

**In this issue:**

**The South African Truth And Reconciliation Commission –A Case Study  
In Documenting Crimes Against Humanity In The Interests Of National  
Reconciliation And Nation-Building (by Ethel Kriger) pg. 4-10**

*“...one of the biggest challenges facing the TRC was to develop effective records management and information management systems even while records were being created..”*

**ALSO Inside:**

- **Events,** **pg 2**
- **Call for papers** **pg 3**
- **Guideline on Production and Preservation  
of Digital Audio objects** **pg 3**

**ESARBICA NEWSLETTER**

2005 Issue No: 7

February

For more information contact  
the editors Mr. S. Katuu

[skatuu@yahoo.com](mailto:skatuu@yahoo.com) or Dr. P Ngulube

[ngulubep@nu.ac.za](mailto:ngulubep@nu.ac.za)

## Events

### Feb 2005

**3<sup>rd</sup> Understanding and complying with ISO 15489 Records Management Standard** Convened in Cape Town by i-Forest website:

<http://www.forestgroup.info/events>

**10th Understanding and complying with ISO 15489 Records Management Standard** Convened in Johannesburg by i-Forest website:

<http://www.forestgroup.info/events>

### Mar 2005

**10-11<sup>th</sup> Electronic records management conference** Convened in Johannesburg, South Africa by Knowledge Up-grade. Contact Vanessa Phone +27117840888 Fax +27117849091 Email: [sales@knowledgeupgrade.com](mailto:sales@knowledgeupgrade.com)

### April 2005

**18<sup>th</sup> – 19<sup>th</sup> “Electronic records management conference** Convened in Johannesburg, South Africa by Young Dimensions Management. Contact Anne Molefe Phone +27114030286 Fax +27114030286 Cell: +27839787842 Email: [ydm@workmail.co.za](mailto:ydm@workmail.co.za)

**“Expectation and realities in managing electronic records”**  
Conference convened in Gaborone, Botswana by Long sight in conjunction with Department of Library and Information Studies. Contact Richard; Phone +27113393300 Fax +2711 3393325 Email [richard@longsight.co.za](mailto:richard@longsight.co.za) Website <http://www.longsight.co.za>

### May 2005

**18-20<sup>th</sup> Focus on Managing: Spam, Viruses, Internet and Intranet Security** Convened in Johannesburg South Africa by Marcus Evans. Contact Terri Yutar Phone + 27 11 516 1184 Fax: + 27 11 516 1001 Email: [TerriY@marcusevanssa.com](mailto:TerriY@marcusevanssa.com) Website: <http://www.marcusevans.com>

**30-1<sup>st</sup> June Developing standards, policies and systems for Electronic Document and Records Management** Convened in Johannesburg South Africa by International Quality & Productivity Centre (IQPC). Contact Fran Lupton Phone + 27116695034 Email: [fran.lupton@iqpc.co.za](mailto:fran.lupton@iqpc.co.za) Website: <http://www.iqpc.co.za>

### June 2005

**22<sup>nd</sup> – 24<sup>th</sup> 3<sup>rd</sup> annual conference on managing electronic records”**  
Conference convened in Johannesburg by Long Sight Communications. Contact Richard; Phone +27113393300 Fax +2711 3393325 Email [richard@longsight.co.za](mailto:richard@longsight.co.za) Website <http://www.longsight.co.za>

### July 2005

**XVIII Bi-Annual ESARBICA Conference: The African Agenda** Convened in Gaborone Botswana hosted by the Botswana National Archives and Records Services. Contact Dr Patrick Ngulube, E-mail: [ngulubep@nu.ac.za](mailto:ngulubep@nu.ac.za) Fax +27332605092 Website: <http://www.geocities.com/esarbica>

## Call for papers

a) The XVIII Bi-Annual Eastern and Southern Africa Regional Branch of the International Council on Archives (ESARBICA) General Conference on Archives and Records in the Information Society: The African Agenda will be hosted by the Botswana National Archives and Records Services (Gaborone) in July 2005. Accommodation, travelling and subsistence are the responsibility of the paper presenters.

For more information visit <http://www.geocities.com/esarbica/conf.html>

b) 2<sup>nd</sup> International Conference on the History of Records and Archives (I-CHOAR 2) titled **Archival Affinities: Adapting and Adopting Archival Cultures** to be held in Amsterdam between the 1<sup>st</sup> and 3<sup>rd</sup> of September 2005 at the University of Amsterdam's Archiefschool.

