

**Televising Truth Commissions:  
The interaction between television, perpetrators, and  
political transition in South Africa**

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## Table of Contents

<b><i>Glossary</i></b> .....	<b>5</b>
<b><i>Research Focus and Question</i></b> .....	<b>8</b>
Rationale .....	11
The South African Context .....	18
<b><i>Literature Review</i></b> .....	<b>64</b>
Media & transitional justice.....	65
Perpetrator studies.....	94
Transitional justice.....	136
<b><i>Methodology</i></b> .....	<b>146</b>
Analysis of the broadcast.....	146
Interviews.....	153
<b><i>Content Analysis of SABC’s Truth Commission Special Report</i></b> .....	<b>159</b>
Quantitative analysis .....	159
Qualitative analysis.....	164
<b><i>Interviews</i></b> .....	<b>268</b>
Perpetrators .....	269
Journalists .....	306
<b><i>Discussion</i></b> .....	<b>315</b>
Implications for research and practice .....	332
Conclusion .....	346
<b><i>Appendix</i></b> .....	<b>349</b>
Appendix A: Rationale, continued.....	349
Appendix B: Ethics .....	352
Appendix C: Interviewee biographical notes .....	354
Appendix D: Personal reflection.....	357

# Glossary

## Political players

Though there were a multitude of political parties and organizations involved in the apartheid-related conflict in South Africa, the following have been chosen and elaborated on because of their relevance to this research, either in their appearance at the TRC or their appearance on *Truth Commission Special Report*.

### **South African state (the National Party):**

The National Party (NP) was founded in 1914, rooted in the desire to promote Afrikaner identity during a time in which South Africa was still part of the British Commonwealth. The NP was the governing party of South Africa between the years 1948 and 1994, in which their key platform was apartheid policy. These laws oppressed non-whites<sup>1</sup> through the creation of structural inequalities and thus, structural violence. They were increasingly enforced with physical violence by state mechanisms such as the police force. “The state” included groups such as:

- **The politicians**
- **South African Police (SAP):** The police served not only in general policing activities but were also essentially militarized due to the expansion of authority granted within the 1958 Police Act.
  - **Koevoet:** a counter-insurgency unit of SAP which carried out cross-border operations, particularly in Namibia (formerly South West Africa).
  - **Vlakplaas:** a paramilitary assassination squad responsible for the deaths of many anti-apartheid activists.
- **South African Defence Force (SADF):** The SADF was founded in 1957 with the main mission to protect South Africa’s borders and undertake general counterinsurgency. They played a key role in the Angolan, Namibian, and Mozambican civil wars. The forces were made up of mostly white South Africans who, between 1967 and 1993, were conscripted. In addition to cross-border activity, they were also often deployed to extinguish domestic anti-apartheid action.
  - **Civil Cooperation Bureau (CCB):** a secret government-sponsored hit squad that fell under the authority of Defence Minister Magnus Malan and under the umbrella of the SADF, operating both inside and outside of South Africa’s borders on counter-insurgency operations. Responsible for the deaths of several anti-apartheid activists.

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<sup>1</sup> The term non-white is chosen to semantically group together black, coloured, and indigenous South Africans when speaking generally about the oppressive laws of the apartheid regime, although still acknowledging that each of these groups were oppressed and affected differently from one another.

### **African National Congress (ANC):**

The ANC was founded in 1912, the beginning of its deep history of resistance against racial injustice. In 1949 after the implementation of apartheid, the organization launched their Programme of Action encouraging non-violent protest against apartheid; the 1950s saw their launch of the Defiance Campaign of defying apartheid laws and the writing of the Freedom Charter. In 1960 following Sharpeville, they were banned for being a “communist” organization; this ban was only repealed in 1990. Today, it is the majority party of South Africa.

- **Umkhonto we Sizwe (MK):** MK was the underground armed wing of the ANC, formed in 1961 in response to the Sharpeville massacre and the banning of the ANC.
- **Self Defence Units (SDUs):** SDUs were formed across South Africa in response to police violence and the need to protect townships and communities. Although some SDUs were established by MK, many were self-led with no support or arms from higher political forces. This was a leading mechanism born out of the concept of “the people’s war” led by the ANC, in which any person living in a conflict zone is regarded as a weapon (or target).

### **Pan Africanist Congress (PAC):**

The PAC formed in 1959 when a group splintered from the ANC. They felt that the ANC approach was ineffective, and they disagreed with regard to their policy of non-racialism. Like the ANC, the PAC was also banned in 1960.

- **The Azanian People’s Liberation Army (APLA):** the military movement associated with the PAC; they were not a part of the multi-party negotiations in South Africa that led to the first democratic elections because they did not suspend their armed struggle. In their continuation of the “people’s war,” the group was responsible for a flurry of attacks on police and civilians between 1992 and 1994.<sup>2</sup>
- **Pan Africanist Student Organization (PASO):** the PAC student wing formed in 1989.

### **Inkatha Freedom Party (IFP)**

- The IFP was born out of its previous iteration, Inkatha, which was founded in 1975 by former ANC Youth League member and Chief of the KwaZulu Bantustan, Mangosuthu Gatsha Buthelezi. It based its ideology in Zulu nationalism. The ANC saw Inkatha as counter-revolutionary, particularly as the party had links to the far right.

### **Right-wing organizations:**

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<sup>2</sup> Tom Lodge, “Soldiers of the Storm: A Profile of the Azanian People’s Liberation Army,” in *About Turn: The Transformation of the South African Military and Intelligence*, ed. Markus Cilliers, Jakkie and Reichardt (Midrand: Institute for Defense Policy, 1995).

- **The Conservative Party (CP):** created in 1982 by former members of the National Party in response to the reformation and power-sharing initiatives under PW Botha.
- **The Afrikaner Weerstandsbeweging (AWB):** a far-right-wing Afrikaner organization led by Eugene Terreblanche, founded in 1973 with the mission to create an independent Boer republic.
- **The Boere Weersdandsbeweging (BWB):** a more radical and more heavily armed wing of the AWB, established in 1991.

## Research Focus and Question

This research explores the portrayals of perpetrators in television broadcast coverage of truth commissions within politically transitioning societies, particularly how these discourses may influence the perceptions and experience of transition out of conflict. It focuses on the narratives constructed around apartheid-era perpetrators who participated in the South African Truth and Reconciliation Commission (TRC) as shown by the South African Broadcasting Corporation's (SABC) weekly broadcast, *Truth Commission Special Report*. It also considers how this informs perpetrators in speaking about their own histories. The SABC broadcasts aired between the 21st of April 1996 and the 29th of March 1998. It acted as a key news source on the workings of the TRC for a large group of citizens. An average of 1.1 to 1.3 million people tuned in each week for the first year, and an average of 510,000 people tuning in during its second year on air.<sup>1</sup> The TRC hearings were recorded and filmed, and parts of these recordings were included in the SABC programme, along with further research by *Special Report* journalists. This included stories from the apartheid era that were not told through the TRC, further interviews with perpetrators, victims, bystanders, and communities, as well as reference to news and legal documents. As SABC describes it, the *Truth Commission Special Report* series “contributed to the TRC's pursuit of revealing the truth about, and engendering a deeper engagement with, South Africa's past conflicts.”<sup>2</sup> The series was hosted and produced by well-known anti-apartheid journalist and Afrikaner Max du Preez, whose own identity became central to the narrative put forth. His team of journalists and producers included other Afrikaners such as his long-time colleague Jacques Pauw, and the young Anneliese Burgess. Otherwise, “his team of journalists varied over the twenty-three

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<sup>1</sup> Gunnar Theissen, “Object of Trust and Hatred: Public Attitudes toward the TRC,” in *Truth and Reconciliation in South Africa: Did the TRC Deliver?*, ed. Audrey Chapman and Hugo van der Merwe (Philadelphia: University of Pennsylvania Press, 2008), 191–216. p202.

<sup>2</sup> South African Broadcasting Corporation, “Truth Commission Special Report” (South African Broadcasting Corporation, 2017), <http://sabctrc.saha.org.za/background.htm>.

months of the series, generally including five and seven people who were racially, ethnically, and linguistically diverse.”<sup>3</sup>

As South Africa transitioned out of the apartheid state, transparency of the transitional mechanisms taking place was essential for the transformation of governance and the appearance of accountability.<sup>4</sup> This demand acted as one of the driving forces for the intense media involvement in the country’s chief transitional process, namely the TRC. This research hinges on the hypothesis that the media’s involvement in the South African transitional process went beyond the provision of transparency and may have influenced people’s perceptions and experience within the transition per assertions by scholars such as Parver and Wolf, Fischer, Kent, and Mihr,<sup>5</sup> among others. It uses this as a starting point to then investigate the series’ narrative as a source of these perceptions and the subsequent experiences of the subjects. This points not only to outcomes, but also their influencing factors with the intent to suggest recommendations for more intentional media coverage of political transitions, with perpetrators being one facet of such.

## Research Questions

- 1. How are perpetrators portrayed in the SABC’s *Truth Commission Special Report* broadcast?**
- 2. What are the wider implications of this for transitional justice?**

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<sup>3</sup> Joe Thloloe, “Showing Faces, Hearing Voices, Tugging at Emotions: Televising the Truth and Reconciliation Commission,” *Nieman Reports* 52, no. 4 (1998): 53.

<sup>4</sup> Graeme Simpson, *A Brief Evaluation of South Africa’s Truth and Reconciliation Commission: Some Lessons for Societies in Transition* (Centre for the Study of Violence and Reconciliation, University of the Witwatersrand, 1998).

<sup>5</sup> Corrine Parver and Rebecca Wolf, “Civil Society’s Involvement in Post-Conflict Peacebuilding,” *International Journal of Legal Infor* Parver and Wolf; Martina Fischer, “Transitional Justice and Reconciliation: Theory and Practice. , Pp.,” in *Advancing Conflict Transformation: The Berghof Handbook II*, ed. Beatrix Austin et al. (Opladen/Framington Hills, 2011), 406–30; Lia Kent, *The Dynamics of Transitional Justice: International Models and Local Realities in East Timor* (London: Routledge, 2012); Anja Mihr, “Chapter 1: An Introduction to Transitional Justice,” in *Introduction to Transitional Justice*, ed. O Simic (London: Routledge, 2017). *mation* 36, no. 1 (2008): 51–79.

Using a content analysis, this research asks what sorts of narratives SABC's *Truth Commission Special Report* provided and how perpetrators were represented within those narratives, which may be indicative of how the process was understood by the South African public. Interviews with the perpetrator-subjects then elucidate the discursive interaction between the media discourses and perpetrators' own experience of transitional justice. Lastly, it investigates the media practitioners themselves and their choices within the narrative production. This provides an understanding of the role of *Truth Commission Special Report* situated within political transition through its representation of those labelled as perpetrator, a label that will be thoroughly unpacked through the literature.

This case study, contextualized within other conflict-focused media both in South Africa and internationally, aims to contribute a set of best practice recommendations for the media treatment of perpetrators in non-fiction television coverage of transitional justice mechanisms. This is an important aspect of media coverage; an essential building block for sustainable and positive peace is that all members of society must buy into the transition from conflict to democracy.<sup>6</sup> Media has a pivotal role in fostering societal buy-in via the narratives it chooses to share or silence. Victims, perpetrators, and bystanders have needs that both vary and intersect, and processes- and media coverage- that do not encompass all of these groups will be incomplete.<sup>7</sup>

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<sup>6</sup> Patricia Lundy and Mark McGovern, "Whose Justice? Rethinking Transitional Justice from the Bottom Up," *Journal of Law and Society* 35, no. 2 (June 2008): 265–92, <https://doi.org/10.1111/j.1467-6478.2008.00438.x>.

<sup>7</sup> Paula Green, "The Pivotal Role of Acknowledgment in Social Healing," in *Dealing with the Past: Truth and Reconciliation in South Africa*, ed. Pumla Godobo-Madikizela (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 74–97. p93.

## Rationale

According to Ron Krabill, “without mass media- particularly broadcast media- the TRC’s much-heralded process of providing a public platform... would have been severely limited by constraints of physical time and space only to those present at any given hearing.”<sup>8</sup> South Africa’s truth commission process was unique in that it allowed journalists to take a more active role in its transitional justice mechanisms, as opposed to the sixteen truth commissions that had existed before the TRC in other countries, most of which disseminated no information beyond that released in their final reports.<sup>9</sup> The South African TRC is the foundational example for assessing media’s role in truth commissions in that it was the first country to allow such extensive media access.<sup>10</sup> The TRC marked “a turning point in the international perception of open hearings.”<sup>11</sup> It worked to provide transparency by reporting its happenings to the nation through several media platforms, thus helping South Africa to create a path for the media as a new actor in its transitional process.

The TRC attracted unique and extensive media coverage in both the print and electronic media. In particular, images and voices of victims and survivors, who testified about their experiences under Apartheid's repression, were viewed and heard in the homes of most South Africans. The *Special Report* on the TRC had about 1.2 million television viewers weekly and coverage in the press and on the radio has been extensive. Over the past years, this must have had a dramatic impact on the psyche of all South Africans. This has gone a long way towards achieving one of the TRC’s major aims: the public acknowledgement of the trauma experienced by victims on all sides of the South African conflict. Whatever criticisms there may be of the TRC, this enduring achievement cannot be underestimated.<sup>12</sup>

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<sup>8</sup> Ron Krabill, “Symbiosis: Mass Media and the Truth and Reconciliation Commission of South Africa,” *Media, Culture & Society* 23, no. 5 (2001): 567–85, <https://doi.org/10.1177/016344301023005002>. p568.

<sup>9</sup> Annelies Verdoolaege, *Reconciliation Discourse: The Case of the Truth and Reconciliation Commission* (Amsterdam: John Benjamins Publishing, 2008). p190.

<sup>10</sup> Martha Evans, “Televising South Africa’s Truth and Reconciliation Commission: What Liveness Tells Us about the Commission; What the Commission Tells Us about Liveness,” *Media, Culture and Society* 38, no. 5 (2016): 704–20, <https://doi.org/10.1177/0163443715620926>. p14.

<sup>11</sup> International Center for Transitional Justice, “Public Hearings: Platforms of Truth, Dignity, and Catharsis,” *International Center for Transitional Justice*, 2017, <https://www.ictj.org/news/public-hearings-platforms-truth-dignity>.

<sup>12</sup> Brandon Hamber, Tlhoki Mofokeng, and Graeme Simpson, “Evaluating the Role and Function of Civil Society in a Changing South Africa: The Truth and Reconciliation Commission as a Case Study,” in *The Role of*

Since then, other countries have utilized this transparent approach as a key part of their transition. Annelies Verdoolaege stated in 2008 that “in all countries where there has been a truth commission since the year 2000, public hearings were organized and media was involved,”<sup>13</sup> although each was done differently, with varied critiques or praise surrounding them. None to this date have been as comprehensively covered as was the case in South Africa. Since 2000, countries that have established a truth commission include Canada, Democratic Republic of the Congo, Ecuador, Ghana, Honduras, Kenya, Liberia, Morocco, Paraguay, Peru, Serbia and Montenegro, Sierra Leone, the Solomon Islands, South Korea, Sri Lanka, Timor-Leste, Togo, Tunisia, Uruguay, the former Yugoslavia,<sup>14</sup> and at the time of writing, the Gambia, Columbia, and Nepal were each in the midst of their own process.

Despite the increase in media involvement that Verdoolaege envisaged, much of the coverage of global truth commissions was still only in print or with minimal deployment via radio and television. Peru’s truth commission lasted from 2001 to 2003, and although the state did provide television broadcasts of some of the hearings, they were screened at midnight, apparently to ensure that fewer viewers would tune in.<sup>15</sup> Morocco’s 2005 Equity and Reconciliation Commission (ERC) investigated forced disappearances and arbitrary detentions; the print press was largely involved, and the state news channel also broadcast the first hearing live, while the rest of the hearings were edited into programming, much like SABC’s *Special Report*.<sup>16</sup> Media involvement in truth commissions has become only slightly more common in very recent political processes. Tunisia’s Truth and Dignity Commission

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*Southern Civil Organisations in the Promotion of Peace Seminar, DHR Seminar* (London: the Catholic Institute for International Relations, 1997).

<sup>13</sup> Verdoolaege, *Reconciliation Discourse: The Case of the Truth and Reconciliation Commission*. p192.

<sup>14</sup> United States Institute for Peace, *Truth Commission Digital Collection*, 2011, <https://www.usip.org/publications/2011/03/truth-commission-digital-collection>.

<sup>15</sup> Eleanor Griffis, “The Truth and Reconciliation Report: Ten Years On,” *Peruvian Times*, 2013, <https://www.peruviantimes.com/28/the-truth-and-reconciliation-report-ten-years-on/20085/>.

<sup>16</sup> Human Rights Watch, *Morocco’s Truth Commission: Honoring Past Victims during an Uncertain Present*, vol. 17 (Human Rights Watch, 2005), <https://www.hrw.org/sites/default/files/reports/morocco1105wcover.pdf>.

had a mandate from June 2014 through to March 2019, during which it investigated crimes by the Tunisian state dating back to 1955.<sup>17</sup> Although they received 62,000 human rights abuse complaints spanning over 60 years, only 14 public hearings of victim statements were screened on prime-time television.<sup>18</sup>

The Gambia has taken note of South Africa's use of media to provide transparency; their Truth, Reconciliation, and Reparations Commission modelled itself on South Africa's TRC, including its attempts at transparency via extensive media coverage. The Gambia began its process in January of 2019, and the hearings have become a "major TV and radio show in the country,"<sup>19</sup> and have even been live-streamed via Facebook.<sup>20</sup> It remains to be seen if this will continue throughout the commission's two-year mandate. Columbia's truth commission is also ongoing; it formally began in November of 2018 and is investigating the atrocities committed during the country's civil war. Their mandate is for three years, but must cover a conflict that left the country with an estimated 8 million war victims.<sup>21</sup> Unlike the Gambian truth commission, there has been little to no discussion about

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<sup>17</sup> Tarek Amara, "Relatives, Torture Victims Give First Public Testimony to Tunisia Truth Commission," *Reuters*, 2016, <https://www.reuters.com/article/us-tunisia-rights/relatives-torture-victims-give-first-public-testimony-to-tunisia-truth-commission-idUSKBN13C2IF>.

<sup>18</sup> Human Rights Watch, "Tunisia: Truth Commission Outlines Decades of Abuse," *HRW News*, April 5, 2019, <https://www.hrw.org/news/2019/04/05/tunisia-truth-commission-outlines-decades-abuse>. Other reports have listed 12 televised hearings; see Fairouz ben Salah, "Tunisia's Quest for Historic Justice under Threat from Ben Ali-Era Officials," *The Middle East Eye*, May 16, 2019, <https://www.middleeasteye.net/news/tunisias-reparation-project-peril-say-truth-and-justice-commissioners>; Laryssa Chomiak, "What Tunisia's Historic Truth Commission Accomplished — and What Went Wrong," *The Washington Post*, January 16, 2019, [https://www.washingtonpost.com/news/monkey-cage/wp/2019/01/16/heres-what-we-can-learn-from-tunisias-post-revolution-justice-commission/?utm\\_term=.9677450761a9](https://www.washingtonpost.com/news/monkey-cage/wp/2019/01/16/heres-what-we-can-learn-from-tunisias-post-revolution-justice-commission/?utm_term=.9677450761a9).

<sup>19</sup> Mustapha K. Darboe, "Who Are the Key Players at Gambia's Truth Commission?," *Justiceinfo.Net*, June 11, 2019, <https://www.justiceinfo.net/en/truth-commissions/41641-who-are-the-key-players-at-gambia-s-truth-commission.html>.

<sup>20</sup> "QT Gambia Facebook," 2019.

<sup>21</sup> Anastasia Moloney, "New Colombia Truth Commission to Focus on Society's 'Most Fragile,'" May 16, 2018, <https://www.reuters.com/article/us-colombia-truth-commission-conflict-in/new-colombia-truth-commission-to-focus-on-societys-most-fragile-idUSKCN1IH2S8>.

media involvement in this process might look like, and stagnation in the process due to budget cuts means that it is yet to be seen.

This international frame of reference highlights why an understanding of media's influence on transitional processes is imperative. Despite the evolving relationship between media and truth commissions, the role of the media in transitional societies still "remains unclear," according to transitional justice scholars Lisa LaPlante and Kelly Phenicie, "leaving unanswered how exactly it [media] contributes to or challenges the aims of transitional justice."<sup>22</sup> The assumption that media coverage has the potential to boost transitional justice mechanisms, and in some cases, reconciliation, is why a pursuit of understanding perpetrator representation and its influences on transitional processes is necessary. It allows an exploration of whether it adds to or detracts from the overall movement towards peaceful society, or, as film scholar Raya Morag phrases it, how it may "change the psychological orientation towards the other." It seeks an understanding of *Special Report* as a tool for historical production per Michel-Rolph Trouillot's conceptualization of the term, in which people are simultaneously the actors and the narrators of history, deciding both what is significant as well as what is not.<sup>23</sup>

This research focuses on the programming, or content, and the ways the subjects of this programming have experienced being represented. This line of enquiry reinforces the choice of the South African TRC as the context for this research; South Africa was the first truth commission to offer the condition of individualized amnesty as opposed to blanket amnesty, and therefore acted partially as a

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<sup>22</sup> L. J. Laplante and K. Phenicie, "Media, Trials and Truth Commissions: 'Mediating' Reconciliation in Peru's Transitional Justice Process," *International Journal of Transitional Justice*, 2010, <https://doi.org/10.1093/ijtj/ijq004>.

<sup>23</sup> Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995).

quasi-judiciary in addition to a truth commission.<sup>24</sup> The choice of *Truth Commission Special Report* as the case study is due to the fact that it was so widely viewed; TRC scholar Annelies Verdoolaege posits that:

Taking *Special Report* as a representation for this whole media spectre would be a gross simplification. However, if we consider the success of *Special Report*, we can suppose that the programme was one of the most influential media representations of the TRC. It therefore makes sense to analyse this media coverage and to question its impact on South African society.<sup>25</sup>

Additionally, *Special Report* was in a league of its own in terms of the news it was providing; it had no peers or rivals reporting on the commission with comparable breadth, depth, or consistency. This was, in part, why the series became one of the most influential media representations of the TRC, and eventually, the focus of this case study. There has been no in-depth study on *Special Report's* conceptualization of 'the perpetrator,' and none whatsoever in the context of transitional justice studies. The choice of focus on the perpetrator is, firstly, due to this lack of crossover between perpetrator studies, media, and transitional justice, a junction that is an increasingly important puzzle piece in building a new democracy. Conflict and democracy expert Martha Minow argues that "after mass atrocities, victims, perpetrators, and bystanders each require mutual acknowledgement."<sup>26</sup> This study will serve as an investigation into the type of recognition that South African perpetrators received from *Special Report*, both in terms of empathy and infamy. This, in concert with interviews with the subjects of the series, aim to find a window of insight into their experience as a publicly

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<sup>24</sup> Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (London: Routledge, 2001).

<sup>25</sup> Annelies Verdoolaege, "Media Representations of the South African Truth and Reconciliation Commission and Their Commitment to Reconciliation," *Journal of African Cultural Studies* 17, no. 2 (2005): 181–99, <http://www.jstor.org/stable/4141309>. p196.

<sup>26</sup> Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998). p121.

labelled “perpetrator” or implicated subject within today’s South Africa. This is important for understanding how media may interact with transitional justice at the level of the individual.

