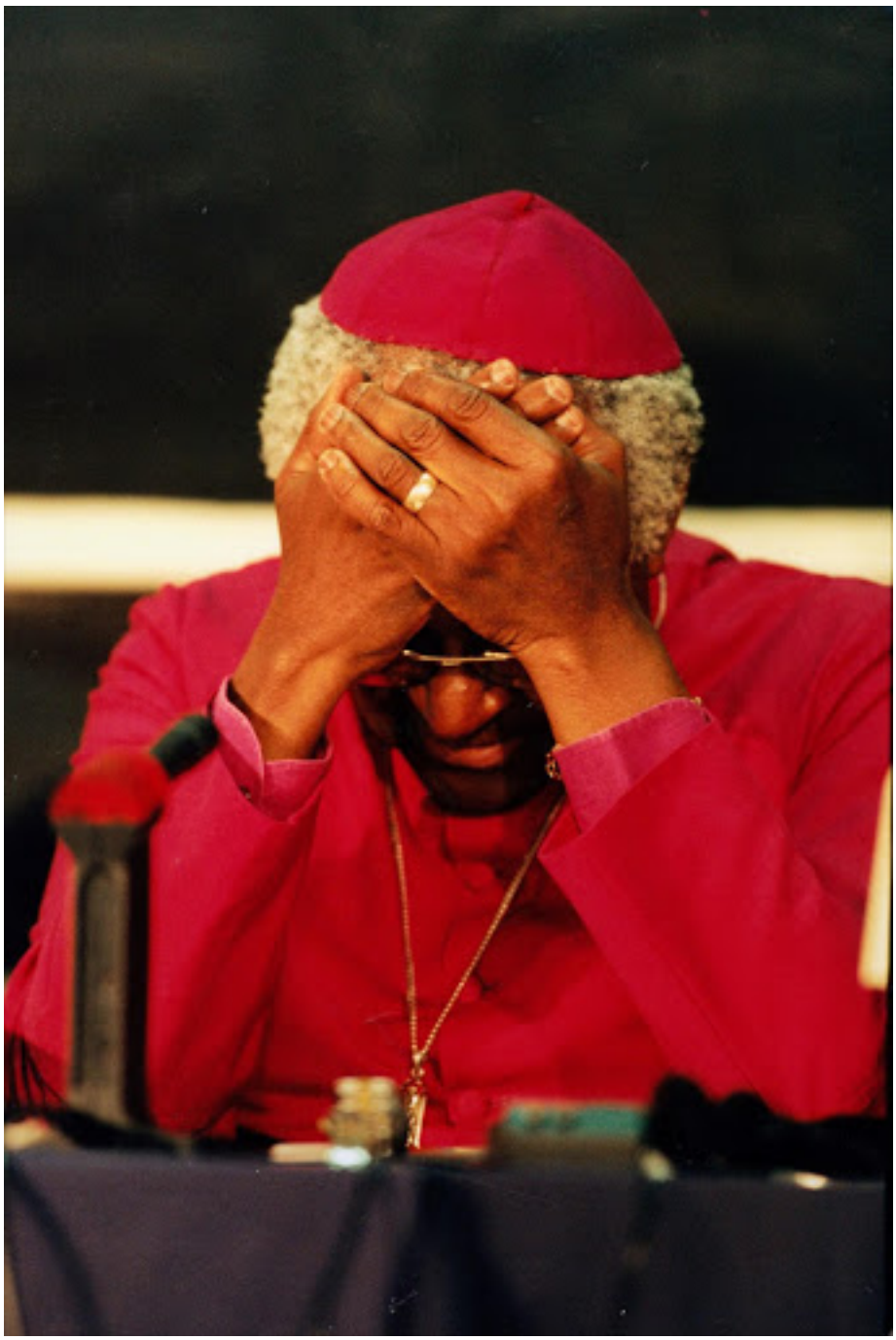
ROLE PLAY SIMULATION: TRUTH AND RECONCILIATION COMMISSION



Chair of the Truth and Reconciliation Commission Archbishop Desmond Tutu crying during the victims hearings

South Africa: Former Provinces during Apartheid, 1993



The four provinces in South Africa during the apartheid era.

By MATRIX, Michigan State University (2016)

Instructions

DURATION: 4 to 8 hours

1. Introduction: Background to the regime of apartheid, negotiated transition, setup, goals, and mandate of the Truth and Reconciliation Commission (c. 2 hours)
2. Participants divide into roles:
   a. Four can play victims – 1. Linda Biehl, 2. Nkosinathi Biko, 3. Mhleli Mxenge, 4. Glory Sedibe
   b. Four can play applicants for amnesty – 1. Easi Nofemela, 2. Gideon Niewoudt, 3. Captain Dirk Coetzee, 4. Col. Eugene de Kock,
   c. Two or three can play the commissioners

NOTE: It is possible to select fewer than four cases, but it is important that victim-applicant pair are both represented in the hearings.

