

After seven years of hearings, South Africa's truth and reconciliation commission formally closed its doors. SARAH COLEMAN takes a look at its success and failure — and the strange balance between justice and forgiveness that truth commissions offer.

**South Africa, December 31, 1985.** Early morning. A laborer named Lucas Baba Sikwepere stands in a crowd of two dozen people in a black township in the Western Cape. Sikwepere has spent the night outdoors, afraid for his life: local police have announced that they are sweeping the area looking for anti-apartheid activists.

Like the others around him, Sikwepere is confused, frightened. A police van pulls up and instructs the crowd to disperse. As people start to move off, shots are fired. Knowing that he will become an instant target if he starts to run, Sikwepere tries to walk calmly away.

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"I felt something hitting my cheek," he testified to South Africa's Truth and Reconciliation Commission (TRC) a decade later. "I felt my eyes itching, I was scratching my eyes. I wasn't quite sure what had happened...I felt somebody stepping on my right shoulder and saying 'I thought this dog had died already.'"

He had been shot multiple times; bullets were lodged in his neck and face, blinding him. Afterwards, he was taken to prison and tortured, then put in an open grave and told something that may well have been true: "You could die here now, and nobody would know."

What happened to Sikwepere was alarming, but far from unusual. In the 1980s and early 1990s, South Africa was in the grip of what seemed like an endless cycle of violence. Sensing that its hold on power was disintegrating, the apartheid regime ordered chillingly

brutal attacks on the black majority population. Torture, rape, and murder were used to suppress any hints of anti-government activism. At the same time, rival black liberation groups, including the militant wings of the African National Congress and the Inkatha Freedom Party, were attacking their apartheid masters — and each other — with deadly force. ANC and IFP activists ruthlessly rooted out suspected traitors in their midst; those accused of collaborating with the state were made to wear the infamous "necklace" — a car tire placed over the head that was filled with gasoline and set alight.

For a while, it seemed as though the whole country would go up in flames.

"I feel what has brought my sight back...is to come back here and tell the story," Sikwepere told the TRC. "I feel what has been making me sick all the time is the fact that I couldn't tell my story."

Fast forward to Sierra Leone, 1999. Rebel forces opposing the government have mounted a campaign of murder and mayhem in the country's capital, Freetown. Thirty-nine-year-old Ishmael Daramy is caught by a group of men wielding machetes, who cut off both his hands. They do it, they say, so that he can never again use those hands to vote.

Today, Daramy isn't sure he'll testify in front of Sierra Leone's recently opened truth commission. "I cannot talk about reconciliation, because it is very difficult," he says. "When you look at the situation in Sierra Leone compared with South Africa, it is so different. In Sierra Leone, we had amputations, in South Africa they did not. It is not easy to reconcile with someone who amputated you. It is not easy to forgive."

**After justice comes peace of mind**, or so conventional wisdom tells us. The question then becomes, what constitutes justice? Is it handed down by a judge, a village elder, a jury of 12 people chosen at random? Should secular justice coexist somehow with its



religious complement — the belief that retribution will be meted out by a higher power — and if so, what does that mean for non-believers? Or can justice be delivered by way of a well-timed punch to the jaw?

South Africa's Truth and Reconciliation Commission — which formally closed its doors in March after seven years of hearings — was set up to address such questions. There had been prior truth commissions (notably in Uganda in the 1970s and Latin America in the 1980s), but South Africa's version was particularly wide-ranging, and the first to conduct its hearings in public. It has since been widely imitated: Sierra Leone's truth commission opened hearings in April this year; Peru's has been investigating the human rights abuses of the notorious Sendero Luminoso (Shining Path) and Tupac Amaru groups since January. Commissions are currently active in East Timor and Ghana, and are under consideration in Indonesia, Bosnia and the Congo. There have recently been calls for a truth commission to be set up in postwar Iraq.

Which is all well and good, right? Well, not so fast. Truth commissions can be indispensable tools for countries undergoing tough political transitions, but they bring up a lot of thorny questions too. Is it fair, for example, to offer murderers and torturers amnesty

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in return for testimony, as South Africa did? Should victims be entitled to financial reparations? What if the violence is still in on a person's body, as is the case with thousands of amputees in Sierra Leone (What do you say to a man who cut off both your hands?) And is it healing to talk about a torture or rape in public? "They were kicking me across the face...They pushed a pipe with a condom in and out of my vagina... After being assaulted, I was bleeding from my mouth and nose, but still I was hanged, left dangling from a tree...."

Truth commissions offer a strange paradox: they pit the depths of cruelty to which humans can sink against the amazing capacity of the human spirit to endure and heal.

**Ubuntu is a Zulu word that can be loosely translated as** "community responsibility". It springs from a belief that people are defined through their relationships — literally, that "a person is a person through other persons". In the government act that paved the way for South Africa's TRC, *ubuntu* is seen as a key ingredient of reconciliation. "There is a need for understanding but not for vengeance...for *ubuntu* but not for victimization," the act states.

In the early 1990s, South Africa was at breaking point.

