

## Anhang

Im Rahmen einer umfassenden Recherche habe ich insgesamt zwanzig narrative Interviews mit Expert:innen der Transitional Justice und Zeitzeug:innen geführt. Sechs Interviews haben Eingang in meine Arbeit gefunden. Die entscheidenden Ausschnitte aus den wörtlichen Protokollen, die ich zu allen Interviews verfasst habe, sind im Folgenden, alphabetisch nach Vornamen geordnet, aufgeführt.

Ausschnitte aus meinem narrativen Interview vom 28.05.2018 mit Prof. Christo Thesnaar

Prof. Christo Thesnaar ist Dozent für Seelsorge und Beratung an der theologischen Fakultät der Universität Stellenbosch in Südafrika und Sekretär des Stiftungsrats/Kuratoriums des Instituts für die Heilung von Erinnerungen. Prof. Christo Thesnaar arbeitet und forscht zudem zur Versöhnung am Beyers Naude Centre, wo erst kürzlich eine Abteilung für Versöhnung und Gerechtigkeit eingerichtet wurde. 2014 versuchte er, den Impuls für die Versöhnung in Südafrika wieder in Gang zu bringen, indem er alle Vertreter:innen der ehemals im TRC-Prozess involvierten Glaubensgemeinschaften zu einem Workshop einlud.

### CT A1 Zur Annäherung der TRC an den Wahrheitsbegriff

The truth is a very complex issue. And I remember, during the TRC, very early in the TRC, there were different understandings of the truth among the commissioners. What is truth? Is truth something you have to be able to proof with clear facts? Or can truth also be your personal view of what you saw or experienced? Due to the extent of this reality, the whole Commission had to go away for three days to Robben Island, where Archbishop Tutu want them to sort out the issue of truth. This led to broader understanding of truth. They defined truth in from four different ways to assist the commission to deal with the issue of truth. Please see in the publication of the TRC what the four different understandings

were [zit.: Narratives Interview mit Prof. Christo Thesnaar, 28.05.2018, abgedruckt im Anhang unter CT A1].

#### CT A2 Zu dem Umgang mit den Entschädigungsempfehlungen der TRC

The big problem was that the key element was “what happens after the TRC”, which created a huge expectation, for those who had the privilege to go to the TRC and especially for all those who did not have the privilege to go the TRC. Many of the proposals that were made by the reparation committee of the TRC were not implemented after the completion of the work of the TRC. Still, today. There are millions of Rands still in the fund that have not being paid out to the victims as promised. The implementation of the proposals from the TRC was limited. The second point is, that the TRC made the most wonderful proposals that will help the country in their quest to find healing in their report. If you read book number 5 of the report, you will see all the very clear recommendations made to the three sectors: the civil society, the government and also the faith communities. Almost nothing of those recommendations were taken seriously by the different sectors. Almost nobody picked up the baton to ensure that these goals are reached. That is critical for any society, if you do not pick up the baton – even government, civil society, faith communities did not adhere to this. One currently realizes that there is a huge vacuum. I think people were tired of the impact of the struggle on them, and they just wanted to take the country forward and there was not really an intensity from their side to ensure that they contribute towards reparation. All of those issues we are struggling with now, were indicated in the TRC report 22 years earlier. The reality is that we currently grappling with critical issues that could have been dealt if we were able to pick up the momentum from the TRC process. We would have been a very different nation today [zit.: Narratives Interview mit Prof. Christo Thesnaar, 28.05.2018, abgedruckt im Anhang unter CT A2].

#### CT A3 Zur Rolle der südafrikanischen Zivilgesellschaft während der Apartheid und danach

What we learned is that before apartheid and also during apartheid, before 94’ there was a lot of energy within the civil society and within faith communities to fight apartheid. People were marching, people were chal-

lenging the government, making clear statements. People were mobilized, and it was really a very constructive engagement. Post TRC: passivity. People were tired, I think they just had too much, they just had been struggling for too long. [...] I think it was because of the long struggle. Everybody was just so tired; all the energy went into the fight against apartheid. I spoke to archbishop Tutu about that. It is very difficult to always understand what amount of energy it took to fight the system. It was a huge amount of energy, of course. And secondly, the problem is always, if you fight something for so long and suddenly freedom happened and they do not need to fight anymore – what do you do? Who is your enemy now? So, it is very difficult to adapt to the current situation and to reform [zit.: Narratives Interview mit Prof. Christo Thesnaar, 28.05.2018, abgedruckt im Anhang unter CT A3].

#### CT A4 Zur Repräsentativität der Kommissionsmitglieder für die südafrikanische Gesellschaft

[Mandela] wanted to make sure that as many as possible organizations, groupings, faith communities are represented in the TRC. He was not a control freak; I think he just wanted to make sure that people do not point fingers and say, “we are not represented”. Because you know this is how the demography works in our country: How many blacks, how many coloureds, how many Indians, how many whites, how many faith communities. He just wanted to make sure that everybody is represented [zit.: Narratives Interview mit Prof. Christo Thesnaar, 28.05.2018, abgedruckt im Anhang unter CT A4].

#### CT A5 Zum Versöhnungsbegriff

In our country the communal aspect it of great importance. You are never on your own. You will see this development throughout history in Africa, in all the countries, you will see a very strong communal focus. It is a group process – always. Mandela was very aware of this group focused process. He would always consult with others. So, we have no choice, but to make sure that, whatever we do, what rituals, what ceremonies, what engagement we have – it must be communal based. Reconciliation is a continues process. There is no end to reconciliation. Reconciliation is not a closed concept. It is a continuous concept. And the context of

the outcome and the process will constantly change as it develops. That is the problem with reconciliation. Everybody thinks “we start here, and we end there, and then we are reconciled”. That is not how it works. [...] [Social transformation] is part of the process. Justice is a key element of reconciliation. There are a lot of types of justice, but justice is a key element. Reparation is a key element; restitution is a key element. It is not only about forgiveness and healing. [...] We as facilitators of reconciliation need to understand that everybody should be part of the process. You cannot work towards reconciliation if everybody is not part of the process. If you isolate communities or voices, you do not get anywhere [zit.: Narratives Interview mit Prof. Christo Thesnaar, 28.05.2018, abgedruckt im Anhang unter CT A5].