The conference will focus on intercultural and cross-national influences on record keeping and archival theory, the dissemination and reception of theories and ideas on archives and record keeping etc

Topics within this framework include:

- record keeping by colonizers and colonized, occupants and occupiers etc
- post-colonial and post-communist record keeping in relation to former record keeping regimes
- merging of indigenous and foreign theories, methodologies and practices, national influences on record keeping of international and multinational governmental and non-governmental organizations
- records professional and record keeping systems immigrating into other countries and cultures
- cross-national networks of records professional and archivistics scholars and their impact on globalisation of archival systems, theories and cultures

For more information contact [p.j.hosrman@archiefschool.nl](mailto:p.j.hosrman@archiefschool.nl) or visit <http://www.fis.utoronto.ca/research/i-chora/hom.html>

## New Guidelines

IASA (International Association for Sound and Audiovisual Archivists) has just published **Guidelines on Product and Preservation of Digital Audio Objects**, which it hopes will provide guidance to audiovisual archivists on a professional approach to the production and preservation of digital audio objects,

The **Guidelines on Product and Preservation of Digital Audio Objects** can be ordered at 25 Euros per copy from Ilse Assmann (SABC Media libraries) email: [assmanni@sabc.co.za](mailto:assmanni@sabc.co.za), tel: (27) 11-714-4041, fax (27) 11-714-4281, Postal address PO BOX 931, Auckland Park, 2006, South Africa

## **THE SOUTH AFRICAN TRUTH AND RECONCILIATION COMMISSION –A CASE STUDY IN DOCUMENTING CRIMES AGAINST HUMANITY IN THE INTERESTS OF NATIONAL RECONCILIATION AND NATION-BUILDING**

By Ethel Kriger

### **THE TRC: AN ARCHIVE DOCUMENTING APARTHEID CRIMES**

In the decades straddling the twentieth and twenty-first centuries truth commissions have become the preferred political instrument for societies emerging from dictatorships to democracies for dealing with their histories and experiences of repression and the systemic abuse of human rights. Post-apartheid South Africa, too, chose this path. The South African Truth and Reconciliation Commission (TRC) was established by the post-apartheid Government of National Unity to assist the South African society with dealing with its apartheid past and continuing legacy within the framework of the country's Interim Constitution, specifically by its "Postamble", codified into legislation as the Promotion of National Unity and Reconciliation Act (No. 34 of 1995).

While the focus of this paper is the TRC, it needs to be noted that the TRC was not the only political instrument created to deal with the apartheid past and redressing past injustices. Integral to this project of striving for national unity and reconciliation was the establishment of the Constitutional Court, a Land Claims Court and several other state institutions constitutionally entrenched to support and advance South Africa's constitutional democracy and socio-political transformation. These include the Human Rights Commission, the Commission for Gender Equality and the Independent Electoral Commission. In this regard South Africa has embarked on a more comprehensive and holistic effort to deal with its past than most, if not all, countries that chose to go the way of truth commissions.

### **SO WHICH ARCHIVES DID THE TRC GENERATE?**

Three statutory committees were established to give effect to the mandate of the TRC: the Amnesty Committee, the Human Rights Violations Committee and the Reparations and Rehabilitation Committee. The core of the mandate comprised

investigating specifically identified human rights abuses between 1960 and 1994 based on oral and written submissions made to the TRC. In the lifespan of the TRC it received and heard tens of thousands of testimonies of documentary and oral submissions on the perpetration of human rights abuses and the victimization of millions of South Africans. In this sense the South African TRC created possibly the world's largest and most diverse archive – oral and written – of human rights abuse, resistance to the abuse and the resultant suffering of millions of people.

However, the creation of an archive of this nature and magnitude presented the Commission with very specific challenges with regard to records generation, keeping and management. Before embarking on commissioning the truth, the TRC Commissioners had to be briefed on the implications of their mandate. Hence the stipulations for the operations of the TRC were determined in a series of public hearings and briefings, albeit only by legal organisations and non-governmental organisations whose focus had been the investigation of human rights abuses. The Parliamentary Portfolio Committee on Justice managed the public hearings with respect to the adoption of the TRC enabling legislation. As of January 1996 the TRC was briefed extensively on the implications of the enabling legislation for its activities and procedures by representatives of the non-governmental organisation, the Legal Resources Centre in Cape Town. This included the legal specificities of each of the three statutory Committees, administrative and human resources issues such as policies, procedures and employment contracts, interactions with the respective Attorneys-General, the expunging of criminal records, the powers of the TRC to search, seize and subpoena, the particular powers of the Reparation and Rehabilitation Committee to make recommendations for reparations and the matter of the independence of the TRC and its accountability to Parliament. The TRC was additionally briefed on proposals of investigation methodologies of truth commissions, as well as on methods and approaches to the collection, analysis and presentation of evidence and information to its respective Committees. All these activities and transactions constitute records of the TRC archive that were created before the TRC officially began in East London in April 1996 with the hearings relating to gross human rights violations.

