

Transitional Justice in South Africa

- **Session 1:** A Conceptual Overview as well as the background to the TRC
- **Session 2:** Structure of the TRC; Attitudes to the TRC; General overview of Concepts and Principles
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Transitional Justice in South Africa

- What legal approaches do societies in transition adopt in responding to their legacies of repression?
- What is the significance of these legal responses or choices for these societies liberalizing prospects?
- Put another way, what is the role of law in periods of far-reaching change?
- In broad and succinct summary, analyses of transitions suggests a pragmatic balancing of ideal justice with political realism.
- And that this pragmatic balancing enables a symbolic rule of law capable of constructing and driving liberalizing change.
- So here we are developing an understanding of a theory of transitional justice that is a bridge between ideal conceptions of the rule of law and contingent political exigencies of particular cases. Political Scientists can refer to this as political compromise.

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- General characteristics of legal measures during periods transition?
 1. They follow a distinctive paradigm;
 2. They are guided by rule-of-law principles; and
 3. Are tailored to the goal of political transformation.
- So law develops, adjusts and is shaped through political change in a pragmatic and consensual manner and, rather than clinging closely to ideal conceptions of justice, exhibits characteristics produced by political exigency as much as by legal idealism.
- In other words, we are exploring the interplay between law and politics and attempting to describe and understand what this *nexus* looks like during *interregnum*. There are other dynamic forces shaping both each other and the transition as a whole, and this picture is much more complex than the interplay between two variables; these though vivify the essential nature of transition, which is why I both use it and indeed start with it.
- The theory of transitional justice we are developing also asserts that law maintains an *independent potential* for effecting transformative politics.
- Before we unpack the idea of independent potential, lets look at a definition or at least a defining feature of transitional justice:

A period of transitional justice aims at a grounding within a society of a normative shift in the principles underlying and legitimizing the exercise of state power.

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- What are the characteristics of prevailing theories of transitional justice?
 1. Overall, they tend to be highly antinomic or binary (aside on Parmenides/binary thinking?)
 2. They are either:
 - **Radically realist** – the transition follows and is characterized by the prevalent political balance of power.
 - **Radically idealized** – law operates as an entirely self-contained driving force for political change.
- Emergent thinking suggests that neither of these approaches provides a satisfactory theoretical framework for transitional justice.
- Seeing law in these contexts, it is argued, by definition excludes “*the phenomenology of law*” as a discrete subject of analysis.
- One way of describing transitional justice outcomes is to view them as a residuum of the balance of political forces. This is simplistic; a more accurate description would be to describe them as a balance of political, historical, social, legal, cultural and, increasingly, global forces.
- Remaining (simplistically/analytically) within the jurisprudential realm, another description is to suggest the emergence of ideal justice legal outcomes or responses from a revolutionary end point onwards.

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- What is preferable is to see transitional legal responses in relation to societies' political, historical, social, legal, cultural and, increasingly, global forces legacies of injustice –
- ...and for that range, “historical” as a category encompasses the gamut, so we can assert that it is preferable, applying Ockham’s Razor, to see transitional legal responses in relation to societies’ historical legacies of injustice.
- This complexity dictates that we abandon binaries, and employ multiple uses of the word:
- “And”:-
- And avoid “either/or.”
- Which leads us to simultaneously see transitional legal responses in the context of the extent to which this historical legacy of injustice shapes legal responses as they open or construct paths to liberalization.

A Paradigmatic Theory of Transitional Justice:

- Before we describe the characteristics of the paradigm it is suggested emerges from a comparative jurisprudential analysis of periods of *interregnum*, of periods of transitional justice, let's look at the classic conception up to say AD2000:
 - **Anti-structural:**– breaking down past structures, rearward oriented.
 - **Lacking principle:**– classic legal principles don't apply, contingent exigencies drive law.
 - **Defying paradigm:**– no commonalities between transitions, no determinable common or paradigmatic comparative characteristics.
- An emergent theory of transitional justice (post AD 2000) suggests otherwise, and is indicative of a legal phenomenology which reveals patterns, regularities and common characteristics suggestive of a *paradigmatic transitional jurisprudence*, all of which cuts across the diversity of choice inherent in transitional justice choices as they relate to:
 - Retribution;
 - Reparations;
 - Bureaucracies;
 - Constitutions; and
 - Histories.

