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Documents: Up + Running

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My Running

They did something that had not happened in SA before. Of course when we voted in 1994 we had done something that had never happened in our motherland before & so it should not have been surprising to have other novel things ^{as well} happening. The field was wide open. In the case of the TRC first of all nominations for ~~the~~ would be Commissioners were invited from society at large. Previously under an authoritarian & undemocratic regime, the people hardly had much of a say about ^{such} things that should happen.

Another innovation for SA was that from the list of several ~~Commissioners~~ nominees would be chosen those who would be galled in open public sessions by a multi-party or representative ^{as possible} panel. You ^{have} are accustomed to open public hearings as when Presidential nominees for judicial positions are put through their paces before a Senate committee etc. ~~to~~ ~~had~~ ~~it~~ ~~was~~ unheard of in SA until the advent of democracy.

The purpose was to ensure that the Commission would be as representative of the demographics of SA as possible reflecting the ethnic, sexual, religious, political, ideological, cultural diversity of a land that has 11 official languages & an ~~often~~ in 4 languages manipulating what is dear to blacks, the English & Afrikaners. They were striving for a new unworried openness or transparency in the current jargon & that the entire process should be participatory if should be something owned by the nation. As it happened whilst most blacks welcomed & embraced the TRC process, most in the white community misled by their leaders ~~rejected~~ ^{it} or were suspicious of the entire

project they castigated it even before it had begun its work as nothing more than a witchhunt directed generally at whites & particularly at those who had belonged to the former regime & their cohorts. Or they claimed that it was going to be biased in ^{strong} favour of the ANC etc. As a result of the public hearings which we would hold there were hardly any whites present. That was a great pity & perhaps the greatest failing of the TRC that our white compatriots did not embrace a wonderfully generous process more enthusiastically. It was to keep appealing to them to respond more generously to the magnanimous offer of forgiveness from their black compatriots so that they could having faced up to the horrors of the past then put it behind them unburden themselves of its unbearable weight cast off the albatross round their necks & stride into the glorious future opening up before all of us without the baggage of shame & guilt. Far too many passed up this golden opportunity & so have missed the bus & will have to find alternative ways of coming to terms with that past and ways of being able to live with themselves. I frequently said that our white fellow Africans had come to take the forgiveness offered by blacks too much for granted.

The panel sent a list of 25 names to President Mandela who with the concurrence of his Cabinet of ~~the~~ ^{the} INK in which the major political parties ANC, IFP & Nationalists participated. In the spirit of compromise & giving concessions one of the 2 Deputy Presidents was M. F. W. de Klerk the last white apartheid state President & SA. The representative

5" from repression to democracy a case could be made to deny some rights for a greater good & that the interim constitution of our land had made provision for this. At the end just before the handover ceremony in 1998 we were faced with 2 court orders - one from the ~~UK~~ de Clerk prayer ~~of~~ the ~~UK~~ & the other from the ~~UK~~. With regard to the former we agreed to block out those parts of report where we had made an adverse finding re him. We fought the ~~UK~~ challenge & we won. But I was disappointed since the ~~UK~~ was largely an ~~UK~~ child & whilst we had found they had been guilty of human rights violations the evidence they provided we had commended them for their struggle. They drew attention away from the nub of our Report which was scathing vis a vis the ~~UK~~ & the ~~UK~~ regime. A positive spinoff was that it demonstrated what we had claimed at the beginning that we were evenhanded & not biased ⁱⁿ favour. But it was distressing because the handover ceremony was at risk & the victor ~~rep~~ had already arrived.

The next serious criticism was posed in the question but what about justice if perpetrators could get amnesty in exchange for the truth, was this ~~my~~ to condone & encourage impunity? ~~but~~

This was an ad hoc special arrangement at how we would operate forever. It was to deal with the peculiar circumstances of a delicate transition process.

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- (a) Did not encourage impunity. But the fact led to admit guilty ^{to} accountable if you were innocent then you didn't need amnesty
 - (b) Difficulty of getting convictions. Security personnel with connivance of bureaucratic officials even Cabinet Ministers had been adept at perverting themselves staying until blue in face, bypassing courts.
 - (c) More than officers were worse than after the fact ~~could~~ ^{referred up to} leave. In SA would share same population space stability of premium not want to rock boat unnecessarily.
 - (d) Cost & burden to already heavily burdened stretched judicial system.
 - (e) Refuse to give some details ~~of~~ lengthy trials destabilising
 - (f) Gross human rights violations in open court Public exposure & humiliation
 - (g) Retributive justice vs restorative justice.
- Abunzi