3. Participants read the background materials for their roles. Commissioners should also discuss their strategies, including how they wish to set up the space, handle the process of the hearings, set the atmosphere, what to focus on, what to be sensitive about, etc.
4. Commissioners hear case after case (they have full freedom to manage the hearings as they deem appropriate, as the process is not structured as in court hearings)
5. Commissioners retreat to discuss the cases and decide on whether amnesty will be granted to each of the applicants
6. Commissioners announce their decisions

   END OF SIMULATION

7. Discussion with the participants about reasoning behind the decisions
8. Reading out the rulings in real life

9. DEBRIEF in large group

   a. Goals of transitional justice and tensions between them
      i. Truth
      ii. Healing
      iii. Peace
      iv. Justice
   b. Relevance for other contexts and transitions – Latin America, Central Europe, Tunisia,…
   c. Forgiveness as a goal of transitional justice?
   d. Amnesty as a tool for healing and moving on?
   e. Limits of institutional mechanisms as TRC? What else does reconciliation needs to entail?

The South African Truth and Reconciliation Commission (TRC) description[1]

The TRC was created by an Act of Parliament – the *Promotion of National Unity and Reconciliation Act* number 34 of 1995. The Commission worked for just over three years, but several Commissioners stayed on to complete both the amnesty hearings and the seven -volume report which ran over several thousand pages.

More than 21,000 victims of the conflict sparked and kindled by the apartheid system made statements to the Commission, and more than 7,000 people applied for amnesty. Of these fewer than 900 were granted amnesty, yet there have been relatively few prosecutions in the post-apartheid years.

The South African Truth Commission positioned itself between two extremes – the path of retributional prosecutions, exemplified by the Nuremberg trials in the wake of the Allied victory over the Nazis on the one hand; and the over –conciliatory process in Chile, where perpetrators of human -rights abuses under the Pinochet regime were granted blanket amnesty and where hearings were held in secret.

The South African hearings were public, and broadcast and reported widely. Perpetrators had to apply for amnesty and had to meet certain criteria: that the act was politically motivated; that it was proportional, and that there was full disclosure. Most applicants failed to meet these criteria.

[1] Adapted from Pippa Green's interviews at „What we can learn from TRC process“ http://www.702.co.za/articles/13983/talking-about-history-for-the-future-what-we-can-learn-from-the-trc-series

Concepts and Principles for the TRC process[2]

(background reading for TRC Commission members)

This Constitution provides a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of color, race, class, belief or sex. The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.

The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and the legacy of hatred, fear, guilt and revenge. These can now be addressed on the basis that there is a need for understanding but not vengeance, a need for reparation but not for retaliation, a need for ubuntu but not victimization.

In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past...

While there is no simple definition of reconciliation, the following essential elements emerged:
1. Reconciliation is both a goal and a process.

2. There are many different levels at which reconciliation needs to take place.

(They include coming to terms with painful truth, e.g. where the remains of loved ones were exhumed,knowing the complete picture of past gross human rights violations, direct reconciliation between victims and perpetrators, reconciliation at a community level, etc.)

3. Achieving truth (focusing on four notions of truth: factual or forensic truth;personal or narrative truth; social or 'dialogue' truth and healing and restorative truth.

4.Forgiveness and amnesty. Forgiveness is not just forgetting**.**

5. UBUNTU principle . Promoting restorative justice in the spirit of African philosophy's credo: "I am because we are".

AMNESTY CONDITIONS

Section 20 of the Act stipulated that amnesty could be granted on the following conditions:

a Applicants were required to apply for amnesty **for each offence committed**.

b Applications had to be made **within the time frame** laid down in the legislation (i.e three years period) .

c Perpetrators were required to make **full disclosure of their crimes** in order to qualify for amnesty.

d Amnesty hearings involving gross violations of human rights were to take place **in public.**

e Amnesty had to be granted on the basis of a set of **objective criteria**.

f **Amnesty could not be automatic**; it would not be granted for certain heinous crimes.

g The **name of the persons** to whom amnesty had been granted, together within formation relating to the crimes for which they were granted amnesty, **would be published** in the Government Gazette and in the report of the Commission.

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[2] Based on TRC Final Report http://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf

h The amnesty provisions in the Act required applicants to declare the nature of their offences – **effectively acknowledging their culpability**. In cases where amnesty applications were not made or were unsuccessful, the way was left open for conventional criminal trials, where the prosecuting authority decided that there were sufficient grounds for prosecution.

I **Political character of amnestied acts.** Amnesty shall be granted in respect of acts, omissions and offences with political objectives and committed in the course of the conflicts of the past.

Committee members

The Act allowed for the appointment of additional committee members, other than commissioners, to serve on the Human Rights Violations and Reparation and Rehabilitation Committees. The Commission decided to appoint such members, not only to assist in discharging the functions and responsibilities of these committees, but also to ensure that their membership was representative in terms of race, gender and geographical origin. The Commission felt that it was important that the membership of the committees reflected the life experiences of all South Africans - black and white, men and women, urban and rural.

Linda Biehl (mother of victim Amy Biehl)



You are the mother of Amy Biehl, who earned a degree in international relations from Stanford in 1989. She then worked on democratization issues in Washington, D.C.