#### CT A6 Zu verschiedenen Gerechtigkeitsvorstellungen

You will need retributive justice. Perpetrators cannot get away with everything. There is a law. But then similar to that there is also a call for restorative justice. I have a problem with restorative justice. Let us say we were in a relationship, and we need to restore the relationship, that is possible because we were in a relationship – but you cannot expect people to restore something when there was no relationship. Like in South Africa, what do you want to restore to what? There was no relationship between blacks and whites, blacks and whites were never equal. So, what do you want to restore it to? My understanding is, I use the word “transformative justice” and that means, if we knew each other or if we did not know each other – the point is: we need to sit down. I need to understand as the perpetrator what you need are in this relationship, and the victim can voice themselves and I as a perpetrator can voice myself. Then I can say what I can do and what I cannot do. [...] The key is: it is not only about transforming the other, it also about transforming me. Transformative justice does not stop with the meting it is an ongoing commitment. And it will include many aspects that work for the other and me in the process. For some people it is money, for others it is a house, for other people it could be whatever. So, we cannot generalize that aspect for one community who meets with another community. They have to find their own transformative justice process that can help them to walk the road. And part of the reconciliation process is that there is justice. That is why I said in the beginning: Justice is the key for reconciliation. It is not a condition. It is the key [zit.: Narratives

Interview mit Prof. Christo Thesnaar, 28.05.2018, abgedruckt im Anhang unter CT A6].

#### CT A7 Zu gegenwärtigen Herausforderungen Südafrikas

I am very concerned about so many promises made by the TRC. All the expectations created by the TRC and even by the recommendations. And that is where we are struggling now. And we see it on the social realities of child abuse, of gangs, of domestic violence, corruption. These are all symptoms of an unhealthy society. Things are going wrong. How do we expect people to go on? [...] The challenge is always what comes after [a truth commission], this is a test for every society [zit.: Narratives Interview mit Prof. Christo Thesnaar, 28.05.2018, abgedruckt im Anhang unter CT A7].

Ausschnitte aus meinem narrativen Interview vom 16.05.2018 mit Glenda Wildschut

Glenda Wildschut war Mitglied der TRC und des Komitees für Wiedergutmachung und Rehabilitierung. Sie kümmerte sich unter anderem um die psychologische Unterstützung der Opfer. Glenda Wildschut arbeitete in verschiedenen Einheiten wie dem Transitional Executive Council, die die Transition Südafrikas zur Demokratie fördern sollten. Sie gründete zudem ein Traumazentrum für Überlebende von Gewalt und Folter. Glenda Wildschut lehrte an mehreren Universitäten.

#### GW A1 Zu den Spezialanhörungen der TRC für Frauen

So, I think, as I said earlier, the role of women is not being so well recognized. And that let us to hold special hearings for women in the Truth Commission and I will explain what happened. We noticed that many women were coming to the Truth Commission, but they were not telling the stories of themselves. They were telling stories about their men in their lives. So, they were talking about “my son, my husband”, you know and somebody else who was involved and was affected by apartheid in some way or the other, tortured or disappeared. But they were not talking about themselves. So, we felt that we needed to hold special women’s hearings

[zit.: Narratives Interview mit Glenda Wildschut, 16.05.2018, abgedruckt im Anhang unter GW A1].

GW A2 Zur Unterstützung traumatisierter Menschen, die öffentlich vor der TRC aussagten

Just that process of going through the stories again is re-traumatizing for the testifier. But it is the truth recovery process, and we need to be able to understand what had happened in the past even though it is traumatizing just to tell. And that is why myself and a few other colleagues had arranged for supporters. For people to support the Truth Commission. [...] So, we then had these individuals in the commission who were able to support the testifiers. And then we tried to work with communities and get those people in the Communities to continue the work of supporting people who would come before the Truth Commission. And usually there were natural healers in the Community, so the social workers, the religious people and so on and community workers. Those were the ones, that we brought on board to support our work and then to continue supporting people within the communities. [...] So, [the briefers had the task] to preparing [the testifiers] to what is used to come. Explaining the legal, the practical, what is going to happen, their legal rights and also helped them to support through the emotional experience [zit.: Narratives Interview mit Glenda Wildschut, 16.05.2018, abgedruckt im Anhang unter GW A2].

GW A3 Zu den bürgerkriegsähnlichen Zuständen zu Beginn der 1990er-Jahre in Südafrika

But it was interesting because the assassination of Chris Hani, he was a commander in Umkhonto we Sizwe, and he was assassinated over the Easter weekend, just before the talks started, soon after Mandela was released – and that could have spared a terrible civil war. At the same time the extreme right on the side of the government, they were preparing, because the head of the National Defence Force was a right-winger, they were preparing for the civil war. So, you have these agent provocateurs and blacks fighting around whatever, you have got the extreme right war preparing to use the army. And it takes somebody within the army to change and become a political leader, not a military leader. And he starts a political party, and he actually manages to contain that. It is very dramatic;

it was very dangerous. So, we would have descended into a civil war. [...] But Mandela then goes on to television, and he speaks to the nation, as if he is the president. He is not the president yet, but he speaks to the nation “we must be calm, we know that you are upset about the killings but there must be no revenge” and so on. The peace talks collapse, but they revive it again and the guy who is president now, Cyril Ramaphosa, is the chief negotiator, and he manages together with Roelf Meyer [former NP government’s chief negotiator] to actually start the peace talks. And the peace talks start and the last clause that is negotiated in the peace agreement is the TRC [zit.: Narratives Interview mit Glenda Wildschut, 16.05.2018, abgedruckt im Anhang unter GW A3].