Furthermore, the film footage and other materials that are accessible from the South African case, particularly those of *Special Report*, are beyond those of any other country’s truth mechanism. This availability allows for analysis of media’s coverage of political proceedings with much more breadth and depth than other potential case studies. This context also has the added benefit of some temporal distance for reflection on the transition in order to assess whether and how the influence of media involvement has played out over time, and to create a better understanding of the influence of *Special Report* on transition and the perpetrator experience in the long term. Timing is essential for analyses of transitional justice processes; transformative measures cannot take effect overnight; therefore research should be done in retrospect and situated within a historical context.<sup>27</sup> Although difficult to assess, the differing historical temporalities of the perpetrators’ experiences with the TRC, its related media, and the memory of that experience are key to understanding the questions at hand. This television programme can tap into this concept, whilst also adding multiple layers of temporality; first, by examining the television programme itself, second, by considering the online availability that occurred fifteen years later, and third, via the interviews’ interrogation of this from the perspective of its subjects today, which put an additional five to seven years between the series’ release and the reflection provided. The multiple temporal points of investigation address the critiques cited by Berber Bevernage in *History, Memory and State-Sponsored Violence* (2012), such as South African archivist Verne

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<sup>27</sup> James L Gibson, “Taking Stock of Truth and Reconciliation in South Africa; Assessing Citizens Views through Surveys. In: Van Der Merwe, et Al., Eds,” in *Assessing the Impact of Transitional Justice: Challenges for Empirical Research.*, ed. Hugo van der Merwe, Victoria Baxter, and Audrey R Chapman (Washington, DC: US Institute for Peace., 2009). p189.

Harris' worry that the TRC was simply "a nod at remembering in the interests of a greater forgetting."<sup>28</sup> His concern lies in the ability to record these stories and house them out of sight, potentially dissipating the feeling of responsibility to remember them ourselves. As part of understanding the TRC's contribution to the perception of transition, particularly in terms of perpetrator representation, this research ponders whether the media portrayal of perpetrators in the TRC was simply "performative to signal transformation" as Charmaine McEachern believed it to be,<sup>29</sup> or if it truly lent itself to the transformational process. This is considered in this thesis via the juxtaposition of media content analysis with interviews on perpetrators' perceptions of their coverage in the media. There is a gap in the literature on perpetrators' experiences, specifically;<sup>30</sup> Foster asserts that "despite a great deal of scholarly work on political violence and genocide since the 1960s, increasing considerably in recent years, there has been less research which attempts to hear directly from perpetrators."<sup>31</sup> As drivers of conflict, perpetrators and their motivations require attention in order to gain a fuller understanding of the causes of conflict, as well as successful methods to transcend it.

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<sup>28</sup> Chris Lorenz, "Beyond Good and Evil? The German Empire of 1871 and Modern German Historiography," *Journal of Contemporary History*, 1995, <https://doi.org/10.1177/002200949503000408>. as cited in Berber Bevernage, "We the Victims and Survivors Declare the Past to Be in the Present: 'The New South Africa' and the Legacy of Apartheid," in *History, Memory and State Sponsored Violence* (London: Routledge, 2012) p48.

<sup>29</sup> Charmaine McEachern, *Narratives of Nation Media, Memory and Representation in the Making of the New South Africa* (New York: Nova Publishers, 2002). p24.

<sup>30</sup> See Appendix A for further elaboration on my own personal motivations for and the background I bring to this research.

<sup>31</sup> Don Foster, "Rethinking the Subjectivity of Perpetrators of Political Violence," in *Collective Violence and International Criminal Justice*, ed. Alette Smeulers and Barbora Hola (Oxford: Intersentia Ltd, 2010). p21.

## The South African Context

### Historical grounding

Although there is a long and complex history of what is now known as South Africa from pre-colonization that led to the eventual experience of the TRC, for reasons of space this work will trace the history from 1960, the first year of the TRC's mandated period of investigation. By 1960, Prime Minister Hendrik Verwoerd's policy of apartheid, or 'separateness' based on race, had been in place for twelve years. The system of laws included policy resulting in races being relegated to certain areas and even expelled from their land,<sup>32</sup> a registration system that required every inhabitant of South Africa to be registered according to their race and ethnicity,<sup>33</sup> and separate and unequal education systems.<sup>34</sup> Apartheid policy combined the English and Afrikaners into one 'nation' to create a white majority, then classifying others as Indian, Coloured, or African; the latter category further sorted individuals into ten different 'nations.' Although the National Party was the party of the Afrikaner, the laws that maintained white hegemony also garnered support from the English-speaking population, cementing the party's power for decades to come.<sup>35</sup> This support is also what increased backing for the 1960 referendum through which South Africa declared itself a republic, thus leaving the British commonwealth.<sup>36</sup>

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<sup>32</sup> The Group Areas Act (1950), the Separate Amenities Act (1953).

<sup>33</sup> The Population Registration Act (1950)

<sup>34</sup> The Bantu Education Act (1953) enforced separate education, in which non-white students were taught things only to prepare them for manual labour. PM Verwoerd justified this by asserting that mission schools had failed because "they had created false hopes that Africans could occupy positions in European society.... Above the level of certain forms of labour." Thomas Karis and Gwendolen M. Carter, eds., *From Protest to Challenge: A Documentary History of African Politics in South Africa 1882–1964*, Vol. 1 (Stanford: Hoover Institution Press, 1977); James Barber, *South Africa in the Twentieth Century* (Oxford: Blackwell Publishers Ltd, 1999).

<sup>35</sup> L Thompson and L Berat, *A History of South Africa, Fourth Edition, A History of South Africa, Fourth Edition*, 2014. p188.

<sup>36</sup> Barber, *South Africa in the Twentieth Century*. p161-162.

Over the next decades, the white South African economy flourished as black South Africans were forcefully removed to Homelands, which remained economically destitute. Their inhabitants were only permitted to leave if white employers required black labour.<sup>37</sup> From this, townships developed; these segregated shanty towns outside of urban centres were where the black labour force lived. Legislation allowed the government immense and unchecked power to call a state of emergency<sup>38</sup> and hold people in detention without trial, amongst a litany of further legislation,<sup>39</sup> for which the courts had little opportunity for recourse.<sup>40</sup> The Suppression of Communism Act (1950) severely limited the press and its freedoms via the threat of banning certain publications, possession of said publications, particular statements, and the journalists who made them; the act's powers were only further added to over time,<sup>41</sup> along with an accumulation of other regulatory measures directed at the media.

By 1960, several liberation movements had formed; the ANC had adopted its Freedom Charter in 1955 at a gathering of 3 000 delegates from across racial lines. Non-violent protests began but made no headway,<sup>42</sup> resulting in ideological splits. Those who fell into the “Africanist” camp broke off and formed the PAC in 1959. They began by organizing a campaign of defiance specifically against pass laws. One such gathering of peaceful defiance in March of 1960 turned into what became known as the Sharpeville massacre, in which the police shot and killed 67 people, and injured a further 186.<sup>43</sup> This shifted the political landscape of South Africa completely; oppressive policy was enacted at a far

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<sup>37</sup> Thompson and Berat, *A History of South Africa, Fourth Edition*.

<sup>38</sup> The Public Safety Act (1953)

<sup>39</sup> Examples of further oppressive legislation that enforced apartheid structure: the Bantu Authorities Act (1951), the Riotous Assemblies Act (1956), the Promotion of Bantu Self-Government Act (1959), etc.

<sup>40</sup> Thompson and Berat, *A History of South Africa, Fourth Edition*. p201.

<sup>41</sup> Christopher Merrett, *A Culture of Censorship: Secrecy and Intellectual Repression in South Africa* (Macon, Georgia, 1995). p35.

<sup>42</sup> Barber, *South Africa in the Twentieth Century*. 148-150.

<sup>43</sup> Barber. p167.

greater scale. The government banned both the ANC and the PAC under the Unlawful Organizations Act, which deemed all of the organization's political activities illegal, driving them both underground. After both Sharpeville and the ban, the ANC and PAC agreed that nonviolent action would not work in South Africa. They formed their militant wings Umkhonto weSizwe (MK) and Poqo (which later became the Azanian Peoples' Liberation Army, or APLA) respectively, and began a movement of revolutionary violence.<sup>44</sup> MK's strategy focused on sabotage,<sup>45</sup> while Poqo's aims were defence by murdering informers and police as well as terrorizing the white population.<sup>46</sup> In 1963, several top leaders of MK were arrested at their underground headquarters in the Rivonia area of Johannesburg; Walter Sisulu, co-founder of the ANC Youth League, was amongst them. Documents and plans of action were seized in the raid and resulted in further leaders being linked to the charges. The subsequent trial occurred from 1963- 1964 and included Nelson Mandela as accused number 1 out of the trialists who became known as "the Rivonia 11." Ten of the accused were found guilty of sabotage and conspiracy, eight of whom were sentenced to life imprisonment.<sup>47</sup>

The same law they were convicted under, colloquially known as "the Sabotage Act,"<sup>48</sup> cast a wide net, and allowed the government to shut down most anti-apartheid newspapers under the auspices of "incitement."<sup>49</sup> Meanwhile, the next three decades saw the growth of Black Consciousness and guerrilla warfare, both of which the government reacted to brutally, on the ground and with

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<sup>44</sup> Thompson and Berat, *A History of South Africa, Fourth Edition*. p210. Tom Lodge, *Black Politics in South Africa since 1945* (New York: Longman, 1983).

<sup>45</sup> Barber, *South Africa in the Twentieth Century*.

<sup>46</sup> Lodge, *Black Politics in South Africa since 1945*. p243.

<sup>47</sup> "Rivonia Trial 1963 - 1964," South African History Online, n.d., <https://www.sahistory.org.za/article/rivonia-trial-1963-1964>.

<sup>48</sup> A.K.A., The General Law Amendment Act No. 76 of 1962

<sup>49</sup> Christopher Merrett, *A Culture of Censorship: Secrecy and Intellectual Repression in South Africa*. p50.

legislation.<sup>50</sup> The South African government tried to tighten their grip on the country, with the media as one tool for doing so; the SABC produced and disseminated anti-communist propaganda, such as the 1963 radio programme, “Know Your Enemy.”<sup>51</sup> As other colonial states across Africa were slowly gaining independence, the South African borders-- particularly South West Africa (now Namibia), Zambia, and Angola-- became a war zone in and of themselves. South African conscription of young white men often included long stints at “the border.”<sup>52</sup>

In 1976, thousands of township school pupils marched in protest against Afrikaans as the language of instruction in schools when they eventually clashed with police. This became known as the Soweto uprising during which hundreds of youths were killed.<sup>53</sup> This is credited as one of the catalysts of the liberation struggle’s revival, creating a “culture of protest that enveloped the country.”<sup>54</sup> It also resulted in harsh constraints on reportage, including

the prevention of journalists from entering townships and taking pictures; placing reporters and photographers in "preventive detention"; direct raids and searches of the homes of journalists; questioning and interrogating them; and threatening, arresting and assaulting them.<sup>55</sup>

Television was introduced to South Africa by the SABC in 1976, with the government justifying the delay by reasoning that television would expose South Africans to the “lies” that foreign media

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<sup>50</sup> Reactionary legislation to liberation movement activities included the Unlawful Organizations Act (1960), the Sabotage Act (1962), the Terrorism Act (1967), and the Internal Security Act (1976).

<sup>51</sup> Kader Asmal, Louise Asmal, and Ronald S. Roberts, *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance*, Mayibuye History and Literature Series (Cape Town: David Philip Publishers, 1997), <https://books.google.co.za/books?id=s1qpe59qCc4C>. p91.

<sup>52</sup> William Beinart, *Twentieth-Century South Africa* (Cape Town: Oxford University Press, 1994). p245.

<sup>53</sup> The number of deaths is disputed; the government appointed Cillie Commission put the death toll at 575, and other sources estimate the number to be over 700.

<sup>54</sup> Roger B. Beck, *The History of South Africa* (London: Greenwood Press, 2000). p170.

<sup>55</sup> Padraig O'Malley, “Chronology of Some Pointers to the History of the Media in South Africa,” The Nelson Mandela Centre of Memory, n.d., <https://omalley.nelsonmandela.org/omalley/index.php/site/q/03lv02167/04lv02264/05lv02303/06lv02329/07lv02330.htm>.

distributed about South Africa.<sup>56</sup> This same year, the Criminal Procedure Act 51 took away the right of a journalist to protect their sources, and the Union of Black Journalists was banned.

The 1980s saw some of the highest levels of internal unrest and violence, while black political activity also increased; in 1983, the United Democratic Front (UDF) and the National Forum (NF) were established, the former being ANC aligned and multi-racial, while the latter included black consciousness movements such as the PAC and the Azanian Peoples' Organization (Azapo).<sup>57</sup> Despite their rivalry, the Zulu nationalist party, Inkatha (now the Inkatha Freedom Party, or IFP), was a bigger threat to both, because of its Zulu tribal leanings and its tendency to cooperation with state security forces.<sup>58</sup> A nation-wide state of emergency was declared in 1986 by then Prime Minister P.W. Botha, following the partial one in 1985. The state responded with arrests, detention, torture, treason trials, assassinations, and military raids domestically and beyond borders.

The already-existing propaganda campaign continued and, as part of the state of emergency, media was banned from covering any sort of unrest, with particularly stringent censorship of television and radio.<sup>59</sup> Over 100 laws restricting the freedoms of newspaper reporting alone were in place by 1980,<sup>60</sup> one characteristic of a “massive structure of censorship, both legislated and informal, legal and illegal,” per Christopher Merrett.<sup>61</sup> Reports of unrest were only permitted via the Bureau for Information, whose reports (when unrest was reported at all) were unspecific and “difficult to accommodate

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<sup>56</sup> Pieter J. Fourie, “Rethinking the Role of the Media in South Africa,” *Communicare : Journal for Communication Sciences in Southern Africa*, 2002. p25.

<sup>57</sup> Barber, *South Africa in the Twentieth Century*. p280 & 305.

<sup>58</sup> Barber.

<sup>59</sup> Thompson and Berat, *A History of South Africa, Fourth Edition*. p235. South African Institute on Race Relations, “Survey of Race Relations in South Africa, 1978” (Johannesburg, 1979).

<sup>60</sup> Harvey Tyson, *Editors under Fire* (New York: Random House, 1993).

<sup>61</sup> Christopher Merrett, “A Tale of Two Paradoxes: Media Censorship in South Africa, Pre-Liberation and Post-Apartheid,” *Critical Arts*, 2001, <https://doi.org/10.1080/02560240185310071>. p51.

journalistically.”<sup>62</sup> Simultaneously, the “alternative press”<sup>63</sup> developed in response to the shortcomings of the mainstream press.<sup>64</sup> The anti-apartheid newspaper *Vrye Weekblad* was established in 1988; by 1989, its editor (and future *Special Report* producer) Max du Preez, was sentenced to six months imprisonment and suspended for five years for “indirectly quoting Joe Slovo,” an apparent contravention of the Internal Security Act. The paper later became the subject of what Merrett called “perhaps the most famous” anti-defamation case of the period, in which it was convicted and fined to the point of bankruptcy for publishing allegations of police death squads.<sup>65</sup>

The international community took notice of the escalation of violence and oppression. In 1973, the UN General assembly called apartheid a crime against humanity; in 1977, the UN Security Council placed an arms embargo on South Africa.<sup>66</sup> Foreign investors began pulling out in the 1980s due to the political uncertainty.<sup>67</sup> The combination of sustained internal unrest and international pressure ushered the next administration under F.W. de Klerk into the realization that “in its current form apartheid was not workable.”<sup>68</sup> In 1990, De Klerk unbanned the banned organizations and released political prisoners, including Nelson Mandela, who had been imprisoned for the twenty-seven years since the Rivonia Trial. He also lifted some of the media regulations enacted as part of the state of emergency, with the exception of those on visual materials.<sup>69</sup>

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<sup>62</sup> Loren Kruger, *The Drama of South Africa: Plays, Pageants and Publics Since 1910*, Theatre Studies (London: Routledge, 1999), <https://books.google.co.za/books?id=QRx5B8BvY7gC>. p116.

<sup>63</sup> Could also be referred to as independent press or democratic press; simply refers to the progressive and grassroots journalism that was counter to the hegemonic press of the time.

<sup>64</sup> P. Eric Louw, “The Emergence of a Progressive-Alternative Press in South Africa with Specific Reference to Grassroots,” *Communicatio*, 1989, <https://doi.org/10.1080/02500168908537664>.

<sup>65</sup> Merrett, “A Tale of Two Paradoxes: Media Censorship in South Africa, Pre-Liberation and Post-Apartheid.” p53.

<sup>66</sup> Thompson and Berat, *A History of South Africa, Fourth Edition*. p214.

<sup>67</sup> Thompson and Berat. p234. South African Institute on Race Relations, “Survey of Race Relations in South Africa, 1978.”

<sup>68</sup> Thompson and Berat, *A History of South Africa, Fourth Edition*. p246.

<sup>69</sup> Harvey Tyson, *Editors under Fire*. p341.

The Convention for a Democratic South Africa (CODESA) opened in 1991 with the intent to write an interim constitution; however, it initially failed to do so due to disagreement over the limits of power that would be placed on the majority ruling party.<sup>70</sup> Violence in the country escalated, and remained “on the brink of civil war” right up until the 1994 democratic election.<sup>71</sup> It was in this interim time that the Ciskei police shot and killed twenty-eight ANC members as they marched in protest of the Homelands’ corrupt leaders;<sup>72</sup> far-right-wing groups “became more numerous and more active” from 1990 onwards in response to the reforms;<sup>73</sup> the PAC’s APLA maintained their campaign of violence, killing many civilians. Finally, a Multiparty Forum for negotiations was set up in 1993. The forum included all major political organizations except the Conservative Party and the IFP, who opposed the talks.<sup>74</sup> This, however, did not put an end to the violence. Just after the forum coalesced, the South African Communist Party’s Chris Hani was assassinated by ring-wing affiliates, which, along with continued violence from the IFP, APLA, and the white right-wing, threatened the entire process. Despite this, the interim constitution was written, setting a date for the first election to be held on April 27<sup>th</sup>, 1994, and a finalized constitution to be enacted by the elected legislature by 1996. The election took place under threat of violence until the week before, when the IFP decided to engage in the election. The election was “unexpectedly peaceful,” and ended with an ANC majority of 62.25 percent, followed by the National Party at 20.39 percent, and the IFP with 10.54 percent. The Freedom

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<sup>70</sup> Thompson and Berat, *A History of South Africa, Fourth Edition*. p254.

<sup>71</sup> Thompson and Berat.

<sup>72</sup> Gail Gerhart and Allister Sparks, “Tomorrow Is Another Country: The inside Story of South Africa’s Negotiated Revolution,” *Foreign Affairs*, 2010, <https://doi.org/10.2307/20047107>.

<sup>73</sup> Barber, *South Africa in the Twentieth Century*. p184.

<sup>74</sup> Thompson and Berat, *A History of South Africa, Fourth Edition*.

Front, Democratic Party, and the PAC each only received between 1-2 percent of the votes.<sup>75</sup> With this, Nelson Mandela became the president and leader of the new dispensation.

### Media Landscape: Apartheid to transition

As mentioned throughout the above timeline, the history of media in South Africa is fraught. Throughout the apartheid regime, the government exerted both coercive and manipulative control over the media. African media policy experts Hachten and Giffard characterised these in South Africa, respectively, as: controls which determine who and what may be published, such as intimidation into self-censorship; and controls which use “extensive state machinery” to suppress information and promote propaganda.<sup>76</sup> In 1984, Hachten and Giffard noted that most controls were directed towards print media, because radio and television were “firmly in the hands of government supporters.”<sup>77</sup> As indicated by several examples throughout the wider historical context above, the press was controlled by the National Party government through more than one hundred laws, which censored information across several areas of public and political life.<sup>78</sup> This included but was not limited to matters of security, police, military, and prisons; opponents of apartheid were silenced through methods ranging from censorship to harassment or even imprisonment.<sup>79</sup> Any newspapers that overstepped these boundaries by reporting on banned organizations, topics, or generally opposing the government, were also banned.

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<sup>75</sup> Andrew Reynolds, “The Results,” in *Election '94 South Africa: The Campaigns, Results, and Future Prospects* (London: James Currey, 1994), 182–220; John Jackson, “The 1994 Election: An Analysis,” in *The New South Africa: Prospects for Domestic and International Security*, ed. TH Touse and Edmund Yorke (London: Palgrave MacMillan, 1998), 3–16.

<sup>76</sup> Les Switzer, W. A. Hachten, and C. A. Giffard, “The Press and Apartheid: Repression and Propaganda in South Africa,” *African Studies Review*, 1985, <https://doi.org/10.2307/524535>. viii.

<sup>77</sup> Switzer, Hachten, and Giffard. ix.

<sup>78</sup> Harvey Tyson, *Editors under Fire*.

<sup>79</sup> Switzer, Hachten, and Giffard, “The Press and Apartheid: Repression and Propaganda in South Africa.” ix.

In broadcasting, the SABC was a voice for the apartheid regime and its ideologies; established in 1936 by Parliament,<sup>80</sup> it went on lead the country's radio broadcasting efforts. The company expanded into television when it was introduced to South Africa in 1976. Alongside this introduction was the Broadcasting Act of 1976, which gave the government exclusive control over the provision and regulation of broadcasting,<sup>81</sup> all of which they did through the SABC. The SABC maintained a monopoly on television until 1986, when a subscription service launched for entertainment television.<sup>82</sup> However, the new service was still banned from producing any news or current affairs, leaving the SABC to continue as the sole television news source, as well as the only free-to-air television service. Only in 1993 did the Independent Broadcasting Authority Act end the monopoly and create an independent broadcast regulator, as opposed to the various government departments that had previously overseen the country's broadcasting portfolio.<sup>83</sup> 1993 also saw the founding of the Broadcasting Complaints Commission of South Africa (BCCSA), an independent tribunal for receiving complaints by the public against broadcasters based on their established code of conduct, which includes regulations on fair reportage and issues such as violence or hate speech, amongst others.<sup>84</sup> This was only the start of transformation within the media sector and the SABC. The same year, the SABC had its first democratically elected board, which was racially diverse with both men

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<sup>80</sup> Danie duPlessis, *Introduction to Public Relations and Advertising* (Landsdowne, South Africa: Juta Academic, 2001). pp89.

<sup>81</sup> The Broadcasting Act No. 73 of 1976, which replaced the Broadcasting Act No. 22 of 1936 with the advent of television in South Africa.

<sup>82</sup> Robert B. Horwitz, *Communication and Democratic Reform in South Africa, Communication and Democratic Reform in South Africa*, 2001, <https://doi.org/10.1017/cbo9780511510151>. pp125.

<sup>83</sup> Under the National Party, the regulation of broadcasting was overseen by several bodies over time: the Department of Posts and Telegraphs (in two separate times); the Department of National Education; the Minister of Foreign Affairs and Information; the Minister in the State President's Office; the Ministers of Information, Broadcasting and Cinema Industry; Home Affairs; and the Interior and Environmental Affairs. See Carin Bevan, "Putting Up Screens: A History of Television in South Africa, 1929-1976" (University of Pretoria, 2008).

<sup>84</sup> BCCSA, "BCCSA FREE-TO- AIR CODE OF CONDUCT FOR BROADCASTING SERVICE LICENSEES" (2009), [https://bccsa.co.za/wp-content/uploads/2015/12/BCCSA\\_Broadcasting\\_Code\\_NEW.pdf](https://bccsa.co.za/wp-content/uploads/2015/12/BCCSA_Broadcasting_Code_NEW.pdf).

and women holding positions.<sup>85</sup> At this time, SABC became a public broadcaster; the network also adopted a charter which requires the provision of “a plurality of views and a variety of news, information and analysis from a South African point of view” in the official languages, noting that it does so under the protections of “freedom of expression and journalistic, creative and programming independence.”<sup>86</sup> This was in stark contrast to the SABC under the control of the National Party. In 1996, in its efforts to transform along with the country, the SABC reorganized its television channels, aiming to be more representative of South Africa’s diverse languages and religions.<sup>87</sup> Despite the legal end to the broadcasting monopoly, the SABC still loomed large in the world of television when *Special Report* first aired in 1996. The television broadcast coverage of the TRC took several forms, although none were without SABC’s involvement. Live hearings were shown via continuous coverage only of the first week of the commission and later, of the Mandela United Football Club hearing; SABC aired regular news bulletins with short updates; and lastly, they provided the weekly digest, *TRC Special Report*.<sup>88</sup> The latter was the only in-depth televisual option for TRC news, partially contributing to its immense popularity.

In 1997, the media was given its own institutional hearing at the TRC to examine its role in the apartheid system. Referring to both print and broadcast, findings included that the Afrikaans media directly supported the government and security forces [paragraph 115]; the English language media often self-censored to appease the state [paragraph 113]; the SABC willingly worked with security forces via the use of spies [paragraph 117]; the SABC and mainstream newspapers “failed to report

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<sup>85</sup> SABC, *Annual Report*, 1992/93, pp 4-5, as cited in Carin Bevan, “Putting Up Screens: A History of Television in South Africa, 1929-1976.”

