOOYENS: Continue.

MR NIEWOUDT: Goosen later returned with Snyman and Goosen spoke to him, and Biko didn't answer him at all. Goosen then said that he should be left in that position to break down his resistance.

## Possible questions

- One of the main problems for the TRC commissioners was to determine whether the applicant for amnesty was telling the truth. Having read this extract on Niewoudt's treatment of Steve Biko, do you think he is telling the truth? Provide evidence from the extract to justify your answer.
- Following the death of Steve Biko in 1977, an inquest was held to investigate the cause of his death. The magistrate found that no person was responsible for his death. How does this evidence shed light on the real circumstances of his death?
- Do you think that this kind of evidence provided at amnesty applications was worth the exchange for retributive justice? Explain your answer.

## Source C

### Evidence of Ms Maphalane given at the Human Rights Violation Committee on the death of her son.

MS GOBODO-MADIKIZELA:

Mamma please tell us how did you hear this.

MS MAPHALANE

The first time I heard about this, I was from work. When I got home, I switched on the TV, little after that we heard machine gun sounds. I told my children now this policeman have started again shooting and they were - the manner in which they have shot this morning I am sure somebody is dead.

At that time I didn't know that my son was on his way to me. Around 6 pm I sent his brother to the shop to buy bread. On his way to the shop he met Leon my neighbour, he said to him, my son is Matthews, he said Matthews, did you know that Thabang has been shot, Matthews said where is he shot, and then Leon said at Lansdowne Road, they were fighting. And while he was getting out of the bus, he was one of the people who was running away and he was one of the first people to be shot.

MS GOBODO-MADIKIZELA:

When did you hear this mamma?

MS MAPHALANE

The same - on that same day, it was on the 25th of March.

MS GOBODO-MADIKIZELA:

Did you hear this from Matthews one of your sons?

MS MAPHALANE

Yes he was told this by Leon our neighbour.

MS GOBODO-MADIKIZELA:

Please tell us how did you receive the news?

MS MAPHALANE

When I heard that my son has been shot, I went to my brother's place I asked him to call the police station to find out if there were any children shot. At the Guguletu station they said no there were no children shot there, but what - everything that has happened has happened at the Lansdowne Road, we must now go to Phillippi station to ask. But it was too late for us to ask this. But now since I was waiting for my son, he wasn't coming back so I thought oh this must be the truth, he

is one of the people shot. Now the following morning at six o'clock, I went to my sister who lives at Crossroads, I just wanted to find out from him if my son isn't with him - with her. So I came back on foot, searching the place of the scene, the place of the scene.

When I got there, I found blood all over, then I could see for myself no my son has been shot. When I got to Phillipi at Lansdowne Road I took a bus to the police station at Phillipi. When I got there, I asked the white policeman were there any children shot yesterday brought here by a Casspir? One of the policeman said to me I don't know anything, he said ask that one. He said I don't know anything, the other one said, ask this other one. They just did that to me, eventually one of the black policeman said to me, don't [indistinct] this woman, so I was told that a Sergeant will be the only one who can tell me this.

When the Sergeant came, go to the mortuary your silly children are in there, that was the only answer that I got. When I came back home I just told everybody that I was told that no I just have to go to the mortuary.

Yes indeed I went there where I saw him, yes he was really shot. He had a bullet wound on his head and this people were also telling me that he also had bullet wounds on his chest, they said when I asked to see, they said no, they don't have the authority to show me. So I simply left.

MS GOBODO-MADIKIZELA:

I am sorry mamma I am going to take you back. What was actually the difficulty for you so that you cannot be able to see your son on the 25th of March.

MS MAPHALANE

Like I said it was already late, because we started at Guguletu station, at Guguletu station we were told that there were no children there, there were not shot children and it was already late now. So I went home, so I told myself that I am going to go again in the morning because it was already at night now.

MS GOBODO-MADIKIZELA:

Thank you mamma, I just wanted to make sure because at the beginning you said you don't really know exactly about this. So that's what I wanted to find out. When you saw him in the mortuary, what steps did you take?

MS MAPHALANE

I didn't take any steps, I just went back home, and I was going to prepare for the funeral. I didn't take any steps at all. Except that when I was already from the undertakers ANC people came to visit, they gave us letters that said we can go to the lawyers. After we had already buried our children. No we didn't get anything for their deaths.

### Possible questions

- What light does this evidence shed on some of the gross human rights violations that took place during the apartheid regime?
- Can you trust this source as evidence of some of the atrocities carried out during the apartheid regime? Use evidence from the source to justify your answer.
- What do you think would have been the impact on Ms Maphalane on giving this evidence to the TRC?

