

11. Truth and Reconciliation Commission

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Former National Party leader and Deputy President FW de Klerk said that apartheid was not a crime against humanity. This statement, from any perspective, flies in the face of the definition of a crime against humanity, and the atrocities committed in South Africa. The Truth and Reconciliation Commission (TRC) hearings demonstrated this picture, and, from any lens, renders de Klerk's statement absurd. Apartheid, as a doctrine, was built on racial supremacy, and relied on brutality to enforce that mission. Under-development, poverty, violence (including against woman and children) and structural inequality remain a reality especially among South Africa's black communities where societal problems continue to torment and devastate lives, generation after generation.



Archbishop Desmond Tutu

However, the under-development and deprivation that the apartheid system induced had to be maintained by a strict social order. To achieve this order, the system was required to oppress, and the means was brutal violence. Apartheid taught South Africans to be strong, but strength was not defined by the capacity to do what is right. It was defined by the *might is right* logic, which is the only means to control a society illegitimately. The racist and discriminatory laws systematically damaged society in many ways. A black worker who was destined to use a pick and shovel to build a road, a police officer who was required to control humans like cattle, the soldier who was expected to secure our borders by launching raids in neighbouring states, and the like, formed the bedrock of a system devoid of sense and reason. Nelson Mandela set the tone that strength is not necessarily the ability to impose your will through violence, and that literally changed South Africa overnight.

The role of the media was critical in recording and detailing

the events as testimony at the TRC unfolded. A keyhole view was provided into the atrocities that were committed on a personal and societal level. Such a process needs decisive and bold leadership that is credible, and the Madiba-Tutu (Nelson Mandela-Archbishop Desmond Tutu) dynamic held sway. Both leaders were principled, selfless, bold and uncompromising on the attainment of a South Africa that is united in its diversity. International convention pointed to apartheid being deemed a crime against humanity. The TRC process provided further concrete evidence, and was a crucial component of the transition to democracy in South Africa. Despite some critique, it is generally regarded as very successful, and represented a beacon of hope for humanity.

The TRC was chaired by Archbishop Desmond Tutu and Dr Alex Boraine as deputy chairperson. The mandate for the commission was set up in terms of the Promotion of National Unity and Reconciliation Act of 1995. The Act empowered the commission to bear witness to, record and in some cases grant amnesty to the perpetrators of crimes relating to human rights violations, thus facilitating reparation and rehabilitation. The formal hearings began on 15 April 1996, and made international news as many sessions were broadcast on television. The media has the power to create and ensure constructive engagement that will support national and international transitional justice efforts. There is general consensus that the best and most well-known example of publicised transitional justice is South Africa. The coverage across print and electronic media was broad and inclusive.

There are two images that many would recall in connection with the TRC. The 'wet bag' was a method of torture used by former Western Cape security policemen. The method was elaborated upon during the hearings where the officers sought amnesty for having tortured Umkhonto we Sizwe cadres and activists in their regional jurisdiction. Tony Yengeni, who was one of his victims, wanted Jeff Benzien, the security branch officer, to demonstrate his technique. Benzien responded by describing the manner in which the police used a cloth bag known as a 'prisoner's property bag' to torture activists. The bag would first be submerged in water, while the detainee would be handcuffed with his hands behind his back and forced to go down, face to the ground. A policeman would then straddle the detainee while pulling the wet bag over the victim's head, closing it around the neck 'to cut off air', and then interrogate the victim. Such forms of torture were deliberately planned, and executed with the sadistic intention of interrogating the victim under the threat of a slow and terrifying death through

suffocation. This would violently, loudly and sharply throw the individual into the natural human instinct to survive or die. The second image is that of Archbishop Tutu breaking down in tears on a number of occasions during the TRC hearings. But it was his emotional breakdown with the painful stories of the killing of the 'Cradock Four' that made world headlines both in image and narrative.

The visuals provided by media coverage tell of a horrific tale that wrenches hearts and numbs minds leaving us to question our humanity. Nomonde Calata was accompanied to the commission by her friends and fellow widows, Sindiswe Mkhonto, Nyameka Goniwe, (wife of Mathew Goniwe, leader of the Cradock Four), Nombwyselo Mhlawuli, and her 19-year-old daughter Babalwa. They spoke in a dignified way of their grief and struggle to provide for children without a father's help. They wanted to know who was responsible for the killings. Having been moved to tears by Babalwa Mhlawuli's testimony, Archbishop Tutu broke down completely as he then listened to Sinqokwana Malgas, the 30-year-old victim who, as a result of his imprisonment, harassment and torture, was wheelchair-bound. While these images most stand out, there are thousands of victims - some dead, some alive - who remain tormented by this history.