Amy arrived in South Africa in 1993 on a Fulbright Fellowship and was continuing her Ph.D. studies in political science at the mainly black University of the Western Cape. She left for South Africa with anti-racialist political objectives in mind. She wanted to fight the apartheid, which she passionately opposed. She was only 26 when she was killed after being caught up in a protest action in the township of Gugulethu on the afternoon of 28 July 1993. The killing was shockingly brutal. Cape Town had been tense for some time and that afternoon had seen an upsurge in protests in the townships, much of it related to the South African Democratic Teachers' Union. Young protesters flooded the streets, attacking cars and trucks with stones. News bulletins warned motorists to stay away from the area. Amy, who had been working at the Community Law Centre at the University of the Western Cape, had been giving a lift to colleagues in her old, orange Mazda and drove straight into one such protest. She had often visited Gugulethu, unlike most white South Africans at the time, and believed she had nothing to fear. However, the streets were filled with angry crowds chanting "One settler, one bullet".

Amy's passion for justice and her purpose for being in South Africa were not written on her face. In that moment Amy Biehl came to represent, for some in the enraged crowd, collective white South Africa. To the protesters, Amy was just another white person, another symbol of apartheid oppression. A group of people spotted Amy. She stood out with her blonde hair and blue eyes. They surrounded her car. Some through rocks and bricks at the car. One of them broke the windshield and seriously wounded Amy's head. She fled, was chased, tripped up and was brutally beaten and stabbed to death.

When you heard the terrible news about Amy, your whole family was devastated, but at the same time, you wanted to understand the circumstances surrounding her death. Soon afterwards you left for Cape Town. You and your family were invited by the City of Cape Town to visit the country. You witnessed squatter homes with neither electricity nor running water, "schools that looked like dumpsters", and many other elements of life there that were hard to imagine before seeing it in-person.



"If I had been raised (in this environment), I could have been a militant, myself," your son said, upon seeing life in Cape Town. This trip solidified your family's connection with South Africa.

You are internally torn apart. On one side, you mourn your daughter, brutally murdered by the very people she came to help and still find it hard to believe that she died just two days before she was due to return home to California. On the other hand, you want to honour your daughter's life's dedication, her values and anti-racialist convictions.

Four of Amy's assailants, Ntamo, Peni, Nofemela and Manqina, from among the dozen or so who attacked her, were arrested and convicted. During the trial of the four men convicted of Amy's murder in the Supreme Court in Capetown, the truth and reconciliation process was underway. That process allowed them an amnesty hearing.

Back then, you told the Associated Press that you didn't want the killers to be executed. "We are not believers in the death penalty and Amy wasn't." They spent 5 years in prison and now they're applying for being granted amnesty for their actions based on the grounds that it was a politically inspired murder.

Mzikhona Eazi Nofemela

Offender in case of Amy Biehl killing (asking for Amnesty)



You, Vusumzi Samuel Ntamo, Ntombeki Ambrose Peni, and Mongesi Christopher Manqina were part of the 200-strong crowd engaged in a protest action in Gugulethu. You were a member of Azanian People's Liberation Army, the armed wing of the Pan Africanist Congress (PAC). As a PAC member and supporter, you were very passionate about the protests back in 1993 and was all fired up after attending a Pan African Student Organisation (PASO) meeting in Langa to protest the police slaying of a young black boy. You, Peni, and Manqina, all scholars and in their teens, were PASO members.

Amy Biehl was in the wrong place at the wrong time, driving through the township of Gugulethu while you were out in the streets, shouting your slogan "one settler, one bullet". You were very young and influenced by the atmosphere of hate and hostility towards white people. The problem was that at that time, people were living with politics. It was rallies, protests all the time. It was the final days of apartheid and violence escalated everywhere, especially in the townships. When you saw Amy during the protest; she was just another white person, another symbol of apartheid oppression. You and the rest of the angry mob attacked her, causing her death. Mongezi Manqina, who was with you at the protest and was also involved in the attack on Amy Biehl stated that "at that time, government was very angry if even one white person was killed. Therefore by killing Amy Biehl, that was going to make us proud and make the government listen to demands of the black people."

You, Ntamo, Peni, and Manqina, were found guilty in a non-jury trial of killing Biehl after her car was attacked with bricks and stones (one broke through the windshield and seriously injured her head), and she was pursued when she fled from her automobile, chased down by a crowd you were part of, stoned and stabbed to death. You served 5 years in prison and the prosecutors even sought the death penalty for your crime. You appealed to the Truth and Reconciliation Commission for amnesty in 1996. The application for amnesty was on the grounds that the killing of Amy was politically motivated. You are trying to prove that the murder of Amy was a politically inspired murder, not a racial one.