<sup>86</sup> SABC, “SABC Mandate,” 1993, <https://static.pmg.org.za/docs/090624sabcmandate.pdf>.

<sup>87</sup> Norm Leaper, “Ahh...the Pitfalls of International Communication,” *Communication World*, 1996.

<sup>88</sup> Catherine M Cole, *Performing South Africa’s Truth Commission: Stages of Transition* (Indiana University Press, 2009). pp105-106.

adequately on gross human rights violations” [paragraph 115].<sup>89</sup> An episode of *Special Report* discusses this hearing in a self-reflexive moment, perhaps in an attempt to indicate their endeavour at transformation.<sup>90</sup> This is also one of many examples in which *Special Report*, SABC, and broadcasting in general worked to change from a platform that enforced divisions to one which served as a “single public sphere” for nation-building,<sup>91</sup> in a bid to create an imagined community at the national scale.

Media coverage of the TRC in print, radio, and television will be further discussed in the forthcoming section, “The ear of the nation: Media involvement in & about the TRC.”

## South Africa’s Truth and Reconciliation Commission

*“A responsibility that flows from an awareness of a continuity with everything that went before, with all those that came before, that is, a responsibility for what must not be forgotten if we are to avoid ending up in a vacuum”*

-Ivan Klima, *The Spirit of Prague and other essays*<sup>92</sup>

Once past the first democratic election, South Africa’s new leaders had a huge task at hand; they had to transform a nation riddled with oppression, deep inequalities, and several decades worth of violence. The structures of violence which perpetuated these issues were still very much in place, weaved throughout the spatial and socioeconomic vestiges of apartheid. The TRC was the main mechanism by which South Africa sought to promote national unity post-apartheid. On a global scale, it was at the forefront of the development of what has been called the ‘transitional justice industry,’ with truth commissions as a key mechanism.<sup>93</sup> It differentiated itself from preceding truth

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<sup>89</sup> Truth and Reconciliation Commission, “Truth and Reconciliation Commission of South Africa Final Report Volume 4,” 1998.

<sup>90</sup> This segment will be discussed in the content analysis.

<sup>91</sup> Clive Barnett, “The Contradictions of Broadcasting Reform in Post-Apartheid South Africa,” *Review of African Political Economy*, 1998, <https://doi.org/10.1080/03056249808704343>. pp552.

<sup>92</sup> Ivan Klima, *The Spirit of Prague: And Other Essays* (Berkeley: University of California Press, 1994). p37.

<sup>93</sup> Claire Moon, *Narrating Political Reconciliation: South Africa’s Truth and Reconciliation Commission* (Lanham: Lexington Books, 2008).

commissions, as it was the first to put such heavy focus on reconciliation as part and parcel of the truth commission itself.<sup>94</sup>

There were several smaller commissions of inquiry in South Africa before the TRC came into being. The first was the 1990 Harms Commission, set up to investigate the existence of an alleged apartheid police death squad; this was criticized because it had been appointed by F.W. de Klerk, then head of state, and because there were apparently no definitive findings. It was held almost entirely in camera, thus the flaws in its design and implementation were not available to public scrutiny. The failure of the Harms Commission to provide any definitive findings regarding death squads is remembered by many as an internal judicial cover-up,<sup>95</sup> arguably an influential factor in the decision to provide in-depth media coverage of the TRC just a few years later. The ANC had also established the 1992 Skweyiya Commission and 1993 Motsuenyane Commission to investigate human rights abuses in ANC exile camps.<sup>96</sup> The ANC's National Executive Committee called for a broad national truth commission, stating that although they would take responsibility for the abuses in the ANC exile camps, those violations "can in no way be equated to the activities of the apartheid state."<sup>97</sup> Therefore a wider South African truth commission needed to be established in order to investigate the crimes and violations committed. Evans asserts that the several iterations of commissions were prompted by "media pressure and public exposure."<sup>98</sup> The first step towards the TRC was the amnesty provision in the Interim Constitution in 1993:

In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect

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<sup>94</sup> Richard A Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001).p97.

<sup>95</sup> SAPA, "APPEAL COURT JUDGE HARMS DENIES COVERUP IN WEBSTER ASSASSINATION" (Johannesburg, 1996), <http://www.justice.gov.za/trc/media/1996/9605/s960504a.htm>.

<sup>96</sup> Evans, "Televising South Africa's Truth and Reconciliation Commission: What Liveness Tells Us about the Commission; What the Commission Tells Us about Liveness."

<sup>97</sup> ANC, 1993, as cited in Evans.

<sup>98</sup> Evans. p706.

of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past.<sup>99</sup>

It was later determined that this would be carried out through a truth commission, which would grant disclosure-based amnesty.<sup>100</sup> Legislation provided for the TRC in 1995 when the South African Parliament passed the Promotion of National Unity and Reconciliation Act 34,<sup>101</sup> after which there was a nomination and selection process in order to appoint commissioners. The stated goals of the commission were to complete a picture of the gross human rights violations within the realm of ‘bodily integrity rights’ within the time period given, to establish the fate of victims, to restore victim dignity through allowing testimony, to recommend reparations, to grant amnesty to those who fully disclose their crimes, to recommend the creation of institutions to prevent further rights violations, and to write a report on the findings of the commission.<sup>102</sup> As David Schalkwyk points out, through these stated aims, the TRC occupied two seemingly discordant duties, one being a “secular, forensic investigation,” and the other being “a site of confession, reconciliation, and forgiveness.”<sup>103</sup> The former was informed by the legislation which established the TRC, while the latter can be heavily attributed to the appointment of Archbishop Desmond Tutu as the chairperson. It was his influence that directed the commission’s restorative discourse (as opposed to focusing on restitution per the legal framework alone). His leadership was informed by Christian concepts of reconciliation,<sup>104</sup> through which forgiveness was discursively offered as a main vehicle (though without defining what

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<sup>99</sup> South Africa interim constitution

<sup>100</sup> Antje Du Bois-Pedain, *Transitional Amnesty in South Africa, Transitional Amnesty in South Africa*, 2007, <https://doi.org/10.1017/CBO9780511495120>.

<sup>101</sup> Du Bois-Pedain.

<sup>102</sup> Paul van Zyl, “Dilemmas of Transitional Justice : The Case of South Africa ’ S,” *Journal of International Affairs* 52, no. 2 (1999): 647–67.

<sup>103</sup> David Schalkwyk, “Truth, Reconciliation, and Evil in South Africa,” in *Truth, Reconciliation, and Evil*, ed. Margaret Sönsner Breen, vol. 19 (Leiden: Brill, 2004).p5.

<sup>104</sup> Schalkwyk.

forgiveness was, perhaps leaving it up to each individual what exactly it meant to them).<sup>105</sup> Tutu is a Nobel laureate and can be identified as the source of the religious undertones. While this has been a source of critique, he was “widely regarded as a man of integrity and honesty,”<sup>106</sup> and lent a certain validity to the process. Methodist minister and anti-apartheid activist Alex Boraine, who was involved in the writing of the Promotion of National Unity and Reconciliation Act, served as the deputy chair for the commission.

Though a mechanism for transitional justice, at its heart the commission attempted to be a restorative justice process. Restorative justice refers to justice “as the restoration to wholeness of those whose lives and relationships have been broken or deeply strained by a criminal offense.”<sup>107</sup> This is problematic in its misconception that ruptures caused by trauma can ever fully be ‘healed.’ However, this likely impossible aim does not necessarily undermine the commission itself. Though forgiveness was treated as if it would be the conduit to ‘healing,’ restorative justice (per lawyer and criminal justice expert Walter J. Dickey) “seeks to go beyond forgiveness. It includes an apology and acknowledgment of responsibility by the offender. It is not merely one person’s response, the victim’s; it is also relational and seeks reconciliation.”<sup>108</sup>

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<sup>105</sup> There is a large body of scholarship on forgiveness as a concept; it can refer either to “interpersonal forgiveness, [meaning] the kind of forgiveness that exists between people, whether it be one individual forgiving another, family members engaged in mutual forgiveness, or even one nation forgiving another,” in addition to spiritual forgiveness, though the two are not mutually exclusive. See Robert D. Enright and Joanna North, “Introducing Forgiveness,” in *Exploring Forgiveness*, ed. Robert D. Enright and Joanna North (Madison, WI: University of Wisconsin Press, 1998), 1–8, <https://books.google.co.za/books?id=TwrxRMunnqEC>.

<sup>106</sup> Patricia J. Campbell, “The Truth and Reconciliation Commission (TRC): Human Rights and State Transitions--The South Africa Model,” *African Studies Quarterly* 4, no. 3 (2003): 41–63, <http://asq.africa.ufl.edu/files/ASQ-Vol-4-Issue-3-Campbell.pdf>. p50.

<sup>107</sup> Walter J. Dickey, “Forgiveness and Crime: The Possibilities of Restorative Justice,” in *Exploring Forgiveness*, 1998.

<sup>108</sup> Dickey. p108.

This is partly why the South African TRC is differentiated from its international counterparts; though history was a part of its mandate, it shifted to become “a perpetrator-focused quasi-legal approach,”<sup>109</sup> which has been a point of criticism. Logistically, the commission was organized into three committees; the Human Rights Violations Committee, the Amnesty Committee, and the Reparations and Rehabilitation Committee.<sup>110</sup> This study focuses on the workings of the Amnesty Committee, which considered individual amnesty applications for crimes committed between March 1, 1960 and May 10, 1994, and held hearings from May of 1996 until its dissolution by the state president in 2001.<sup>111</sup> The final report by this committee was published in 2003, as Volume 6 of the *TRC Final Report*.<sup>112</sup>

### *“It would have been a bloodbath”: The decision to include amnesty*

The decision to allow applications for amnesty from politically motivated offenders in exchange for truth can be understood in the context of how the South African transition came about; though there were many domestic liberation movements, it was not a military victory. Rather, the combination of internal unrest and international boycotts of the country created pressure, eventually leading to negotiations between the major parties of the conflict. It was not until the end of the multi-party talks that the ANC and the apartheid government included the provision for amnesty. Many liberation movement activists had been imprisoned for perpetrating violence, particularly in the context of the people’s war,<sup>113</sup> referring to the ANC’s terminology for the liberation struggle that was rooted amongst

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<sup>109</sup> Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*, Antjie Krog, “The Truth and Reconciliation Commission: A National Ritual?,” *Missionalia: Southern African Journal of Mission Studies* 26, no. 1 (1998): 5–16, p51; Jeremy Sarkin-Hughes, *Carrots and Sticks: The TRC and the South African Amnesty Process* (Antwerp: Intersentia, 2005).

<sup>110</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*.

<sup>111</sup> Proc GG 22333 of 28 May 2001; as cited in Du Bois-Pedain, *Transitional Amnesty in South Africa*.p39.

<sup>112</sup> The TRC Report volume 6 was submitted to the president on 21 March 2003.

<sup>113</sup> Anthea. Jeffery, *People’s War: New Light on the Struggle for South Africa*. (Cape Town: Jonathan Ball Publishers SA, 2009).

the people.<sup>114</sup> Recognition of the fact that victim and perpetrator could be encased in one person may have also given credence to the idea of amnesty in South Africa. The amnesty clause was the last issue to be added to the interim constitution,<sup>115</sup> and its inclusion seemed to be the only way to move forward with a democratic transition without high levels of violence.<sup>116</sup> It is this context that provides an understanding of why perpetrators were allowed space in the TRC, although far fewer perpetrators came forward than victim statements indicated there should have been. In her work on the South African police force, Janine Rauch surmised that the amnesty applicants that did come forward only did so out of fear that they had been named by the more forthcoming applicants, or, because they were already in prison for their deeds.<sup>117</sup>

Another explanation for the development of the TRC and the provision of amnesty comes from Paul van Zyl, who argues that societies moving out of large-scale conflict do not have the capacity to prosecute more than a small proportion of the perpetrators. He argues this calls for “more expansive and creative strategies” to address the crimes and abuses committed, as well as fulfil victims’ rights.<sup>118</sup> South Africa’s criminal justice system did not have the capacity to handle the number of perpetrators that would and could be identified within the thirty-four years under examination; to exemplify the impossibility of this, consider that only one conviction was made after a two-and-a-half-year (combined) duration of the two hit-squad trials on Malan and De Kock.<sup>119</sup> The amnesty provisions

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<sup>114</sup> Maj-Gen B. Mortimer, “TRO, the Former SADF Submission to the TRC” (Pretoria, n.d.), <http://www.justice.gov.za/trc/hrvtrans/submit/sadf.htm>.

<sup>115</sup> The interim Constitution was replaced by the official and final Constitution of the Republic of South Africa 1996.

<sup>116</sup> Van Zyl, “Dilemmas of Transitional Justice: The Case of South Africa’s.”

<sup>117</sup> Janine Rauch, “The South African Police and the Truth Commission,” *South African Review of Sociology*, 2012, <https://doi.org/10.1080/21528586.2005.10419139>.

<sup>118</sup> Van Zyl.

<sup>119</sup> Johnny de Lange, “The Historical Context, Legal Origins and Philosophical Foundation of the South African Truth and Reconciliation Commission,” in *Looking Back, Reaching Forward: Reflections on the Truth and*

also emerged out of political compromise, which is noted in the TRC's final report. Because of the military stalemate, "nobody was in a position to enforce so-called victor's justice," nor would the transition have been as peaceful as it was had the state and security establishment undergone Nuremburg-style trials. In fact, the report guesses that it would have resulted in a "bloodbath."<sup>120</sup>

Van Zyl argues that the TRC is an attempt at offering a "third way" to deal with legacies of human rights abuses by walking the line between the opposing concepts of prosecution and amnesty. Those that endorsed the South African TRC contended that the truth commission was more than an alternative established because they were incapable of retributive justice, but that it could actually allow more benefits by: placing focus on patterns of violence rather than grappling with the issue of selectivity; providing more space for victim testimony than in perpetrator-centric retributive trials; eliciting more information and create a larger understanding of crimes and therefore truths; and investigating and engaging with the nuances of perpetratorship on a greater scale.<sup>121</sup> Anti-apartheid activists state that the commission's biggest contribution was in removing the possibility of continued denial of apartheid abuses.<sup>122</sup>

The general model of truth commissions does not always include amnesty, and may only focus on victim narratives, reparations, and the creation of collective memory.<sup>123</sup> The South African model was

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*Reconciliation Commission of South Africa*, ed. Villa-Vicencio Charles and Wilhelm Verwoerd (Cape Town: University of Cape Town, 2000), 14–31.

<sup>120</sup> "Truth and Reconciliation Commission of South Africa Final Report Volume 1," 1998. p5.

<sup>121</sup> Naomi Roht-Arriaza, "The New Landscape of Transitional Justice," in *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*, ed. Naomi Roht-Arriaza and Javier Marriecurrena (Cambridge: Cambridge University Press, 2006), 1–16.

<sup>122</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p21. Michael Ignatieff, "Articles of Faith," *Index on Censorship* 25, no. 5 (September 1996): 110–22, <https://doi.org/10.1177/030642209602500522>.p113.

<sup>123</sup> Audrey R Chapman, "Truth Finding in the Transitional Justice Process," in *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*, ed. Hugo Van der Merwe, Victoria Baxter, and Audrey Chapman (Washington DC: United States Institute of Peace Press, 2009), 91–113.

called “the most innovative amnesty yet attempted.”<sup>124</sup> It was the first truth commission to offer individualized amnesty as opposed to blanket amnesty;<sup>125</sup> East Timor’s Commission for Reception, Truth, and Reconciliation is the only one to have followed suit to date.<sup>126</sup> International law and criminology expert Athanasios Chouliaras<sup>127</sup> points out the difficult, if not impossible, goal of international criminal justice to pursue justice for individual crimes and violence that are clearly collective in nature; the same might be said about the TRC’s individualized amnesty approach. Perhaps this approach was chosen in recognition of the different levels of perpetrators, identifying that ‘perpetrator’ is not always equivalent to identifying the ‘powerful,’ and that these perpetrators can also be the part of an oppressed group or victims within the same action.<sup>128</sup> This approach put greater emphasis on perpetrators and their stories than other truth commissions, which have aimed to be victim-centric for obvious reasons. Although unpopular in terms of the emotional response of victims and society, as well as the popular call for retributive justice rather than restorative justice, high levels of perpetrator involvement in truth commissions- and transitional justice processes in general- is necessary for transition to be successful. Sociologist Luc Huyse points out that

No post WWII initial policy of exclusion [of wartime perpetrators] was a success...The risks of keeping tens of thousands of citizens outside the realms of society soon became apparent. A first danger lurked in the creation of subcultures and networks which in the long run could turn out to be hostile to the newly reinstated democracy.<sup>129</sup>

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<sup>124</sup> Ronald Slye, “Justice and Amnesty,” in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, Edited by Charles Villa-Vicencio and Wilhelm Verwoerd, ed. Villa-Vicencio Charles and Wilhelm Verwoerd (Cape Town: University of Cape Town Press, 2000), 179–80.

<sup>125</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p12.

<sup>126</sup> Anja Seibert-Fohr, “Transitional Justice in Post-Conflict Situations,” in *The Law of Armed Conflict and the Use of Force: The Max Planck Encyclopedia of Public International Law*, ed. Frauke Lachenmann and Rüdiger Wolfrum, vol. 6 (Oxford University Press, 2002), [http://www.mpil.de/files/pdf1/mpunyb\\_koskenniemi\\_6.pdf](http://www.mpil.de/files/pdf1/mpunyb_koskenniemi_6.pdf). p1230.

<sup>127</sup> Athanasios Chouliaras, “Discourses on International Criminality,” in *Collective Violence and International Criminal Justice* (Oxford: Intersentia, 2010).

<sup>128</sup> Don Foster, “The Truth and Reconciliation Commission and Understanding Perpetrators,” *South African Journal of Psychology* 30, no. 1 (March 2000): 2–9, <https://doi.org/10.1177/008124630003000102>.

<sup>129</sup> Luc Huyse, “Comparing Transitional Justice Experiences in Europe,” in *Transitional Justice and Memory in Europe (1945-2013)*, ed. Nico Wouters (Oxford: Intersentia, 2014), 351–62. p354.

It is thus demonstrated that the inclusion of perpetrators, though counterintuitive, is essential for lasting peace after conflict or authoritarian regimes. However, this must be done while balancing the “views of victims and survivors especially,” as stated by the UN Independent Expert on Impunity’s 2005 report on the state obligation to truth.<sup>130</sup>

By providing amnesty, South Africa did not entirely comply with several international obligations<sup>131</sup> which state that perpetrators of gross human rights violations must be punished, but it was the same decision to allow amnesty that allowed the country to uncover the truth, transform institutions, and recommend reparations.<sup>132</sup> Many found fault with this decision to circumvent possible prosecution for perpetrators. However, South Africa’s commission believed that the provision of amnesty would help to curb political radicalism going forward.<sup>133</sup> Colleen Scott believes it is “fact” that, without amnesty, South Africa would have silence where there are now truths, and the TRC would not have been unable to uncover truth to the extent that it did.<sup>134</sup> As Hayner summarizes,

Truth commissions are difficult and controversial entities; they are given a mammoth, almost impossible task with usually insufficient time and resources to complete it; they must struggle with rampant lies and denials to uncover still-dangerous truths that many in power may resist,

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<sup>130</sup> United Nations, “Report of the Independent Expert to Update the Set of Principles to Combat Impunity, U.N. Doc. E/CN.4/2005/102/,” 2005. Principles 1, 2, 19 and 31.

<sup>131</sup> International treaties that call for punishment of perpetrators of varied crimes that occurred in the apartheid era and were brought to the TRC include The Convention on the Prevention and Punishment of the Crime of Genocide, The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, The Geneva Conventions of 1949 and their Additional Protocols of 1977, The International Covenant on Civil and Political Rights, and The European Convention for the Protection of Human Rights and Fundamental Freedoms. Additionally, “although the International Law Commission’s 1950 formulation neither references nor specifically excludes JCE [common plan liability], it does make clear than anyone who commits a crime against peace, a war crime, or a crime against humanity is criminally liable” Michael P. Scharf, “Seizing the Grotian Moment,” in *Collective Violence and International Criminal Justice*, ed. Alette Smeulers (Oxford: Intersentia, 2010). p145.

<sup>132</sup> Van Zyl, “Dilemmas of Transitional Justice : The Case of South Africa ’ S.”

<sup>133</sup> Tanya Goodman, *Staging Solidarity: Truth and Reconciliation* (Boulder: Paradigm, 2009). p10.

<sup>134</sup> Colleen Scott, “Combating Myth and Building Reality,” in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa. Charles Villa-Vicencio and Wilhelm Verwoerd, Eds*, ed. Charles Villa-Vicencio and Wilhelm Verwoerd (Cape Town: University of Cape Town Press, 2000), 107–12.

especially because truth telling and reconciliation are not “psychologically straightforward or guaranteed.”<sup>135</sup>

It may have been this lack of promise for truth or reconciliation that prompted legal scholar András Sajó to identify the particular set of conditions that transitional contexts produce to offer, at most, “imperfect justice.”<sup>136</sup>

### Amnesty through the South African TRC

The Amnesty Committee was initially made up of two commissioners and a further three individuals appointed by the president; two of the three were required to be judges, but the third chosen was also a judge. As the number of amnesty applicants exceeded expectations, legislation was amended twice to allow for more committee members so that they could “complete the process in the shortest possible time.”<sup>137</sup> By the time the commission concluded, there were 19 members on the Amnesty Committee.<sup>138</sup> This expansion was indicative of the high levels of amnesty applicants and heavy workload that each application entailed for which the committee was not necessarily prepared.

During the examination of amnesty applications and before bringing an applicant to a hearing, the Committee undertook a screening process, which included whether applicants had already stood trial for the crime they were claiming, the confirmation of membership in their stated political group, and, where possible, the mandate from the organization on whose behalf they claimed to have acted.<sup>139</sup> If the Committee found that the applicant did not fit the requirements for amnesty based on these

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<sup>135</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. P23.

<sup>136</sup> András Sajó, “Dealing with the Past: Truth and Reconciliation in South Africa,” in *Dealing with the Past: Truth and Reconciliation in South Africa*, ed. Alex Boraine, Janet Levy, and Ronel Scheffer (Rondebosch: Institute for Democracy in South Africa, 1994). p64.

<sup>137</sup> “Truth and Reconciliation Commission of South Africa Final Report Volume 1.”

<sup>138</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*.

<sup>139</sup> Du Bois-Pedain, *Transitional Amnesty in South Africa*. p37.

investigations, they were rejected without trial administratively.<sup>140</sup> It was only after this step that hearings were organized. This happened in two forms, either through public hearing or chamber matter. Chamber matters did not involve a gross human rights violation, and thus did not require a public hearing to grant amnesty. These were delegated to chambers if there was no further investigation needed.<sup>141</sup> Public hearings were held for cases in which gross human rights violations were committed; legal representatives for the applicants, implicated persons, and traceable victims were found and notified. Hearings were scheduled with time to prepare evidence and documentation which would be presented to the committee at the hearing.<sup>142</sup> The fact that hearable matters were only in relation to gross human rights violations also narrowed down the type of crimes- and type of perpetrators- that would be shown in media coverage of the TRC. This narrowing also happened to conform to news values, as will be discussed later in the thesis.

In order to receive amnesty, perpetrators were required to disclose full details of their crimes, which could include having to answer questions from victims or family members of victims. Additionally, their crimes had to be shown to be politically motivated, proportional to the goal that was being sought, and not for personal gain.<sup>143</sup> Amnesty hearings were established as a sort of trial, either granting or refusing amnesty. Should amnesty be refused, the applicant was recommended for prosecution (though it was incredibly rare for this to come to fruition, an issue that will be further explored).

The University of the Witwatersrand's archive on the TRC, *Traces of Truth*, provides an overview of the applications and results of the Amnesty Committee. According to this, the Amnesty Committee

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<sup>140</sup> Du Bois-Pedain. p38.