“The media created an image of a South Africa as a beacon of peace, freedom and equality”

South Africa's public broadcaster launched a weekly show called the *TRC Special Report* which was managed by some of the country's most respected and credible journalists. South African journalism, at the time, had to tell the *stories behind the stories* of the TRC to ensure that all concerned understood the context of engagement. Television and radio allowed for an unprecedented and rich access to the hearings. Television, in particular, created a unique visual impression with tone of voice, body language and facial expressions which generated a special kind of response from the viewer in South Africa, and the world at large. Radio and print brought the human elements daily to the poor and rural people. who would otherwise not have been privy to the hearings.

In reality, the victims seeking truth and justice, the perpetrators requesting amnesty, the spectators in the hall and the commissioners presiding over the proceedings were taking their experiences, the feelings and the tone of the hearing to the world. These stories were becoming part of the daily discourse of the millions of viewers worldwide, and the stories gradually become personalised as 'our stories' as South Africans. The commission recalled stories that brought to the fore levels of brutality that many South Africans were not aware of, even those close to the victims. These

revelations saw the nation brim with emotion.

The decisive impact of the TRC coverage by broadcast media comes to light especially when contrasted with the critical, and, at times, hostile tone of reporting by most of the country's print media.

South Africa had been beset by criminality of unparalleled proportion like massacres at Boipatong, Bisho, and Shell House as well as the ongoing violence in the hostels and townships. The execution of the Afrikaner Weerstandsbeweging (Afrikaner Resistance Movement) fanatics who tried to invade Bophuthatswana, resulting in the iconic, and globally-viewed images of slain men lying beside their vehicles, raised fears of a civil war. On a global and domestic level, the TRC was located in a decade when the world was helplessly standing by while genocide replicated itself, and South Africa was no exception. But more so, and in contrast, who could forget the 'white doves', designed to symbolise peace that became the crest of the emerging, but battered and bruised South African psyche? The 1994 elections, 1995 Rugby World Cup and adoption of the Constitution of the Republic in 1996 were the ingredients of a country that was optimistic about its future. The TRC, therefore, became the basis of looking forward to a new, peaceful and prosperous South Africa. The success of the TRC was entirely dependent on its framing, and receptiveness by the public - the media seemed to have understood this.

By the sheer force of morality, much of the world media was somehow mobilised or co-opted to represent this hopeful nation led by Mandela. The media created an image of a South Africa as a beacon of peace, freedom and equality for the world at large, which was probably the most significant achievement of the coverage of the TRC. Stories emanating from the TRC demonstrated to the world that peace and reconciliation were indeed possible and, irrespective of the pain, the human spirit will triumph. It was at this point that South Africa, in all likelihood, took a turn towards a truer and deeper existentialist independence, liberating the souls of the vanquished, both oppressor and oppressed, living and dead.

It is my view that reconciliation is an important subset envisaged for South Africa's transition. The media latched on to this amazing story in a country that was on a knife's edge, with wounds still fresh, yet able to speak up, and confront the demons of the past. South Africa survived, though tales of torture, murder, cruelty and hideous tactics created mistrust, strife, divisions and tensions within communities which led to violence and division.

The aura that the media created around the TRC process was among the only glimmers of hope in a period when civil war and strife were already defining material conditions both in South Africa and in several countries on the continent. The relationship between the media and transitional justice is as crucial today as it was in 1996.

The sharing of experiences endured by victims and inflicted by perpetrators takes immense courage, especially if there is a possibility that one may have to face consequences. The South Africans who testified seemed to understand, or at least

hoped, that should this process succeed, this may be the last time that they would have to muster the level of courage needed to exhume the experiences and pain of the past. The media did not disappoint, and remained faithful to the integrity and credibility of the process as it was always fundamental to ensure the success of transitional justice. Unfortunately, when it comes to many transitional justice practitioners in the 21st century, the awareness and value of engaging with media is treated like a minimalist outreach programme for many. The media, above all, are crucial as agents of social change as they are fully aware that their impact gives rise to responsibilities regarding transitional justice efforts.

If the goal of the TRC was to impact positively on the South African transition and unburden a nation of its core anguish, the media's role in circulating information and influencing public discourse must be understood. Additionally, the media's role in shaping collective memory and an understanding of

the past is one of the greatest challenges facing post-conflict societies. Transitional justice efforts rely on the media to encourage consensus about the past, and this is central to ensure a credible and peaceful transition. This consensus is essentially about friends, family, colleagues, comrades and enemies entering a process which delves into the deepest most intimate zones of thinking among victims, perpetrators and society at large. To this end, the media has a fundamental responsibility.

The crowning glory will be the lasting image of Madiba and Tutu as the leaders who navigated an outcome with courage, and a fidelity to humanity that may never be replicated again. This leaves us with that which we should always strive to emulate. The media played a crucial role in demonstrating that a crime against humanity can be displaced by the real strength of a people choosing survival.



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