

# **National Narrative versus Local Truths: The Truth and Reconciliation Commission's Engagement with Duduza**

by

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## **Introduction**

One of the central goals of the Truth and Reconciliation Commission (TRC) was to 'uncover the truth' about South Africa's human rights abuses. This paper explores different understandings of the nature of this truth, by examining the tensions between the views of the TRC and those of a range of community stakeholders in Duduza, a township near Johannesburg.<sup>1</sup>

A central component of the TRC's reconciliation agenda was to develop and promote a common understanding of the history of the apartheid conflict. Through collecting individual stories and convening a hearing on human rights violations in Duduza, the TRC reflected to the community certain images of its own history. While Duduza residents were extremely interested in revealing and recording the truth about the past, they found the TRC process problematic in many ways. They felt that the type of information considered relevant and the space for complexity in the narratives were too constrained. Community reconciliation and local history, as perceived by the residents, required a much more involved, long-term engagement with the dynamics of local conflict.

## **The TRC's Engagement with Local History**

While the TRC's mandate covered a range of responsibilities, section 3(1) of the enabling legislation spelled out its specific objectives:

The objectives of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by –

- (a) *establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed ... by conducting investigations and holding hearings;*
- (b) *facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective and comply with the requirements of this Act;*
- (c) *establishing and making known the fate or whereabouts of victims and by*

*restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims, and by recommending reparation measures in respect of them;*  
(d) compiling a report providing as comprehensive an account as possible of the activities and findings of the Commission ... and which contains recommendations of measures to prevent the future violations of human rights.<sup>2</sup>

The Act did not specify exactly how the TRC should go about 'establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights', nor how it should grant victims 'an opportunity to relate their own accounts of the violations'.<sup>3</sup> It was also not clear how these objectives could be achieved in a way that would 'promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past'.<sup>4</sup>

The TRC operationalised these specific objectives in relation to particular communities by collecting statements from local victims and then holding a community hearing on gross human rights violations. These community hearings became the dominant focus of the first one and a half years of the TRC's operation, shaping the public image of its work and setting the scene for its subsequent amnesty hearings, investigations and published findings. Between April 1996 and May 1997, eighty such community hearings were held. These were public meetings lasting between one and three days, during which ten to twelve victims told their stories to a panel of Commissioners and a hall full of community members and local and international leaders.

These hearings served a number of functions for the Commission. First, they focused on victims, giving them an opportunity to speak out, to be listened to by representatives of government, to express their feelings in public, and to explain what they wanted with regard to truth, reparation and healing.

Secondly, the local community had the opportunity to find out directly from the victims what had happened, to clear up suspicions about who was involved in which abuses, and to break the culture of silence and mistrust among community members. It was hoped that this process would promote understanding among different groupings in local communities, and among political parties and different races.

Thirdly, the community hearings provided a powerful media image that could be conveyed to the country as a whole. Night after night, for several months, national television presented South Africans with the stories of atrocity and suffering related by victims at the hearings. The goal of this national message was to allow the whole country to confront its past, and to make it impossible for people to deny the suffering that had been caused by the conflict.

Using Duduza as a case study, this paper demonstrates how the tension between these different levels of intervention – personal, community and national – ultimately undermined the TRC's ability to make an effective impact on the personal and community levels. The TRC probably impacted most effectively at the national level, largely through the extensive media coverage of its victim and amnesty hearings. While the nature and extent of this impact may be debated, the profile it received and the level of public interest

give some indication of its significance.<sup>5</sup>

## **Duduza**

### ***Background to the Conflict***

Duduza is a black township that forms part of the Greater Nigel area on the East Rand. Nigel itself is an historically white town, with neighbouring African, Indian and coloured townships. The total population of the town and townships is between 150 000 and 200 000, and over half these people live in Duduza.

Duduza has experienced a great deal of political conflict over the last thirty years. There was some violence here in the wake of the 1976 Soweto uprising, in which a number of youths were shot and killed by the police. After a period of relative political calm, the community mobilised again in the early 1980s under the leadership of the Duduza Civic Association, a locally based political structure aligned with the African National Congress (ANC). In 1985, violence erupted after police fired on a march organised to protest against the bucket sewage system used by the Duduza Town Council. Over the following two years, there was ongoing violence between members of the community, the police and the council. Black policemen and councillors living in the township were chased out and the area was made 'ungovernable', meaning that state structures were effectively expelled. Youth leaders emerged during this period and took a harder line.