<sup>141</sup> Du Bois-Pedain. p38.

<sup>142</sup> "Truth and Reconciliation Commission of South Africa Final Report Volume 1."

<sup>143</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*; "The Committees of the TRC," 2017.

received 7,116 applications for amnesty in total;<sup>144</sup> the South African government's statistics cite 7,112 decisions, but there were several instances in which multiple decisions were handed down in one case, creating a lack of clarity in statistics throughout different studies and even between different government sources. The investigations that the Committee undertook before bringing a case to a public hearing resulted in the rejection of 5,143 of the applications, as they did not meet amnesty conditions or fall under the powers of the Act. The most prevalent reason for an application to be rejected was that the committee found a lack of political motive to the crime, resulting in over 3,500 applications being turned down. Another 650 individuals were denied entry into the amnesty process as their crimes did not fall within the allotted dates. Other applications were late or defective or did not provide a full disclosure as required by the Act.<sup>145</sup> 65% of amnesty applicants came from people who had already been tried and convicted of their crimes, 200 of whom claimed wrongful conviction.<sup>146</sup>

This table provides a political breakdown of “genuine” amnesty applicants according to Don Foster, disregarding the applications that were denied due to administrative reasons as outlined above:

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<sup>144</sup> Amnesty and the Truth and Reconciliation Commission, “[Http://Truth.Wvl.Wits.Ac.Za/Cat\\_descr.Php](http://Truth.Wvl.Wits.Ac.Za/Cat_descr.Php),” *Traces of Truth*, accessed August 20, 2017, [http://truth.wvl.wits.ac.za/cat\\_descr.php?cat=3](http://truth.wvl.wits.ac.za/cat_descr.php?cat=3).

<sup>145</sup> Don Foster, “Popular Representations of Perpetrators,” in *The Theatre of Violence: Narratives of Protagonists in the South African Conflict*, ed. Don Foster, Paul Haupt, and Marésa De Beer (Cape Town: HSRC Press, 2005). p13.

<sup>146</sup> Amnesty and the Truth and Reconciliation Commission, “[Http://Truth.Wvl.Wits.Ac.Za/Cat\\_descr.Php](http://Truth.Wvl.Wits.Ac.Za/Cat_descr.Php).”

<b>Political grouping</b>	<b>Number of Applicants</b>	<b>Percent</b>
<b>African National Congress &amp; allied groups</b>	998	60.6
<b>SA state and security forces</b>	293	17.8
<b>Pan Africanist Congress</b>	138	8.4
<b>Inkatha Freedom Party</b>	109	6.6
<b>Right-wing groups</b>	107	6.5
<b>AZAPO</b>	1	0.1
<b>Total</b>	1 646	100

Table 1.<sup>147</sup>

It should be noted that there is still further breakdown within each category in this table, and context to explain the ratios of applications. From the state and security police section, 229 individuals were from the security police, and only 31 were from the military; this large difference may be attributed to security police commander Eugene de Kock's<sup>148</sup> testimony, which spurred many security police to come forward, likely in fear that he would implicate them.<sup>149</sup> Inkatha was underrepresented at the commission overall, because as a party they were opposed to the process, stating that this was partly because "On no occasion has the Inkatha Freedom Party's leadership ever made any decision anywhere at any time to use violence for political purposes,"<sup>150</sup> instead blaming the ANC for the high

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<sup>147</sup> Don Foster, "Confessions, Apologies, and Perpetrators," in *Memory, Narrative and Forgiveness: Perspectives on the Unfinished Journeys of the Past*, ed. Pumla Gobodo-Madikizela and Chris Van der Merwe (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009).

<sup>148</sup> Eugene de Kock was a commanding officer of Vlakplaas, responsible for ordering multiple executions of anti-apartheid activists. He was tried in a criminal court on 89 counts, including six counts of murder, for which he was sentenced to two life sentences plus an additional 212 years. He was granted parole in 2015.

<sup>149</sup> Foster, "Confessions, Apologies, and Perpetrators"; Rauch, "The South African Police and the Truth Commission."

<sup>150</sup> IFP Submission to TRC, 6 September 1996, p12.

levels of violence in the former Transvaal and Natal.<sup>151</sup> The ANC's prominence in the process is because they initially encouraged their members to apply for amnesty; a large number of ANC affiliates came forward, even members who had either already served time for their act or they had received indemnity from previous processes.<sup>152</sup> The ANC's support of the process then waned dramatically as large numbers of their cadres moved through the amnesty process and it became clear that the 'just war' rhetoric was not accepted as an argument for immediate amnesty. ANC leadership then 'suggested' that no further members would apply for amnesty, over which Chairman Desmond Tutu threatened to resign. The ANC was eventually the only group to receive a partial blanket amnesty when thirty-seven ANC leaders were granted amnesty in one judgement.<sup>153</sup>

In addition to political grouping, it is also interesting to consider the hierarchical status of applicants. The majority of amnesty applicants were relatively low ranking within their respective organization, whereas mostly, "the generals and politicians stayed away from the amnesty process."<sup>154</sup> Antje du Bois-Pedain's study of the transitional process found that 69% of applicants were of "ordinary rank and file," as compared to the 2% of applicants who were classified as leadership, and 6% who held a permanent commanding position. The ANC (including MK) had the most political leadership apply for amnesty at 9.3%, and the PAC (including APLA) the lowest, at 0%.<sup>155</sup> This may be partially due to reluctance, but also reflects a shortcoming in the TRC Act itself, which required applicants to cite specific acts rather than general group activity.

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<sup>151</sup> Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Final Report Vol. 6*, 2006, <http://www.sahistory.org.za/archive/trc-final-report-volume-6-foreword%0A%0A>. p338.

<sup>152</sup> Du Bois-Pedain, *Transitional Amnesty in South Africa*. p72.

<sup>153</sup> "Truth and Reconciliation Commission of South Africa Final Report Volume 1."

<sup>154</sup> Du Bois-Pedain, *Transitional Amnesty in South Africa*. p72.

<sup>155</sup> Du Bois-Pedain. p74.

The applications received for amnesty were, of course, not representative of the actual crimes committed during the apartheid era; for example, there were thousands of victim testimonies that discussed torture, yet there were only 90 amnesty applications regarding torture.<sup>156</sup> “It would be naïve to assume that the amnesty applications cover all or even most of the human rights violations committed during the mandate of the Commission,” argues Du Bois-Pedain. 37,000 gross human rights violations were reported to the Commission, and it can be assumed that is but a sampling of these crimes in actuality.<sup>157</sup> The amnesty applications addressed only a small portion of the reported violations.

The public hearings that the Amnesty Committee held constituted only about 20% of the actual applications received; from these, 1 167 applicants were granted full amnesty, and 145 were granted amnesty for some of their crimes but not for others. 362 of the individuals that were granted a public hearing were still then refused amnesty.<sup>158</sup> Again, there is lack of clarity on the exact number of applications and their results, because numbers reported in different sources only reflected the decisions at the time of writing, while the process was ongoing; additionally, there were often several decisions handed down in one hearing, or several crimes submitted per applicant. Reports often do not make clear which number they are using. For the purposes of this study, Don Foster’s numbers as reported above will be used for political affiliation breakdown, and later used as a point of comparison for the political affiliations of the perpetrators or amnesty applicants who appear on *Truth Commission Special Report*.

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<sup>156</sup> Foster, “Confessions, Apologies, and Perpetrators.”

<sup>157</sup> Du Bois-Pedain, *Transitional Amnesty in South Africa*. p71.

<sup>158</sup> Amnesty and the Truth and Reconciliation Commission, “[Http://Truth.Wvl.Wits.Ac.Za/Cat\\_descr.Php](http://Truth.Wvl.Wits.Ac.Za/Cat_descr.Php).”

Well-known perpetrators whose testimonies were heard publicly by the amnesty committee include Jean du Plessis, Eugene de Kock, Craig Williamson, Jacques Hechter, Jeffrey Benzien, General Johan van der Merwe, and many others. These men all also appeared within SABC's *Truth Commission Special Report* coverage, as it often focused on the well-known or extraordinary stories rather than the more 'mundane' crimes, likely in order to conform to the kinds of popular news values identified by Galtung and Ruge.<sup>159</sup> The choices in who to represent, how to represent them, and the ratio of representation must be considered when deconstructing the narrative presented through *Truth Commission Special Report*.

### *A "perspective on the truth": Perceptions of the TRC*

The perceptions of citizens (i.e., the viewers of *Truth Commission Special Report*) as well as those who interacted directly with the Commission are an essential foil within the literature to the representation of perpetrators and its influence. The Promotion of National Unity and Reconciliation Act stated that the TRC's objectives were "to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past."<sup>160</sup> Despite this intention, the TRC was heavily criticized from several sides. Any critiques are relevant because as Goldberg points out:

The fact that it is impossible to consider the brutality of the apartheid regime or the shape of post-apartheid society without explicitly referencing the TRC is constitutive of the most forceful critiques of that endeavour. The TRC's status as the first act of the Interim Constitution, mandated at the highest levels of the new government as the vehicle for nation building and the prevention of civil war, meant that it was incorporated as something like a monopoly, gobbling up or closing out competitors in the form of a community-based, grassroots, nongovernmental groups (not to mention alternative versions of justice, including redistributive and retributive ones), and asserting its mode of truth-telling and testimony,

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<sup>159</sup> Johan Galtung and Mari Holmboe Ruge, "The Structure of Foreign News THE STRUCTURE OF FOREIGN NEWS," *Source: Journal of Peace Research*, 1965.

<sup>160</sup> "The Promotion of National Unity and Reconciliation Act 34 of 1995," 1995, <http://www.justice.gov.za/legislation/acts/1995-034.pdf>.

healing and conciliation, and an acceptance that in some cases neither of these were, nor would be, forthcoming.<sup>161</sup>

It is this overarching critique which validates and allows for other critiques to exist within it. Other issues which people have raised come from political parties such as the National Party and the Inkatha Freedom Party, who felt that the TRC was a propaganda tool for the ANC, and that the ANC did not investigate its own party's crimes within the TRC to the level that it did others.<sup>162</sup> Additionally, many apartheid victims felt that the TRC's amnesty principle was unjust and even unconstitutional, calling instead for retributive justice for all perpetrators rather than only the ones that did not meet amnesty criteria; many victims stated feeling no sense of personal justice in the cases where their perpetrators received amnesty.<sup>163</sup> This is a common critique of truth commissions as a concept, a polarity that Hayner<sup>164</sup> calls the "classic truth versus justice tension." Others questioned the notion of "truth" at all, and whether it was actually found; even Desmond Tutu states that the commission offered only a "perspective on the truth about the past" and can in no way capture the multitude of experiences within the apartheid era.<sup>165</sup> This is why the TRC Report discussed different types of truths, which included what it called "notions of truth"; "factual or forensic truth"; "personal or narrative truth"; and "healing and restorative truth."<sup>166</sup> Though this approach does not constitute a traditional singular idea of history to inform definitive justice, it allows for both objective and subjective truths, and

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<sup>161</sup> Elizabeth S. Goldberg, "Accorded a Place in the Design: Torture in Postapartheid Cinema," in *Screening Torture: Media Representations of State Terror and Political Domination*, ed. Michael Flynn and Fabiola F. Salek (New York: Columbia University Press, 2012), 327.

<sup>162</sup> Jan Bosman, "Second Submission Of The National Party To The Truth And Reconciliation Commission," 1997, <https://omalley.nelsonmandela.org/omalley/index.php/site/q/03lv02167/04lv02264/05lv02303/06lv02331/07lv02333.htm>.

<sup>163</sup> Verdoolaege, *Reconciliation Discourse: The Case of the Truth and Reconciliation Commission*.

<sup>164</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p14.

<sup>165</sup> Desmond Tutu, *No Future without Forgiveness* (London: Rider, 1999).p2.

<sup>166</sup> (TRC Report, Vol. 5: 110-114).

macro- and micro-truths, to exist and be acknowledged simultaneously.<sup>167</sup> According to Lyotard, this is a more advanced form of justice; he posits that “consensus has become an outmoded and suspect value. But justice as a value is neither outmoded nor suspect. We must thus arrive at an idea and practice of justice that is not linked to consensus.”<sup>168</sup>

Mahmood Mamdani also points to limitations of the Commission’s workings, which are rooted in what he identifies as uncertainties of what it meant to be a victim or perpetrator.<sup>169</sup> Firstly, he finds it problematic that the Commission would only acknowledge individual victims, and not whole communities, even though a central characteristic of apartheid was systematic oppression of whole groups. The consequences of this, Mamdani argues, are that reconciliation was limited to the political rather than social, that it recognized civil society over customary ones, and that finally, the TRC provided impunity for perpetrators who were not identified.<sup>170</sup> Mamdani also felt that the scope of the investigation of “gross human rights violations” was too narrow in that the TRC focused on violations of bodily integrity and torture, and did not include the entirety of abuses that occurred in the apartheid era,<sup>171</sup> downplaying the structural violence of apartheid as a system while also creating an incomplete historical picture.<sup>172</sup> Mamdani’s issue with the narrowness of the commission’s work also applied to the concept of beneficiaries; the commission was interested mostly in direct violations of the law, “but not in the systematic benefit which was conferred on beneficiaries at the expense of the vast majority

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<sup>167</sup> Chapman, “Truth Finding in the Transitional Justice Process.”

<sup>168</sup> Jean-François Lyotard, *The Postmodern Condition: A Report on Knowledge* (Manchester: Manchester University Press, 1979).

<sup>169</sup> Mahmood Mamdani, “Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa (TRC),” *Diacritics* 32, no. 3/4 (2002): 33–59.

<sup>170</sup> Mamdani.

<sup>171</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p76; Mamdani, “Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa (TRC).”

<sup>172</sup> Mahmood Mamdani, “Reconciliation Without Justice,” *Southern African Review of Books* 46 (1996): 3–5.

of people in this country.”<sup>173</sup> An even more ambiguous categorization of person which could be applied to a large portion of society would be Michel Rothberg’s “implicated subject,” which goes beyond even the idea of a beneficiary to refer to a person or institution that inhabit (and thus, perpetuate) structures of power without always benefitting from said structures. He refers to the positionality of implicated subjects as “violent innocence,”<sup>174</sup> a term which in itself shows the difficulty of addressing such a position with a mechanism of doing justice. The inherent binarism of the commission’s structure, which opposed victim versus perpetrator, left little room for recognition of those who may not fall under either category, but who benefitted from the system and/or allowed it to continue. The ambiguity of the beneficiary makes it difficult for a system to address, and all too easy for the beneficiary themselves to avoid confrontation of what that means and continue denying responsibility. There was no official pathway for those that may have found the ability to acknowledge the ways in which they benefitted from the suffering of others.<sup>175</sup> The only space where this seemed to happen was in special hearings for civil society sectors, which were few and far between as compared to hearings for actual amnesty applicants.

The last critique that I will point out came from some human rights advocates, who believed that the investigation of abuses should have been directed only at state forces, and should not have also included the armed opposition.<sup>176</sup> As the commission’s work unfolded, this became the perspective of several individuals within the TRC, as well.<sup>177</sup> Many felt that the TRC benefitted perpetrators from

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<sup>173</sup> Mamdani.

<sup>174</sup> Michael Rothberg, *The Implicated Subject, The Implicated Subject*, 2020, <https://doi.org/10.1515/9781503609600>. pp19.

<sup>175</sup> Kay Schaffer and Sidonie Smith, “Human Rights, Storytelling, and the Position of the Beneficiary: Antjie Krog’s Country of My Skull,” *The Humanities in Human Rights: Critique, Language, Politics* 121, no. 5 (2006): 1515–1661.

<sup>176</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p77.

<sup>177</sup> Janet Cherry, “‘Just War’ and ‘Just Means’: Was the TRC Wrong about the ANC?,” *Transformation Journal* 42 (2000).

state forces due to the conditional amnesty regarding security forces; it seems to have caused a lack of political will to prosecute after the truth commission's close, leaving many perpetrators who did not apply for amnesty un-investigated.<sup>178</sup> In his historical context of the TRC, ANC Parliamentarian and former Deputy Minister of Justice Johnny de Lange writes that the TRC favoured the apartheid government because its gradual process allowed the old legal order to stay in place during the transition, which is to blame for the system being seen as beneficial to state forces.<sup>179</sup>

This study's focus on perpetrator experience within the TRC is counterbalanced by Brandon Hamber et al.'s "Telling It Like It Is...: Understanding the Truth and Reconciliation Commission from the Perspective of Survivors."<sup>180</sup> Hamber points out that there have been few studies on victim and survivor experiences after the TRC that assess the longer-term impact of the commission on the lives of these individuals. "Telling It Like It Is" synthesizes the few studies that do exist with interviews from twenty members of the Khulumani Victim Support Group, an organization for victims and survivors of apartheid-related gross human rights violations that was started by those who testified at the TRC.<sup>181</sup> Twelve of the interviewees had only submitted statements to the TRC, while the other eight actually testified. The interviews explored several concepts, amongst them,

attitudes toward the TRC prior to its commencement; expectation of services from the TRC; thoughts about the TRC process once it had begun; attitudes towards knowing and meeting the perpetrators; attitudes regarding the amnesty hearings and reparations; and perceptions of the TRC towards its conclusion.<sup>182</sup>

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<sup>178</sup> Yasmin Sooka, "Dealing with the Past and Transitional Justice: Building Peace through Accountability," *International Review of the Red Cross*, 2006, <https://doi.org/10.1017/S1816383106000543>. p316-317.

<sup>179</sup> De Lange, "The Historical Context, Legal Origins and Philosophical Foundation of the South African Truth and Reconciliation Commission."

<sup>180</sup> Brandon Hamber, Dineo Nageng, and Gabriel O'Malley, "Telling It like It Is...: Understanding the Truth and Reconciliation Commission from the Perspective of Survivors," *Psychology in Society* 26 (2000): 18–42.

<sup>181</sup> Khulumani Support Group, "About Us," n.d., <https://www.khulumani.net/khulumani/about-us.html>.

<sup>182</sup> Hamber, Nageng, and O'Malley, "Telling It like It Is...: Understanding the Truth and Reconciliation Commission from the Perspective of Survivors."

The findings of this investigation, undertaken five years after the TRC, showed that victims and survivors were almost all glad to be a part of the TRC and felt it would provide answers, but that they were overwhelmingly disappointed once the process began. Over half the respondents felt that perpetrators should serve jail time, if not also be put to death or pay reparations; the three main reactions to the concept of amnesty was that it was unfair to victims or that it did not carry out justice, and others expressed that they did not fully understand what amnesty meant. Even so, Hamber's study did not unveil any desire to suppress perpetrator narrative, but rather a desire for further justice, thus addressing the concern that many critics of perpetrator studies and narrative in general bring up in regard to allowing them space within the process.

Hamber argues that the general disappointment from victims that were involved in the TRC was inevitable; this is because of the fact that it is not possible to acknowledge all levels of trauma experienced by victims in such a short and temporary format, an issue also pointed out by Wilhelm Verwoerd.<sup>183</sup> It may have also been due to the TRC's indecisiveness on whether the reconciliation process served individuals or the "collective psyche of the nation."<sup>184</sup> This was obvious in the media coverage of the process; Hamber found that when survivors discussed the TRC's successes, it was with reference to its publicity. However, this juxtaposed with their "individual disappointment," He finds that the "breaking of public silence" in efforts to contribute to collective awareness—with media coverage (he specifically references *Special Report*) as its main vehicle-- was at the expense of the survivors. Though reasons varied, no survivor Hamber interviewed supported the TRC process after the fact; this is likely also due to shortcomings of the institutions that should have continued the

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<sup>183</sup> Wilhelm Verwoerd, "Towards the Recognition of Our Past Injustices," in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, ed. Charles Villa-Vicencio and Wilhelm Verwoerd (Cape Town: University of Cape Town Press, 2000), 155–65.

<sup>184</sup> Hamber, Nageng, and O'Malley, "'Telling It like It Is...': Undertanding the Truth and Reconciliation Commission from the Perspective of Survivors." p16.

reconciliation process through further measures of justice such as prosecutions or reparations. That said, four of the eight interviewees that testified stated that they experienced positive feelings after telling their stories, and despite their critiques of the TRC, all interviewees maintained that they felt truth was essential in the process of reconciliation.

Therese Abrahamsen and Hugo van der Merwe conducted a similar study, but from the perspective of amnesty applicants, which will help to segue into this study's focus on the television broadcast representation of the TRC experience as an amnesty applicant or otherwise labelled perpetrator. Through their survey of perpetrator experiences, they found that, across transitional justice mechanisms, further space for transformation is needed. Their analysis led them to postulate that the rigid framework of the TRC did not allow space for perpetrators to fully explore concepts of motive and accountability, which then caused many to "retreat into political justification,"<sup>185</sup> this was only reinforced by the fact that the amnesty applicants were prompted to frame their stories within a political framework, whereas many of them state that they would have shared more details in another setting without the pressure of proving political motive.<sup>186</sup> This led Abrahamsen and Van der Merwe to conclude that processes like the TRC should also lead to further, more informal dialogue between perpetrator and victim. This is a relevant point in the context of *Truth Commission Special Report*, as the broadcast did facilitate meetings such as these, going beyond the workings of the commission itself.

### *The ear of the nation: Media involvement in & about the TRC*

*The TRC... owes a huge debt to the media of South Africa. Without coverage in newspapers and magazines, without the account of proceedings on TV screen and without the voice of the TRC being boomed through the radio across the land, its work would be disadvantaged and immeasurably poorer.*<sup>187</sup>

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<sup>185</sup> Therese Abrahamsen and Hugo van der Merwe, "Reconciliation through Amnesty? Amnesty Applicants' Views of the South African Truth and Reconciliation Commission," 2005, 1–24.p23.

<sup>186</sup> Abrahamsen and van der Merwe.

<sup>187</sup> Alex Boraine, "The TRC and Human Rights Journalism in South Africa" (Johannesburg, 1997).; as cited in Krabill, "Symbiosis: Mass Media and the Truth and Reconciliation Commission of South Africa." p567.

-Alex Boraine, in “The TRC and Human Rights Journalism in South Africa”

An examination of the media involvement in the TRC in a more general sense provides a wider understanding of the saturated media landscape in which *Truth Commission Special Report* was situated. There was extensive coverage of TRC hearings, a decision that was made, as Tanya Goodman states, because it was thought that “live and consistent coverage... was integral to what it meant to be a new democracy, which was defined as requiring openness and transparency.”<sup>188</sup> This was after an initial draft of the Promotion of National Unity and Reconciliation Act had called for private amnesty hearings. The Amnesty Committee was initially opposed to the presence of cameras at amnesty hearings:

The Committee initially had some reservations concerning the presence of television cameras at the public hearings. It was feared that this might have an inhibiting effect on the proceedings and on the willingness of applicants to come forward and submit applications for amnesty<sup>189</sup>

However, the country was emerging from an age of disinformation and the recent failure of the Harms Commission. In order for the TRC to achieve the greatest possible level of public buy-in, it had to appear entirely transparent and distance itself from the culture of censorship that characterized apartheid. Chairman Desmond Tutu understood this need, and despite the Amnesty Committee’s initial stance against mediatized hearings, he took a unilateral decision to allow cameras in. Only certain Amnesty hearings were held in camera to allow any publicly named perpetrators their right to then appear and testify or contest allegations.<sup>190</sup> Thus, the South African TRC was the first truth commission to be mediatized.<sup>191</sup> Previous truth commissions in other countries had simply

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<sup>188</sup> Goodman, *Staging Solidarity: Truth and Reconciliation*. p15.

<sup>189</sup> Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report Vol. 5*, 1998, <http://www.sahistory.org.za/archive/trc-final-report-volume-5>. p111.

<sup>190</sup> Goodman, *Staging Solidarity: Truth and Reconciliation*.