#### GW A4 Zu den geplanten Strafverfolgungen nach dem TRC-Prozess

But after the Truth Commission then we hand over to the national prosecuting authority. And the national prosecuting authority is then to prosecute. But as you can see what happened was that our national prosecuting authority collapsed after that, I mean it is just a mess. The 10 years that we have now with Jacob Zuma has been a disaster. A terrible disaster. So, we sort of now are coming out of the ashes of the Zuma administration. And hopefully the national prosecuting authority will now be getting better, we have gotten rid of all the rod and now we are maybe able to start the criminal prosecutions [zit.: Narratives Interview mit Glenda Wildschut, 16.05.2018, abgedruckt im Anhang unter GW A4].

#### GW A5 Zu den begrenzten Befugnissen des Komitees für Wiedergutmachung und Rehabilitierung

And the amnesty part was that once a person was granted amnesty, he or she was immediately indemnified whereas in the reparations part we were only mandated to make recommendations to our government about reparations. So, we could not grant reparations. So, we could grant amnesty, but on the other side of the coin, we could not grant reparations. So, victims felt that they came to the commission to tell their story, but they did not get immediate reparation, whereas the perpetrator would get immediate indemnity once he or she qualified for amnesty. So, there was a fault, to my mind, in the act itself [zit.: Narratives Interview mit Glenda Wildschut, 16.05.2018, abgedruckt im Anhang unter GW A5].

## GW A6 Zu individuellen Versöhnungsprozessen in Südafrika

But during the life of the Commission there were some perpetrators who felt that they wanted to give back to the community. Either by way of skills development or by the way of participating in various projects and so on. There is quite a bit about that, that this happened. And even post the TRC where the victims have come back and said, we want to be involved with the community. We do know that, for example, a mother, who is a victim, her daughter was killed in a bombing in a pub in Observatory, and the guy, who set off the bomb in the pub, they formed an organization. They formed the forgiveness project. And they talk about their experience and the process that [the mother] went through in forgiving the head of the organization that mandated the bombing. This is an example of how people have come together and there are many other examples, smaller examples, not so big ones. The famous other one is this American student who came to South Africa on a scholarship, and she was killed by some people in the township. There is a film that you must watch, “The long nights journey into day”. The first case study is about this American scholar and the family who is afterwards forming an organization to work in the townships. So, there are examples [zit.: Narratives Interview mit Glenda Wildschut, 16.05.2018, abgedruckt im Anhang unter GW A6].

## GW A7 Zu den öffentlichen Anhörungen der TRC

And the reason why we had public hearings was because we wanted to demonstrate the kind of violation that had happened in a particular community. We wanted to give people the opportunity to on a national platform tell their story. Each person who made a submission to the commission was asked whether they would be willing to testify in public. Some felt that they did not want to testify in public. So, we would not invite them to a public hearing. We also then had public hearings; all the amnesty hearings were in public. So, ten percent of submissions to the Truth Commission were invited to a public hearing in every community, so that every community felt that they were represented. So, we had hearings across the country, in every little homeland, every little town, big cities, major towns. And we had all the testimonies translated into the 11 official languages. In fact, we translated into 13 languages, the 11 official languages of South Africa and Gujarati, an Indian woman spoke Gujarati; and one other person wanted to testify in Polish, this was Janusz Waluś



who murdered Chris Hani. He refused to speak in English although he could speak English. He wanted to testify in Polish, so we had a polish interpreter [zit.: Narratives Interview mit Glenda Wildschut, 16.05.2018, abgedruckt im Anhang unter GW A7].

#### GW A8 Zu aktuellen Herausforderungen der südafrikanischen Gesellschaft

In South Africa, as I said earlier on, the Truth Commission was not the achievement of reconciliation, it was the promotion of reconciliation. So, we understand that it is a process and partly the biggest aspect for us is economic justice and economic transformation. Because people feel that they told their stories, but their living and their conditions have not changed. So, our big challenge is to ensure this economic transformation, educational transformation, job creation. And that would be a sort of the high-water mark for the way in which we are able to transform [zit.: Narratives Interview mit Glenda Wildschut, 16.05.2018, abgedruckt im Anhang unter GW A8].

#### Ausschnitte aus meinem narrativen Interview vom 02.08.2018 mit Howard Varney

Howard Varney ist praktizierender Anwalt an der Johannesburger Anwaltskammer und Berater am International Center for Transitional Justice; er beriet die südafrikanische Wahrheitskommission in einer Reihe von Angelegenheiten und half dabei mit, die Ermittlungsabteilung aufzubauen. Howard Varney unterstützte zudem die damalige Übergangsregierung bei der Durchführung von strafrechtlichen Ermittlungen. Seit Beginn der 1990er-Jahre vertritt er Opfer politischer Gewalt in Südafrika und setzt sich auch heute noch im Rahmen seiner anwaltlichen Tätigkeit für die Rechte der Apartheid-Opfer ein. Howard Varney lehrt zudem an der Genfer Akademie für humanitäres Völkerrecht und Menschenrechte.

#### HW A1 Zu den geplanten Strafverfolgungen nach dem TRC-Prozess

So, the South African Commission handed between three and four hundred cases over to the prosecutors and said, “in these cases, these are

serious cases, there is evidence, families want justice, please investigate further and prosecute where you can”. [...] When it comes to accountability, not only [has the government] ignored the pleas of the families, they have taken active steps to suppress the process. [...] The Amnesty process finished in about 2002, and victims were saying “now we want some action” – which was never happening. Secretly what was happening is that the government put together a body called the Amnesty Task Team, a secret body. And that team was meant to advise the government in how to ensure that nobody has justice. So, they advised the government and said, “well we cannot have another amnesty because that would be unconstitutional, not authorised like the first amnesty was, so you need to amend the policy that guides the decision-making of prosecutors and give them new reasons to decline to prosecute.” And that is exactly what they did: they were given new reasons. One reason was where these perpetrators were subjected to ideological indoctrination that justifies a decision not to prosecute. [...] It effectively meant that almost any reason would justify the decision not to prosecute. That was the policy. We had to go to the court and restrain the president from going ahead with this. Then they stuck it down as unconstitutional. Then they started what they called the “political pardons process” to accommodate all those who did not apply for amnesty. They could now apply for pardon to the president, a political pardon. Again, we had to go to court, to the constitutional court to stop that. From here I am going to another meeting because we just heard that the president had decided to revive that process [zit.: Narratives Interview mit Howard Varney, 02.08.2018, abgedruckt im Anhang unter HW A1].