At first you didn't want to go to the TRC to give your testimony. You did not trust any white people, and when you heard Linda and Peter Biehl came to South Africa, you thought they were there to call for your death. You thought TRC was a sell-out, but then you read in the press that Linda and Peter Biehl advocated against the death penalty and had said that it was not up to them to forgive: it was up to the people in South Africa to learn to forgive each other. They seemed to understand that the youth of the townships had carried this crisis – this fight for liberation – on their shoulders. You decided to go and tell your story and show remorse. Amnesty is not your motivation. You just want to ask for forgiveness. You want to say in front of Linda and Peter, face to face, "I am sorry, can you forgive me?" You want to be free in your mind and body.



You do not consider yourself a killer, but you will never belong to a political organisation again because such organisations dictate your thoughts and actions. You now passionately believe that things will only change through dialogue.

Nkosinathi Biko **(Victim´s son)**



You are the son of Steve Biko, the South African beloved political activist whose 1977 death galvanized a nation's anti-apartheid movement. Your life became, in many ways, defined by that legacy and your family challenged the constitutionality of the TRC in the country's highest court. They argued that the Commission, a foundation for South Africa's transition to black majority rule, was a vehicle for political expediency and robbed them of their right to justice. Once amnesty is granted, all civil and criminal action against perpetrators is ruled out. However, you lost your case, and now you have to face five apartheid police officers' applications and hearings for amnesty in the death of your father.

Steve Biko was a noted anti-apartheid activist who founded the Black Consciousness movement, which advocated for black South Africans to be proud of their blackness. Biko was considered by many to be "the single most important black leader of all," as he was the figurehead of the enormous and most active student population. The apartheid government quickly came to know Biko well, and he was arrested multiple times. The government banned him to his natal city in 1973 for his anti-apartheid activism. In 1977, Steve Biko was arrested at a roadblock after he was found in violation of his banishment. The police arrested him under the Terrorism Act, which stipulated that suspects could be held indefinitely without trial. He was interrogated in solitary confinement. Biko died mysteriously and suddenly in police custody. It was discovered that he spent his time in the cell in extremely humiliating conditions, naked and chained. Biko, disoriented and suffering from severe head injuries, was driven 750 miles across South Africa for medical treatment. He died before he got any. The apartheid government conducted an inquest into his death but found no evidence of wrongdoing or criminal activity. What exactly happened to him has been an enduring secret.

The officer Gideon Niewoudt and the four other officers involved in Steve Biko's interrogation said during the inquest into the incident that Mr. Biko had attacked them after he had been forced to stand. They said they had been defending themselves when they jumped on him, that everything was in compliance with the standard procedures and regulations and they applied for amnesty in their involvement in his death.

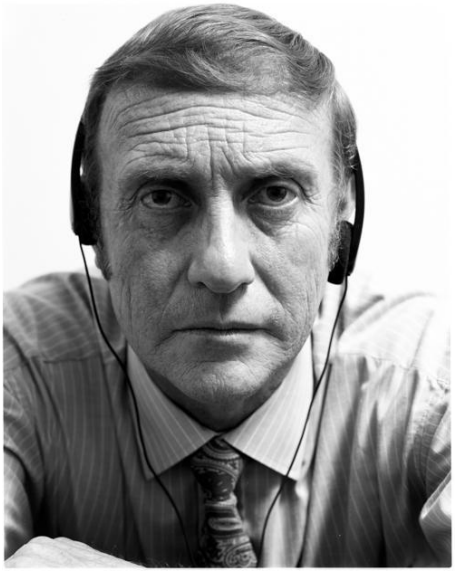


You believe the policemen lied about your father's death when they said they were seeking to defend themselves after he attempted to attack them and that they are still withholding information regarding to what really happened to him. "The injuries my father sustained are not consistent with that information. He had bruises all over his body, his rib cage, his left eye and a number of lesions on the brain."

The law says any unlawful act committed by state employees or security forces could only be considered for amnesty if it was regarded as necessary to achieve, or contribute to achieving the destruction of the opposition. You do not believe this is the case and so you oppose the amnesty every inch of the way. You and your family feel that the Commission is a vehicle for political self-gain and is robbing you of your right to justice. Because once amnesty is granted all civil and criminal action against perpetrators is ruled out.

Gideon Nieuwoudt

(Offender asking for amnesty, accused of killing Steve Biko)



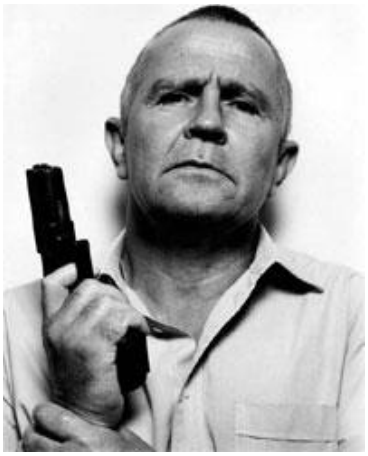
You are a former South African security policeman who confessed to a role in the death of anti-apartheid activist Steve Bantu Biko. Mr. Biko founded the Black Consciousness movement, which advocated for black South Africans to be proud of their blackness. Biko was considered by many to be "the single most important black leader of all," as he was the figurehead of the enormous and most active student population. The apartheid government quickly came to know Biko well, and he was arrested multiple times. The government banned him to his natal city in 1973 for his anti-apartheid activism. In 1977, you arrested Mr. Biko at a roadblock after you found him in violation of his banishment. The arrest was made under the Terrorism Act, which stipulated that suspects could be held indefinitely without trial. He was interrogated in solitary confinement. Biko died mysteriously and suddenly in your police custody. It was discovered that he spent his time in the cell in extremely humiliating conditions, naked and chained. Biko, disoriented and suffering from severe head injuries, was driven 750 miles across South Africa for medical treatment. He died before he got any. The apartheid government conducted an inquest into his death but found no evidence of wrongdoing or criminal activity.