The police response to protest action also became more drastic and brutal. In one incident, the police attacked the house of a Duduza Civic Association leader, killing his two daughters. In a revenge attack by youths, a white woman from a nearby farm was ambushed and killed. The police made extensive use of detention and torture, and of assassination in some cases, to suppress political protest in the area. They also infiltrated local political structures, and in 1985 orchestrated the 'zero hand grenade' incident, in which a number of Duduza activists were killed.<sup>6</sup> The murder of alleged police informer, Maki Skhosana, was linked to this incident. Rumours spread through the community that she had had a relationship with a police operative and had informed on the victims. She was beaten and stoned to death by members of the community, and her body set alight and mutilated. A number of people were subsequently convicted and imprisoned for the murder.

Tension also arose around the presence of Inkatha Freedom Party (IFP) supporters in Duduza hostels. In 1991, violence erupted when IFP supporters, who had been chased out of hostels in the neighbouring townships by ANC members, fled to the Duduza hostels. The conflict that emerged was both among hostel dwellers, and between the hostel and community residents. Eventually, residents burned down and demolished the hostels. Some of the hostel dwellers were absorbed into the community, while others fled to other townships.

After the democratic transition of 1994, political tensions in Duduza continued in other forms. One source of conflict was the local government election for the Greater Nigel Council in 1995. There were allegations of intimidation around the nomination and election of candidates to represent the ANC on the council. The ANC candidates who finally represented Duduza, which had been allocated six of the ten council seats, won by a wide

margin against National Party (NP) and independent candidates. The three seats in the white neighbourhood of Nigel, an area previously held by the Conservative Party and contested in 1995 by the Freedom Front, were won by the NP, while the ANC narrowly won the seat in the coloured and Indian area against NP opposition. The ANC thus held 70 per cent of the seats in the Greater Nigel Council, which meant they could make budgetary decisions without having to reach consensus with the NP.

These are the broader, visible dynamics of the conflict. But while there were certain clear battle lines between some groups, many internal divisions also arose as the conflict metastasised. The cohesion of the community was destroyed, as suspicions, allegations of complicity, retribution and competition for leadership led to violent internal struggles and suppression of internal dissent.

By infiltrating activist groups and planting rumours, the state security forces created and fostered suspicion among residents. In the face of state repression, these organisations were also forced to operate secretly, thus undermining their democratic ideals. Internal conflicts were not always managed constructively, and coercive power struggles developed between different factions. One victim commented on the state of community relations: 'The whole community needs reconciliation. The police had infiltrated the comrades and informers were used. We don't trust anybody any more. All victims are suspicious.'<sup>7</sup>

#### *The TRC's Involvement in Duduza*

The TRC held a one-day human rights violations hearing in Duduza on 2 February 1997. The hearing combined cases from Duduza and the neighbouring communities of Ratanda, KwaThema and Tsakane. Rather than being a community hearing, in the strict sense, this was a regional hearing that tried to cover the Far East Rand. In preparation for the event, the TRC met with various individuals and parties, including the Town Council, the Civic Association, trade unions and churches.

TRC statement-takers came to the area and collected statements from the public on a specified day. Additional statements were collected by the Khulumani Support Group, a victim-support organisation that was not included in the Commission's consultative workshops with the community.

The TRC also contacted a range of people in the communities to encourage their participation in its activities. The main conduit between the TRC and the communities was the local political leadership of the ANC and NP. However, these leaders were not effective in mobilising community involvement in the process. They seemed to have no effective way of channelling information on the TRC to their supporters. Some victims felt that this was a deliberate attempt to suppress certain stories that might have implicated these leaders and their colleagues. Few of the victims interviewed in Duduza had received any information about the TRC through the political structures or the Commission itself.<sup>8</sup> Most had relied on their own networks or on Khulumani for this information.

While the TRC also liaised with religious leaders, this interaction was confined mainly to using church structures to provide publicity about statement-taking and the public hearing. Church leaders felt that they had not been included sufficiently in the broader process; for

example, they were excluded from the planning activities, which were steered by local political leaders.<sup>9</sup> One church leader commented: 'The TRC used the church structures to access the community. We were, however, not requested to join any committees. They mainly liaised with the ANC on things like the venue and so on.'<sup>10</sup>

The hearing was very well attended: the hall was full and loudspeakers had to be set up outside. Most of those present were local Duduza residents, while a few people came from Ratanda, KwaThema and Tsakane. Only one white person from Nigel, a National Party councillor, seems to have attended.