#### HW A2 Zu aktuellen Hürden bei Strafverfolgungen und Strafprozessen in Südafrika

I am actually representing a number of families which cases did go to the South African Truth Commission. But they still want prosecutions. [...] There are some who do want justice. Particularly where the perpetrators have not come clean and have withheld information. For example, have withheld information about the location of the remains of the family members. [...] So, there are things happening, but only when the families make extreme efforts. [...] I went to the old Attorney General and a fellow who was in charge with these cases. I said: We have a suspicion, that you guys have your hands tight because what else explains the inaction. So that old Attorney General told me he wanted to go ahead with a few cases, not

that many, just a hand full. And he was called into meetings in private homes of cabinet ministers at night and told “stop the cases – why, because if you go against the generals, it opens the door to cases against the ANC as well, not acceptable. No cases were going ahead. When he decided to go ahead with one case he was suspended and never went back to work. The other fellow who was in charge with the cases was called into the office of the new acting Attorney General and said, “bring all the files, all the political cases, bring them – you are relieved of your duties.” And that explains why since 2007 until recently not a single case is going forward [zit.: Narratives Interview mit Howard Varney, 02.08.2018, abgedruckt im Anhang unter HW A2].

#### HW A3 Zu der Amnestieklausel im Mandat der TRC

Well, there are some who are very critical of that act because they say that the law allowed the commission to grant amnesty even for those who are responsible for international crimes, like crimes against humanity. And it is true that quite a few who were given amnesty probably were responsible for crimes against humanity. I think an exception should have been made, that the amnesty would not stop the prosecution of a crime that reached that level [zit.: Narratives Interview mit Howard Varney, 02.08.2018, abgedruckt im Anhang unter HW A3].

#### HW A4 Zu der Öffentlichkeit und Transparenz des TRC-Prozesses

We had quite PR publicity, that really was the big difference. Also, the South African Commission was the first one to really decide at front that it would be largely and open and transparent. And that most of the hearings would also be public, despite from the Commissions that we have seen in Chile and Argentina, they had all been behind closed doors. That was really a workup of the civil society here because you know they heard that there were going to be a lot of deals behind closed doors, and that perpetrators were going to be spared the humiliation of having to testify publicly. And the civil society here said, “over our dead bodies, this is not going to happen”. [...] And if it was not going to be open and transparent, they would withhold their co-operations. And I think the government realised “without civil society involved it would be a non-starter”. So, they agreed that this should be open, and it was a fantastic decision, because

that made the big difference. [...] In town halls, school halls, in rural areas, [the hearings] really moved around the country. Big efforts have been made. That was the big difference and so, that is how the public became involved, because they were open, the media was there, often TV, radio, sometimes there was broadcast live. You know, you get into a cab and the driver would be listening to a hearing. That is how the country got involved, then there were debates, penal discussions on TV and radio, lots of opinion pieces. And because some of the hearings were gripping, they were dealing with cases the people wanted to know what happened. So, the commission really took the country along the journey. Participating approach, largely transparent approach. [...] You cannot make that break on your own with a few lawyers and technocrats and a couple of witnesses. It is the country that has to make that break. That is why it has to be open, and you have to involve as many as possible [zit.: Narratives Interview mit Howard Varney, 02.08.2018, abgedruckt im Anhang unter HW A4].

#### HW A5 Zum Anstieg der Gewalt nach Beginn der südafrikanischen Transition

Between February 1990 and April 1994 is when the negotiations happened, a key path of the transition is on the way – it was the most violent period of our modern history, more violent than the whole of Apartheid put together. Just in those four and a half years. More violent, more people died violently in those four years than in our modern history, not counting the Boer wars of course, going back to the 1920s [zit.: Narratives Interview mit Howard Varney, 02.08.2018, abgedruckt im Anhang unter HW A5].

#### HW A6 Zu aktuellen Herausforderungen Südafrikas

Yes, we still have high levels of crime in this country, including violent ones – which to my mind is a direct product of the past. There is a number of whites who would like to delude themselves by saying “well, it is the new South Africa that is responsible for, it is what democracy has delivered.” But in fact, impunity for serious crimes was a part of apartheid. Most crimes were never investigated in the townships because who cared about the townships. In fact, most of them not even had police stations, there were no forensic investigations in the past. If you wanted a confession, you just beat it out of a person. Of course, that system was

obscenely unequal. Whenever you have such an obscene contrast between wealth and poverty, you will see violence, and you can pick a country anywhere, all the countries with massive discrepancy between wealth and poor have all violence. [...] So, I think there is a direct connection between crime we are seeing today and the Apartheid system. [...] The fact is that we have not been able to address the inequalities that have existed in the past. Under some aspects inequality is only driven bigger. The irony is that whites in South Africa have never been richer than today – they are much richer now than they were under apartheid, in terms of personal wealth they are much richer today than they were back then. And the pool of those who are living at the bottom of poverty is only getting bigger and bigger [zit.: Narratives Interview mit Howard Varney, 02.08.2018, abgedruckt im Anhang unter HW A6].

#### HW A7 Zu dem Anfang und dem Ende der südafrikanischen Transition

So, if we are talking about a former transition, it would include the time period when the negotiations are taking place and when there is an attempt to ensure that rebuilding is on the go, reforms are taking place and of course there are transitional justice mechanisms like Truth Commissions, special tribunals, special chambers, reconciliation and healing bodies – that can be described as the former period of a transition. But when they got shut, the Truth Commission closes and the other bodies close, that does not necessarily mean that the transition is well and truly over, because there are often, like we see in South Africa, issues that remain burning. So, where reparation is adequately not provided, where accountability is suppressed and people are still struggling for their cases to be dealt with – it could still be argued that although a former transition is well and truly over, for many the transition is not over because they are still waiting for the measures that were promised to them [zit.: Narratives Interview mit Howard Varney, 02.08.2018, abgedruckt im Anhang unter HW A7].