During your enquiry as a part of the inquest into the incident, you testified that Mr Biko died of reasons unknown to you. You didn't notice a bruise on his head that was supposed to cause his head. This was your job and you were simply following the standard procedure. It was customary back then to keep inmates chained if they posed danger to self and others. He was denied clothing to prevent suicide. Later, you and the other policemen testified that Biko had become violent during an interrogation that led to a "scuffle" with you and four other officers, when he became arrogant and wild. It was probable, but not confirmed, that Biko could have hurt his head during the quarrel. But still, you acted only to defend yourself and the other officers. The official legal stance on the incident is that "on the available evidence the death cannot be attributed to any act or omission amounting to a criminal offense on the part of any person."

The verdict caused outrage throughout South Africa and people started to demand you were disciplined or at least reprimanded for Biko's treatment. You decided to apply for an amnesty to clear you of all possible accusation in the case of Steve Biko's death. You are ready to confess your role in the killing, because you recall striking Biko with a rubber hose. But you only did it because he was enraged. You are sure Biko's head injury was an accident in the confrontation. You only acted in self-defence and it was lawfully proven so. The actions leading to Biko's death were "accidental" and intended only to constrain him in the interrogation room.

Captain Dirk Coetzee

(amnesty applicant)



You did your basic training in the Navy and joined the SA Police in 1970. You always dreamed of being in the elite forces and worked hard to attain your goal. You were the cofounder and, till 1981, the commander of Vlakplaas, a covert police base outside Pretoria that converted the ANC freedom fighters into government soldiers, the "askaris" - the black defectors from ANC("rehabilitated terrorists"), trained them in counter-insurgency techniques - combat, ambush, kidnapping. Most of the askaris were abducted for this purpose.

You were a professional and enthusiastic about your job. You followed all the commands and made sure they were carried out. You rose through the ranks of the armed forces and later security police. As many other Afrikaner officers, you viewed the apartheid regime as the last outpost of Christianity fighting the Communist onslaught in Africa. And you have been and diligent in your job.

In 1981, your superiors assigned you to kill Mr. Griffiths Mxenge. Mxenge was a prominent ANC lawyer who defended the ANC comrades. You never heard of him before, but the Government considered him a „terrorist and the anti-Christ". You were instructed by your superior to "make a plan with Griffith Mxenge". That meant one thing and one thing only -- to get rid of the guy, kill him

You issued the direction to stop Mr. Mxenge. Next day, you have learned that three of your subordinate black officers stopped a car near Mr. Mxenge's home outside Durban and stabbed him 45 times. While they were stabbing him in a frenzy, after tripping him with a wheel-spanner, because he was virulently defending himself, you were drinking and driving around, awaiting the news that the mission was carried out successfully.

The official investigation blamed an "unknown person or persons". Nothing happened in the case until 1989. Four years later after killing Mr. Mxenge , the main witness, Victoria Mxenge (Mxenge´s wife), who wanted to see justice take place, was also assassinated. She was shot dead in front of her children. In 1989, one of your hit men, who happened to be on death row for a nonpolitical crime, confessed to the Mxenge killing, hoping it would postpone his execution (his sentence was commuted into a life term.) The Government opened an investigation. It soon became evident that the police were planning to blame you alone for the plot.



At this time, your career was in shambles for a few years, as you faced several personal problems and crises. You went through a conversion of your beliefs. You disclosed the existence of the Vlakplaas to the daily *Vrye Weekblad,* causing a great scandal for the regime. You applied for and received membership in the ANC. Yes, it is true that all your previous career you had spent by assassinating ANC cadres, but it is because you were brought up and trained that way. During your youth, you believed that ANC members threatened your home, family, country and people. You fled to Lusaka, Zambia and later flew to London and fell into the wary embrace of the ANC's intelligence officers, who recognized that a talkative white former death squad commander was a useful thing. ANC members started to call you "Comrade Dirk". Protection by your former black enemy, and the apparent turn of your former white colleagues to sacrifice or even kill you truly shattered your lifelong views. During your time abroad, you uncovered many stories of kidnappings, murders, torture, etc., causing the government to set up a commission to investigate your reports of hit squads. In 1993, you returned to South Africa and worked with the police on the cases you were implied in, appealing to former fellow police officers to step forward and speak out. When the TRC began, you were among the first ones to apply for amnesty, even though you (and two of the hit men) were convicted of

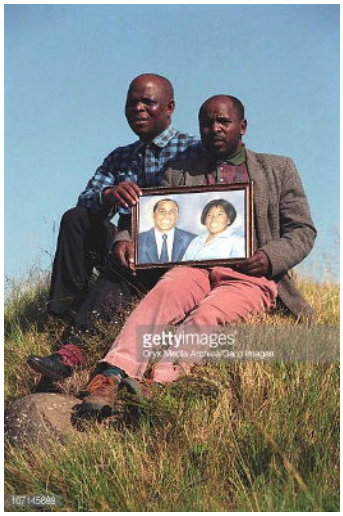
Griffith Mxenge's murder in May just before the TRC started. Now, if granted the amnesty, the conviction would be purged from your records.