Of the nine cases heard on the day, three concerned residents of Duduza and six concerned the neighbouring communities. The witnesses from Duduza who told their stories were some of the surviving victims of the 'zero hand grenade' incident; the sister of Maki Skhosana; and someone who was both tortured by the police and accused of being a police spy. Whereas the three Duduza cases were all related to the period of intense repression and resistance in the 1980s, the remaining six covered a range of incidents, spanning the past thirty years and involving various political organisations.

Together, the nine cases presented a very diverse array of experiences of victimisation. Most implicated the state security forces, but some related to violence between the IFP and ANC. Others involved incidents of taxi violence, where the perpetrators were unknown, and one case involved a person who had disappeared in the 1960s, apparently when they had gone to join the liberation movement in exile. The hearing thus incorporated a number of different communities, each with quite different conflict dynamics and types of victimisation. There was no obvious underlying cohesion to the various stories told. Trying to construct such a unifying narrative or to engage victims about the meaning of their experience would be complicated. If one included the hundreds of other victims who made statements but did not appear at the hearing, the task would be even more daunting.

### *Competing Narratives*

In the process of collecting stories, doing investigations and conducting public hearings, various aspects of the TRC process became contested. Four key areas of contestation that illustrate the underlying tensions are discussed below: the social contextualisation of victimisation; the definition of a relevant abuse; the nature and identity of the perpetrator; and the choice of key victimisation incidents.

### *Social Contextualisation*

Victims' stories about their suffering contain various levels of social contextualisation, ranging from the intensely personal to the more abstract. Here I will identify four contextual levels: personal, community, national and systemic. While one account of victimisation can cover all four levels, the stories of victims more often focus on one or two.

For many victims, their personal trauma, the effects of the victimisation on the lives of themselves and their families, is a key part of the story. Relating this part of their story is important because they want their suffering to be understood and acknowledged. They

speak of pain, humiliation, fear, anger, and a struggle for survival and psychological healing. Some victims give very insulated accounts of their experience, focusing on the social, economic and psychological repercussions on their own lives. Rather than looking for social explanations for their suffering, they speak as if the experience was arbitrary and without meaning. Personal suffering seems to have isolated them from their society and left them in a self-referential world.

A second layer of many victims' stories is the community context within which the victimisation occurred. Many stories fit into a local history, and feature other local actors and events that are specific to that community. The conflicts of the past took a particular shape at the local level, with communities often internally divided between activists and collaborators, or between rival groups of activists. For many victims, a central aim of their story is to make sense of the dynamics of an evolving local conflict and contextualise themselves within it. Furthermore, the legacy of past conflict is often still embedded in the local milieu. People still mistrust and resent one another, and remain suspicious about who did what to whom. Uncovering the truth about the past is seen as a way of resolving these ongoing tensions.

A third layer refers to national political struggles. Victims draw a connection between their experience of victimisation and key national events or dynamics. They often demonstrate a deep political awareness, which allows them to describe their own suffering in relation to a particular phase or campaign in the broader liberation struggle, or in relation to particular political organisations and repressive state strategies. Some victims, especially those who were activists or leaders, place their stories mainly in this national context. They see their opponents not as independent actors but as agents of the apartheid system.

A fourth layer of meaning concerns the apartheid system itself and the severely repressive strategies required to maintain it. This systemic context is closely tied to national political dynamics, but implies a further level of abstraction. Here the victims understand their own experience in relation to the root causes of the conflict, whether racism, capitalism, colonialism or some other form of systematic oppression. Instead of regarding the conflict as being simply between the security forces and the community, or between rival political parties, these stories address broader social divisions.

This may seem like an obvious backdrop for stories of victimisation, but the victims themselves are not always aware of it. Take the case where black victims were abused by fellow blacks. Some victims interpreted this in the broader context of apartheid, drawing a link, for instance, between the maintenance of white privilege and the homeland system. But others saw their victimisation as solely a reflection of internal community divisions.