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- Transitions are all about a normative shift during *interregnum*, a shift characterized by tensions between adherence to established convention on the one hand and radical transformation on the other.
- This, according to emergent theory, produces a dialectically induced position.
- What this means is that a theory of transitional justice is sought which occupies a position brought about through reason - reason navigating between contending theories and points of view.
- It is contended that this *hybrid emergent position* is that which occupies this space created by a dialectically induced position.
- And in this way, as its banner slogan, as its succinct and pithy descriptor, we can say of the emergent theory of transitional justice that - in the context of the aftermath of conflict - from a jurisprudential perspective it is:
A partial and non-ideal conception of justice comprising provisional and limited forms of constitutions, sanctions, amnesties, reparations, purges, truths, and historical accounts.
- (How do you feel about this?)

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Characteristics of law in transitional times:-

- Absent of the general legal principles of regularity, generality and prospectivity;
- Both backward- and forward-looking;
- Retrospective and prospective; and
- Continuous and discontinuous.
- In total, ambiguous, a hybrid state of “both/and” rather than a binary one of “either/or,” although even the latter can from time to time be accepted.

- So as we come to understand this theory of justice, we begin to see that the choice of rule-of-law values is a function of particular historical and political legacies and contingent extant political dynamics.
- The political balance of power emergent in transition produces and prescribes political constraints, and in this context transitional jurisprudence bridges the past (established convention) with the transitional normative shift characteristic of transitions towards something different from the past, a process and end state of liberalizing/liberalized transformation.

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- Still, and despite the political prescriptions produced by political actors, transitional experiences do not only follow the path prescribed or expected by political realists on the basis of balance of power expectations or considerations.
- Two key questions emerge:
 1. What institution has the legitimacy to carry out substantial normative transition?
 2. To what extent do transitions vary in the extent of their normative transition and in their adherence to conventional legality?
- In the case of the former, in times of transitional liberalization, application and interpretation of law is frequently assumed by newly established constitutional courts (e.g. SA).
- In such cases, the jurisprudential exercise is characterized by:
 1. Substantive interpretive freedom;
 2. Significant symbolization especially in relation to the role of the rule of law.
- When Constitutional Courts predate transition, other institutions generally become the sites and drivers of legal transformative praxis.

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- In the case of the latter question, transitions do vary in their extent of normative transition and adherence to legal convention.
- This means that a continuum of dialectically produced hybrid positions emerges. Modalities range from:
 1. **Critical** – which denotes a maximally transformative legal repertoire aimed at repudiating prior regime policy, to:-
 2. **Residual** – which preserves the pre-existing legal order, to:-
 3. **Restorative** – which sees a return to the prior state’s legacies. This does not mean retrograde transition, but refers to the potential for a state in transition to *credibly* draw on and retain or preserve the pre-existing legal order.
- During transition, the extraordinary and hyper-politicized nature of change mean that the nature of law can be similar, and that the boundaries between criminal, civil, administrative and constitutional law can become blurred; indeed, conventional boundaries can be dissolved.
- For example, “punishment” is often infused with a mix of retrospective and prospective purposes, both of which are impacted on by political constraints and the imperatives to punish or grant amnesty, a significant, and messy tension.
- All of this is balanced by the key imperative inherent in the advancement of a political transformation’s normative shift, which is the primary goal of transitional justice.

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- Another is the impact that the massive and systemic wrongdoing of contemporary repression has on the difficult mix between individual and collective responsibility, and individual and collective reparation.
- In this instance, as in for example SA, there can be a considerable blurring between punitive and administrative institutions and processes. In practice this shows up through administrative investigations, commissions of inquiry.
- And during all of this there is an equal tension between “ideal justice/ideal theory/ideal law” – where principles might suggest looking backwards and might relate primarily to victim’s dues/holding individuals accountable.
- Law in its transitional form, however, has a hybrid nature, and its corrective goals will often be linked to broader societal concerns related to the normative entrenchment of political change.
- Political stability in a fragile climate, and the maintenance of the emergent balance of political power are also key considerations in the “hybridity” exemplified by transitional jurisprudence.