You feel, in your own words: "extreme mixed emotions of anger, deep-seated anger for allowing me to get involved with this nonsense. Humiliation, embarrassment and a helplessness, feeling pathetic. I'm sorry for what I've done. What... what.. what else can I offer them? A pathetic nothing. So, in all honesty, I don't expect the Mxenge family to forgive me because I don't know how I ever in my life would be able to forgive a man like Dirk Coetzee, if he's done to me what I've done to them."

You don't think you will ever be able to put it behind you because you'll have to drag those corpses with you till the day you die. You will have to live with that, whether it's in jail, whether it's out of jail, you will have to live with that. That's a problem for you and that you will have to face, but you've got to reap what you've sowed. You are so very sorry for all of that.

Mhleli Mxenge

(the victim´s - Griffiths Mxenge's brother)



Your brother Griffiths Mxenge, (1935 –1981) was a South African anti-apartheid activist. Trained as a lawyer, he often took cases defending the ANC comrades before the racist courts. As he worked within the bounds of the law, it was hard to get to him and send him to prison. He was assassinated by the apartheid secret police in 1981. He was a member of the African National Congress (ANC) and its underground operatives. He was sent to Robben Island in 1966 because of his political activities. He was murdered by the apartheid police agents led by Dirk Coetzee in Umlazi township south of Durban. He had 45 stab wounds on his body, as he vigorously tried to fight off his attackers.

On the day of the murder, your brother woke up to the cries of his children. Their dogs were writhing in pain, dying, having been poisoned by Dirk Coetzee's agents that night. He knew this was a bad omen, but went to work to his law firm. As he was returning home from work that evening , his car was stopped near the Umlazi stadium. He was attacked by four men with three okapi knives, a hunting knife, and a wheel spanner. Griffiths fought like a lion. He even took one of the knives out of himself after he was stabbed and chased his attackers. Then he was tripped with a wheel-spanner, and the lot of them pounced on him and stabbed him again and again in a frenzy.

Even before the Truth Commission began work, your family joined with the families of Steve Biko and two other prominent victims families to file suit against the amnesty process. "President Mandela wishes that people will forgive and forget and life goes on, but unless justice is done, it is difficult for any person to think of forgiving."

You feel bitter because Coetzee did not show any signs of true remorse. He really feels that it was an achievement to do what he did. You find his disclosures grotesque and insincere.



Your main objection, " is that amnesty promotes the interests of the perpetrators, as once they are granted amnesty, they are not criminally liable and no civil action can be instituted against them and that is totally against the interests of the victims. It is totally unjust. Amnesty is supposed to make peace possible when perpetrators tell the truth and we learn the details of the fate of our loved ones. But knowing alone does not make you happy! Once you know who did it, you want the next thing -- justice!

Mr. Coetzee may receive amnesty for the five more murders and numerous other crimes he has confessed to. But if that will happen the Mxenges family will fight the decision, even if there is a little hope. Nelson Mandela might view Dirk Coetzee's transformations as proof that South Africans must put the past behind them. But this is not how you see that. Evil and injustice must be punished.

Colonel Eugene Alexander de Kock

(amnesty applicant , commanding officer of C10, a counter-insurgency unit of the South African Police, called also „Prime Evil“)



From the early childhood you have been educated about the values of patriotism, defending the motherland, and order. Your father was a member of the Afrikaner Broederbond (Brotherhood), he indoctrinated you and your brother with the Afrikaner nationalist ideology and taught you to become a "strict Afrikaan" as you grew up. From 1983, you had established a reputation for bravery and commitment during your service for C10, a counter-insurgency unit headquartered at a farm called Vlakplaas. C10—later known as C1—became a death squad which hunted down and converted (or eliminated if unsuccessful) opponents of the National Party and of the government. After the end of the apartheid, you have been convicted on eighty-nine charges of offences, including six counts of murder.

In this case, you are applying for amnesty in connection with the killing of Pantsu Smith, Soipho Dlamini and Buzi Majola on 13th and 14th December 1986, at Mbabane in Swaziland. You are also accused of conspiracy to murder Glory Sedibe on the same occasion.

In that period of time, situation has worsened in Swaziland. Liberation forces and the ANC used Swaziland as a springboard from where they sent cadres into South Africa to carry out sabotage or attacks. In 1986, there was an increase in land mine attacks in the districts adjoining Swaziland. Thirty explosions happened during the period from November 1985 to July 1987. A number of civilians were killed, including women and children.