Ausschnitte aus meinem narrativen Interview vom 04.07.2018 mit Prof. Janet Cherry

Prof. Janet Cherry ist Menschenrechtsaktivistin und Professorin für Entwicklungsstudien an der Nelson Mandela University; im Kampf gegen die

Apartheid engagierte sie sich in den 1980er-Jahren zunächst in Kapstadt und dann in Port Elizabeth, wobei sie mehrmals verhaftet wurde und 1989 unter Hausarrest gestellt wurde. Prof. Janet Cherry war als Ermittlerin für die südafrikanische Wahrheitskommission tätig und half bei der Verfassung des Abschlussberichts mit. Sie setzt sich auch heute noch für die Wahrung der Menschenrechte ein.

#### JC A1 Zu dem Vorwurf, die TRC habe der Gesellschaft keine Gerechtigkeit gebracht

It is a popular sentiment that [the TRC] did not produce any justice. And people feel quite bitter about it because they still see the same Apartheid policemen or whatever, who were never convicted and did not serve any time in jail and so on. So, there is this feeling like they were given amnesty, and nothing happened to them, or they were never prosecuted. And I found it really disturbing because I actually feel that the Truth Commission was quite a good model, having a conditional amnesty and that you had to make a full disclosure. And it actually resulted in a lot of information coming out which would never have come out. [...] It was not about prosecution. I think it was more about acknowledgement than about justice. [...] But the NPA [National Prosecuting Authority of South Africa] then has to follow up on all those cases of people who did not get amnesty and see which ones should be prosecuted. So that is its job, but it has failed to do that. It is a real problem, that it has failed to do. But then the people say “the TRC did not bring justice, because it did not prosecute anybody”. But it was not its role to prosecute people [zit.: Narratives Interview mit Prof. Janet Cherry, 04.07.2018, abgedruckt im Anhang unter JC A1].

#### JC A2 Zu verschiedenen Strategien im Kampf gegen die Apartheid

But it is wrong to categorise it as moving from peaceful to violent because you have got actually a very complicated mixture of non-violent strategies. Like consumer boycotts were incredibly effective and were implemented by women that were not using violence generally although sometimes there was chaos in the process, but that was not the objective to do. I have also written quite a lot about the armed struggle itself, which was what they call Umkhonto we Sizwe, which is the ANC’s military wing. And

they took a lot of people outside. A lot of people left the country and went to Zambia, Mozambique, Angola, and East Germany to get trained. A lot of people got trained in East Germany, and they then wanted to come back and fight and conduct war. But they actually could not, effectively. So, there was very little real warfare if you want to put it in formal terms. But the people actually inside the townships, who were taking up that struggle, were trying to carry up the directives, in terms of making the country ungovernable and so on. So, there was this very complex interaction [zit.: Narratives Interview mit Prof. Janet Cherry, 04.07.2018, abgedruckt im Anhang unter JC A2].

### JC A3 Zu einem konkreten Fall, den die TRC aufklären konnte

Matthew Goniwe and Fort Calata were the key leaders in Cradock, in this town. And they were incredibly powerful organizers of this real grassroots movement. Very, very, very powerful and effective, along with the ANC, along over their relationship with the underground – you know, like these things were really 10 years, nobody really knew how they were operating. But there is no doubt that they were identified and targeted and taken out very deliberately by the security police because they were so effective, you know. So, I knew both of them and I worked with them in Cradock because we used to go and travelled there, and he was the UDF original organizer, Matthew Goniwe. Calata was the head of the Cradock Youth Congress. And we went and ran through adult educational programmes and organisational training programmes with them. So, when they disappeared it was a huge shock. As you know the story, they were murdered, and their bodies were dumped here in P.E [Port Elizabeth]. Maybe we should go there, I think they put up a new memorial, that might be quite interesting to do. So, in their case the police wanted to make it look like if they had been killed by AZAPO [Azanian People's Organisation] which was a rival black organisation. But anyway, everybody knew that the security police were involved, but there was no evidence of that. And that was one of things which only came out because of the Truth Commission. And I promise you it would not have been come out otherwise. We would not have got that information. And for me, it was really important that the Truth Commission actually found the truth about that, about what did happen. And I knew some of the security policemen who were involved with that as well [zit.: Narratives Interview mit Prof. Janet Cherry, 04.07.2018, abgedruckt im Anhang unter JC A3].

#### JC A4 Zu Rechterschwierigkeiten im TRC-Prozess

So, in terms of liberation movements one of the challenges was that we could not go to the other countries where the liberation movements were based, so we could not actually go to Angola and so on. So, we relied on the archives, the records, that they brought back. For example, there is a library at Fort Hare University, where they got a whole liberation archive. And there is another one in Cape Town, in UWC [University of the Western Cape], there is a whole liberation archive. Very, very, very time-consuming! Like if I would go through one file that was brought here on exile in Angola, I went through every single record. But it was not anyway near enough, we did not have enough capacity and so on. The Research Unit was meant to be more macro level and the Investigation Unit was meant to corroborate every single case. But they did not have the capacity to do that. So, the corroboration was not great, there were lots of errors. I mean, there were lots of cases where they did not make a clear finding, where they could not get additional information. [...] I think they came to about 20 000 findings, but just think: that was not all the statements that were made to the TRC. They had to corroborate each one, and they often just did not have the capacity [zit.: Narratives Interview mit Prof. Janet Cherry, 04.07.2018, abgedruckt im Anhang unter JC A4].

#### JC A5 Zu fehlenden Partizipationsmöglichkeiten im TRC-Prozess

Huge, huge complains about access! The TRC did not go to every town, they did not hold hearings in every town. And people said, they did not know about it, they did not have the time to submit the violations. Huge problems, it was never going to be enough! I mean, they extended it for further six months – still was not enough. We still have people now saying that they should have been able to apply to the TRC, and they never got a chance [zit.: Narratives Interview mit Prof. Janet Cherry, 04.07.2018, abgedruckt im Anhang unter JC A5].