<sup>191</sup> Evans, “Televising South Africa’s Truth and Reconciliation Commission: What Liveness Tells Us about the Commission; What the Commission Tells Us about Liveness.”

communicated their findings through the publication of a final report.<sup>192</sup> Drama scholar Catherine Cole asserts that in South Africa, filmed media coverage was

far more central to the national impact of the commission during its lifetime than any other representation, including the commission's own summary report, print journalism's coverage of the TRC, and the barrage of academic books that have followed in the TRC's wake."<sup>193</sup>

Since the South African TRC, the UN's High Commissioner for Human Rights publication on the Rule of Law for Truth Commissions has stated that "the nature and extent of a commission's outreach efforts will help determine its impact," recommending that media involvement be part of this outreach and attempt to involve a larger portion of society,<sup>194</sup> which has been seen in several other contexts, as noted in the rationale of this study. That said, many countries have still had little to no television broadcast of their truth commissions, with varied political contexts informing these decisions.

Despite the importance of the media coverage to South Africa's commission and its impact, there is little information on how decisions around the coverage were made. As stated, the initial Act that established the TRC called for closed hearings; TRC lawyer Albie Sachs had agreed with this stance, assuming that perpetrators would be less likely to share the truth if they had to do so in public.<sup>195</sup> The Amnesty Committee agreed. However, the overarching body of the TRC, and chairman Desmond Tutu in particular, fought for media coverage, and eventually got it.<sup>196</sup> It was decided that the proceedings would be public partially because civil society groups had opposed the idea of a truth

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<sup>192</sup> Catherine Cole, "Mediating Testimony: Broadcasting South Africa's Truth and Reconciliation Commission," in *Documentary Testimonies: Global Archives of Suffering*, ed. Bhaskar Sarkar and Janet Walker (New York: Routledge, 2009), 196–214. p197.

<sup>193</sup> Cole. p197.

<sup>194</sup> United Nations High Commissioner for Human Rights, "Rule of Law Tools for Post-Conflict States: Truth Commissions" (New York and Geneva, 2006), <https://www.ohchr.org/Documents/Publications/RuleoflawTruthCommissionsen.pdf>.

<sup>195</sup> Cole, "Mediating Testimony: Broadcasting South Africa's Truth and Reconciliation Commission." p197.

<sup>196</sup> Cole. p 202.

commission at all, unless it was held in public with absolute transparency.<sup>197</sup> As the commission unfolded and the media followed along, “media coverage became synonymous with the commission in many people’s minds, however erroneously.”<sup>198</sup>

Media coverage of the commission included television, radio, and print; Annelies Verdoolaage asserted that the TRC was likely the most mediatized event that had ever occurred in Africa up to that time.<sup>199</sup> There was immense public interest in the hearings, likely partially because after the extreme censorship experienced during the years of apartheid, particularly in the medium of television, transparency was a new concept.<sup>200</sup> The public had a clear desire to hear what had happened in the apartheid past that had been covered by South Africa’s censorship and campaigns of disinformation. Additionally, the media accepted that any happenings from the TRC were newsworthy,<sup>201</sup> which meant there was a consistent stream of coverage.<sup>202</sup> Print news was saturated with updates from the commission throughout its workings; most major newspapers had a TRC special correspondent,<sup>203</sup> and other news outlets were still able to cover the workings of the commission because of the South African Press Agency’s coverage of the critical issues. For part of the commission’s lifespan, the radio had a channel reserved for continuous live broadcast, which was funded by the Norwegian government. It did not,

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<sup>197</sup> Cole. p197.

<sup>198</sup> Cole. p204.

<sup>199</sup> Verdoolaage, “Media Representations of the South African Truth and Reconciliation Commission and Their Commitment to Reconciliation.”

<sup>200</sup> Evans, “Televising South Africa’s Truth and Reconciliation Commission: What Liveness Tells Us about the Commission; What the Commission Tells Us about Liveness.”

<sup>201</sup> Evans.

<sup>202</sup> This is not necessarily the case for all truth commissions, differentiating this from many other countries’ experience of media and truth mechanisms. Per International Center for Transitional Justice, “Truth Commissions and NGO’s: The ‘Frati Guidelines’ for NGOs Engaging with Truth Commissions.” (International Center for Transitional Justice, 2004).

<sup>203</sup> “Final Report” (Truth and Reconciliation Commission, n.d.); see Evans, “Televising South Africa’s Truth and Reconciliation Commission: What Liveness Tells Us about the Commission; What the Commission Tells Us about Liveness.” p6.

however, attract high numbers of listeners in the same way that television coverage did,<sup>204</sup> despite the fact that it was live, and therefore seen as transparent. Evans asserts that the low number of listeners- about 100,000 per day- is due to the lack of contextualization that the live structure caused.<sup>205</sup> Beyond the live coverage, radio was looked to as “the most effective communication medium for its [the TRC] proceedings to reach the widest number of people,” particularly due to the SABC’s several multilingual stations, which reached “3.3 million Zulu-speaking listeners and 1.6 million Xhosa speakers, 1.5 million seSetho, 1 million seTswana, 7000,000 Afrikaans, 450,000 English, and 116,00 speakers of Venda.”<sup>206</sup> That said, television was more experientially rich in how it was able to portray the proceedings through several mechanisms of communication beyond the sonic landscape. TRC Commissioner Dr Wendy Orr called television coverage “probably the single most important factor in achieving a high public profile for the Commission.”<sup>207</sup> The television coverage of the TRC mainly consisted of *Special Report*; there were no programs to rival it. Other television coverage of the commission was in the form of small snippets on the nightly news, which did not allow the same depth or context. This left *Special Report* to be television’s authoritative voice on the TRC. This can be attributed to the transformation that South African television itself still had to go through, as it emerged from a time in which the only channels were owned- and censored- by the state. Despite the fact that the state-owned SABC was still in the process of internally transforming, other broadcast channels were yet to be established to act as a counterbalance (this was, of course, prior to the proliferation of digital media). This is in large part what informed the choice of *Special Report* as the case study for this research; while a comparative study may seem a more obvious choice from where

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<sup>204</sup> Evans, “Televising South Africa’s Truth and Reconciliation Commission: What Liveness Tells Us about the Commission; What the Commission Tells Us about Liveness.”

<sup>205</sup> Evans.

<sup>206</sup> Cole, “Mediating Testimony: Broadcasting South Africa’s Truth and Reconciliation Commission.” p204.

<sup>207</sup> Cole. p204.

we sit now, with an abundance of sources for choice, there simply was no other comparable television source for TRC news. At the time, televised TRC news was arguably synonymous with *Special Report*.

In her analysis of the intersections between media and the TRC, Charmaine McEachern asserts that not only did the visibility of the TRC create the impression that it was accessible, but that the level of media involvement was actually “an essential ingredient of the process that the TRC offered to South African nation building and the state.” Most people experienced the media version of the TRC rather than the in-person hearings, thus it was the media version that they “engaged with, criticized, approved of, and used in their own performances of place and identity.”<sup>208</sup> Perhaps this is why Edward Bird wrote, less than one year into the duration of the truth commission, that “the TRC’s success for South Africans will be won or lost within the media.”<sup>209</sup> The TRC spokesperson, John Allen, makes a more pointed version of this argument in his reflections on covering the TRC, asserting that the impact of the commission was dependent on whether the media was able to focus “not on the internal workings and controversies of the TRC but rather on the stories of the men and women who appeared before it -- of those who had suffered and those who caused the suffering.” It was this sense, he says, that directed the Commission’s scheduling and logistics as it took into account the needs of journalists in covering the hearings.<sup>210</sup> At the same time, the relationship between the TRC and the media was not a straightforward one; “the TRC expected the media to accept its definition of ‘truth’ and ‘reconciliation.’ It further assumed that the national psyche would heal if the media simply reported

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<sup>208</sup> McEachern, *Narratives of Nation Media, Memory and Representation in the Making of the New South Africa*. p21.

<sup>209</sup> Edward Bird and Zureida Garda, “Reporting the Truth Commission: Analysis of Media Coverage of the Truth and Reconciliation Commission of South Africa,” *Gazette* 59, no. 4 (1997): 331–43, <https://doi.org/10.1177/0016549297059004006>. p334.

<sup>210</sup> John Allen, “Media Relations and the South African TRC – Riding a Tiger” (New York: International Center for Transitional Justice, 2001). p3.

the hearings.”<sup>211</sup> This was oversimplified and problematic, first, because it disregards the context and experience that each journalist, newsroom, and media conglomerate come with. Second, it cannot be assumed that simply the knowledge of truth is healing; oral historian Sean Field critiques this idealistic assumption, both questioning healing and calling closure a myth in its assumption of restoration.<sup>212</sup> These are issues to be considered in analysing the TRC’s media presence.

Because South Africa was the first country to mediatize a truth commission in this way, journalists had nothing on which to model their approach; most of what was done was developed along the way through trial and error. It also must be remembered that the media itself was in the midst of transformation, a process which was by no means complete at the time. Much of the public was still suspicious of the media, which had been an enabler, if not a more active proponent, of apartheid’s propaganda. Many still assumed that the white owners of media conglomerates were ‘opposed to change’ and that any outward seeming transformation, such as the hiring or promoting of black journalists, was not necessarily indicative of supporting the national interest.<sup>213</sup>

The journalists who were involved in the mediatization of the TRC were quite aware of the significance of the decision in South Africa to allow such prolific media, and particularly television, coverage; Max du Preez, Executive Producer of *Truth Commission Special Report* is quoted as saying, “I had this strong perception that the cameras were seen as the ear of the nation.”<sup>214</sup> Antjie Krog’s *Country of My Skull* looks into her experience as a journalist within the TRC, and describes several poignant moments

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<sup>211</sup> Zubeida Jaffer and Karin Cronjé, *Cameras, Microphones and Pens: Covering South Africa’s TRC* (Cape Town: Institute for Justice and Reconciliation., 2004). p4.

<sup>212</sup> Sean Field, “Oral History and ‘Healing?’,” *The Journal of the Oral History Society* 34, no. 1 (2006): 1–30. p7.

<sup>213</sup> F Kruger and F Krüger, *Black, White and Grey: Ethics in South African Journalism* (Double Storey, 2004), <https://books.google.co.za/books?id=55poOaGXebIC>.

<sup>214</sup> Cited in Cole, “Mediating Testimony: Broadcasting South Africa’s Truth and Reconciliation Commission.” p196.

similar to Du Preez' realization of his own positionality as a journalist and as the producer of a widely watched series on the topic. Krog remembers the commission's radio strategy as multi-pronged and intentional; radio journalists had their own room from which to work at any hearing, translations were provided in real time, and phone lines were installed to ensure immediate coverage. The core reporting group developed "institutional memory" so that they could work quickly and in sync as they picked up thematic genres and silences to present what was happening to audiences in a package they could understand.<sup>215</sup> From the television side, journalist Anneliese Burgess from *Truth Commission Special Report* stated that "there was no real guideline except they kept in mind throughout that they were to tell the overarching story of the TRC and forty years of oppression. They selected stories that illustrated the broad arc of history."<sup>216</sup> However, it may not have been so straightforward; as the TRC progressed, it became apparent that media consumers were far more interested in the perpetrators than victim stories. This was only heightened by the 'needs of the media,' in reference to news values. When an offence was more grievous, it was more likely to be sent to an amnesty hearing and subsequently covered by the media. TRC Human Rights Violations committee member Hugh Lewin said that this often caused the media to "lose sight of the system and the real perpetrators who controlled it,"<sup>217</sup> instead focusing on the middlemen and foot soldiers that met news value requirements but were less elucidating in terms of the violence within apartheid as a whole. This critique is applicable to the media, of course, but is reflective of the larger issue in the TRC design in which higher ranking perpetrators and politicians were not addressed.

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<sup>215</sup> Antjie Krog, "Manipulator or Human Rights Facilitator?," *Nieman Reports*, December 4, 2009, <https://niemanreports.org/articles/manipulator-or-human-rights-facilitator/>.

<sup>216</sup> Jaffer and Cronjé, *Cameras, Microphones and Pens: Covering South Africa's TRC*. p15.

<sup>217</sup> Hugh Lewin, "Reporting Truth and Reconciliation Politics and Promises- the Media," *Institute for the Advancement of Journalism*, October 27, 2000, [www.iaj.org.za/online\\_hub/news3\\_1.htm](http://www.iaj.org.za/online_hub/news3_1.htm). As cited in Jaffer and Cronjé, *Cameras, Microphones and Pens: Covering South Africa's TRC*. p30.

John Allen recalls that a senior producer from BBC Television in Britain had been called upon for his experience filming in courts, and “drew up guidelines on how to place and use cameras so that they did not intrude on the hearings.”<sup>218</sup> The configuration of television involvement was constrained to two cameras in each hearing room, which were placed at a distance “so as not to intimidate those testifying.”<sup>219</sup> Similar to radio journalists, television journalists were also in their own media room so as not to affect the hearings with their presence.<sup>220</sup> These factors meant there was limited material to be used within *Special Report*, and many of the key moments would have already been shown on daily news, before the weekly show aired. This prompted the *Special Report* journalists’ creative approach in telling the stories, adopting some aspects of a documentary format. This included going further to either re-interview the subject or provide additional interviews with people such as family members and adding in news media coverage of the incident when it occurred. At times, this meant finding the corresponding victim to perpetrator to juxtapose the story, because the testimonies were not told vis-à-vis as in a courtroom, but rather in independent amnesty or human rights violation hearings. Despite the challenges, the TRC was geared towards assisting the journalists. There was a specific media liaison officer whose role was to provide additional information to journalists, including transcripts, contact information for those testifying, and names of people in the audience.<sup>221</sup> However, once the hearings had commenced, the media liaison apparently became redundant beyond communicating dates and venues because the media had ubiquitously decided that anything TRC related was newsworthy.<sup>222</sup>

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<sup>218</sup> John Allen, “Media Relations and the South African TRC – Riding a Tiger.” p4.

<sup>219</sup> Jaffer and Cronjé, *Cameras, Microphones and Pens: Covering South Africa’s TRC*. p15.

<sup>220</sup> Jaffer and Cronjé. p16.

<sup>221</sup> Jaffer and Cronjé. p16.

<sup>222</sup> Evans, “Televising South Africa’s Truth and Reconciliation Commission: What Liveness Tells Us about the Commission; What the Commission Tells Us about Liveness.” p6.

## Interactions of filmed media and legal proceedings

Although much of the discourse surrounding the TRC is about finding the truth as a path to reconciliation, it was, as political scholar Andre du Toit put it, a quasi-legal process. A legal framework was followed but without the same legal consequences.<sup>223</sup> Because this research is as much about the process as it is the outcome, consideration of legal theory will assist in understanding the interaction between television broadcast and perpetrator testimony. The Amnesty Committee's hearings were conducted similarly to a courtroom procedure, except that the question at hand was not whether the crime was committed, but whether it met the criterion in order to receive amnesty and avoid prosecution. At these hearings, "legal processes such as cross-examinations were used, and legal terminology was routinely employed, e.g. cases, witnesses, findings, evidence and subpoenas."<sup>224</sup> Additionally, the Amnesty Committee was made up entirely of lawyers and judges. "Given the fact that its role was largely adjudicative, the Committee remained convinced that the legal training of its members rendered them better equipped to perform this adjudicative function," the function being to carry out the criteria-based amnesty process, which would have legal and potentially punitive consequences for the applicants who did not meet said criteria.<sup>225</sup> In order to address amnesty hearings as first and foremost (or at least akin to) a legal procedure, it is imperative to discuss the ethics and implications of filming testimony in the trial setting.

The topic of filming in courtrooms starts at the most basic level of what is in the best interest of both the victim and the defendant. In early discussions, such as in 1965 United States Supreme Court case

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<sup>223</sup> Andre Du Toit, "Perpetrator Findings as Artificial Even-Handedness: The TRC's Contested Judgements of Moral and Political Accountability for Gross Human Rights Violations.," *An Imperfect Past*, 1999.

<sup>224</sup> Lawyers Conflict and Transition, *Lawyers & Truth Recovery Mechanisms in South Africa* (Swindon: Economic & Social Research Council, 2016).

<sup>225</sup> Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Final Report Vol. 6*.

*Estes v. Texas*,<sup>226</sup> it was asserted that a television broadcast of court proceedings may interfere with a defendant's due process rights.<sup>227</sup> As Marjorie Cohn and David Dow state in a later study on the influence of televising judicial proceedings, though the camera is meant to be an "unobtrusive eye in the courtroom so the public can watch... the eye itself becomes a presence affecting the proceeding."<sup>228</sup> Additionally, concern for the victim's privacy and right to be treated with fairness and dignity has been maintained as reason to deny camera access to courtrooms, as a television broadcast of the criminal proceedings could be "uniquely invasive."<sup>229</sup> Authenticity or genuineness within testimony is already an issue to grapple with in justice processes; this question is amplified and made much more complex by the presence of cameras. There have been some studies on this relationship, though all have been in a courtroom context. Hoyt (1977) conducted a study to find how subjects were affected by the knowledge that they were being televised. The subjects were asked to watch a short film and answer questions about it, and did so either without a camera, with a camera, or with a camera behind a one-way mirror; these were the control, obtrusive, and unobtrusive groups, respectively. Hoyt's study found that the subjects in the obtrusive group, with the camera clearly present, answered the questions about the film most accurately.<sup>230</sup> However, this cannot speak to camera presence specifically without having had another group with further types of media coverage.<sup>231</sup> Borgida, DeBono, and Buckman (1990) also conducted a study on the effects of cameras in the courtroom; it was multi-faceted in examining the effects of media on both witnesses and juror.

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<sup>226</sup> *Estes v. Texas*, 381 U.S. 532 (1965).

<sup>227</sup> Meg Garvin and Sarah LeClair, "Visual Impact: Cameras in the Courtroom and Their Impact on Victims' Rights," *Victim Law Bulletin* 532, no. March (2007): 1–9, <http://law.lclark.edu/live/files/13797-nvclipvvictims-rights-enforcement-as-a-tool-to>.

<sup>228</sup> Marjorie Cohn and David Dow, *Cameras in the Courtroom: Television and the Pursuit of Justice* (Lanham: Rowman & Littlefield Publishers, Inc., 2002).p27.

<sup>229</sup> Garvin and LeClair, "Visual Impact: Cameras in the Courtroom and Their Impact on Victims' Rights."

<sup>230</sup> James L. Hoyt, "Courtroom Coverage: The Effects of Being Televised," *Journal of Broadcasting*, 2011, <https://doi.org/10.1080/08838157709363857>.

<sup>231</sup> Susanna Barber, *News Cameras in the Courtroom: A Free Press-Fair Trial Debate* (Norwood, NJ: Ablex, 1987).

However, only the witness aspects are helpful to our question of testimony. They examined attitudes towards the presence of a camera (electronic media coverage, or EMC) and the presence of traditional media, for example, a print journalist or courtroom sketch artist (conventional media coverage, or CMC); the levels of nervousness and distraction that were reported; and accuracy in recall ability. The results showed that witnesses felt more favourably towards EMC than CMC, that participants felt no more nervous in front of EMC than in front of either CMC or no media; and lastly, that participants were rather more concerned with the jury. However, witnesses in the EMC group reported being more distracted, nervous, and aware of the media than those in the CMC. In terms of accuracy, each type of media elicited the same levels of correctness, though the EMC group took less prompting to reach their answer. The study found that despite the subjects' perceived effects of cameras, their testimony did not seem to actually be influenced.<sup>232</sup> Though these studies may indicate the influence of cameras within a TRC-like setting, they cannot speak to perpetrator testimony specifically, because these testimonies were not that of a traditional witness but rather a confession that dictated whether the narrator received amnesty. Perpetrator testimony is more layered, and thus difficult to disentangle, because there is something at stake both in the questions of amnesty but also how the perpetrator would then be received by their community and the nation. Despite the murkiness of understanding around the influence of camera presence on perpetrator testimony, these questions are helpful in that they dispel the assumption within positivist historical approaches that says 'authenticity belongs to the present,'<sup>233</sup> problematized by Trouillot and providing an already critical lens to what the TRC broadcast-turned-archive means within the canon of history. Genocide scholar Noah Shenker provides another critical lens in his work on holocaust testimony, casting doubt on the epistemological

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<sup>232</sup> Eugene Borgida, Kenneth G. DeBono, and Lee A. Buckman, "Cameras in the Courtroom - The Effects of Media Coverage on Witness Testimony and Juror Perceptions," *Law and Human Behavior*, 1990, <https://doi.org/10.1007/BF01044224>.

<sup>233</sup> Trouillot, *Silencing the Past: Power and the Production of History*. p151.

weight of camera recordings for history via an unpacking of the institutions which shape testimony production.<sup>234</sup>

In South Africa, the interactions of film coverage and procedures of justice continue to be topical, as a June 21, 2017, ruling stated that broadcasting is necessary due to the constitution's call for open justice and freedom of expression, which refers not only to the right to speak, but also the right to receive information. The constitution states that the public is entitled to have access to the courts and to obtain information pertaining to them.<sup>235</sup> The 2017 ruling stated that the public therefore should have access to these proceedings through broadcast unless it can be demonstrated that it will almost certainly affect the defendant's right to a fair trial.<sup>236</sup> The idea of open justice posits that "justice should not only be done, but should manifestly and undoubtedly be seen to be done."<sup>237</sup> The ruling, at its most reduced form, says that combining the notion of open justice with the context of modern technology calls for camera access. This is not only relevant in terms of cameras in the courtroom, but in terms of transparency for all justice processes. This holds particular consequence when that justice process is a part of a transition to democracy and is a hinge on which the new society will function in positive peace or not. This ruling indicates the TRC's legacy within contemporary South Africa's understanding to the interactions of media and justice.

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<sup>234</sup> Noah Shenker, *Reframing Holocaust Testimony*, *Reframing Holocaust Testimony*, 2015.

<sup>235</sup> Parliament of the Republic of South Africa, "The Constitution of the Republic of South Africa," Government Gazette § (1996), <https://doi.org/10.1016/j.trstmh.2008.07.002>.

<sup>236</sup> "The NDPP v Media 24 Limited & Others and HC Van Breda v Media 24 Limited & Others (425/2017) ZASCA 97 (21 June 2017)" (2017), <http://www.saflii.org/za/cases/ZASCA/2017/97.html>.

<sup>237</sup> R v Sussex Justices and Ex parte McCarthy, "1 KB 256; [1923] All ER 233 at 259 per Lord Hewart CJ, as Cited in Van Der Walt v Metcash Trading Limited [2002] ZACC 4; 2002 (4) SA 317; 2002 (5) BCLR 454.," 1924.

### *A “moral regime of remembrance”: Legacies of the TRC*

Although the processes of transformation in South Africa were multifaceted, the mechanism which is most remembered is the TRC (partially due to the media coverage it received), of which the structures, processes, and shortcomings will be later explored. From these processes, a seven-volume report was produced by the commissioners and handed to the new government; these reports summarized all the happenings within each of the committees and provided recommendations for moving forward. Professor of philosophy Daniel Herwitz calls the TRC “a moral regime of remembrance” within a larger context of “a demand for human rights instituted by force of law.”<sup>238</sup> Whether this was successful or not is up for debate, particularly considering the directives put forth by the commission which would have ostensibly allowed a continuation of the work it had started. In 1999, the TRC recommended 300 cases for prosecution to the National Prosecuting Authority (NPA), an already seemingly low number compared to the 22,000 identified victims of gross human rights violations. The NPA did little to move forward with these prosecutions.<sup>239</sup> Additionally, because the framework only investigated politically motivated gross human rights violations, many apartheid-era crimes, particularly institutional and structural violence and the everyday infringement on human rights, were overlooked. This meant that much of the violence that characterized apartheid remained embedded in society. Since 2016, the World Bank has ranked South Africa as the most unequal country in the world; “previously disadvantaged South Africans hold fewer assets, have fewer skills, earn lower wages, and are still more likely to be unemployed,” while the white minority continues to hold much

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<sup>238</sup> Daniel Herwitz, “The Future of the Past in South Africa: On the Legacy of the TRC,” *Social Research*, 2005. p545.

<sup>239</sup> The first to be tried was Wouter Basson, known as “Dr Death.” He was brought to trial in 1999 with over sixty different charges against him, but he was acquitted in 2002 because his crimes were committed outside of South African borders. In 2007, former Minister of Law and Order Adrian Vlok, along with former police commissioner Johannes van der Merwe, were convicted of the attempted murder of Frank Chikane, but their ten-year sentences were suspended, commuting their prison time. Only recently have civil society organizations become more vocal in advocating to re-open further cases.

of the country's wealth and power.<sup>240</sup> However, the social realities of South Africa today must not prompt total disregard for the TRC; Eleanor du Plooy of the Ashley Kriel Youth Desk at the Institute for Justice and Reconciliation reflects,

The majority of the parent generation, and those who lived through the years of the commission, still recognise why such a process was important at that historical point. Many understand why certain compromises, however difficult, needed to be made to facilitate a peaceful transition and the choice to build a new democracy on a foundation of reconciliation rather than retribution.