As the representative of South African Police Force, you were responsible for security. As a result of the increasing number of attacks, a meeting was called to discuss and to decide on preventive measures that could be taken. Upon the analysis of threatening situation in Swaziland, it was decided that the only effective way to deal with the situation was the preventive strike operation. The so called September Machinery, which launched the landmine attacks (with the commander Glory Sedibe, also known as MK September at the head), had to be eliminated. You have been nominated by your direct supervisor, Brigadier Schoon (also an applicant for amnesty) as the operational commander responsible for planning and execution of the operation. You had no other choice, you only followed the command authorized at the very top, by the Head of Security, General van der Merwe. He authorised the attack and the instruction was clear: to strike across the border and to attempt to eliminate as many as possible of the members of the unit. The operation was directed against political opponents of the then government of South Africa, and you acted within the scope of general´s authority. You have considered it to be your duty as a policeman in the then prevailing circumstances. There was enormous pressure on the security police at that stage to curb and prevent landmine attacks. Politicians and members of the public blamed the police for not protecting civilians and for their failure to prevent these attacks.



On Saturday, 13th December 1986, your team entered Swaziland , you have crossed the border at different border posts using false passports. You came to MK Pantsu house and knocked at the front door and call upon the inhabitants to open the door under the pretext that you had a flat tyre and required assistance. When Pantsu opened the door the secret police team stormed into the house. According to the plan, MK Pantsu, MK Sipho and MK Busi were shot and killed. All the team fired shots, whilst Van Dyk hit one of the deceased with the gun butt and the silencer attached to the gun.

After the shooting you entered the house, grabbed documents and weapons and vacated the premises. You left Swaziland by crossing the fence illegally. Mr Glory Sedibe was abducted from the Mankayane prison in Swaziland and taken to South Africa. According to press reports in Swaziland, three Swazi police officers were paid a total of R150

000 for their assistance in abductions from Swaziland, Sedibe was abducted by a raiding party led by Eugene de Kock and including C section members Steve Bosch, Douw Willemse and Almond Nofemela, as well as Christo Deetlefs and Paul van Dyk of Ermelo and 'Freek' Pienaar and Johannes Koole of Piet Retief – all amnesty applicants.

Sedibe was an important MK intelligence officer and a senior member of the Transvaal machinery. He strenuously resisted capture but was eventually overpowered and held in detention for some five months before he agreed to co-operate with the police. Assigned initially to Vlakplaas, he was eventually transferred to MI, where he and fellow former ANC fighter Chris Mosiane became members of DCC.

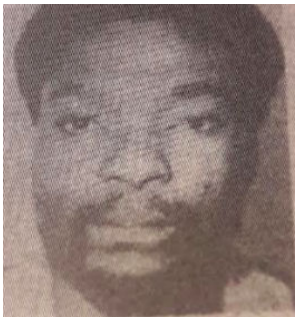
People in the SAP (South African Police) thought highly of Sedibe (MK September). You knew he was different than the rest. "MK September was well known to the security police as an excellent operative: wily, crafty, keeping to all the security rules and counter-surveillance, and hard to catch. Betrayal by his own was the only way to get him." Under torture, Sedibe talked and gave names that led to capture and killing of several people. After Sedibe "switched sides" in 1986 and in four months (during which he was interrogated, tortured, convinced…) he moved into Vlakplaas (security forces death squad). He soon traveled to Swaziland on his own to try and convert ANC cadres. He stood out for his passion with which he turned against his former ANC comrades. He helped to hurt and drive the ANC out of Swaziland. Assassinations followed the information he provided on agents in ANC and MK. He was also the star witness in several trials against ANC members, including Dladla, Ebrahim, and Maseko (as Mr. X1). When Sedibe switched sides, he was the member of ANC and MK for nine years. Then he was working for the apartheid Military Intelligence for eight.

You deeply regret the impact this had on his life: "So in a sense, we not only destroyed his life, we left his family, his brothers, sisters, and parents, we left him in a situation where they didn't know whether or not he was a traitor or if he could be trusted. By interfering in his fate we destroyed a person who today could have acted for us in the same stature as some of the great military leaders we have known. That is the man i knew. We interfered with one of the best persons in the country and this is one of the things that still affects me today"

Glory Lefoshile SEDIBE

(a.k.a. Mr. September, Comrade September)

(Freedom fighter who turned into collaborator, witnessing against de Kock)



You were born in 1953 and grew up in a poor mining town called Penge, north of Johannesburg. Your father, previously a teacher became a clerk in the mining company. During study at the university, the life at the campus politicizes you.