# THE UNFINISHED BUSINESS OF THE TRC

## THE ISSUE OF REPARATIONS:

**“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’.”**

The TRC recommended that the victims identified by the TRC be paid a maximum of R3 billion as compensation. However, the government continually delayed this process. By 2001, three years after the release of the Final Report of the TRC, the government had done nothing to address the issue of reparations. The following sources deal with the government’s unwillingness to meet the recommendations of the TRC.

*(Source: ‘Mbeki accused of ignoring reparations’, Mail & Guardian, 20 September 2002) (See page 9)*

In 2003, Archbishop Desmond Tutu, the chairperson of the TRC, chastised business and government for not dealing speedily with the issue of reparations. He stated that business and government had both a legal and moral obligation to honour the payment of reparations.

*(Source: ‘Reparations a priority’, Independent on Saturday, 22 March 2003) (See page 12)*

Not only did the government delay in paying reparations, but they also changed the decisions regarding the amount of reparations to be paid. The 22 000 victims who told their stories to the Human Rights Violation Committee were promised individual grants of R21,700 a year for six years. However, the government reversed this decision by insisting on a once-off payment of R30,000. Michael Lapsley, a priest who was himself a victim of apartheid violence – both his hands were blown off and he lost the sight in one eye as a result of a letter bomb – commented, “How tragic it would be if the 22000 people whose stories confronted us all with the painful truth of our past were to become embittered through our collective lack of generosity.”

*(Source: ‘Trust shown by victims in the TRC process must now be honoured in proper reparations’, Cape Times, 12 May 2003) (See page 16)*

Business, and particularly some of the main beneficiaries of the apartheid system, reacted with dismay to a call from government that they should pay reparations to the victims of apartheid. Anglo-American, one of the most important beneficiaries of the apartheid system rejected the idea, stating

that “the payment of reparations in SA was {not} appropriate when both the business and political environments had changed significantly and transformation in the country’s mining and other industries was well under way.” This is a clear attempt by major stakeholders in big business to skirt its responsibilities by refusing to acknowledge the huge financial gains it made as a result of apartheid, and by evading a responsibility to give back to the communities which they exploited and on which they built their fortunes.

*(Source: ‘Firms cautious on apartheid reparations’, Business Day, 26 March 2003) (See page 14)*

## THE PROSECUTION OF PERPETRATORS

**“To pursue the prosecution of perpetrators who ignored the TRC’s amnesty process or who failed to secure amnesty .”**

A central aspect of the TRC was the decision to exchange truth for amnesty. Perpetrators of gross human rights violations were urged to come forward and make a full disclosure of their activities. However, the TRC received only 7,116 amnesty applications, of which the majority were the ordinary foot soldiers of the apartheid regime. The TRC left untouched the major apartheid decision makers. The fact that the majority of high ranking officials in the National Party were able to escape the need to make a full accounting of their actions is a sore point for many who suffered under the apartheid regime. The failure of the government to pursue those perpetrators who failed to come forward to the TRC is a shameful reflection of the unfinished business of the TRC. It sends the message that those who committed the most heinous crimes against humanity are protected and treated leniently, while the victims and survivors are dismissed.

*(Source: ‘Dealing with unfinished business’, Natal Witness, 1 November 2005) (see page 18)*

## PRESIDENTIAL PARDONS

**“To manage the presidential pardon process in line with the recommendations of the TRC”**

Based on the recommendations of the TRC, the Mbeki government formed a parliamentary committee which produced a list of presidential pardons nominees. However, the committee acted behind closed doors

and failed to disclose the criteria it used for selection purposes. This added to a growing sense of secrecy coming from government quarters. Civil society formed a group known as the South African Coalition for Transitional Justice (SACTJ), and it challenged the government's lack of transparency and failure to take into account the victims in ongoing prosecutions and the pardons processes. SACTJ ultimately took the government to the High Court, but government appealed. It eventually went to the Constitutional Court which found in favour of civil society. As a result, the president now has to consult with victims on any future presidential pardons in cases of political crimes.

However, the government's determination to fight this issue in the courts provides a sense that government does not always work in the interest of civil society. In particular, the government was seen as working against the interests of victims.

## ONGOING TRUTH RECOVERY

**“To conduct ongoing truth recovery to uncover further evidence about unknown, unacknowledged aspects of our past.”**

A number of organisations have shown a deep commitment to an ongoing search for truth regarding the apartheid past. For example, the CSVR has implemented a Continued Truth Recovery Project which works with the families of the people who have disappeared, but also focuses more broadly on accessing information obtained by the TRC.

SAHA is also actively involved in accessing information of the TRC and has made extensive use of the Public Access to Information Act, 2000 to gain access to aspects of South Africa's hidden past. The fact that SAHA has often had to resort to legal action in its attempts to recover the truth suggests a lack of willingness on the part of government to cooperate with agencies who are committed to uncovering unacknowledged aspects of the past.