Herwitz also notes that although “political economy may define the material possibilities for human rights,” it “cannot produce justice without these lessons of public memory, continually relearned,” arguing that this is perhaps the most enduring legacy of the TRC today.<sup>241</sup>

This provides the backdrop for this research; it is necessary contextualization to help unravel the intricacies of perpetrator media portrayal and its influence after conflict. The actions that each perpetrator testified about at the TRC are informed by centuries of identity-forming politics and individual lived realities; the media portrayals of perpetrators are informed by the media producers, the media conglomerate, and the rhetoric and intent around the media output; and the layers of the perpetrators' experience and memory of the experience of appearing on TRC-focused media is informed by the political realities of today and how that influences their daily lives.

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<sup>240</sup> The World Bank, “Overcoming Poverty and Inequality in South Africa: An Assessment of Drivers, Constraints and Opportunities” (Washington DC, 2018), <http://documents.worldbank.org/curated/en/530481521735906534/pdf/124521-REV-OUO-South-Africa-Poverty-and-Inequality-Assessment-Report-2018-FINAL-WEB.pdf>; as cited in Katy Scott, “South Africa Is the World's Most Unequal Country. 25 Years of Freedom Have Failed to Bridge the Divide,” *CNN*, May 10, 2019, <https://edition.cnn.com/2019/05/07/africa/south-africa-elections-inequality-intl/index.html>.

<sup>241</sup> Herwitz, “The Future of the Past in South Africa: On the Legacy of the TRC.” p546.

## Literature Review

A framework of existing scholarly literature and media will act as a basis to conceptualize the connection between the representation of perpetrators in *Truth Commission Special Report* with transitional justice mechanisms. These connections are formed on an interdisciplinary textual analysis with reference not only to South Africa's TRC, but also to global examples of media and truth in transition, other TRC-focused media, and theories regarding perpetratorship. There is a clear interest in perpetrators who appeared before the TRC, an assumption gleaned from the creation of multiple documentaries such as *A Long Night's Journey into Day*, *Prime Evil*, and *Between Joyce and Remembrance*, and plays such as "Ubu and the Truth Commission." Perpetrators became the subjects of books such as Jeremy Gordin's *A Long Night's Damage: Working for the Apartheid State* (1998), Pumla Godobo-Madikizela's *A Human Being Died That Night* (2003) which is now also a play, Anemari Jansen's *Eugene De Kock: Assassin for the State* (2015), all three of which cover assassin Eugene De Kock. Jonathan Ancer wrote *SPY: Uncovering Craig Williamson* (2017); there is Jacob Dlamini's *Askari: a Story of Collaboration and Betrayal in the Anti-Apartheid Struggle* (2014); immense interest exists around Winnie Madikizela-Mandela, whose biographies include *Truth, Lies and Alibis: A Winnie Mandela Story* (2018) by Fred Bridgland, *Winnie Mandela: A Life* by Anne Marie Du Preez Bezdrob (2005), Emma Gilbey's *The Lady: The Life and Times of Winnie Mandela* (1993), and Sisonke Msimang's *The Resurrection of Winnie Mandela* (2018).

Despite the plethora of varied media and clear interest in perpetrators, there are still few academic studies that disentangle the connections between perpetrator-focused medias and the process of transitional justice itself, much less in the South African context. This is unexpected per Verdoolaege's

assertion that TRC-focused media tended to focus more on perpetrators than on victims,<sup>1</sup> and yet important to understand because “the way in which media represents information, events, and TJ mechanisms can either promote or hinder reconciliation and justice processes.”<sup>2</sup> The literature review will provide an interdisciplinary landscape in which to ground the content analysis of *Truth Commission Special Report* and the related interviews with the broadcast’s subjects and creators.

## Media & transitional justice

### An untapped resource: Studies on filmed media portrayal of perpetrators at the TRC

One of the most notable academic overviews on popular media representations of perpetrators in the TRC comes from Don Foster, Paul Haupt, and Maresa De Beer’s chapter in the 2005 book *Theatres of Violence*. The authors identify categories of representations, claiming that perpetrators are depicted as either religious, good and kind, victims, obedient servants, mad (as in psychotic), fearless and to be feared, evil, cruel and brutal, or as monsters.<sup>3</sup> That said, *Theatres of Violence* does not address how these representations influence perpetrators or audience’s experience or perceptions of the transitional processes that these representations sit within; rather it outlines how media allows viewers to either distance themselves from the identified perpetrators or justify perpetrator’s actions.<sup>4</sup> However, the categories of perpetrators they identify will be used in this study’s examination of the narrative that *Truth Commission Special Report* constructs, and how that influences the perpetrator’s experience of that interaction with the media.

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<sup>1</sup> Verdoolaege, “Media Representations of the South African Truth and Reconciliation Commission and Their Commitment to Reconciliation.”

<sup>2</sup> Julia Viebach et al., *Innovative Media for Change: Opportunities and Challenges of Media Collaboration in Transitional Justice* (Oxford: Oxford Transitional Justice Research/Centre for Criminology, 2016). p40.

<sup>3</sup> Foster, “Popular Representations of Perpetrators,” 2005.

<sup>4</sup> Foster. p52.

Ron Krabill briefly mentions perpetrator representation as it appears in the *Truth Commission Special Report* broadcast in “Symbiosis: mass media and the Truth and Reconciliation Commission of South Africa.” Krabill points out the use of the type of storytelling which television favours; the “televisuality” of the TRC lends itself to the reductionist binary of victim/perpetrator. Krabill states that “the unattractive appearance of perpetrators from the security apparatus like Hermanus du Plessis, Nic van Rensburg and Jeffrey Benzien, as seen on *Truth Commission Special Report*, are ideal for the villain role.”<sup>5</sup> Like Foster, Haupt and DeBeer, Krabill identifies how these representations allow viewers to dissociate and separate from concepts of culpability, which he (perhaps rightly) calls the media’s greatest weakness. This is an important consideration for this study because despite the need to understand the terrible nature of the crimes at hand, part of media’s potential in assisting transitional justice processes lies in its ability to prompt wider, and at times, more personal reflection.

For the purposes of this research, Therese Abrahamsen and Hugo van der Merwe’s study on the perspective of amnesty applicants is again important for its brief reference to their respondent’s feelings on the media coverage that they received. Most of the respondents were not high-profile cases, so they received little coverage. They stated that few of her respondents found issue with how they were covered, but that there was correlation between respondents’ dissatisfaction with their treatment by the TRC in general and their experience of their media portrayals. Abrahamsen and Van der Merwe outline this with a quote from a respondent who states that he was treated as a criminal because he was black, and that white amnesty applicants were treated more as human beings. This was clearly a comment within a larger landscape of experience but will be an interesting point of comparison for the content analysis within this research of *Truth Commission Special Report* in

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<sup>5</sup> Krabill, “Symbiosis: Mass Media and the Truth and Reconciliation Commission of South Africa.”

conjunction with interviews. One of the conclusions drawn is that part of the reintegration of perpetrators is considering the challenge of the attention given to them by “an often hostile press that has labelled them [perpetrators] as killers.”<sup>6</sup> That said, the final conclusion was that “the potential contribution of perpetrators and former combatants to reconciliation and transformation is almost completely untapped,” and the authors found that perpetrators often demonstrate a strong desire to contribute to the transformed society.<sup>7</sup> This finding predicated the motivation for this study’s attempt to understand perpetrator representation, particularly as societies and processes of transformation are continually mediatized to higher degrees.

Much of the academic work that has been done on TRC perpetrator-focused media has engaged with creative (often fictional, or in part, fictionalized) representations of these types of characters, with less attention to the real-time news and documentary coverage of the commission. One such study is “Amnesty and Amnesia: The Truth and Reconciliation Commission in Narrative Film”, Martha Evans’ 2007 analysis of the TRC-focused perpetrator representation. She summarizes the importance of this type of work:

Truth commissions often have effects beyond their objectives, and while it is still perhaps too early to measure these, the films’ retrospective gaze speculates about what they might be. In addition, as with all historical narratives, they comment, through history, on the present.<sup>8</sup>

Evans explores TRC-focused narrative films such as *Forgiveness*, *Red Dust*, and *In My Country*. Her assessment of perpetrators in *Red Dust* is of particular interest; although fictional, the film’s narrative draws much on the trial of Jeffrey Benzien, questioning the concept of amnesty as opposed to

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<sup>6</sup> Therese Abrahamsen and Hugo van der Merwe, “Reconciliation through Amnesty? Amnesty Applicants’ Views of the South African Truth and Reconciliation Commission” (Cape Town: Centre for the Study of Violence and Reconciliation, 2005), <http://www.csvr.org.za/docs/trc/reconciliationthroughamnesty.pdf>. p23-24.

<sup>7</sup> Abrahamsen and van der Merwe. p24.

<sup>8</sup> Martha Evans, “Amnesty and Amnesia: The Truth and Reconciliation Commission in Narrative Film,” in *Marginal Lives & Painful Pasts: South African Cinema after Apartheid*, ed. M Botha, 2007, 255. p3.

upholding forgiveness as the ultimate goal. Evans posits that the portrayal of Dirk Hendricks, the fictional perpetrator in *Red Dust*, encompasses the contradictory nature of perpetratorship through an apology of “negation, blame, confession, and justification,” as well as explores the victim-perpetrator relationship “effectively,” though without fulfilling a moral responsibility that has come to be expected of TRC films.<sup>9</sup> She also identifies the use of *impipi* (alleged police informer) as a recurrent perpetrator representation in all three films that she examines, stating that this is a helpful character to filmmakers, as it provides a ready-made package of victim and perpetrator in one.<sup>10</sup> This character rejects the notion that being a victim and being perpetrator are binary and mutually exclusive; the same can be said about the similar askari character, a liberation movement cadre (usually ANC) who joined the police force (usually as a result of capture and torture). However, Evans finds that often, this character trope is too simplified or lacks context. Though the *impipi* and askari are attempts at breaking down binarisms, it seems that films have not yet found real success in this.

Lesley Marx also examines the creative sphere of TRC perpetrator representation in the 2007 article “Cinema, Glamour, Atrocity: Narratives of Trauma Framing”, partly through a comparison of Mark Kaplan’s documentary films focused on the murder of student activist Siphiso Mtimkulu. Although the narratives being shaped in each of the documentaries, *Where Truth Lies* and *Between Joyce and Remembrance*, are focused much on Siphiso and his family, they also involve Gideon Nieuwoudt, a security policeman involved with the murder along with several other apartheid crimes.<sup>11</sup> In *Where Truth Lies*, the filmic narrative builds first with a dramatization of the murder, a conversation with Siphiso’s mother, and then comes to a head when viewers are introduced to Nieuwoudt. He speaks

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<sup>9</sup> Evans. p12.

<sup>10</sup> Evans. p23.

<sup>11</sup> Lesley Marx, “Cinema, Glamour, Atrocity?: Narratives of Trauma Framing the Problem: Realism and Reality,” *Social Dynamics* 32, no. 2 (2006): 22–49, <https://www.tandfonline.com/doi/pdf/10.1080/02533950608628726?needAccess=true>. p29.

of his nickname, “notorious Nieuwoudt,” and comes across as untouched by the stories of horror he is telling, as he stands in the place where the murder was committed. The pride that comes across as he speaks, interwoven with dramatizations of the torture that Siphiwo endured, certainly paints a particular picture which “generate[s] unequivocal loathing for the perpetrator and empathy for his victims, even in their own moment of violence,” referring to the moment in the film that Siphiwo’s son smashes a vase over Nieuwoudt’s head. Marx calls this moment the “exorcism” of the perpetrator, allowing subjects to give in to the desire for retribution, providing viewers the same release by extension. This contrasts with what the TRC’s general aim of reconciliation partially through amnesty; in this way, filmic narratives can provide the so-called exorcism of the perpetrator, whether fiction or documentary, in a way that neither the TRC nor the media at the time rarely did. This may act as a psychological release that victim-viewers desire or even need.

This research addresses the lack of academic discourse on TRC perpetrator representation in news documentary broadcast (as opposed to fictional film representations, or a more creative approach to documentary), and how that interacts with the processes of transitional justice on both individual and wider levels. The case study on *Truth Commission Special Report* is situated within a framework of transitional justice and perpetrator studies, greatly expanding on the work done by scholars such as Abrahamsen and Van der Merwe and Marleen Ramsey.

### The shadow commission: Analyses of the media coverage at the TRC

There have been several in-depth studies on TRC-focused media in a more generalized sense. Edward Bird provided an analysis of the media coverage of the TRC as it was unfolding in 1997. He found that before the hearings began, the media played a positive role by educating readers, listeners, and viewers about the TRC’s aims and functions, and provided contact information for submissions. Once

the hearings began, he found the media involvement in the TRC to be less straightforwardly positive. The positive contributions that he cited included investigation of human rights abuses and providing (limited) space for victims to share their experiences. Bird's critiques were much higher in quantity; he found that media "depoliticized the past," and allowed perpetrators to dominate coverage while often being portrayed as victims or pawns.<sup>12</sup> However, he ventured to say that *Truth Commission Special Report* largely circumvented these issues, and that as a whole, it "demonstrat[ed] how effective and efficient TV... can be in South Africa"<sup>13</sup> in its efforts to contextualize testimony and provide greater understanding, its provision of space for victims and survivors to speak in depth about their experiences, and its endeavours to showcase the brutality of the system.<sup>14</sup> According to Bird, at least during the first half of its broadcast life, *Truth Commission Special Report* went beyond the more traditional characterizations of perpetrators either as victims of a system (which he cites as being due to poor contextualization)<sup>15</sup> or 'bad apples,' as former Minister of Defence Magnus Malan had dubbed those who committed acts of violence.<sup>16</sup> He states that up until that point, much of the media seemed to (somewhat blindly) promote the concept that the TRC was the backbone of reconciliation, and that its conclusion would also provide closure for the issues that manifested through apartheid.<sup>17</sup> This was certainly not the continued narrative around the TRC, not in the media nor in general discourse. As it developed and in retrospect, the media narrative certainly shifted, as has scholarship around it, per the critiques previously discussed.

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<sup>12</sup> Bird and Garda, "Reporting the Truth Commission: Analysis of Media Coverage of the Truth and Reconciliation Commission of South Africa." p336.

<sup>13</sup> Bird and Garda. p337.

<sup>14</sup> Bird and Garda.

<sup>15</sup> Bird and Garda.

<sup>16</sup> As Malan stated during his questioning by the TRC in October 1997.

<sup>17</sup> Bird and Garda, "Reporting the Truth Commission: Analysis of Media Coverage of the Truth and Reconciliation Commission of South Africa."

Ron Krabill calls the relationship between the TRC and the media a “symbiosis;” broadcast media in particular was able to discard constraints of time and space to involve the entire nation in the TRC, and not just those that could attend in person.<sup>18</sup> The TRC had been established with emphasis on the aspect of public engagement, “yet without television and radio, the TRC’s national reach would have been a tiny fraction of what it eventually achieved.”<sup>19</sup> This brought a new dimension to the conceptualization of media events in that it was a time-based event witnessed in person, but also had people witnessing from a distance via television and radio. Dayan and Katz’s earlier assessment of media events argues that this distance places more emphasis on “the rhetoric of narrative” than the contact that happens when viewing a live, in-person performance.<sup>20</sup> This also meant there was more opportunity for the creation of intentional narrative (as opposed to the unpredictability of in-person events) that could work to support the reconciliatory aims of the commission. Media provided a viable platform for nation-building and the creation of this reconciliatory narrative. It is partially this redemptive package, and the accessibility that people had to the TRC through media, that engenders Krabill along with scholars such as Cole<sup>21</sup> and McEachern<sup>22</sup> to label coverage of the TRC as a media event, which was “extended and hybridized.”<sup>23</sup> Some scholars also cite it as a media event due to its historic significance and ability to draw in large audiences through its seemingly mandatory nature to view, all of which are characteristics listed by Dayan and Katz as necessary for something to be defined as such.<sup>24</sup> By way of it being dubbed a media event, the TRC has also been called a performance;

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<sup>18</sup> Krabill, “Symbiosis: Mass Media and the Truth and Reconciliation Commission of South Africa.”

<sup>19</sup> Cole, “Mediating Testimony: Broadcasting South Africa’s Truth and Reconciliation Commission.”

<sup>20</sup> Daniel Dayan and Elihu Katz, *Media Events* (Cambridge: Harvard University Press, 1992).

<sup>21</sup> Cole, “Mediating Testimony: Broadcasting South Africa’s Truth and Reconciliation Commission.”

<sup>22</sup> McEachern, *Narratives of Nation Media, Memory and Representation in the Making of the New South Africa*; Charmaine McEachern, “The Truth and Reconciliation Commission: Brokering a Healing History,” in *Advances in Communications and Media Research*, ed. WH Miller (New York: Nova Publishers, 2007), 129–150.

<sup>23</sup> Evans, “Televising South Africa’s Truth and Reconciliation Commission: What Liveness Tells Us about the Commission; What the Commission Tells Us about Liveness.” p705.

<sup>24</sup> Dayan and Katz, *Media Events*.

television broadcast allowed for a form of visual signification that does not come across in print or radio. Audiences were able to see facial expressions and to watch both the narrator and the reactions of the in-person audience and assess for themselves what to believe. This all added to the performative nature of the commission, but also to the general consumption of it as such.<sup>25</sup> It is the emphasis on the “rhetoric of narrative” within media coverage<sup>26</sup> that sustains even after the event. It becomes the symbol, myth, and spectacle that is then remembered;<sup>27</sup> within transitional contexts, the theatricalization of power provides legitimacy to transitioning systems,<sup>28</sup> lending itself to the TRC’s intention of nation-building. Cole takes this into account as she provides an analysis of *Truth Commission Special Report* in how it shaped the TRC experience for audiences, which is essentially a foil to the central question of this study in its examination of the experience of media subjects.

Martha Evans argues otherwise, contending that broadcasts covering the TRC did not, in fact, constitute a media event. She bases this on Dayan and Katz’s statement that “even when these programmes address conflict, as they do, they celebrate not conflict but reconciliation”; they are broadcasts that ‘integrate societies in a collective heartbeat.’<sup>29</sup> Evans questions the idea that broadcast media had these celebratory moments of the TRC, insinuating that at times, the reconciliatory discourse was more constructive than reflective in its attempt to construct a unified nation, when in reality divisions remained deep throughout the transitional processes and the TRC. The lack of liveness of the broadcasts also dismantles the idea of the TRC as a media event per Dayan and Katz’s definition; Evans frames this as a positive, stating that transitional justice mechanisms do not lend

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<sup>25</sup> Cole, “Mediating Testimony: Broadcasting South Africa’s Truth and Reconciliation Commission.”

<sup>26</sup> Dayan and Katz, *Media Events*, p218.

<sup>27</sup> Ebrahim Moosa, “Truth and Reconciliation as Performance: Spectres of Eucharistic Redemption,” in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, ed. Villa-Vicencio Charles and Wilhelm Verwoerd (Cape Town: University of Cape Town Press, 2000), 113–22.

<sup>28</sup> Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*. p20.

<sup>29</sup> Dayan and Katz, *Media Events*. p9

themselves to live broadcast due to their unpredictability, and to utilize live broadcast “risk[s] mythologizing certain moments at the expense of others.”<sup>30</sup> This seems to tie into Moosa’s idea above (which had been used as support for the argument that it is, in fact, a media event), stating that the performative narrative is what becomes the memorable myth in the afterlife of the commission.<sup>31</sup> The critical awareness of the possibility to mythologize moments (or people) that exemplified the TRC’s idealistic ideation of reconciliation is essential as this study considers what it means to present complex perpetrator narratives. Brian McNair’s analysis of technology and media involvement in transitional justice procedures certainly reinforces Evans’s assertion, if we are to define an event by its liveness; McNair argues that there are dangers of NICTs (New Information and Communication Technologies) in the push for greater coverage; he states that the proliferation of raw material, especially in times of crisis, does not allow governments “control, confidentiality, and coolness” in their responses to issues as they develop. He also claims that the immediacy of transmissions such as live broadcast, combined with the focus on terrible things, creates not empathy but apathy,<sup>32</sup> a concerning possibility when the goal of the content is reconciliation.

Annelies Verdoolaege’s earlier assessment of *Truth Commission Special Report* is less critical than Evans’s; while Verdoolaege does point out bias, shortcomings, and a tendency for sensationalism, she argues that, overall, the broadcast of the TRC did in fact contribute to reconciliation in South Africa because of its reconciliation-oriented discourse.<sup>33</sup> She goes so far as to say that “the success and prestige of the Truth and Reconciliation Commission of South Africa can largely be attributed to the media

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<sup>30</sup> Evans, “Televising South Africa’s Truth and Reconciliation Commission: What Liveness Tells Us about the Commission; What the Commission Tells Us about Liveness.” p718.

<sup>31</sup> Moosa, “Truth and Reconciliation as Performance: Spectres of Eucharistic Redemption.”

<sup>32</sup> Brian McNair, “Technology and the Media,” in *The Media: An Introduction*, ed. A Briggs and P Coblet (Essex: Pearson Education Limited, 1998).

<sup>33</sup> Verdoolaege, “Media Representations of the South African Truth and Reconciliation Commission and Their Commitment to Reconciliation.”

attention.”<sup>34</sup> Media and power are directly intertwined, and from this perspective, the reconciliation discourse is both expressing and influencing social meanings in interactional contexts; in the case of *Truth Commission Special Report*, this was highly political in how it both reflected and set out to shape social identities and relations.<sup>35</sup> Verdoolaege identifies the Foucauldian language-power relationship in media, a line of analysis she continues in later work on media and the TRC. This is an interesting grounding for her identification of the media’s tendency, which she calls sensationalist, to focus more on perpetrators than victims.<sup>36</sup> This also brings forth the question of how that focus may have influenced the semiotics around each group, a question which she acknowledges that she does not delve into.<sup>37</sup> That said, she claims that *Truth Commission Special Report* represents the TRC relatively objectively.<sup>38</sup> She supports this by citing the contextualization that the programme gives in terms of apartheid history and outside interviews as a balance to the truths that are revealed in the actual hearings, and the “even-handedness” in showing both reconciliatory narratives as well as the views of those who do not want to reconcile. She also identifies the diversification of images across the political spectrum, for example, dismantling the idea that all victims were black and all perpetrators were white, and showing perpetrators that were remorseful and others who took no responsibility.<sup>39</sup>

In her discussion of media coverage of the TRC, Catherine Cole lauds *Truth Commission Special Report* for its high levels of contextualization and analysis; she argues that the show “walked a fine line between journalism and participation, between reporting the event and propagating it.” The series’ motto was “the stories behind the stories.”<sup>40</sup> Although the intent was to provide news of the

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<sup>34</sup> Verdoolaege. p181.

<sup>35</sup> Verdoolaege.

<sup>36</sup> Verdoolaege. p188.

<sup>37</sup> Verdoolaege. p184.

<sup>38</sup> Verdoolaege. p191.

<sup>39</sup> Verdoolaege. p195.

<sup>40</sup> Cole, “Mediating Testimony: Broadcasting South Africa’s Truth and Reconciliation Commission.” p205.

commission, Cole estimates only twenty percent of the broadcast was made up of footage from the hearings.<sup>41</sup> The other eighty percent was further investigation by *Special Report* itself. In this, the media became what Cole calls the “second shadow commission,” and thus raises a debate on the roles of journalists, such as “what their contribution to nation building should be, and how this could impact on their role as objective reporters.”<sup>42</sup> This will be an interesting consideration within the discussion of this study where the content analysis and interviews intersect, determining what kind of narrative was put forth, and elucidating where the *Special Report* journalists fell within this debate in a way which might explain why.