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- When it comes to the question of what the correct response might be to a state's repressive past, there is no single, correct answer.
- And the answer/s chosen are contingent on a number of factors:
 1. The nature of legacies of injustice;
 2. Legal culture;
 3. Political traditions; and, most central,
 4. The exigencies of the political transition.
- In all, it is fair to say that the fluidity paradigmatically characteristic of transitions vivifies/animates transitional justice and transitional jurisprudence's political nature, which is why it is fair to refer to the politicization of law, or, in extreme transitions (and most are) its *hyper-politicization*.
- Now, let us look at the question of how law enables the radical transformation of a society – both within and through the law. Understanding this is best done by bearing in mind that the form of law that emerges in these times bears close constructive relation to the transition itself.
- What is meant by this? Well, it stabilizes and destabilizes simultaneously, but this of course only serves to further obfuscate the answer to the question.

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- The simultaneous stabilization and destabilization function can better be conceptualized by saying law mediates between the preservation of a formal and stable continuity as it simultaneously instantiates and legitimizes transformative discontinuity and disjuncture with the past.
- What sorts of legal constructive and operative acts are being referred to?
 1. Indictments/legal verdicts
 2. Amnesties
 3. Reparations
 4. Apologies
 5. Constitution
- In more generic terms:- lustration, prosecution, pardoning, inquiry.
- Transitional justice practices share as a feature ways to demonstrate publicly new collective ways of understanding emergent truth. The extent to which this is achieved differs from transition to transition.
- Law as it appears to function has a “liminal” quality, it functions at the margin as it performs the work of separation from the prior regime.
- And the efficacy of the law in doing this can be determined by the extent to which it achieves this separation whilst also performing integrative functions – all as continuous, concurrent processes.

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- When we speak of law both stabilizing and destabilizing and describe law's role as a mediation function, one of the realities that best exemplifies this is a range of procedures and outcomes that can seem neither fair nor compelling, certainly not at first glance, or emotionally for that matter.
- Examples include:
 - Trials that lack regular forms of punishment;
 - Reparations characterized by political compromise;
 - The application of legally seemingly arbitrary thresholds;
 - Limited or no sanctions;
 - The production of an "official" narrative;
 - Constitutions and other legal instruments that do not last.
- What is true of transitional justice theory is that transitional law above everything is symbolic, a secular sanctification of the rituals and symbols of transitional political passage.
- Thus the phenomenological role of law as it relates to rites of passage can be compared with the role of rites of passage in other disciplines because of the rites and symbols it entails in times of transition.

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- The chief characteristic of the symbolic nature of the rites of passage that law imbues a transition with relate to its ability to convey publicly and authoritatively the real differences that constitute the objective of transition, namely the shift between regimes; it helps imbue the *interregnum* with legitimacy and credibility.
- The language of law imbues the transition and the emergent new order with legitimacy and authority.
- The theory though also emphasizes that transitional jurisprudence is changing status in society, membership and community, and in doing this it is constructing the difference between the illiberal and the newly liberalized order.
- And the emergent theory of justice also suggests that the turn to law comprises important functional, conceptual, and operational dimensions besides symbolic ones.
- And perhaps most importantly, it epitomizes the traditional liberalist rationalist response (which is why it can occupy the dialectical position it does, as expounded earlier in this lecture) to suffering and catastrophe – that there is something to be done, and that, rather than resignation to historical repetition there is hope for change.

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- And perhaps of utmost primacy, the turn to and embodiment or embrace of law in all its symbolism is manifest most crucially in that it provides the leading alternative to cruel violence that would inhere in retribution and vengeance which can characterize periods of political upheaval.
- In their hybridized, transitional form, ritualized legal processes enable gradual, controlled change – legal responses can be deliberate, measured, restrained and restraining.
- The theory of transitional justice now can assert that transitional law transcends the symbolic to become the leading “rite” of modern political passage. Legal ritual acts act as a midwife, they enable the passage during the interregnum.
- They simultaneously disavow aspects of predecessor ideology and simultaneously justify ideological changes constituting transition to a liberalized state.
- Whilst the question of which institution best lends itself to the advancement of legal normative change in a society is much debated, the emergent theory of transitional justice indicates that there is no one right answer.

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- Choices and resultant outcomes are dependent and contingent on political circumstances of political power balances, competence and legitimacy, all of which spans both predecessor and current regimes.
- It is though often the case that because predecessor legislatures and judicial institutions are “compromised” that space in transition opens for newly created judicial institutions to incorporate international human rights norms.