## THE TRC ARCHIVE

**“To protect and make readily accessible to all South Africans the ‘national asset’ that is the TRC archive”**

While the TRC generated a mass of documentation on some of the gross violations of human rights that took place during the apartheid regime, the government has at times made it difficult for ordinary South Africans to gain access to archival material relating to South Africa's tortured past.

Archivists have complained about a “culture of secrecy” that has carried over from the old regime to the new. For example, SAHA was engaged in a three-year legal battle with the new government to gain access to 34 boxes of TRC files, some of which were regarded as sensitive material. The Ministry for Intelligence Services initially denied any knowledge of these boxes, but finally admitted that they were in their possession. The Ministry then was forced to transfer these files to the national archive, but only allowed the public access to half of them. The other half can only be accessed through official applications which are generally blocked. This suggests that both the old and the new government are more concerned about keeping secrets about the past than opting for transparency in a new democratic South Africa. This is an indictment on the new government.

## RELATED SOURCES

*‘The secret files that haunt SA’, Sunday Independent, 15 March 2009 (See pages 44-45)*

*‘Insight: the Security Branch’s ex-files’, Saturday Star, 3 November 2007 (See page 43)*

# SOURCE MATERIAL AND THE UNFINISHED BUSINESS OF THE TRC

Teachers can engage with the source material on the unfinished business of the TRC in a number of ways.

## A. Creative approaches

An important aim in teaching learners about the unfinished business of the TRC is to alert them to the importance of the role of civil society in raising awareness and challenging government to keep its promises and to sustain the democratic principles of transparency. Organisations like SAHA and the Khulumani Support Group have played critical roles in this regard and have organised campaigns and exhibitions to ensure that the recommendations and principles of the TRC are implemented and that a culture of human rights is kept alive in South Africa.

By using a creative approach to teaching learners about the TRC, teachers will involve learners actively in thinking about human rights issues and engaging critically with the aftermath of the TRC. As the work is creative, learners are likely to enjoy doing this kind of work, and their enthusiasm will heighten their awareness.

### 1. Create a poster

The Khulumani Support Group produced the following artwork as part of their campaign of protest against the government's lack of action with regard to reparations.

Teachers can use this art as a stimulus for learners to produce their own poster or banner relating to one of the issues of 'unfinished business' of the TRC. The poster should contain the following elements:

- A powerful slogan relating to the particular area of unfinished business.
- Some further information relating to the area of unfinished business that will provide the viewer with more in-depth information about the problem
- An eye-catching and bold visual design that will attract the viewer

### 2. Create a collage

Drawing from the various newspaper articles and art work found in this booklet, learners can cut out headlines, phrases, art work, etc and use these to form a collage which highlights one or all of the areas of unfinished business of the TRC.

### 3. Create a campaign

Working in groups, learners should choose one of the areas identified by the SAHA exhibition as unfinished business and create a campaign of awareness around the issue.

The campaign should contain the following elements and/or activities:

- An appropriate name for the campaign
- A clear set of the aims of the campaign

The form of the campaign – the activities and events which would make this campaign successful. This should include at least two activities. State what is hoped to be achieved with each of these activities.

## A. Interrogating sources

Teachers should use some of the newspaper articles as sources for interrogation by the learners. When doing this, teachers should focus on developing the skills of comprehension, analysis and evaluation. Below is an example of some the kinds of questions to ask of a source. These can be adapted for the various sources to be found in the section on the unfinished business of the TRC.

### Source A

*'Insight: the Security Branch's ex-files', Saturday Star, 3 November 2007 (see page 43)*

### Possible questions

- Provide three examples from the source to show how the government has made it difficult or impossible to gain access to information about the activities of the Security Branch during the apartheid regime.
- Why do you think the government has reacted in this way?
- How does the headline of this article affect one's understanding of the article?
- What is the attitude of the author of this article towards the disappearance of these files? Find two examples from the source to support your answer.
- Do you think the information in this source provides a reliable view of the government's actions? Provide evidence from the source to justify your answer.



# The Battle Against Forgetting:

## HUMAN RIGHTS AND THE UNFINISHED BUSINESS OF THE TRC

This booklet is based on an exhibition produced by the South African History Archive (SAHA), to mark Human Rights Day on 10 December 2010. Drawing on archival collections housed at SAHA, the exhibition attempted to raise awareness of, and reflect upon the unfinished business of the South African Truth and Reconciliation Commission (TRC), and the various ways in which many victims of of apartheid-era gross human rights violations continue to struggle to overcome those social, economic or institutional abuses of rights partially but ultimately inadequately addressed by the TRC.

This exhibition was incorporated into a series of educational workshops about the TRC, held with educators and learners at Constitution Hill in March 2011. Through this workshop process, materials to support the teaching of the TRC in South African classrooms were developed, and have been included as an appendix in this booklet.

For further information about SAHA's collections, and educational, advocacy and outreach activities, please visit [www.saha.org.za](http://www.saha.org.za).