## The TRC archive

Verdoolaege’s later work includes a chapter on what she refers to as ‘the TRC archive’ found in *Representations of Peace and Conflict*; she uses the term archive in reference to all TRC-related materials. This includes the Interim and Final Reports; the TRC website and its enclosed documents from the commission, such as written victim statements, transcripts from workshops and hearings, and reflections by the research team; all of the audio-visual material; and, a vast amount of secondary material. This chapter is seminal in the exploration of the filmed media coverage of truth mechanisms in terms of film as an archive not just in the material sense, but also in the Foucauldian one, her analysis of which is relevant to the agentic aspects of giving testimony. Identifying that the TRC presented itself as an institutional representation of the nation, Verdoolaege postulates that it has been not only a founding process and document on which the new nation was created, but also a way which the past was constructed.<sup>43</sup> Although the TRC claimed (perhaps problematically, according to much

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<sup>41</sup> Cole. p207.

<sup>42</sup> Jaffer and Cronjé, *Cameras, Microphones and Pens: Covering South Africa’s TRC*.

<sup>43</sup> Annelies Verdoolaege, “Representing Apartheid Trauma: The Archive of the Truth and Reconciliation Commission Victim Hearings,” in *Representations of Peace and Conflict*, ed. S Gibson and S Mollan (London: Palgrave MacMillan, 2012), 285–305.

of the current oral history scholarship<sup>44</sup>) that the process could provide “the validation of the individual subjective experiences of people who had previously been silenced or voiceless,”<sup>45</sup> it also must be recognized that it had the power to decide what can- and eventually will be- forgotten or destroyed.<sup>46</sup> These processes are enhanced and repeated throughout time. The archive itself holds the original audio-visual recordings of the Commission, recorded by SABC and still available through the broadcast corporation or the National Archive in Pretoria; the next layer, and materials that were likely consumed at a much higher level than the recordings in liveness or totality is the secondary audio-visual material. This refers to material that was produced both during and after the TRC, and includes special radio and television programmes, with the *Truth Commission Special Report* featuring as the most popular of many.<sup>47</sup> Verdoolaege calls the initial archive the material one, which is the literal mass of recordings in each of their forms. Perhaps the more interesting ‘archive’ is that which includes the secondary layers (as in, materials created from and inspired by the totality of transcripts and raw footage), as this better reflects the holds the reconciliation discourse (or lack thereof) in reality. The impact of these discourses makes it essential to unpack; Verdoolaege again makes a positive assessment, stating that the TRC archive and its secondary materials hold “productive power” that catalysed conversation around reconciliation on a large scale as well as on personal levels.<sup>48</sup> It is this productive power with which this study is concerned; this will be furthered in the section on archive theory.

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<sup>44</sup> Sean Field, “Critical Empathy through Oral Histories after Apartheid,” *Continuum*, 2017, <https://doi.org/10.1080/10304312.2017.1357342>. p662.

<sup>45</sup> “Final Report.” p. 111

<sup>46</sup> Jacques Derrida, *Archive Fever: A Freudian Impression* (Chicago: University of Chicago Press, 1996). p49. Verdoolaege, “Representing Apartheid Trauma: The Archive of the Truth and Reconciliation Commission Victim Hearings.”p4.

<sup>47</sup> Verdoolaege, “Representing Apartheid Trauma: The Archive of the Truth and Reconciliation Commission Victim Hearings.”

<sup>48</sup> Verdoolaege. p301.

A bulk of the TRC's material archive is made up of secondary material,<sup>49</sup> not the least of which were films about the TRC. Of this, documentary film will be discussed as a foil to the documentary-style within *Special Report*. Well-known video documentaries on the topic that came from United States production companies include *Facing the Truth* (1999), *Long Night's Journey into Day* (1999), and *Confronting the Truth* (2006).<sup>50</sup> In discussion of the documentary *Long Night's Journey into Day*, film scholar Elizabeth Goldberg observes, it "consistently focus[es] on the TRC as a spectacular (in both senses of the word) vehicle for redemption, forgiveness, and (re)conciliation, while South African films often tell stories of post-apartheid working through in the shadows of the TRC, outside the circle of light cast by international media attention." She argues that as South Africans tell their own stories, they place focus "inside other individual or communal spaces: the home, the workplace, schools, and burial grounds and other sacred memorial spaces."<sup>51</sup> This is not uncommon of international portrayals of the commission, particularly from the US, which "seem to universally embrace the dicta of forgiveness and reconciliation advanced by the TRC."<sup>52</sup> This prompts one to wonder why international audiences attached to this idyllic version of events. It could be supposed that certain media from within South Africa was responsible for pushing this to the outside world in the same way that the TRC, as Goldberg asserts (though this view not held by all TRC staff) strived to be the machine responsible for the "production of narratives that serve the project of nation building, or at least of shoring up the (new) state."<sup>53</sup> Meanwhile, South African documentaries tended to be more critical,<sup>54</sup> as seen in the previously discussed examples *Between Joyce and Remembrance* (2004)

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<sup>49</sup> Secondary material refers to the media around the TRC, rather than the raw materials (such as transcripts or unedited footage) from the commission itself.

<sup>50</sup> Verdoolaege, "Representing Apartheid Trauma: The Archive of the Truth and Reconciliation Commission Victim Hearings." p291.

<sup>51</sup> Goldberg, "Accorded a Place in the Design: Torture in Postapartheid Cinema." p181.

<sup>52</sup> Goldberg. p181.

<sup>53</sup> Goldberg. p171.

<sup>54</sup> Goldberg. p168.

and *Where Truth Lies* (1999). These differences reflect the divergence between the internal experience and the ‘rainbow nation’ narrative that was exported around the globe.

### *Truth Commission Special Report: online archive*

Part of the ‘TRC archive’ (per Verdoolaege) is the *Truth Commission Special Report* programme itself. The series was placed online as an archive in 2013 by a collaboration between the SABC and the South African History Archive (SAHA). This brings another layer to the interaction between filmed legal proceedings and transitional mechanisms. The broadcast circumvented issues of geographic space by bringing the TRC to televisions across South Africa, but after its initial airing, it had been “largely unavailable to the bulk of South Africans,”<sup>55</sup> with its first access occurring several years later via digitization by the Yale Library.<sup>56</sup> Now that the broadcast is available online through SABC, it circumvents issues of both geography and time. People in South Africa and across the world are able to access it as long as they have an internet connection. The former Acting Group Executive of SABC News stated,

The new website will make the work of the TRC universally accessible and introduce a new generation of South Africans to this vital period in the making of our democracy. This initiative forms part of the SABC’s efforts to highlight apartheid history, using some of its rich archival materials to provide a powerful window into the conflicts of the past and the on-going challenges around reconciliation facing South Africa today.<sup>57</sup>

This acknowledges how the past is being brought into the present in an attempt to use the series as a tool both for history and for continued reconciliatory processes. Whether or not it does so successfully

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<sup>55</sup> “After 15 Years the TRC Continues to Endure and Inform,” *ENCA*, March 2013, <https://www.enca.com/south-africa/after-15-years-trc-continues-endure-and-inform>.

<sup>56</sup> Cole, “Mediating Testimony: Broadcasting South Africa’s Truth and Reconciliation Commission.” (endnotes)

<sup>57</sup> Hugo Van Der Merwe and Guy Lamb, “Transitional Justice and DDR: The Case of South Africa,” *New York, ICTJ*, no. June (2009): 37, <http://ictj.org/sites/default/files/ICTJ-DDR-South-Africa-CaseStudy-2009-English.pdf>.

is up to further questioning, but the possibility certainly raises the case for more careful thought regarding who or what within transitional mechanisms is filmed.

Although this research is focused mostly on perpetrator portrayal and the experience of being represented, it is important to situate the *Special Report* case study within its (newly) digitally archived context, and to consider the implications of holding stories in such a setting as opposed to in a once-aired television broadcast. This question is especially potent when it comes to questions of ethics, bias, and the legitimization of certain narratives over others, which relates to both history and transitional justice processes. This was spoken about particularly within reference to the challenges of perpetrator narrative but can be applied to any process which legitimizes one narrative over another. In this case study, one tension- and thus, interest- lies within historian Michel-Rolph Trouillot's reasoning that the archival process "engages them [in this case, 'them' being the perpetrators as subjects] simultaneously in the sociohistorical process and in narrative constructions about that process."<sup>58</sup> The digitized archival setting of conflict narratives can be explored through the meanings and interactions of concepts of memory, truth, and history. Additionally, open-platform digitization of perpetrator narratives has numerous effects, including the extended lifespan, even immortality, of the perpetrator's deeds- or at least, the portrayal of such deeds. This 'immortality' must be interrogated within ever-shifting socio-political contexts, a potent line of inquiry for the unpacking of perpetrator experiences. At the time *Truth Commission Special Report* was created, this level of online access could not have been imagined, and this shift may be relevant to how the subjects experience being mediatized.

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<sup>58</sup> Trouillot, *Silencing the Past: Power and the Production of History*. p24.

## *The epistemological archive*

The term “archive” is slightly ambiguous; it can refer to a space, whether physical or digital, that works within the larger establishment of collective memory.<sup>59</sup> In a more literal sense, the definition of archive encompasses any group of objects, which are intentionally gathered and then preserved as a group.<sup>60</sup> Archival scholar Hal Foster notes these dichotomies, calling archives “found yet constructed, factual yet fictive, public yet private.”<sup>61</sup> An archivist’s place within these dualities is determining how to balance curatorial decision-making with the objectiveness that archives call for. The difference within this case study is that the content was pre-curated by the journalists from the television programme that produced the archive, though with a different purpose and platform in mind. As Catherine Cole notes, *Special Report* was a “contemporaneous document” that unfolded in “real time,” rather than compiled in retrospect as many archives are.<sup>62</sup> Bernard C. Moore notes that this also resulted in the non-video aspects of the larger TRC archive taking “a backseat” despite the accompanying files on the website which includes everything from transcripts to minutes from reconciliations workshops to glossaries of terms.<sup>63</sup> Poststructuralist philosopher Jacques Derrida recognizes the implicit bias in the creation of an archive when he states, “the archivization produces as much as it records the event,”<sup>64</sup> examining the archive not so much as a place but as a process which has no end point in its ever-changing contextualization and interpretation, rejecting empiricist conceptualizations of the archive. This capability to ‘produce’ history-- and to do so continually-- can be negative or advantageous

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<sup>59</sup> Sue Breakell, “Perspectives: Negotiating the Archive,” *Tate Papers*, no. 9 (2008), <http://www.tate.org.uk/research/publications/tate-papers/09/perspectives-negotiating-the-archive>.

<sup>60</sup> Breakell.

<sup>61</sup> Hal Foster, “An Archival Impulse,” *October*, no. 110 (2004): 3–22, <http://sites.harvard.edu/fs/docs/icb.topic837293.files/FosterArchivalImpulse.pdf>.

<sup>62</sup> Cole, *Performing South Africa’s Truth Commission: Stages of Transition*. p117.

<sup>63</sup> Bernard C. Moore, “Digitizing History: The South African Truth and Reconciliation Commission Archive,” Cultural Heritage Informatics Initiative, n.d.

<sup>64</sup> Derrida, *Archive Fever: A Freudian Impression*.

depending on the intent (or maybe even agenda, politically or intellectually) behind the archive. In this case study, the archive began as a television broadcast, whose dual intent was apparently to be simultaneous provider of information and tool for nation-building, though it is to be seen if this was truly conceived in practice. Archival theorists have more recently challenged the archive as solely historical, and have begun to recognize it as “a complex of structures, processes, and epistemologies situated at a critical point of intersection between scholarship, cultural practices, politics, and technologies”.<sup>65</sup> In the context of *Special Report’s* online archive, this seemingly dismisses the validity of the ‘nation-building’ aspects; according to trained archivist and Derridean scholar Verne Harris, the concept of an archive as a holding space for a national collective memory is reductionist as it “suggests a glibness about the complex processes through which archives feed into social memory.”<sup>66</sup> Even the most complete archive could only show “a sliver of a window into that country’s experience.”<sup>67</sup> In her guide on the preservation of truth commission documents, Trudy Peterson notes the importance of preserving all records, stating that this “completes the commission’s work” in that it can prevent collective amnesia. The preserved information can be used to make sense of further information that may come to light later, re-evaluate evidence, and reinterpret the historical narrative.<sup>68</sup> This suggests how changing context around the archive will also change its usage and meanings, and ultimately, value, per Trouillot’s understanding. “The value of a historical product cannot be debated without taking into account both the context of its production and the context of its consumption,”<sup>69</sup> hence

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<sup>65</sup> Francis X. Blouin Jr. and William G. Rosenberg, “On the Intersections of Archives and History,” in *Processing the Past: Contesting Authorities in History and the Archives*, ed. Francis X. Blouin Jr. and William G. Rosenberg (Oxford: Oxford University Press, 2011), <https://doi.org/10.1093/acprof:oso/9780199740543.003.0001>.

<sup>66</sup> Verne Harris, *Archives of Justice: A South African Perspective* (Society of American Archivists., 2007).

<sup>67</sup> Verne Harris, “The Archival Sliver: A Perspective on the Construction of Social Memory in Archives and the Transition from Apartheid to Democracy,” in *Refiguring the Archive*, ed. Carolyn Hamilton et al. (Cape Town: David Philip Publishers, 2002), 135–60. p135.

<sup>68</sup> Trudy Huskamp Peterson, *Final Acts: A Guide to Preserving Records of Truth Commissions* (Washington DC: Woodrow Wilson Center Press, 2005). p2.

<sup>69</sup> Trouillot, *Silencing the Past: Power and the Production of History*.

the need to examine *Special Report* from not only the experience of its subjects during its creation, but also as it relates to the two methods by which it has been consumed, as a broadcast and as a digital archive.

### *The digital archive*

This understanding of archival bias is also helpful to unpack how *Special Report* works to bring past to present, acknowledging that, as Trouillot puts it, “the myth of the Past as a fixed reality and the related view of knowledge as fixed content” has been debunked.<sup>70</sup> There is a (mistaken) impression that an archive can act as a simulacrum of the past, which has become more prevalent with the shift to digital archiving. Wolfgang Ernst, the leading scholar on digital memory archiving, believes that the shift to digital archiving, especially with recorded audio and visual materials, has created an “obsession with an unmediated representation of the past... the apparent shift of emphasis in nineteenth-century historiography from describing to showing can be deciphered as an effect of the new optical media.”<sup>71</sup> However, the idea that this history is now “unmediated” because the past can now be shown- rather than described- is misleading. The very fact that something is archived is “material evidence of a human decision to preserve; in the ritual act of photographic commemoration was a valorisation of what in the present was thought to be worth remembering- of the surviving past and the unfolding present—in the future;”<sup>72</sup> someone compiled them with a purpose or reason in mind.<sup>73</sup> The same can be said with reference to non-fiction media formats such as news and documentary, which will be further discussed. It should be clear that the stories within archives (or broadcasts) are mediated. Additionally, in the case of an oral history archive, the experiences shared cannot be an objective

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<sup>70</sup> Trouillot. p147.

<sup>71</sup> Wolfgang Ernst, *Digital Memory and the Archive* (Minneapolis: University of Minnesota Press, 2013).

<sup>72</sup> Joan M Schwartz, “‘Records of Simple Truth and Precision’: Photography, Archives, and the Illusion of Control,” in *Archives, Documentation, and Institutions of Social Memory: Essays from the Sanyer Seminar.*, ed. F Blouin and W Rosenberg, vol. 50 (Ann Arbor: University of Michigan Press, 2011), 61–83.

<sup>73</sup> Ken Howarth, *Oral History* (Thrupp: Sutton Publishing Limited, 1998).

representation because they are a person's memory. This can never be shaped solely by the undeniable facts of what happened, but by the narrator's own contexts and interpretations of the topic at hand, as well as how the archivist has housed, labelled, and catalogued it, etcetera. Derrida points out:

[An] archive [is] a place where memory is enshrined and neither dead nor alive; because this archive... will never be memory or anamnesis as spontaneous, alive and internal experience. On the contrary: the archive takes place at the place of the originary and structural breakdown of the said memory.<sup>74</sup>

Practices such as digital archiving should be looked at as a way to understand memory as a process rather than a moment in time.<sup>75</sup> Because human memory functions very differently than technical memory, at any given point, a technical memory may be interpreted differently.<sup>76</sup> This not only leaves room for critique on the validity of the materials, but also allows the archive multiple uses throughout changing circumstances, an interesting consideration in this case study due to the fifteen year gap between the production of the materials and their archivization and dissemination, and the further five years between that initial online release and the research interviews. Derrida's assertion also suggests that the archived information, whatever form that may take, will eventually replace human memory, becoming the informer of memory instead of being moulded by it, while emphasizing the undecidability of the text. This poststructural processual aspect of the archive, its facilitation of movement from past to present, and the shift from human memory to the 'material' as technical memory, also raises ethically and politically charged questions when considering perpetrator narratives. If we assume (most) perpetrators to be dynamic and malleable actors, we then must ask, how digital archivization of perpetrator conflict narratives, particularly in a widely accessible format, influences transformation on both individual and societal levels. When combined with a referential conception of trauma, it could be asked whether the archives' immortalization of a violent deed within conflict

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<sup>74</sup> Derrida, *Archive Fever: A Freudian Impression*. p11.

<sup>75</sup> Jussi Parikka, "Archival Media Theory: An Introduction to Wolfgang Ernst's Media Archaeology," in *Digital Memory and the Archive*, ed. Jussi Parikka (Minneapolis: University of Minnesota Press, 2012), 1–22.

<sup>76</sup> Ernst, *Digital Memory and the Archive*.

has potential to stagnate transformation by focusing on points of trauma without the larger historical narrative as context. If this is the case, archivization of conflict narratives could be argued as a ‘material’ (though that term is used loosely) manifestation of unassimilated trauma<sup>77</sup> within the body of history.

Although the process of collecting material for *Truth Commission Special Report* was not archival, these questions remain salient. The series was initially produced for the (at the time) ephemeral platform of television broadcasting. Yet in a sense, it acted as an archive of the TRC by providing a condensed version of the commission- ostensibly, one that intended to show its most essential parts to the nation. However, the ‘essential parts’ were what was deemed to be newsworthy by the journalists, who were also the unwitting archivists of what is now enshrined on the SABC’s website for the world to access wherever there is internet.

A discussion of *Truth Commission Special Report* and its online availability will be furthered within the section on interviews with its subjects. These findings will be important to keep in mind within a more general sense of the interactions between media and transitional justice. Although South Africa’s digitized TRC archive was delayed, partly because the technology was not yet available to the level it is now, future transitional justice mechanisms will have continually expanding opportunities to use media as an addendum to their work. Digital archives will likely be a part of that in both statutory and non-statutory ways. Therefore, the potential impact of digitization must be considered.

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<sup>77</sup> Cathy Caruth, *Unclaimed Experience: Trauma, Narrative, and History*, *The FEBS Journal*, 1996, <https://doi.org/10.1111/febs.12284>.

The literature produced thus far has provided discussion on TRC-focused media, its strengths and shortcomings, and the potential or lack thereof for reconciliatory power. There is not yet an analysis of TRC-focused media that considers the influence of media involvement on perpetrators who give testimony, or the sociological impact that the media inclusion of perpetrator narrative has on a transitioning society. Although this study takes the view that media is not wholly or solely deterministic to successful democratic transition, this approach is vital because it is clear that the media's influence can be central to transitional justice and its success, failure, and sustainability—all of which are interactions that include the perpetrators of the conflict—and is a necessary consideration as societies continue to integrate media use into their transitional justice procedures more often and in depth.

### The “burden of obligation”: Studies on media and transitional justice

Some broader studies can provide a background for how interactions between media and transitional justice might work. Lisa LaPlante and Kelly Phenicie addressed the link between the two upon discovering that few transitional justice scholars had investigated this interplay. Through their case study on Peru's political transition, they contend first that, because media plays such an influential role in democratic societies' public opinion and information, it also is inextricable from public opinions on transitional justice mechanisms.<sup>78</sup> They state that this, combined with media's ability to “help... transform destructive conflicts into non-destructive debates”<sup>79</sup> allows media to be used as a constructive tool for transition. This suggests that journalists and media practitioners must be intentional in their presentation of information; LaPlante and Phenicie call this a “burden of obligation,” stating that journalists must not simply report information, but process and frame it in a

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<sup>78</sup> W Lance Bennet, *News: The Politics of Illusion*, 7th ed. (Nova York: Longman, 2007).; as cited in Lisa J Laplante and Kelly Phenicie, “Mediating Post-Conflict Dialogue: The Media's Role in Transitional Justice Processes,” *Marquette Law Review* 93, no. 1 (2009): 251–83. p251.

<sup>79</sup> Andrew Puddephatt, “Turning Broadcasters into a Genuine Public Service,” in *Media Conflict Prevention and Reconstruction*, ed. Barry James, 2004.

particular way, keeping in mind that their constructions will shape viewer understandings of divisive political issues, and thus shape how he or she decides to move forward from a conflict.<sup>80</sup> Thus, “if reconciliation lays the foundation for preventing new cycles of violence, then transitional justice theory must begin considering how to attend to the media so that it exerts a positive influence on post-conflict recovery,”<sup>81</sup> which this research emphasizes. In another article, LaPlante states what may seem obvious, yet is an often-forgotten aspect of transitional justice processes when she observes:

...without the collaboration of print, radio, and TV, the work of transitional justice mechanisms occurs in a vacuum—the public will know little to nothing about these justice processes if the media does not report on them. In turn, without sustained public attention, the impact of transitional justice will be dramatically different.<sup>82</sup>

This potential difference is largely understudied. Years after LaPlante identified this lack, there are still few in-depth considerations of this relationship; this is even more surprising considering the canon of academic discussion around the TRC. However, Catherine Cole (the scholar who has perhaps contributed most extensively to the topic) nods to its importance, observing

The TRC’s video archive... suggests the enormous potential of television and radio to enlist public participation in a process of transitional justice and the remaking of public memory in the aftermath of massive, state-perpetrated violations of human rights that were enacted in a context of denial, censorship, and repression.<sup>83</sup>

In 2016, seven and six years on from LaPlante and Phenicie, and Cole respectively, transitional justice scholars Refik Hodzic and David Tolbert published a briefing with the International Center for Transitional Justice that is, at the least, a helpful overview and starting point for media engagement with transitional justice processes. They identify that this is still “one of the least studied, yet highly

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<sup>80</sup> LaPlante and Phenicie, “Mediating Post-Conflict Dialogue: The Media’s Role in Transitional Justice Processes.”

<sup>81</sup> LaPlante and Phenicie. p253.

<sup>82</sup> Lisa J Laplante, “Media and Transitional Justice: A Complex, Understudied Relationship” (ICTJ Debate: Should the Media Actively Support Transitional Justice Efforts?, 2014), <https://www.ictj.org/debate/article/media-and-transitional-justice-complex-understudied-relationship>.

<sup>83</sup> Cole, “Mediating Testimony: Broadcasting South Africa’s Truth and Reconciliation Commission.”

significant relationships that unfolds in transitional justice contexts.”<sup>84</sup> Their take is that although there are several issues that may arise within this collaboration, there is also potential for highly constructive engagement.<sup>85</sup> They identify political communications scholar W. Lance Bennett’s belief that journalists “owe democracy a duty of social responsibility,”<sup>86</sup> largely because the choices that media practitioners make are central to how an issue is defined and presented to its audience. As LaPlante and Phenicie state, “news making is agenda setting,”<sup>87</sup> media determines the discussion around transitional justice processes through what and who it represents and how, and thus has the potential to generate constructive conversation.<sup>88</sup> Though there are certainly examples of this power resulting in negative outcomes, Hodzic and Tolbert believe that there is great possibility for symbiosis, through reporting with moral urgency, pushing for accountability, and by providing space for consultation processes, meaning involving the subject community in the media creation itself.<sup>89</sup> Similarly to LaPlante and Phenicie, Columbian journalist Olga Lucía Lozano argues that there is a journalistic moral responsibility to work towards constructive coverage, and that the success of transitional justice processes depends on it. She ventures to say that “they [media] should interact with all those who take part in the narrative and generate a shared responsibility with the users or audiences.”<sup>90</sup> In the South African case, and within the context of *Truth Commission Special Report*, that most certainly includes the dialogue of amnesty applicants and other labelled perpetrators, advocating for a sort of conversation

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<sup>84</sup> D Jacobs et al., “ICTJ Briefing: Media and Transitional Justice A Dream of Symbiosis in a Troubled Relationship,” *Inter-National Journal of Communication* 6, no. 2 (2017): 1077–99, <https://doi.org/10.4337/9781781955314.00022>.