#### JC A6 Zu der Reaktion des ANC auf die Befunde der TRC

And the government did not like what the TRC found because the TRC found that the ANC was also responsible for Human Rights violations, and they rejected it. [...] And the thing was: the ANC felt it was unfair.



I think it was miss-interpreting international law. It is a bit about a legal debate about human rights law and humanitarian law because they said they did not intend to kill civilians. They just did not quite read it right! If you imagine now, in this context, somebody sets off a bomb in London or Berlin and said “no, no, we did not intend to kill civilians” [zit.: Narratives Interview mit Prof. Janet Cherry, 04.07.2018, abgedruckt im Anhang unter JC A6].

#### JC A7 Zu Kriterien einer erfolgreichen Wahrheitskommission

So, I think what you need is a process firstly, which is accessible, so there has to be good public access. It has to be transparent. People have to know how to access it, where to access it. Who gets what? Who is a beneficiary, who is a victim, and all those things. This is really important. [...] I do think that the other thing is that the parameters of the Commission or the process must be clearly defined. You cannot have a completely open-ended, this is about everything, it is about transformation of the whole society, and it is going to do everything. I think part of the problem here is that people had these expectations: this is the transition Commission that is going to put everything right, it is going to sort out everything, brings us houses and everything. And of course, it has to be probably resourced and has the capacity [zit.: Narratives Interview mit Prof. Janet Cherry, 04.07.2018, abgedruckt im Anhang unter JC A7].

Ausschnitte aus meinem narrativen Interview vom 22.05.2018 mit Max du Preez

Max du Preez ist Journalist, Filmemacher und Schriftsteller; 1989 gründete er die erste Anti-Apartheid-Zeitung in der Sprache Afrikaans, die sog. *Vrye Weekblad*. Max du Preez begleitete den Prozess der südafrikanischen Wahrheits- und Versöhnungskommission von Beginn an intensiv im Rahmen seiner beiden Fernsehprogramme „Truth Commission Special Report“ und „Special Assignment“. Heute lehrt er zusätzlich zu seinen schriftstellerischen und journalistischen Tätigkeiten an mehreren Universitäten.

## MD A1 Zu der Offenheit und Transparenz des TRC-Prozesses

The importance of our Truth Commission is the timing and the fact that it was an open process. Openness to the media and to the people, I think was the most important part. [...] What was relevant was the process of two and a half years and how that process was popularized. So, I think it was a great example of how you make a Truth Commission process relevant to the people. Normally it is about politicians and generals and so on – and this was about the people. It is not about politicians; we do not care about politicians. We care about how this affects the entire nation. And this was the best example of a Truth Commission, that went through to the people [zit.: Narratives Interview mit Max du Preez, 22.05.2018, abgedruckt im Anhang unter MD A1].

## MD A2 Zur Funktion der Medien im TRC-Prozess

For two and a half years, South Africans of all persuasions and regions woke up in the morning with the Truth Commission, and they went to bed at night with stories of the past. And that was absolutely massive. And I know it because I was the one who popularized it on television. So, I saw people at every meeting of the Truth Commission, I would meet people. And after the first few weeks, they knew what we were doing, because our program broadcast on the Sunday night was absolutely huge, it was the biggest television program ever in this country, ever. And so, people, after the first week or so, we would get to a town hall or a church hall or something where the session is, and people would come to me and say, “we want you to be here because and what do we do”. And I would explain to them “there is a camera there and a camera there and I will be sitting there and try and ignore the cameras – but they are the eyes and the ears of the rest of the nation” and that made people so happy. For once, they could come and tell their story to the entire nation, to their own community, to their own family and also to the perpetrators. And before then, when they talked about their pain of torture and kidnapping and jailing and stuff, the state said, “you are a bunch of communists and liars”. And now we came, and we honored them for their truth, and their pain and their suffering and their bravery. And to them the television cameras and the radio microphones represented the nation. And so, you will see, in some of the episodes, that someone who was relatively uneducated from a deep rural area, would come with a very moving story, and when it

came to the point where the point was actually being made, that person would look around for the camera with the red dot on it and speak in that camera. And I thought that was so powerful, so powerful [zit.: Narratives Interview mit Max du Preez, 22.05.2018, abgedruckt im Anhang unter MD A2].

### MD A3 Zu den Effekten der öffentlichen Anhörungen der TRC

So, what happened there was, there were about two thousand people who came and told their stories, victims, survivors. And they represented – every story that we had – represented more stories like that. There was not only one woman’s son who was tortured to death and thrown in the river. When she tells her story, she tells the story of several others. There were not only so many people who were tortured and jailed or whatever. They told the stories of many others. [...] And in another sense, it was really powerful: that we not only watched the survivors and the victims and the families – we watched the perpetrators, when they came to ask for amnesty. And we got them to tell the story of exactly, move by move, minute by minute, how they tortured or killed people. And so, I think, you know if you look at any kind of big conflict country, there is always a period of denialism, all forms of denialism, this denialism, and that denialism. And I think, the fact that white people went to this experience, and heard their own people, people who looked like me, people with my names, with my surname, stood up there in front of the camera, and confessed to the most crucial murder and torture – there could be no one afterwards who would say “Apartheid was not evil”. There was no one who could say it was not a violent ideology. So, we skipped the period of Apartheid denialism [zit.: Narratives Interview mit Max du Preez, 22.05.2018, abgedruckt im Anhang unter MD A3].