The records of the TRC archive are consequently multi-media and multi-genre. First

of all its website includes diverse records such as amnesty hearings and decisions transcripts, human rights violations submissions and transcripts, victim and special hearings, individual and institutional submissions, reparation and rehabilitation transcripts, policies and articles, newspaper articles, TRC press releases, transcripts of news conferences, reports of the Auditor-General and the Final Report of the TRC (5 volumes) as well as the Codicil to the Final Report (2 volumes).

Records accumulations housed at the National Archives and Records Services of South Africa, the official custodian of the TRC archive, include amongst others: the TRC report in hard copy and on CD-ROM, paper-based case files of human rights violations, paper-based amnesty applications and decisions, applications for reparation and rehabilitation, witness and VIP protection, all submissions presented to the TRC, audio/micro-cassette recordings of hearings, transcripts of hearings, video tapes of hearings, administrative files, operational and management activities' records, working files of the Investigative Unit, submissions made by persons who were subpoenaed to do so, police records, inquest registers and records, published reports of the statutory Committees, minutes of various bodies of the apartheid security establishment affidavits, official reports, documentation and confidential records from the liberation movements and miscellaneous exhibits and artefacts used in the hearings.

## **THE TOUGH CALL - AN ADEQUATE INFORMATION MANAGEMENT SYSTEM**

It is clear, then, that one of the biggest challenges facing the TRC was to develop effective records management and information management systems even while records were being created. To avoid compromising the integrity and quality of the records the TRC established an Information Management System to guarantee uniformity in what came to be known as the TRC's "information flow": statement taking, registration, data processing, data capturing, the corroboration of data, so-called "regional 'pre-findings'" and national findings.<sup>1</sup> However, already in February 1996 the Commissioners established a "Database Development Group" comprising two Commissioners, the TRC's Director of Research, its Executive Secretary, the

---

<sup>1</sup> For a comprehensive discussion of the Information Management System of the TRC, see Truth and Reconciliation Commission of South Africa Volume 1 Chapter 6 methodology and Process.

Information Systems Manager as well as international and national consultants.<sup>2</sup> This Group was responsible for developing the specifications for the capturing of raw data (statements regarding human rights violations in the main) and for the qualitative and quantitative analyses according to the provisions as determined by Section 4 of the TRC Act -“Functions of the Commission”.

The TRC had very few precedents from which to learn about dealing with human rights data capturing projects, mainly because quantitative analyses of data relating to human rights violations of the magnitude and scale of the South African situation had only been attempted by Haiti and El Salvador. The database that was subsequently developed linked the four regional TRC offices – in KwaZulu-Natal, the Eastern Cape Province, the Western Cape and Gauteng – ensuring immediate access to all data and information to all offices, thereby facilitating information integration.

Despite the TRC trying to develop an information management system that would ensure that its findings (particularly the findings on human rights violations) are defensible and accessible to rigorous corroboration, there were numerous critics within the information management academy who questioned the efficacy of the system for analysing human rights violations quantitatively. The main critic was Richard A. Wilson who identified the key flaw in the system as being one of not placing the analyses of human rights violations squarely within the pertinent socio-political contexts in which these violations had been perpetrated. Effectively, Richard questioned the epistemological assumptions, which formed the basis for the methodology employed.<sup>3</sup>

However, the TRC also identified shortcomings and limitations with respect to their methodology. The most significant limitation is to be found in the relationship between the nature of capturing human rights data and the constraints of the TRC Act itself. Section 4(b) of the Act determines that any South African who wished to

---

<sup>2</sup> The consultants were representatives of non-governmental organisations that specialized in the design of human rights information systems. The South African TRC relied substantially on the expertise of Patrick Ball who was additionally responsible for the training of the South African TRC information management staff.

<sup>3</sup> Richard A. Wilson (Ed.): *Human Rights, Culture, and Context*. London: Pluto Press, 1997.

testify could do so, thus preventing the drawing of probabilistic samples and promoting what is commonly termed “self-selecting” samples. Hence, at the risk of over-simplification, it can be contended that the TRC captured data only from those persons who had reasonable physical access to the offices of the TRC and to the media, and who were in agreement with a truth commission. In all, the TRC gathered 21 300 statements upon which it could base its findings, analyses and make recommendations.<sup>4</sup>

## **THE DESTRUCTION OF STATE RECORDS DOCUMENTING APARTHEID**

The work of the TRC was severely hampered by the large-scale destruction of state records that documented with meticulous attention to detail why the apartheid system was regarded in international law as a crime against humanity. The scope of this article does not allow for an exploration of the political climate preceding the TRC, where the former apartheid Government tried to negotiate a general amnesty for all perpetrators of apartheid crimes. Suffice it to say that the TRC was essentially a political compromise to prevent a blanket amnesty as hoped for by both perpetrators and beneficiaries of apartheid crimes. One attempt by the former apartheid ruling elite and security establishment to stymie the TRC investigations into the commission of human rights abuse was to destroy the pertinent state records.