To uncover the truth about a particular human rights abuse, one needs to place it within its context, ideally drawing on all four levels of explanation. However, the reality is that different people prioritise different levels of social analysis. Victims do not all make sense of their experiences in the same way, and neither do those who intervene in conflict situations, like researchers, peacemakers or politicians. At best, the contextualisations of outsiders fail to encompass the full range of explanations. At worst, they impose an interpretation, and undermine the attempts of victims and communities to rebuild a sense of meaning.

The TRC's formula for uncovering the truth and making sense of a victim's experience was to contextualise the abuse within the national political conflict. The attempt to engage victims with the national narrative arose from an understanding of reconciliation as essentially 'national reconciliation' between race groups and political parties. For many victims this made perfect sense. They felt validated by having the Commission acknowledge their contribution to the struggle for liberation, and were better able to come to terms with the consequences of suffering by having it associated with noble political goals.

But for victims who prioritised other levels of meaning, the focus on the national struggle was sometimes experienced as a hidden agenda. Some victims, who were intent on clarifying local patterns of abuse, and exposing local perpetrators and collaborators, saw the TRC's emphasis on the bigger picture as suspicious. They thought the Commission was trying to keep secrets. Whereas some saw a conspiracy between local ANC leaders and the TRC (which was generally regarded as an ANC body), others simply saw a lack of concern about local needs. Two comments by victims illustrate the seriousness of these misgivings:

The community is dissatisfied with the TRC hearing because certain facts remain hidden. There is an ANC conspiracy to cover up, especially the hand grenade incident. One person who gave a statement contradicts evidence given at the TRC hearing.<sup>11</sup>

The Commissioner who met with the ANC arranged a special deal to hide the truth. Many local ANC leaders were implicated by victim statements. They were afraid of what might come out.<sup>12</sup>

Rather than seeing the TRC as a victim-centred process, many victims thought they were being used to present a politically skewed national narrative of the past.

### ***Defining Relevant Abuses***

There was general dissatisfaction among community members that the TRC did not address a broad enough range of abuses. The Act tried to define a 'relevant abuse' with reference to a particular time-frame, and to what it termed 'gross human rights violations', which included only '(a) the killing, abduction, torture or severe ill treatment of any person; or (b) any attempt, conspiracy, incitement, instigation, command or procurement to commit [such] an act ...'<sup>13</sup>

Today, Nigel and Duduza still experience serious racial tensions, and blacks are very conscious of ongoing structural inequalities. Incidents of racism are remembered clearly and past policies of racial discrimination recalled with deep pain. But stories about the everyday violation of human rights, in relation to education, health, employment, and so on, did not feature at the hearings, as they did not fall directly within the TRC's ambit. While the Commission was very interested in exploring the dynamics of race and racism, the focus fell on gross violations of human rights, involving overt physical violence.<sup>14</sup>

Furthermore, the definition of a 'relevant abuse' took into account the actions of the perpetrator rather than the consequences for the victim. An act of attempted murder, which



may have had very little impact on the life of the intended victim, was included in the TRC's mandate, whereas forced removals, with the attendant loss of property, livelihood, community, and so on, were excluded.

People found it artificial that a 'victim' was defined in a limited way as someone who had been abused for a political motive. The TRC's constant attempt, evident during the public hearings,<sup>15</sup> to unearth the political motive involved in an incident, and thus impose a political narrative on the victim's story, did not always make sense to community members. They did not draw these clear distinctions.

NGO staff had great difficulty explaining the subtle legal differentiations of the Act to victims:

Part of the problem is the focus on political victims. Many victims do not understand the distinction – why are they not accepted by the TRC? Some feel their suffering has been delegitimised because it is not a gross human rights violation. Some of them may have suffered even more than those who have been recognised. The type of victimisation does not necessarily match the amount of suffering. Some people who have endured tremendous suffering also managed to bounce back.<sup>16</sup>

#### *Nature and Identity of the Perpetrators*

The enabling legislation gave the impression of a strong commitment to exposing the identities of perpetrators. Victims would be allowed to name the perpetrators in public hearings, and the TRC would try to make findings about who was responsible for particular acts.<sup>17</sup>

In practice, there was a legal requirement that the TRC give alleged perpetrators sufficient prior notice that they would be named at a hearing.<sup>18</sup> This notification did not always happen, or happen in time, and victims were consequently often prevented from naming names. Some victims saw this as another of the TRC's attempts to cover up the identities of certain perpetrators. There were suspicions that the Commission was biased or trying to protect local perpetrators, especially when proper explanations for this restriction were not given. The transcript of one victim's testimony at the Duduza hearing provides some insight into these suspicions:

MR BUTHELEZI: I want to mention the names now. Why did they decide to call me a ...