### MD A4 Zu den geplanten Strafverfolgungen nach dem TRC-Prozess

What should have happened and did not happen was, after the Truth Commission was over, those who had asked for amnesty and did not get it or those who did not ask for amnesty – they should all have been prosecuted. They were never, they were never! That was a political decision by the ANC. To this day we do not understand why, to this day we do not understand why! The Truth Commission also recommended that people

get compensation. It was never paid! The ANC decided not to do it. To this day, nobody wants to own up and say why. So those were the two floors of the Truth Commission that came after. It was not the problem of the Truth Commission, but of the elected democratic government. The theory was: they do not want to go down the road of prosecutions, because then some of them, some of the ANC leaders, might also be prosecuted for crimes like land mines and civilian deaths and stuff like that. But we stick to the Truth Commission: that had nothing to do with the Truth Commission, that came after, that was a political decision. [...] So, I thought it was important to prosecute those who did not get amnesty or refused to get amnesty when they asked for amnesty – and that did not happen [zit.: Narratives Interview mit Max du Preez, 22.05.2018, abgedruckt im Anhang unter MD A4].

#### MD A5 Zur sog. Landfrage in der aktuellen politischen Diskussion Südafrikas

We actually do not have a land problem much. We have an urban land hunger, which they now are fixing, which they are now fixing hopefully in a very short term. But it was astonishing how the ANC neglected the land thing, because now the land thing is not about land. It is not about millions of people who want to have farms where they can go and farm and be commercial farmers. It is about symbolism, it is about history, it is about justice, and it is about black pride. That is what it is about. And so, there has to be a real solution in terms of giving people decent places to live in the cities and towns. We have to look after those with agricultural dreams and potential and give them land, but we need to remember that it is something symbolic. So, you need to do something symbolic [zit.: Narratives Interview mit Max du Preez, 22.05.2018, abgedruckt im Anhang unter MD A5].

#### MD A6 Zur Bedeutung der Rechtsgrundlage für die Tätigkeit der südafrikanischen Kommission

It was an act of parliament that determined which way [the truth commission] could go. It was not a creation by itself [zit.: Narratives Interview mit Max du Preez, 22.05.2018, abgedruckt im Anhang unter MD A6].

## MD A7 Zu dem Wahrheitsausschnitt, den die TRC ermitteln konnte

There has always been a criticism that the Truth Commission reduced the Apartheid era, colonial era, to personal acts of violence. Which is true to some extent, because that is what the Truth Commission said: “we are listening, we are interested in gross human rights violation, kidnapping, torture, severe assault and murder”. [...] And what the Truth Commission, that is at least what the people say, did not do, is paint the bigger picture of what was Apartheid really. Well, they tried. Because there was a women’s day, there was a day for the judges and judiciary to come and explain, the media came and explained and so on and so on. That part was not so well covered. I realized that that was the flaw in the whole system, that their focus is too much on individual wrongdoing. And we did documentaries on the pass laws, the forced removals and solitary refinement, the impact of the pass laws down the generation. So, we did that as part of the broader Truth Commission process. So yes, if there is a criticism against the Truth Commission, it would be that it did not succeed in painting a broader picture of the impact of apartheid on the minds of people [zit.: Narratives Interview mit Max du Preez, 22.05.2018, abgedruckt im Anhang unter MD A7].

## MD A8 Zur Reaktion vieler Weißer auf das Fernsehprogramm „Special Report“

A lot of white people tried to avoid it, avoid watching it and avoid listening to it. It was very hard at that time because it was overwhelming. And there was also another factor where I discovered during that two and a half years, that people who hated what I was doing most, watched it, because they wanted if their names were going to come up or whether their friends or their colleagues – who is going to come up next in the Truth Commission? Still people hate me for that, now, today. Some white people. Others were looking for revenge, hated modern people, stuff like that. But I think we did a fine job. I really think we did a fine job [zit.: Narratives Interview mit Max du Preez, 22.05.2018, abgedruckt im Anhang unter MD A8].

MD A9 Zu aktuellen Herausforderungen der südafrikanischen Gesellschaft

We have a problem of inequality and poverty and unemployment – that is all we need to fix. Then reconciliation will disappear as a concept because nobody will mind it because people will just go and plan their business. [...] Because we had unequal education – that is why we still have inequality. Bad education is a primary driver of inequality. I have a child who is still in High school, she goes to one of the best schools in the Cape, and I work my ass off to pay for it. And five kilometers from here, some kid lives in a Township and is the same age and the same intellectual capability of my child, but she will never compete with my child because she goes to a bad school. So, there will be inequality between them when they are twenty and thirty and forty – because they had different education. And that is sometimes where I say to the ANC, and I say it, I write it, I say “do not blame white people for how you have messed up education – only blame yourself, only blame yourself!” [...] Economic transformation is a big condition for reconciliation in the full sense of the word. But back to our Truth Commission: it did what it could, its best at anything could happen. It could not make economic transformation happen [zit.: Narratives Interview mit Max du Preez, 22.05.2018, abgedruckt im Anhang unter MD A9].

Ausschnitte aus meinem narrativen Interview vom 28.05.2018 mit Theresa Edlmann

Die Geisteswissenschaftlerin Theresa Edlmann half dabei mit, die TRC in Kapstadt zu koordinieren, indem sie eine Informationskampagne unterstützte, bei Anhörungen der Kommission attestierte sowie bei Workshops mithalf und administrative Aufgaben übernahm. Sie arbeitete zudem mit Desmond Tutu zusammen, bevor dieser zum Vorsitzenden der TRC ernannt wurde. Theresa Edlmann betreute Opfer des Apartheid-Regimes, unter anderem die Opfer des sog. East London Highgate Massacre. Sie forscht aktuell zu den psychosozialen Effekten und anderen Langzeitfolgen der Apartheid.

TE A1 Zum Umgang Desmond Tutus mit den Opfern im TRC-Prozess

The TRC wanted to offer a space of recognition and of acknowledgement and of respect. Desmond Tutu, every time he walked into a hearing, he would shake the hand of every single victim who was testifying that day and that was always his priority, that was “I will honour and respect the victims.” And that was extremely important in the light of how these people had been treated by the previous regime [zit.: Narratives Interview mit Theresa Edlmann, 25.05.2018, abgedruckt im Anhang unter TE A1].