In August 1997 the TRC established a Joint Committee to investigate the destruction of state records by the National Intelligence Service (NIS) and other government civilian intelligence bodies, the former Department of Prison Services and the Security Branch of the South African Police (SAP)<sup>5</sup>. The Joint Committee comprised representatives of the TRC, the National Intelligence Agency (NIA), the South African Secret Service (SASS), the South African Human Rights Commission and the National Archives of South Africa. The Joint Committee met to receive written reports, briefings and verbal reports from identified key role-players. The committee also conducted on-site inspections of records and records management facilities of the various agencies under investigation.

---

<sup>4</sup> See: Truth and Reconciliation Commission of South Africa Report Volume 1 Chapter 6 Methodology and Process: Who Came to the Commission?

<sup>5</sup> The problematic of the destruction of state records and how this impacted on the work of the TRC is discussed and analysed in full in: The Truth and Reconciliation Commission of South Africa Report Volume 1 Chapter 8 The Destruction of Records (including Appendices 1,2 and 3).

The establishment of the Joint Committee became essential because the TRC needed to access state records for its own investigation purposes. Apart from the fact that immediately prior to the first democratic election that was to put an official end to apartheid more than 40 tons of records had been destroyed, former President FW de Klerk still attempted to authorize the destruction of apartheid documents that would be of use to the post-apartheid Government. These included minutes of meetings of the numerous apartheid Cabinet committees and most importantly, minutes of the State Security Council (SSC).

When the TRC put in requests for access to SSC records that had not been destroyed for example, the former met with little success. In many instances records could not be located, a phenomenon that pointed to both more widespread destruction than previously presumed as well as poor record keeping practices. The Joint Committee established that state records had been destroyed both within the terms of the repealed Archives Act of 1962 (whereby it needs to be stated that the conditions for the legal disposal of state records took on overtly political cavalier dimensions!) as well as beyond the ambit of the Act, i.e. records were destroyed without the compulsory disposal authority. One of the most problematic effects of the destruction of state records for the TRC was that it could neither fully investigate all human rights violations nor corroborate the veracity of statements made by perpetrators of apartheid crimes in their applications for amnesty.

## **A SUCCESS STORY OF NATIONAL RECONCILIATION AND NATION BUILDING?**

The objectives of the TRC were both noble and ambitious. Section 3 (1) of the enabling legislation determines the objectives as follows:

*.....to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past...*

To this end the TRC was mandated to establish “as complete a picture as possible of the causes, nature and extent of gross human rights violations” over a designated period, grant amnesty to all persons “who make full disclosure” of their crimes,

“restor(e) the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations” suffered and “to prevent the future violations of human rights”. Clearly then a flawless record and information system was of the essence as was unimpeded access to those records which documented apartheid crimes and implicated the perpetrators. The TRC, by its own admission, was heavily challenged by the charge of making findings of the commission of gross human rights violations, constrained as it was by a restricted budget, time constraints, limited political options, the question of the adequacy of a truth commission to deal with crimes against humanity, the difficulties associated with the data capturing and processing of human rights abuses and, not least, the destruction of state records documenting the apartheid crimes. The points of critique relating to the records and information management and the responsibility of archivists and records managers towards protecting the integrity of societal memory point to the very heart of core functions of archivists and records managers of promoting social justice and holding governments accountable to democratic governance. For the millions of victims and beneficiaries of apartheid, the question of whether, the TRC achieved its objectives remains more than an open question. Rather, it is an ongoing challenge.

## **About the author**

Ethel Kriger has been an archivist and researcher at the South African History Archives to conduct an archival audit of records of and about the TRC. She has worked as a researcher for the South African History Online, and prior to that she worked as the Transformation Officer with the South African National Archives and Records Services.

Email: [krigerr@iafrica.com](mailto:krigerr@iafrica.com)

## **Additional information**

1. <http://www.doj.gov.za/trc/> and [http://www.doj.gov.za/trc/trc\\_frameset.htm](http://www.doj.gov.za/trc/trc_frameset.htm) The official Truth and Reconciliation Commission website
2. <http://www.sabctruth.co.za/> an oral memoir of the truth and reconciliation commission
3. <http://www.usip.org/library/truth.html> Other Truth Commissions around the world.