Government and opposition parties were forced to sit down and talk about how to create a new democracy that would leave the sins of apartheid behind. Coming to a consensus wasn't easy. The ANC wanted Nuremberg-style trials for its apartheid oppressors; the apartheid parties wanted a blanket amnesty for their members. The TRC was the negotiated compromise.

In forming its commission, South Africa was able to avoid some of the mistakes made by other countries. Uganda's 1986 commission set no deadline for its work, ran out of funds and lost the public's interest. In Chile, failure to remove high-ranking officers from power after a 1991 truth commission report named them, left the public skittish and doubtful.

"Revealing is Healing" was the TRC's official slogan, hung on banners everywhere the TRC convened. Inspired equally by religion and psychotherapy, the commission aimed to help the country talk its way to reconciliation.

Still, there were problems. Offering amnesty to known murderers was controversial; the question of whether rape was a political crime vexed the commission. There was also the question of how to treat ANC and IFP activists who confessed to murders. Was there a moral equivalence between the oppressor and the opposition underdogs whose misfortune it was to be dragged into the same dirty game?

"The expectations for truth commissions are almost always greater than what those bodies can ever reasonably hope to achieve," writes legal scholar Priscilla B. Hayner. Terry Bell argues in his upcoming book, "Unfinished Business: South Africa, Apartheid and Truth", that the TRC was so eager to effect reconciliation that it turned away while businesses and government offices destroyed key evidence. "There is now a strong move to close the door on the past...to bury many aspects of our recent history," Bell writes.

Still, from 1996 to 2003, 21,000 people gave testimony to South Africa's TRC; there were over 7,000 applications for amnesty. On Sunday nights, South Africans sat glued to their televisions, watching special reports from the commission. Many security men who came forward to confess their crimes were respected members of their communities. Sometimes, family members heard for the first time at the TRC that their husbands or fathers had been torturers or members of a death squad. Marriages broke up; careers were ended. The television cameras saw to that.

**Lucas Sikwepere never got a chance to confront the man who** shot and blinded him. The notoriously cruel warrant officer H.C.J. Barnard, named as a perpetrator in over 60 reports to the TRC, died in 1988, denying his victims an opportunity to see him confess to his crimes. But he also lifted a possible burden from their shoulders: the anguish of seeing their torturer get amnesty in return for his confession.

For Gillian Slovo, that burden was a heavy one. Slovo's parents, Joe Slovo and Ruth First, were among the white community's most prominent anti-apartheid activists. Joe had represented Nelson Mandela in court; Ruth was a hard-hitting investigative journalist who helped draft the ANC's Freedom Charter. She was killed by a

parcel bomb in 1982.

When the two men accused of First's death applied to the TRC for amnesty, Slovo and her sister went to hear their confessions.

"How did it affect me?" Slovo wrote later. "[I]f anything, it increased my feelings of hatred. This may sound strange. Beforehand, I felt that what happened to my mother was purely political. But as a result of observing the amnesty application of Ruth's killers I came to see that it was also personal: that they were murderers and that they were motivated by a form of personal hatred as all murderers are."

In Slovo's 2002 novel, *Red Dust*, the truth commission visits a fictional small town called Smitsrivier in South Africa's Eastern Cape. "Even the name's a giveaway," her protagonist tells a colleague. "The Truth and Reconciliation Commission! Whose truth exactly? In your words: the torturer's or the freedom fighter's? The policeman's or the terrorist's? ... My point ... is that truth is not neutral."

**Beatings, tortures, murders, amputations.** The testimony builds thread by thread, into what South African poet and journalist Antjie Krog has called "the web of infinite sorrow". Babies thrown onto burning coals, throats sliced by the downward stroke of a machete, women raped in front of their children. Is it possible to speak of such sorrows and move on?

In South Africa, the question of financial reparations for victims of apartheid is currently dominating the news. In its final report, the TRC recommended that the business community (which benefited from cheap labor throughout the apartheid regime, and is still heavily dominated by whites) pay reparations to victims. Unsurprisingly, business leaders are opposing the idea.

Of course, it's a fantasy to believe that a country's trauma can be neatly parceled up by a government-appointed commission, sealed in an airtight vault and consigned to the past. Recovery is a long-term process. Peace is never a final destination, only a temporary achievement to be measured day by day.

And yet, having an imperfect truth commission is often better than relying on traditional systems of justice. In Rwanda, no truth commission has been set up to deal with the country's 1994 genocide. Instead, an international war crimes tribunal is supplementing the work done by local courts. But the wheels of justice turn slowly, and the United Nations-sponsored International Criminal Tribunal for Rwanda has completed only 10 trials in eight years. Hobbled by lack of funds and the difficulties of transporting witnesses to its centers in Tanzania and The Hague, the ICTR has graphically demonstrated the limits of international justice.

By comparison with such bodies as the ICTR, truth commissions are a risky venture. They gamble the promise of a better future against memories of a traumatic past. They're strong medicine, prescribed on the basis that whatever doesn't kill a person makes him stronger.

Given the choice, though, most people who have suffered from violent regimes are choosing a complicated truth over silence. And, like Lucas Sikwepere, they're finding that simply being heard can be an enormous relief. From Ghana to Peru, from Bosnia to Sierra Leone, there are people betting on an age-old axiom — that the truth will set them free. ○



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