BACKGROUND TO THE TRC

- **SOUTH AFRICA'S NEGOTIATED TRANSITION**
- **THE NEGOTIATION PROCESS AND ACCOUNTABILITY FOR PAST VIOLATIONS**
- **THE INTERIM CONSTITUTION**
- **DRAFTING TRC LEGISLATION**
- **THE TRC'S TERMS OF REFERENCE**
- **APPOINTING THE COMMISSIONERS**
- **ATTITUDES TOWARDS THE ESTABLISHMENT OF THE TRC AT THE TIME**
- **Some film footage for context:**
- [Background to the TRC](#)
- [Tutu and the TRC](#)
- [The TRC and 2013](#)
- [Trevor Noah on the Jon Stewart Show](#)

The nature of compromise: Key issues that occupied the Multi-party Negotiation Process:

- Federalism/Unitarism
- Power-sharing/minority group protection/majority rule
- The interim constitution, template for the final version
- Bill of Human Rights
- The nature of the economic system
- The role of the judiciary
- Ombudsmen (IEC, IMC, TEC)
- Elections
- Political (gratuitous/irrational) violence (on the right and left)
- Amnesty

• **What do you think is missing? Hint: How would you feel if you were a “victim” of apartheid?**

- Bring me my machine gun
- A perspective on the meaning of resistance songs
- Another perspective, Mbeki at the TRC (7.30 to 10.52 minutes)

BACKGROUND TO THE TRC

- A note before we begin:
- Broadcast by the South African Broadcasting Corporation (SABC) every week between 21 April 1996 and 29 March 1998, the eighty-seven part television series covered the first two of five years of the TRC hearings, which were concluded at the end of 2000.
- Produced and presented by *Max du Preez*, a well known columnist and founder of the former *Vrye Weekblad* (renowned for its exposé on South African death squads), the SABC's Truth Commission Special Report won the Foreign Correspondents' Award for Outstanding Journalism in 1996.
- [SAHA TRC Archive](#)

BACKGROUND TO THE TRC

- **THE NATURE OF SOUTH AFRICA'S NEGOTIATED TRANSITION:**

- As with most negotiated political settlements, South Africa's transition in the early 1990s, from authoritarian and repressive white minority rule to a democratic dispensation, was characterized by **compromise and concession**.
- Although the pursuit of justice and accountability for a multitude of human rights violations were central tenets in the struggle against apartheid, **these concerns remained largely off the negotiation agenda**.
- Dealing with issues of past human rights violations and their respective responsibilities was **inevitably highly sensitive and contestable ground**.
- Exactly what should be looked into, how and to what end depended very much on personal insights, experiences and related perspectives and expectations; **one man's freedom fighter was another's terrorist, defenders of law and order for some were instruments of inhumanity and repression for others**.

BACKGROUND TO THE TRC

- Both/all sides accused each other of culpability in the violence - and at the same time denied, excused and obfuscated around their own complicity.
- Of course, interpretations of responsibility for past violations, whether and how to deal with them were also imbued with relative notions of morality, values and principle.
- The conflicts of the past were littered with victims. Who would accommodate their interests? Indeed, was it possible to move forward, to put in place a constitutional dispensation with a justiciable Bill of Rights, without “some sort of” reckoning for what had happened?
- Conversely, some questioned whether digging up the past would be counter-productive and whether efforts to hold perpetrators accountable would generate significant obstacles to negotiation and a peaceful settlement.
- What do you think? Was establishing a TRC the right thing to do?

BACKGROUND TO THE TRC

- THE NEGOTIATION PROCESS AND ACCOUNTABILITY FOR PAST VIOLATIONS:
- Despite the protestations of a small, yet vocal human rights community, **South Africa's last minority government and most participants in the negotiation process essentially ring-fenced any meaningful examination of what had happened and who was responsible during the negotiation process.** We will look at this more closely in a moment.
- This situation was compounded by the deteriorating situation on the ground as violence and criminal and politically motivated violations exploded on an unprecedented scale.
- Some reports estimate that over 14,000 people were reportedly killed and many more injured during the 4-year negotiation period; certainly there was more violence in 4 years than in the previous 30 years.