CHAIRPERSON: Could you please ...

MR BUTHELEZI: police informer because ...

CHAIRPERSON: Could you please listen. We have never stopped you from mentioning those names. If you did not for the time that you were sitting there, do not blame it on this body. We are saying thank you, let us give others a chance.

MR LEWIN: Did he give us the names?

DR ALLY: Sorry, where is.

CHAIRPERSON: You can still, you can still give us the list of those people.

MRS SEROKE: Tom, the names are in the statement anyway. We will deal with



that later.

CHAIRPERSON: Thank you for the, we have the list of those people. Thanks, please, I can literally say, can you please learn to give us the quiet that we need which, I think, you personally need, because you need to understand what is going on and you will appreciate that if you have got remarks to make, please make them, out of here. We would love to give everybody a chance.<sup>19</sup>

Especially when it came to conducting investigations, victims felt that the TRC did not pursue cases unless the perpetrator or the victim was of national status. This concern was also expressed in relation to the amnesty hearings, where amnesty applicants were required to provide full disclosure of their actions. The Amnesty Committee interpreted 'full disclosure' so as to exclude the identity of informers involved in cases of human rights abuse. Victims objected to this interpretation and demanded that such people be named. For the TRC, the main goal of exposing the line of command was to determine who had given the orders. While this was important to victims, it was often just as important, if not more so, to find out which members of their local community had been involved in the abuse.

At the TRC hearing people expected to hear the truth about a number of key cases. The truth about who informed is central to people, because it had the involvement of local people who still live here. Certain more serious cases were not heard, and many others are also not addressed. People are less concerned about naming the police who were involved. The main concern is the people who were suspected of being informers.<sup>20</sup>

The TRC was also often engaged in allocating institutional rather than personal responsibility. The goal was often to make a finding (in the final report) that a certain political group or state structure should be held responsible for a particular abuse. This allowed the Commission to build a broad picture of the nature, extent and dynamics of abuses during the apartheid era. For victims, such findings generally just confirmed what they and others in the community already knew. Victims often felt the need to hold individual people responsible, to attach a face to the evil. A finding of institutional responsibility did not provide the same sense of justice or catharsis.

#### ***Key Victimisation Incidents***

The TRC used certain criteria in selecting cases for the public hearings. They chose cases that represented different forms of victimisation (for example, killing, torture); that involved victims of different races and political parties; that were well known in particular communities (for example, massacres); that illustrated particular national patterns of human rights abuses (for example, train killings); and that covered the whole of the mandate period (1960-94).<sup>21</sup>

The Commissioners did not always explain these criteria clearly when a hearing was held, and when they did, community members did not always believe them.<sup>22</sup> One apparent bias that people observed was the selection of cases involving prominent victims. The death or torture of a political leader often seemed to take priority, both in the choice of cases for the public hearings and in the time the TRC invested in further investigations. Victims generally felt that this indicated a lack of concern for ordinary victims.

Victims and other community members were also concerned that what they saw as key local events were not taken seriously by the TRC. Especially where an incident still had important repercussions in the present, and old suspicions continued to divide people, they wanted the Commission to pursue it more vigorously. This was the case, for instance, where an individual who now occupied a prominent position in the community was suspected of involvement in a past incident.

The TRC should have focused more on specific key cases in Duduza. It focused too much on rather insignificant cases. Certain cases are a crux in terms of understanding the conflict in Duduza. Others are more peripheral. The important cases are: the first killing of a boy during the protest march against the bucket system, the case of Mrs Thobela's family, and the killing of Maki.<sup>23</sup>

The TRC did not consult communities when it prioritised cases for the hearings or for further investigation. In the case of Duduza, the TRC conducted very limited further investigations. It focused on corroboration, that is, on confirming that victims were telling the truth, rather than on trying to identify the perpetrator or establish additional facts. The only cases where it did conduct further investigations were the 'zero hand grenade' incident and the killing of Maki Skhosana. Both of these cases were heard at the public hearing, and both had received extensive media attention. These are also the only cases mentioned in the TRC'S final report in relation to events in Duduza. None of the dozens of other victims who made statements in Duduza are acknowledged. Some interviewees expressed serious doubts about the TRC's interest in 'common people' and questioned the attention given to more prominent victims:

The TRC failed to reach real victims. Reconciliation is not about important individuals, but the common people need to reconcile. Prominent people were approached to make statements. Thousands of people who still have birdshot pellets lodged in their skins abound in Duduza. Maybe I do not understand the workings of the TRC.<sup>24</sup>

## **Conclusion**

This case study throws up many questions, both about the nature of local history and about the role of a structure like the TRC in engaging people in a dialogue about the past.

While the TRC had only a brief involvement with Duduza and was limited in its scope, the community viewed the encounter as a critical opportunity to access information and confront official silences. The nature of truth, history and memory in any complex community, especially one that has been fundamentally destabilised by severe conflict, clearly cannot be captured in a single intervention, even by a structure as elaborate and powerful as the TRC. Even if the TRC had tried to engage the community on its own terms, without the broader agenda of constructing a national narrative, it would probably not have been much more successful in satisfying local demands. Truth at the community level is unlikely to be effected by attempts to construct a consensus in the short or medium term. The memory of the past is so caught up in the construction of present relationships and positions of power and status, that the identification of relevant issues, perspectives and narrative styles would have to be revised constantly to accommodate different parties,

contexts and time periods.

This is not to argue that the endeavour of engaging with the past is impossible or meaningless. On the contrary, it is deeply meaningful because of its impact on the present and the future of communities. However, it is also an open-ended process. While certain facts can be established beyond any doubt, the relevance of each fact (and each suspicion) will wax and wane as new relationships and social norms are developed. Allowing marginalised voices to participate in such a process is vital in ensuring a more open and honest reflection.

The TRC's brief intervention gave the idea of confronting the past new currency. It brought out various competing views, but did not allow time and space for their resolution. By prioritising a national agenda, it compromised and diminished the truth-recovery goals of certain community members. The complexities of local conflicts were again subjugated to broader concerns about race and national liberation.

The contentiousness of the truth about the local conflict also reflects the shifting nature of conflict. While the conflict in Duduza can be located directly within the struggle over apartheid, the way it plays out in the local community is not simply as a racial or class struggle. Local struggles for resources and power are superimposed on the conflict. The history of violence, and a resultant culture of violence, also undermine the community's ability to deal with conflict among its members, and this complicates the reconciliation process.

It is clear that the promotion of national reconciliation does not automatically produce reconciliation at other levels in the society. Despite political and institutional transformation at the national level, and the creation of peaceful relations between erstwhile political opponents at the community level, the truth (or lack of it) remains a volatile social issue in the local arena. Reconciliation at community level will require extensive further intervention, dealing directly with truth, as well as other concerns, through more open-ended and sustained dialogue, investigation and reflection.

## Notes

<sup>1</sup> This paper relies largely on research conducted in Duduza during 1997. It also draws extensively on ongoing research and intervention work by the Centre for the Study of Violence and Reconciliation in numerous communities throughout South Africa between 1996 and 2002. The research was made possible partly through funding provided by the United States Institute of Peace for the author's Ph.D. thesis, 'The Truth and Reconciliation Commission and Community Reconciliation: An Analysis of Competing Conceptualisations and Strategies' (George Mason University, Virginia, 1999). The sections of this paper dealing with the TRC's hearing in Duduza were published in the TRC's final report. See Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 5 vols (Cape Town, Juta & Co., 1998), VOL 5, CHAP 9, Para 130, pp. 423-429.

<sup>2</sup> [Promotion of National Unity and Reconciliation Act, No. 34 of 1995](#) (my emphasis).

<sup>3</sup> Without arguing that the legislation should have been completely prescriptive, it should be noted that the Act gave the Commission the leeway to take on an enormously broad range of tasks. This created the conditions for much internal disagreement and conflict with the public about what people could legitimately expect from the TRC.

<sup>4</sup> For a detailed discussion of the pressures that led to the formulation of the TRC's reconciliation agenda, see H. van der Merwe, P. Dewhirst and B. Hamber, '[Non-Governmental Organisations and the Truth and Reconciliation Commission: An Impact Assessment](#)', *Politikon*, 26:1 (May 1998), pp. 55-79.

