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Abstract

A review of:

Truth and Reconciliation in South Africa, Did the TRC Deliver? Edited by Audrey R. Chapman and Hugo van der Merwe. Philadelphia: University of Pennsylvania Press, 2008. 346 pp.

Keywords

South African Truth and Reconciliation Commission, Human rights, Amnesty

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Truth and Reconciliation in South Africa, Did the TRC Deliver? Edited by Audrey R. Chapman and Hugo van der Merwe. Philadelphia: University of Pennsylvania Press, 2008. 346 pp.*

This latest offering of the outstanding Pennsylvania Studies in Human Rights series asks the provocative question: "Did the South African Truth and Reconciliation Commission Deliver?" In 1998, as the South African Truth and Reconciliation Commission (TRC) was completing the initial five volumes of its report, the TRC decided to undertake what became an 8 year study of the Commission and its impact.

The South African TRC was established to prepare a report with "as complete a picture as possible of the causes, nature and extent of the gross violations of human rights" that were committed between March 1960 and May 1994 and it was to facilitate the granting of amnesty to persons who made a full disclosure of all relevant facts related to violations associated with a political objective (p.8). The 17 member commission functioned by means of three committees: the Human Rights Violations Committee, the Amnesty Committee and the Reparations and Rehabilitation Committee (p.9).

The study under review, whose co-editors, Audrey Chapman of the American Association for the Advancement of Science (AAAS) and Hugo van der Merwe of the Centre for the Study of Violence and Reconciliation (CSVR), are also co-directors of the TRC, engaged in empirical research to substantiate competing claims about the work of the TRC in relation to the themes of truth and reconciliation. Although the project directors announced that they were studying the impact of the TRC on South Africa, the study also examines the viability of this model for other transitional societies.

The first section provides various perspectives on the victim hearings (conducted by the human rights violations committee). Of the 22,000 who made statements, 1,819 gave testimony in the public hearings for survivors of gross human rights violations. A full enumeration of these transcripts was conducted by the CSVR. A progressive random sample of 429 transcripts was drawn and then qualitatively coded using the computer-based program Atlas-ti (25).

Although the scientific jargon is beyond the capacity of this reviewer to fully evaluate, the conclusions drawn are bold and explicit. Whereas the TRC portrayed survivors as generally forgiving, the empirical evidence from the transcripts revealed them as focused on the need for prosecution and punishment.

The second section of the book discusses the amnesty hearings. Surprisingly, of the 1,650 deemed eligible for public hearings out of 7,116 applications, fewer than 300 were members of the former government police and security forces and only 29 were from the South African Defence Force (250). Also, surprisingly, the majority of the applicants were black, with more members of the liberation groups applying than members of the security forces (251).

While the morality of amnesty in exchange for truth has been questioned as to whether the goal of having former victims forgive their perpetrators is an "appropriate" or even "effective" approach to national reconciliation, the study examines the quality of the legal process and

assesses the experiences of survivors and amnesty applicants who participated in the process. The empirical evidence reveals that the survivors did not believe that they were presented with a clear or sufficient picture of the truth (139).

The third section deals with the process of truth finding and questions whether the TRC did in fact provide a comprehensive account of the most significant human rights violations under apartheid. It assesses the gaps and shortcomings in the TRC's procedures. The study suggests that the public hearings held by the TRC served to inadvertently stimulate further controversy since the TRC failed to establish a clear conception of national reconciliation and was not able to deliver tangible benefits to the victims. The TRC provided no follow-up once it departed from the community, so the survivors felt used, particularly in light of the TRC'S failure to provide reparations for the victims (64).

In two concluding chapters, the authors also examine the impact of the TRC on South African society and ask whether it delivered. Despite the critical nature of their assessments, the book "values the TRC's basic goals, its fundamentally positive contribution to South African society, and its contribution to the field of transitional justice. If it comes across as overly focused on the shortcomings, it is mainly a reflection of our efforts to provide some counterbalance to uncritical praise it has received from other commentators" (19). This study provides a careful scientific refutation to those States and policy makers who argue in favor of amnesty laws in exchange for a supposed revelation of the truth.

**The author of this review, Ms. Christina M. Cerna, is a staff member in the General Secretariat of the Organization of American States' Secretariat for the Inter-American Commission on Human Rights. The opinions expressed in this note are the sole responsibility of the author in the author's personal capacity and are not to be interpreted as official positions of, and are not to be attributed to the Inter-American Commission on Human Rights, the General Secretariat of the Organization of American States, or the Organization of American States.*

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