BACKGROUND TO THE TRC

- Question: Like the reason for “secret negotiations,” could the peace process have moved forward if the focus of negotiation was on retribution? Reparation? Reconciliation?
- Negotiations and related processes were pursued within the context of South Africa’s existing legal framework.
- In 1990, the government introduced indemnity legislation, essentially designed to facilitate the return of many liberation movement figures, many of who remained ‘wanted’ by the South African State’s criminal justice system. *Comment on what this meant for the NP/the Afrikaner.*
- **In 1992, the government implemented a ‘further’ Indemnity Act that was in stark contrast to its predecessor, and signaled the government’s intention to facilitate immunity for those responsible for human rights violations. (Why?)**

BACKGROUND TO THE TRC

- In the wake of an era characterized by violence and oppression the central justice-related dilemma is the very basic one that comprehensive prosecutions are usually impossible, yet sweeping amnesty provisions are unjust.
- Claims to justice, truth and reconciliation made by or about the TRC do not rest on abstract or theoretical claims, they rest on practical application and delivery, they rest on what actually happened. A large part of this relates to the way amnesty was handled in SA during the transition to democracy.
- Claims therefore must include:
 1. The TRC's relationship with other related provisions concerning the granting of indemnities, immunities, releases and pardons;
 2. Legal standing as granted by various court cases; and
 3. Its governing social contract, brokered by political parties, which in the SA case combined the promise of amnesty with the threat of prosecution.

BACKGROUND TO THE TRC

- What occurred in SA was that the TRC entered an arena already occupied by a series of amnesty provisions and resultant decisions.
- And departed, in 2000, with the prospect of further amnesties to be granted.
- And, in relation to all of these except the amnesties it granted, amnesty was surrounded by a lack of transparency and accountability, in particular in relation to the second Act that was passed by the then NP-led government.
- What were the Acts that governed amnesty and why were they promulgated?
- The first was the *Indemnity Act No 35 of 1990*, designed to facilitate the negotiation process by granting temporary immunity or permanent indemnity for political exiles against prosecution when returning to SA to participate in the negotiation process. It also made provision for the release of political prisoners.

BACKGROUND TO THE TRC

- The second was the *Further Indemnity Act No. 151 of 1992*, which was passed unilaterally by the NP and which granted indemnity to state offenders and making provision for secrecy regarding the actions for which indemnity was granted.
- This Act is described by Gready (2010: 96) as “an amnesty of the blanket and quick-fire-forgetting variety.” It ensured that up to 3 500 members of the security forces and cabinet were secretly indemnified in the run-up to the elections in 1994.
- The legality of this has been politically disputed, but the indemnities granted have been respected in the post-dictatorship era.
- To compound this, apartheid era deals were being negotiated even as the TRC was deliberating.
- And to place the impact of these Acts and secret agreements in perspective, between 13 000 and 21 000 people received amnesty, far more than the 1167 that received secret amnesty through the TRC’s conditional amnesty process (145 received partial amnesty).

BACKGROUND TO THE TRC

- We will explore the impact of this *messiness* later, at this point I describe this picture of amnesty in order to give you a fuller understanding of the background to the TRC. The political compromise, of which secret amnesty was a part, was the inheritance of the TRC, it created the environment within which the TRC set up its operations.
- Violence levels during the negotiated transition were high, as were the stakes. During the transitional phase, the negotiation process, the government constantly claimed it was committed to routing out “illegal behaviour” and holding perpetrators to account, but its actions (and inactions) spoke volumes.
- Its security forces were routinely accused of direct and indirect complicity in the violence, and the vast majority of South Africans looked upon the minority government with a mixture of fear, contempt and loathing.
- The government set up two judicial commissions of inquiry to probe the causes of violence during the early stages of the negotiation process (1990-94).

1. In 1990, the **Harms Commission** was established to probe allegations of police and military 'hit-squad' activity. Its findings are a damning indictment of the criminal justice system and it remains the classic example of a well staged and well-managed cover-up.
 2. Its effective successor, the **Goldstone Commission**, was set up in 1991 and, although largely a lackluster affair, eventually began to prize the lid off security force involvement in dirty tricks towards the end of its tenure.
- Neither commission though did much to stem the bloodletting and widespread impunity that accompanied it.

- During the negotiation period (1990 – 1994), the ANC had already unveiled some commitment to probing accountability for past violations through its own inquiries into abusive actions in its own “holding camps” in Angola.
- Despite the limitations of what was probed and uncovered, **this kind of introspection was unprecedented for a liberation movement** and encouraged those within the anti-apartheid movement and broader civil society who were keen to pursue an accountability agenda to do the same.
- Meanwhile, the IFP remained inflexible in its interpretation of the conflict, blaming primarily the ANC for violations and painting itself as an innocent victim of premeditated efforts to annihilate it.
- It should be noted that the IFP never attempted to publicly examine its own culpability, instead maintaining it was not responsible for any of the violence, and that it was systematically vilified as a victim of intimidation and violence, propaganda and misrepresentation.