<sup>5</sup> The numbers of people who watched the weekly television programme TRC Special Report are telling: in its first year on air, the programme drew more than one million viewers (Theissen, 1999). The Truth and Reconciliation Commission in South Africa: A Review of Public Opinion Surveys, Unpublished CSV Report, June 1999.

<sup>6</sup> In 'Operation Zero Zero', as it was called officially, two police operatives pretended to be members of Umkhonto we Sizwe, the ANC's military wing, who had come to assist local activists with training. They instructed local youths in the use of hand grenades, and then helped them to plan simultaneous attacks in the townships of Duduza, KwaThema and Tsakane. When the attacks were launched, the booby-trapped grenades exploded prematurely, killing eight youths and severely maiming several others. See *TRC Report*, vol. 3, ch. 6, paras 372-5.

<sup>7</sup> Interview with victim, Duduza, 11 June 1997.

<sup>8</sup> Ten victims were interviewed individually, and a group of seven additional victims were interviewed informally.

<sup>9</sup> Two key local church leaders involved in the TRC consultation process in Duduza were interviewed. The key person in local government responsible for liaising with the TRC confirmed the limited role played by church structures.

<sup>10</sup> Interview with church leader, Duduza, 19 August 1997.

<sup>11</sup> Interview with victim, Duduza, 2 July 1997.

<sup>12</sup> Interview with victim, Duduza, 19 February 1997.

<sup>13</sup> [Promotion of National Unity and Reconciliation Act](#), ch. 1, section 1(ix).

<sup>14</sup> At times, the Commission was pressured to interpret its mandate more broadly, so as to include forced removals, for instance (Van der Merwe, Dewhirst and Hamber, '[Non-Governmental Organisations and the TRC](#)'). While this attempt and others were turned down, the mandate was sometimes broadened, as in the sectoral hearings.

<sup>15</sup> Consider this exchange from the human rights violations hearing in Vosloorus on 7

February 1997:

DR RANDERA: But why did the links with the IFP ...

(indistinct) you say he (Rev Khumalo) was strongly linked to the IFP? I just want us to go away quite clear, was this gang associated with the IFP or was this just because the Reverend's daughter was raped?

MR NTOMBELA: He was an IFP member, I mean Khumalo.

MR LEWIN: Could I ask you, I think in following up what Dr Randerer has asked, would you describe the conflicts that you have told us about, would you describe it as a political conflict?

MR NTOMBELA: What was happening had nothing to do with politics but murdering and thugs around.

<sup>16</sup> Interview with NGO staff member, 19 June 1997.

<sup>17</sup> Section 4 of the Act stipulates: 'The functions of the Commission shall be to achieve its objectives, and to that end the Commission shall –

(a) facilitate, and where necessary initiate or coordinate, inquiries into – ...

(iii) the identity of all persons, authorities, institutions and organisations involved in such violations ...'

<sup>18</sup> This requirement for prior notification resulted from a legal challenge by one of the first perpetrators to be named at a public hearing. Thereafter, the Commission was compelled to give notice to alleged perpetrators of human rights violations before evidence was heard publicly, and to provide them with sufficient information about the allegations against them to enable them to make representation.

<sup>19</sup> Transcript of human rights violations hearing, Duduza, 2 February 1997.

<sup>20</sup> Interview with community leader, Duduza, 19 August 1997.

<sup>21</sup> In the report, the criteria of race, age and geographic location are also listed in relation to this selection process.

<sup>22</sup> A Commissioner at the Duduza hearing (2 February 1997) spoke about the selection of cases to be heard:

Now, I know that many people who have made statements become very angry when they are not asked to appear in public hearings and that is, I think, because people may have the wrong idea that those who appear in public hearings are more important than those who do not. That is certainly not the thinking of the Truth Commission. When we select people to come to a public hearing what we try to do is select cases which give us some idea of the nature of the conflict. So we try to use cases to give us some insight or a window into the nature of the conflict. We do not choose people because we think their stories are more important or because they are more important. We also try, we also try to cover the period that the Commission has to look at which is 1960 to

1994.

<sup>23</sup> Interview with community leader, Duduza, 15 May 1997.

<sup>24</sup> Interview with community leader, Duduza, December 1999.