TE A2 Zum Umgang der Regierung mit den Wiedergutmachungs-empfehlungen der TRC

And the tragedy is that the Mandela era ended, and Thabo Mbeki became president – because Mbeki did not support the TRC in the same way that Mandela did. And so, that whole possibility for what the TRC could have done just got lost. And there is still, Khulumani have done some work around this, there is still millions of millions of millions of Rand sitting in the TRC account, in the presidency. People are worried that that is now being stolen [zit.: Narratives Interview mit Theresa Edlmann, 25.05.2018, abgedruckt im Anhang unter TE A2].

TE A3 Zur fehlenden Interaktion zwischen den einzelnen Komitees der TRC

So, one of my big issues, even at the time and I know the day I realized this: that the act technically somebody could be given amnesty for an act and the victims of the same instance could be denied being recognized as victims of Gross Human Rights Violations – because the two committees never spoke to each other. The gross violations of victims of Human Rights Committee functioned entirely separately from the amnesty committee. I think that was a fundamental flaw in the design of the Commission [zit.: Narratives Interview mit Theresa Edlmann, 25.05.2018, abgedruckt im Anhang unter TE A3].

TE A4 Zum fehlenden Kontakt zwischen Opfern und Täterpersonen im TRC-Prozess

Because for me, what I would have designed, I think now with all my grey hair and years of hopefully a little bit of wisdom, was to say: let us establish the facts of what happened, let us have a hearing for both the victims and the perpetrators where we know who both of those are, so let us just take that as a scenario. And then for me the next step would have been mediation between them two. Because there was no provision in the TRC for that to happen. [...] At the time that the TRC was set up, the desire was to protect the victims from the perpetrators, because they were assumed to be racist agents of Apartheid and unrepentant for what they had done [zit.: Narratives Interview mit Theresa Edlmann, 25.05.2018, abgedruckt im Anhang unter TE A4]

TE A5 Zur fehlenden Kooperationsbereitschaft der Täterpersonen im TRC-Prozess

But you see, what you need to understand is that this was just after the end of Apartheid, when the majority of perpetrators were racists, saw the people they killed as animals and that their acts were justified. And in many cases, they lied and manipulated and tried to use lawyers to get out of testifying and telling the Truth. [...] My sense of the time was that people who had been employed by the Apartheid state to be perpetrators because that is the designated rule from what we are mostly talking about here, were so frightened by the speed of things changing. And there was also the shame of having lost the war. So, they have been perpetrators in a losing course. And were now trying to protect themselves and not become symbols of hate, and not have to admit to themselves or their families or the rest of society what they had done. So, I think that psychology of the ANC having won, and the Apartheid government having lost, was very powerful at the time. And there was also the ethical thing: So many of the people that were chased after for being the perpetrators of these acts, were acting under orders. And the people who gave them the orders, never had to face consequences. So, I think they often felt like doubling victimized. They felt victimized by the TRC – that would be their language – but they were also victims of the fact that their generals and superiors, who were now running overseas and keeping quiet and leaving them to deal with the consequences alone. So, they were very few that were willing to A tell the



Truth and B to cooperate [zit.: Narratives Interview mit Theresa Edlmann, 25.05.2018, abgedruckt im Anhang unter TE A5].

TE A6 Zu den Effekten der öffentlichen Anhörungen der TRC für die Opfer

I think, at the time of the TRC there was a sense, that recognising what victims suffered, would be a good thing. And now, all these years later, we are wondering if that was really true. [...] I think there was insufficient understanding of the psychology of that people who were already traumatised by what had happened, being put up on a stage and asked to speak to the media. And then after a little bit of counselling, but then they went home to situations of poverty, situations where they had lived throughout this drama. [...] I think it was different for different people. And I think that was a combination of so many things, it was a combination of where those people were at themselves in their own lives, of how much support they had had in terms of dealing with whatever trauma had happened in their lives. And also had a lot to do with how they were handled by people in the TRC up to the point of coming on to the stage. [...] So, for some people who had already travelled something of the journey and were ready to testify, I think it was a moment of justice. For others, it was so overwhelming that they did not know what was happening. And for others it probably did more harm, it probably did more harm. There were two main dangers for what I can see. The one was, if you are asked to tell this whole story to total strangers and then being told "Thank you very much and now go home." And what do you do with all that drama when the home you are going back to still has no running water, you are still struggling to pay your child's schools fees and to put clothes on your family's backs? And it did not stop in the sense that in particularly famous cases people were often asked to come back to conferences, big international conferences and sit on cameras and speak. They were not paid for that. But were then again sent home. So, they came to places like this, have fabulous food and everybody walking around in designer clothes. And then go back home. I mean that is just re-victimizing again and again and again [zit.: Narratives Interview mit Theresa Edlmann, 25.05.2018, abgedruckt im Anhang unter TE A6].

TE A7 Zu der Anerkennung der Vergangenheit durch die südafrikanische Gesellschaft

I think what else it did, was that quite apart from the victims, nobody in South Africa could say “we did not know what was happening.” With every repressive system people could claim they did not know. What the TRC did was strip away any chance of that former denial anymore – and I think that was healing. I would claim that was healing for society [zit.: Narratives Interview mit Theresa Edlmann, 25.05.2018, abgedruckt im Anhang unter TE A7].

TE A8 Zur Bedeutung des Mandats der TRC

Because the legal framework was the act, once that was in place, everything else flowed out of it. That is for me a moment that often gets overlooked in the research because people are looking at the psycho- social dimensions, healing ideas and whatever. But it all came back to that act, that was determining what people could and could not do [zit.: Narratives Interview mit Theresa Edlmann, 25.05.2018, abgedruckt im Anhang unter TE A8].

TE A9 Zu dem persönlichen Engagement der Kommissionsmitglieder der TRC

I mean the number of marriages that broke up, people that just never emotionally recovered from working for the TRC. People got sick because they were just dealing with so much. Personally, relationships with colleagues, trying to set up this massive infrastructure almost overnight. And then this huge weight of trauma and media attention. [...] People gave their lives to assist. And did they have the right kind of support and the right legal framework to help them do what they wanted to do? [zit.: Narratives Interview mit Theresa Edlmann, 25.05.2018, abgedruckt im Anhang unter TE A9].