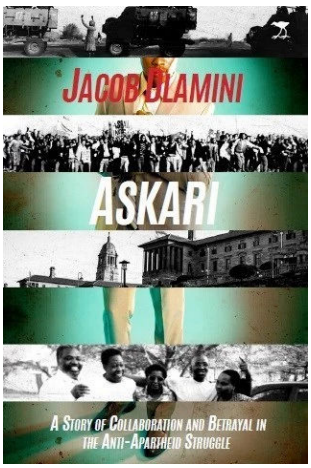
In 1976 you are leaving the South Africa "heartsore" after your brother Kaborone is sentenced to five years in prison on Robben Island for organizing a Viva Frelimo movement which celebrates the end of the Portuguese rule in Africa. You are among those who flee into exile to Swaziland.

Year after, in January 1977, you as a 24 years old man, decided to join the African National Congress. Very soon after that, you become a member of ANC military wing, called „Umkhonto we Sizwe" (Spear of the Nation). Here, in ANC, you were given the name „Comrade September". As a member of ANC, you are sent to the East Germany and later to the Soviet Union for intelligence training, returning to Mozambique in 1978 and back to Swaziland in 1984. During this nine years period, you have been working hard and became the high-ranking member of ANC.

In August 1986 you were captured, betrayed by the Royal Swazi Police, and sold out to the Security Branch of the South Africa Police for 150,000 Rands. Apartheid agents led by Eugene de Kock abducted you to Vlakplaas (the SA apartheid police farm about 20 km west of Pretoria, where all anti-apartheid activists were tortured and most of them assassinated). During the five months, you have been tortured and interrogated.

But there was something about you, which made even your captors think highly about you. Eugene de Kock said about you: „*MK September was well known to the security police as an excellent operative: wily, crafty, keeping to all the security rules and counter-surveillance, and hard to catch. Betrayal by his own was the only way to get him.*"

Slowly, you were transforming yourself from the insurgent to counter-insurgent collaborating with a sworn enemy in hunting down your former comrades. From the freedom fighter, you become one of the apartheid agents, collaborating with SA Police.



You testified against your former ANC comrades in a terrorism and treason trial in which they face the death penalty. Your testimony led to capturing and the assassination of several people. Ebrahim, who was also a member of ANC and had also been abducted from Swaziland, told about you: *"[Sedibe] fabricated evidence against me. Sedibe said I instructed him to plant landmines. Of course, that was a complete lie. I had absolutely nothing to do with landmines. I did not even know what they looked like."*

In spite of everything, for what you have done in the military, some people would consider you as a great military leader, who always supported the ANC. They would think that you collaborated with your captors to survive, but you have never given up your political beliefs. Even your close family members believe you were loyal to the ANC. Some people would trust, you were not a turncoat. *"Mr Sedibe would today be either the head of the Defence Force or the Minister of Defence. So in a sense, we not only destroyed his life, we left his family with a handful of ashes."* (Eugene de Kock)

Some people would think, it is not surprising, SA police broke you - an immoral act in an immoral society is normal. As one witness remarked: *"Sedibe had no alternative."* … and some other people would have only the name "askari" (traitor) for you. Even during your hearing, you refuse to be called "askari", claiming you were only following the commands.

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Real life outcomes:

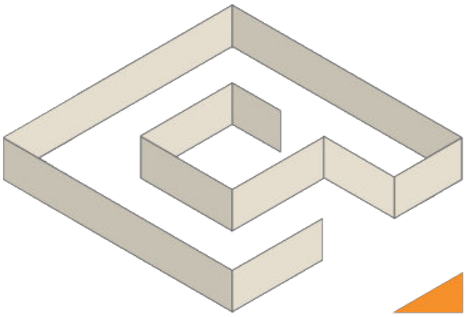
Real life outcome in the case of Amy Biehl:
2. The four men were granted amnesty with a significant support of both Amy's parents. Two of them, Eazi Nofemela and Ntobeko Peni, now work for the Amy Biehl Foundation Trust in Cape Town, a charity founded by her parents which dedicates its work to putting up barriers against violence. They have a close relationship with Linda Biehl (Peter Biehl has since passed away) and have formed a unique bond.

Mr. Nieuwoudt confessed to a role in the death of anti-apartheid activist Steve Biko but was not granted amnesty as he failed to prove a political motive for the killing. Moreover, he did not fully admit what really happened and was accused of withholding essential information. The decision has been welcomed by Mr Biko's son, Nkosinathi. In the end, all five officers involved in the case were denied amnesty, yet there was not sufficient evidence to subsequently prosecute them for their crimes.

Dirk Coetzee: He was granted amnesty. He was already convicted of the crime of killing Mr. Mxenge at that time, but because of the amnesty, the conviction was purged from his records. That was the main reason why Mxenge family felt cheated out of their justice and continued their fight against the Commission.

De Kock: He was granted amnesty in respect of killing of Pantsu Smith, Soipho Dlamini and Buzi Majola and the conspiracy to murder Glory Sedibe based on the commission's decision that he provided full-disclosure and had proven political objective of his action. He was granted amnesty for many of his crimes, but was still sentenced to 212 years plus two life terms for murders and crimes which the commission felt went beyond the call of duty.

He was released on parole after 20 years. He repeatedly asked for forgiveness from prison. "There is no greater punishment than to have to live with the consequences of the most terrible deeds with no-one to forgive you."



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