THE INTERIM CONSTITUTION:

- By 1993, the core of the ANC's leadership seemed to have accepted that there would not be any "trials" of a Nuremburg type or otherwise, for apartheid crimes.
- The NP and its security force chiefs had made it clear that they supported notion of general amnesty, and that some guarantee around this issue was required to facilitate a final agreement. Of course we should ask why.
- The ANC, although prepared to compromise on the principle of amnesty, was not prepared to tie itself to a specific amnesty deal, **arguing that the detail of an amnesty process should be the responsibility of a democratically elected government.** Recall its not dissimilar position on how the final constitution should be put in place.

THE INTERIM CONSTITUTION:

- What resulted was the **inclusion of a provision for amnesty in the post-amble of the interim Constitution** that came into force in December 1993. Although this was presented as a *fait accompli* at the time, there was no public opposition to this provision.
- No detail was given as to what this would entail, **and no commitment was made to examine the conflicts of the past**. Indeed, these matters were effectively deferred to the new democratic dispensation – the ANC's position.
- **Essentially, the outcome of negotiations was that options for pursuing a justice and accountability agenda were not completely shut down** and, in retrospect (and certainly probably in line with the ANC's strategy and thinking at the time) this strategy provided a more flexible platform from which to launch an initiative to interrogate past conflicts and accountabilities. Given the broad nature of the provisions relating to amnesty contained in the interim constitution, this allowed a democratic government a wider interpretation than would have been the case had the interim constitution been more specific/restrictive and it facilitated consensus/agreement.

- **DRAFTING TRC LEGISLATION:**
- Within weeks of the historic April 1994 elections, the ANC-dominated Government of National Unity initiated a process that would result in the development of the *Promotion of National Unity and Reconciliation Act* and the consequent establishment of the *Truth and Reconciliation Commission*.
- One has the feeling that the groundwork for this had already been prepared, given the alacrity with which this process was begun, and similar to secret negotiations, one wonders to what extent informal discussions on aspects of reconciliation and amnesty had been a feature of the negotiated transition. Or to what extent groundwork had been done within the ranks of the ANC.
- In any event, key members of the ANC were keen to develop some mechanism to examine past violations and engaged several civil society actors to facilitate a broader debate on what could be undertaken, and subsequently help shape draft legislation.
- At this time, South Africa was the only country to have engaged in such high levels of public debate over the terms and scope of its TRC.

- **DRAFTING TRC LEGISLATION:**
- A select group of civil society activists and organizations, primarily from within the human rights NGO sector and the churches played an influential role in the subsequent formulation of the legislation, holding a series of workshops to talk through the issues.
- The Justice Parliamentary Portfolio Committee convened several hearings, and received a slew of submissions during the drafting process – interest was high.
- The extent to which recommendations were accommodated is moot, although a number of commentators argue it was extensive, **particularly with regards to specific provisions regarding transparency and the importance of implementing a victim-centered process.**
- Civil society groups, for example, successfully opposed the recommendation **from both the ANC and the NP that amnesty hearings should be held in camera.**
- South Africa was able to draw on a range of other Commission experiences from Latin America and elsewhere, and activists from those countries provided insights into the pros and cons of their experiences.

- **DRAFTING TRC LEGISLATION:**
- The ANC's dominance in government and its support for an equitable process that examined violations on all sides of the conflict provided a powerful platform on which to craft the TRC legislation.
- Not everyone in either the ruling party or the liberation movement, supported a process that would also inquire into its own abuses.
- There was structured engagement on the architecture of the TRC with organized sections of civil society – but, in retrospect, most analysts concur that this was not a comprehensive process, a consequence of which includes repercussions around current understandings, narratives, support and expectations.
- A draft Bill was published in October 1994, and received Cabinet approval before being referred to a cabinet sub-committee for amendment and final drafting.
- The Bill was introduced into Parliament in December 1994 and the public given 5 weeks to comment, during which time **civil society successfully lobbied extensively against secrecy provisions**. The Bill was signed into law on 19 July 1995.

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