<sup>85</sup> Jacobs et al.

<sup>86</sup> Bennet, *News: The Politics of Illusion.*; as cited in Jacobs et al., “ICTJ Briefing: Media and Transitional Justice A Dream of Symbiosis in a Troubled Relationship.”

<sup>87</sup> Laplante and Phenicie, “Mediating Post-Conflict Dialogue: The Media’s Role in Transitional Justice Processes.”

<sup>88</sup> Jacobs et al., “ICTJ Briefing: Media and Transitional Justice A Dream of Symbiosis in a Troubled Relationship.”

<sup>89</sup> Jacobs et al.

<sup>90</sup> Olga Lucía Lozano, “Journalism: For What Purpose?” (ICTJ Debate, 2014), <https://www.ictj.org/debate/article/journalism-what-purpose.>; as cited in Jacobs et al., “ICTJ Briefing: Media and Transitional Justice A Dream of Symbiosis in a Troubled Relationship.”

between them and the audience. This conversation can foster connection which bridges the gap between the “other” to move beyond in-group thinking by pointing out commonalities,<sup>91</sup> an essential ingredient as societies attempt to move from conflict to peace. It should be noted that the role of media in situations such as these is not a consensus; the other side of the debate posits that promulgating framing to intentionally promote a certain narrative in the name of moral responsibility is problematic in that it interferes with the thought that objectivity should be a media standard.<sup>92</sup> Further, “journalists are also a product of the conflict that a country has experienced”<sup>93</sup> and will bring their own personal or institutional biases. This is something to be aware of when watching even a ‘transformed’ media.

## Media studies

In order to successfully study the interactions between media and transitional justice, one must also consider the media formats applied. Format refers to the structure or formula of a media text; examples of formats within television are a single episode, a pilot, a miniseries, a series, a spin-off, a special, and other more specific formats—the list goes on. This differs from genre in that first, genre is a more fluid type of categorization (a text can fall under multiple genres), and second, it refers to specific characteristics of the content within the format. Examples of genres are action, romance, comedy, drama, and documentary, to name a few.<sup>94</sup> *Special Report* refers to itself more generally as ‘investigative journalism;’ this indicates the difficulty faced in definitively identifying format and genre of the media text, as this description fails even to self-classify. Certain elements of the series certainly

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<sup>91</sup> Puddephatt, “Turning Broadcasters into a Genuine Public Service.”

<sup>92</sup> This argument was made by Fujimori supporters in the debates surrounding coverage of the criminal proceedings against the former president of Peru.

<sup>93</sup> Laplante and Phenicie, “Mediating Post-Conflict Dialogue: The Media’s Role in Transitional Justice Processes.”p251.

<sup>94</sup> This particular study necessitates noting that ‘documentary’ can refer to both a format and a genre.

fit into the news format, while others fall more into the realm of documentary format. Therefore, literature on both informed the content analysis.

The blurred boundary between documentary and news formats is commonly acknowledged; “documentary’ as a category has always been leaky and unstable,” per media scholar John Corner. He states that, increasingly, media “does [and will] not fit easily under the label [of documentary] even though it has strong ‘documentary’ elements.”<sup>95</sup> Both news and documentary utilize actuality footage, which refers to raw film footage of real-life events. They both commonly use voice-overs as accompaniment to such footage.<sup>96</sup> Actuality is used in both types of media texts because it acts as a visual signifier of veracity and authority, and functions within the narrative to ‘realize the story.’<sup>97</sup> The assumption of veracity is made in regard to both news and documentary (comparable to the same assumption about archives). However, the construction, codes, and narratives used to convince viewers of truthfulness and create a discourse may vary slightly.

This might otherwise be discussed in terms of frame narratives versus embedded narratives. A frame narrative is a structural device that provides the context for another story or stories, known as embedded narrative, and can appear at any point before, after, and throughout the embedded narrative. Narrative scholar John Pier observes that framing is “generally regarded as a presentational technique” which renders the embedded (and more substantial) narrative as accessible.<sup>98</sup> For example,

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<sup>95</sup> Glen Creeber, *The Television Genre Book*, ed. Glen Creeber, 2nd ed. (London: British Film Institute, 2015), <https://doi.org/10.1007/978-1-84457-898-6>. P125.

<sup>96</sup> Creeber. P117.

<sup>97</sup> Jonathan Bignell, *An Introduction to Television Studies*, 2nd ed., *An Introduction to Television Studies* (Oxon: Routledge, 2008), <https://books.google.co.za/books?id=odlQ-fQCpWYC>. P98.

<sup>98</sup> John Pier, “Narrative Levels,” in *The Living Handbook of Narratology*, ed. Peter et al. (eds.) Hühn (Hamburg: Hamburg University, 2014), <http://www.lhn.uni-hamburg.de/article/narrative-levels-revised-version-uploaded-23-april-2014>.

frame narratives within the news genre can function by placing the seemingly incomprehensible into a familiar frame.<sup>99</sup> Maxwell McCombs argues that in news, frame narratives go beyond accessibility by acting as agenda-setting by establishing the applicability of the embedded narrative.<sup>100</sup> On a macro-level, frame narrative in news identifies a problem and the forces causing it, and evaluate the causal agents based on cultural values.<sup>101</sup> On a micro-level, frame narrative is made up of lexical choices which may more subtly put forth a moral evaluation of the embedded narrative's content. In television news format, frame narrative is provided by the host or anchor as they furnish context for each segment and make connections between the various segments throughout the programme. The various segments each serve as an embedded narrative, also providing contextualization for each other beyond the frame narrative through intertextuality. *Special Report* is complex because the TRC itself already provides a frame for the stories of victims and perpetrators via the structure and rhetoric of the hearings. Media coverage adds another diegetic layer on top of this.

For this study, the outline of how to study television by media scholars Keith Selby and Ron Cowdery was helpful in its inclusion of a specific process for analysing a news broadcast.<sup>102</sup> To summarize, they recommend first, identifying the broad structure and patterns at work by analysing the broadcast in its running order, from opening sequence to closing; ask what each segment evokes, taking into consideration aspects such as the institutional voice (the newsreader) versus the accessed voice (such as an interviewee) as well as the codes and verbal and non-verbal communication used by the

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<sup>99</sup> Kobie van Krieken and José Sanders, "Framing Narrative Journalism as a New Genre: A Case Study of the Netherlands," *Journalism (London, England)* 18, no. 10 (November 2017): 1364–80, <https://doi.org/10.1177/1464884916671156>.

<sup>100</sup> Maxwell McCombs, "A Look at Agenda-Setting: Past, Present and Future," *Journalism Studies*, 2005, <https://doi.org/10.1080/14616700500250438>.

<sup>101</sup> Robert M Entman, "Framing: Toward Clarification of a Fractured Paradigm," *Journal of Communication* 43, no. 4 (December 1993): 51–58, <https://doi.org/10.1111/j.1460-2466.1993.tb01304.x>.

<sup>102</sup> Keith Selby and Ron Cowdery, *How to Study Television*, 1995, <https://doi.org/10.1007/978-1-349-12829-7>. P133.

institutional voices. Examining these in running order is also likely to highlight contrasts between segments. They recommend asking of the narrative, “What is the story about? How is the story made real? What does the story ‘mean?’” Lastly, they ask researchers to consider the news values at play, referring to the factors that influence whether stories are placed at the forefront of a news agenda. Media scholars Johan Galtung and Marie Ruge were the first to identify factors which influence stories’ likelihood of appearing in the news.<sup>103</sup> They identify twelve news values: frequency of event as parallel to that of the news; a threshold reached, meaning of significant size or numbers; clear and unambiguous; meaningfulness, referring to cultural relevance or proximity; consonance or predictability of what will come; unexpectedness but still within the meaningful and consonant; continuity of story, meaning it will be able to sustain continued coverage; and composition, meaning how it creates balance within the greater news source. They separate the last four news values due to the potential for cultural variation, noting that these were relevant factors in their focus on Western media: reference to elite nations; reference to elite people; reference to individuals; reference to something negative.<sup>104</sup> Selby and Cowdery discuss the factors in slightly different terminology and with more tangibility rather than in a theoretical framework, likely as a result of their focus on television as opposed to assertions about general news media via any medium. They identify the use of location reporting and actuality footage as a method to create a sense of authority and objectivity, and language as a tool to indicate ethnocentrism or relevance<sup>105</sup> (the use of ‘we’ and ‘ours’ being of interest in this study for reasons later discussed). Despite news media’s attempts to appear objective, objectivity cannot truly be realized because of the inherent bias resulting from the multiple agencies that put pressure on a story, thus shaping a narrative. Jonathan Bignell calls this ‘discourse,’ observing how a

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<sup>103</sup> Johan Galtung and Mari Holmboe Ruge, “The Structure of Foreign News,” *Journal of Peace Research* 2, no. 1 (1965): 64–91.

<sup>104</sup> Galtung and Holmboe Ruge.

<sup>105</sup> Selby and Cowdery, *How to Study Television*. P138.

‘narrating process’ gives a story a direction, differentiating it from the story itself which he says is simply the set of events.<sup>106</sup> This perspective acknowledges that “facts are not simply out there to be gathered.” The final news product that viewers engage with has been produced in a particular way by the media practitioners based on decisions made in a particular ‘social, cultural, historical, and ideological’ context.<sup>107</sup>

This research looks beyond news media on the basis of Neale & Turner’s understanding that “the degree of hybridity and overlap between genres among and between genres and areas has all too often been underplayed.”<sup>108</sup> Crossover between actuality genres such as news, current affairs, and documentary is highly common, but this can raise discomfort; the crossover seems to engender a certain expectation from viewers that is not necessarily required of the genre of documentary itself. As Bignell points out, “there is a tension between producing documentary which is representative and ‘accurate’ and providing the audience with a programme which conforms to the conventions of argument or storytelling.”<sup>109</sup> Documentarians are, in one sense, investigative journalists, but in another, they have also long recognized the ‘rhetorical potency’ of documentary. The genre has thus “been harnessed to the manufacture of social consent.”<sup>110</sup> At surface level, it may seem counterintuitive for an actuality genre to be used for non-neutral aims, however, a subjective take on a true event, person, or process does not necessarily negate its truthfulness. This modernist approach relates to the aim for ‘committed television,’ an ideological endeavour born of the 1960s in which the authors of television programmes committed to creating television- across genre- which might be able to act as a force for

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<sup>106</sup> Bignell, *An Introduction to Television Studies*. P102.

<sup>107</sup> Selby and Cowdery, *How to Study Television*. P149.

<sup>108</sup> Glen Creeber et al., “Introduction: What Is Genre?,” in *The Television Genre Book*, 2015, [https://doi.org/10.1007/978-1-84457-898-6\\_1](https://doi.org/10.1007/978-1-84457-898-6_1). p4.

<sup>109</sup> Bignell, *An Introduction to Television Studies*. P202.

<sup>110</sup> Michael Renov, *The Subject of Documentary, Visible Evidence*, 2004. P130.

positive social change.<sup>111</sup> The perspectives of several previously mentioned scholars (LaPlante and Phenicie, Bennett, Lozano) are reflective of this notion. These intentions are indicative of why it is important to consider the agents involved in shaping a media text. However, it cannot be assumed that because documentary has been more outwardly acknowledged as an actuality form that is inclined to act as a ‘social engineer’ for nation building, public education, and advocacy, that it is the only one to do so.<sup>112</sup> Bignell notes that despite news’ commitment to balance and objectivity, these two things are perceived as such against the backdrop of a dominant ideology, which he argues “occup[ies] an apparently neutral position.”<sup>113</sup> In this way, news and documentary are not entirely different in how they present themselves as objective, propping up this perception with the use of actuality while attempting to socially engineer a certain perspective or opinion. Selby and Cowdery recommend, as part of any analysis of a news broadcast, to note any potential bias, based on “the claim that all broadcast television news is biased towards the status quo, consensus politics, and middle-class perspectives.”<sup>114</sup> They are not the only media scholars to argue this; a critical framework sees television as implicated in dominant structures, both socially and ideologically. Subsequently, it more commonly represents the “primary definers” of media, which they postulate are the “political, social, and economic elites.”<sup>115</sup> In the context of media and political processes, these invisible controls could be why Gadi Wolfsfeld writes in *Media and the Path to Peace* that “the greater the level of elite consensus in support of a peace process, the more likely the news media will play a positive role in that process.”<sup>116</sup> Although it is difficult to disentangle the level of influence that elite support has on the framing and

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<sup>111</sup> Bignell, *An Introduction to Television Studies*. P18.

<sup>112</sup> Bignell.

<sup>113</sup> Bignell. P96.

<sup>114</sup> Keith Selby and Ron Cowdery, *How to Study Television*, 1995, <https://doi.org/10.1007/978-1-349-12829-7>. P 140.

<sup>115</sup> Creeber, *Telev. Genre B*. p104-105.

<sup>116</sup> Gadi Wolfsfeld, *Media and the Path to Peace, Media and the Path to Peace*, 2004, <https://doi.org/10.1017/CBO9780511489105>. P26.

discursive choices that appear in a text, it is still important to note that media practitioners “do not simply invent interpretive frames,” and that the narrative is shaped in part by their own context and understanding of such.<sup>117</sup> This is essential because actuality media such as news and documentary cannot be understood without extratextual enquiry; these formats are referential by nature and thus require extratextuality. Furthermore, this study is concerned partially with whether or not the series was a ‘balanced’ reflection of reality, as it claimed to be both verbally and through visual codes. As Creeber observes, “from this perspective, news can be criticized if it distorts or fails to reflect reality.”<sup>118</sup> That said, these epistemological foci are only one aspect of a larger analysis that is less concerned with whether or not the media text mirrored reality with exactitude, and more with the mediated discourse it produced and its influence on reality. This cyclical process of influence of politics on media and vice versa is what Wolfsfeld has coined the Politics-Media-Politics cycle (or P-M-P).<sup>119</sup> This provides a framework for understanding how an individual’s political involvement (the first P) results in the experience of being represented (M), which may then influence the political actor turned media subjects’ lived experience and their subsequently acted roles in the social processes during and after political transition (the second P), which is at the crux of this research.

## Perpetrator studies

A brief discussion of the term “perpetrator,” and the implications of this terminology, is necessary before moving into an analysis of the individuals behind the label. This research focuses on representation, of which labels are a hugely influencing factor; this necessitates acknowledging how this research and the representation within it brings another layer to that discourse. Other scholarship and media may refer to individuals who were formerly involved in conflict as conflict actors, ex-

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<sup>117</sup> Wolfsfeld. P29.

<sup>118</sup> Creeber, *Telev. Genre B*. 105.

<sup>119</sup> Wolfsfeld, *Media and the Path to Peace*. P31.

combatant, statutory or non-statutory forces, third force, freedom fighters, and terrorists, among many other labels. In the South African context, the term “amnesty applicant” is often used when discussing perpetrators. This research interacts with individuals, all of whom committed acts of violence, but who did not all apply for amnesty through the TRC, thus “amnesty applicant” is too narrow a term. Don Foster has referred to perpetrators as “protagonists” in an attempt to circumvent the stigma of any term chosen. This is out of awareness of the processes of anchoring, in which something is classified or labelled, thus causing association with others in that category, which can lead to objectification and reification of problematic social thinking.<sup>120</sup> Though the intention behind using the term ‘protagonist’ is certainly in line with that of this research in its attempt to unpack representation, I use the term perpetrator exactly because of the reasons that Foster identifies, and because this choice of term provides the context that led to this discussion at all. This case study examines representations of those who were involved in all sides of the conflict, from state forces to paramilitaries, as well as some reference to those who were quasi-perpetrators as beneficiaries, thus, a very general term must be applied to encompass all of these individuals. Additionally, the Cambridge dictionary definition of “perpetrator,” which is similarly echoed across references, is “someone who has committed a crime or a violent or harmful act,” which does encompass a wide cross-section of people and their actions, regardless of what their political background is, the level of crime, and the context of said crime. This grouping together of former conflict actors from different political backgrounds into one term may be seen as problematic, just as in the TRC. In reference to the commission’s approach of not passing moral judgement on what was deemed a ‘just’ crime (i.e., fighting against apartheid), former MK operative Robert McBride stated during his amnesty hearing, “I don’t believe an Allied soldier would appreciate being compared with a Nazi.” Elizabeth Goldberg summarizes this common sentiment;

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<sup>120</sup> Foster, “Popular Representations of Perpetrators,” 2005. p28.

“this equalizing was a particularly bitter pill for many ANC/MK and PAC members.”<sup>121</sup> This research is aware of the loaded terminology of perpetrator, and the issue of giving a singular category to conflict actors from all sides. However, it is firstly a term which is true of all individuals that will be discussed in that they all did commit an act which was harmful in some way; secondly, simply by ascribing this label does not also automatically ascribe a moral evaluation of that person or that deed, recognizing the problematic association of victims as morally innocent and perpetrators as morally evil.<sup>122</sup> Thirdly, it encompasses all of the individuals in one, which allows for continuity within the analysis. Lastly, it conforms to how media refers to said conflict actors; it is a term that is consistently used in *Truth Commission Special Report*, again allowing continuity. This choice of terminology is made with the understanding that the term is charged, but also with the intent to disentangle its complexities through a deconstruction of the representations of which the label is part and parcel.

The fluidity of the definition of perpetrator must be recognized, particularly because it is not uncommon that victim becomes victimizer, and that [in South Africa], “many of the nations’ worst perpetrators were themselves victims of a political system and cultural milieu that promoted violence.”<sup>123</sup> This is true in many conflict contexts, not just South Africa. As such, individuals are able to hold both labels simultaneously, which does not invalidate either label but rather calls for a more all-encompassing understanding of the complexities of perpetratorship. These complexities go beyond the interactions of victim and perpetrator, and also include different categories of perpetrators; international criminal law experts Kai Ambos and Alette Smeulers both use a categorization of perpetrators that include high level, mid-level, and low level, and from there, further differentiate

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<sup>121</sup> Goldberg, “Accorded a Place in the Design: Torture in Postapartheid Cinema.”p186.

<sup>122</sup> Du Bois-Pedain, *Transitional Amnesty in South Africa*.

<sup>123</sup> Charles Villa-Vicencio and Wilhelm Verwoerd, *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (London: Zed Books, 2000). p204.

between state agents or private agents.<sup>124</sup> These levels help to identify motivations behind action; for example, a high-level state agent is a mastermind, and is acting with knowledge and purpose-based intent, whereas a mid-level state agent could be a “true believer” or bigot, acting with knowledge but without the larger purpose that the leader sees. A low-level state-agent could also be a true believer or bigot but may also include those that are doubtful or captive participants, again only acting with knowledge but no purpose.<sup>125</sup>

### “Not like us ordinary folk”: Perpetrator portrayal in media

Though this study is rooted in transitional justice, it culminates in a synthesis of media studies and perpetrator studies. That said, literature on the media representation of perpetrators specifically is relatively sparse. Erin McGlothlin identifies this gap in the context of Holocaust literature, noting

[L]ittle extensive analysis has been written addressing the questions of the advisability and possibility of depicting the ... perpetrator, or, perhaps more important, how existing representations of perpetrators function. ... In particular, in contrast to the literary treatment and critical analysis of the voice of the victims, which abounds in both autobiographical survival accounts and in fictional literature, the perspective of the perpetrators – in particular, the narrative perspective of the perpetrators, meaning their subjectivity, motivations, thoughts, and desires – has been all but ignored.<sup>126</sup>

Since McGlothlin made this observation, there has been some recently emerging research on the topic of perpetrator depictions; related conferences and workshops in recent years include *Representing Perpetrators of Mass Violence* in 2016 at Utrecht University, and *The Trauma of the Perpetrators? Politics, Ethics*

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<sup>124</sup> Alette Smeulers and Barbara Hola, “ICTY and Culpability of Different Types of Perpetrators of International Crimes,” in *Collective Violence and International Criminal Justice*, ed. Alette Smeulers (Oxford: Intersentia, 2010), 175–206.; Kai Ambos, “Criminologically Explained Reality of Genocide, Structure of the Offence, and the Intent to Destroy Requirement,” in *Collective Violence and International Criminal Justice*, ed. Alette Smeulers (Oxford: Intersentia, 2010), 153–74.

<sup>125</sup> Ambos, “Criminologically Explained Reality of Genocide, Structure of the Offence, and the Intent to Destroy Requirement.” p165.

<sup>126</sup> Erin McGlothlin, “Theorizing the Perpetrator in Bernhard Schlink’s *The Reader* and Martin Amis’s *Time’s Arrow*,” in *After Representation? The Holocaust, Literature and Culture*, ed. R Ehrenreich, Clifton Spargo, and M Robert (New Brunswick, NJ: Rutgers University Press, 2009), 210–30.

*and Representation* in 2014, convened by Yale professors, whose panels and subject matter have been helpful references. Because perpetrator representation is still an emerging sub-topic, the work done is spread sparsely across global and historical contexts, each with their own challenges. Only a few scholars have examined South Africa as a case study.

As stated previously, Foster, Haupt, and De Beer's *Theatres of Violence* may be the most comprehensive academic overview of media coverage on South African apartheid-era perpetrators yet; it includes an assessment of representations as well as narratives from perpetrators. Don Foster's chapter, "Popular Representations of Perpetrators" focuses on representation in the TRC, and specifically explores "the silences which have shrouded them [perpetrators], contestations over the images and the very 'label' of accountability, as well as strategies which enable us either to justify their actions or to distance them as "others- not like us ordinary folk."<sup>127</sup> The distance identified is why research on the representation of perpetrators is necessary. This "othering discourse" around perpetrators in some media contributes to a reductionist and static view of perpetrators as monsters, as well as cementing the problematic victim-perpetrator binary that presents the two as mutually exclusive. This is a helpful starting point for a wider critique of the perpetrator as a fixed "image," even within their representation through a seemingly dynamic form of communication such as film. This leads to questioning how filmic narrative around perpetrators acts as a canvas onto which we (using 'we' in terms of audience) project an unambiguous concept of morality, particularly after conflict, and how we place our sense of self within this construction of morality.

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<sup>127</sup> Foster, "Popular Representations of Perpetrators," 2005., p27.

Saira Mohamed argues that, often as audiences scrutinize perpetrators on trial, “one person becomes a stand-in for all of the perpetrators connected to the same tragedy, and the world stares, hoping to grasp how this nightmare, this stain on humanity, could have happened.”<sup>128</sup> They are placed into an unmoving category, rather than along a scale with contextualization. In a sense, the TRC allowed the nation to put apartheid era perpetrators on trial, and the media coverage was the window into that trial for the majority of the population. The media could not cover every amnesty hearing or human rights violation hearing, so it was those stories that made the cut into one-hour weekly broadcasts, radio announcements, or press releases that became the face of the perpetrator, thus further crystallizing the static image. This was especially so because it was often the stories that conform to traditional news values that made it through the editing room. The TRC hearings were a rarity in that they embodied extremely high levels of news values, exhibiting almost all of the factors identified by Galtung and Ruge. This was particularly true of amnesty hearings, therefore perpetrator testimonies were at the foreground of TRC media coverage. Thus, it is the still frames like those of Jeffrey Benzien demonstrating the cruel torture method known as the “Wetbag”<sup>129</sup> and others that have staying power within South Africa’s image canon of collective memory of apartheid era perpetrators. In an email to fellow commissioner Wilhelm Verwoerd on 29 October 1997, Gerald O’Sullivan stated:

At the public level the process has been badly communicated. The perpetrators are all homogenized into Eugene De Kocks and Brian Mitchells. The focus of white-owned media on these high-profile instances gives credence to the perception that we let racists and Boers go free. But what about the scores of perpetrators who were either jailed under an apartheid judicial system, or because they were defending the community?<sup>130</sup>

Eugene de Kock, known as “Prime Evil,” was the reason for the emergence of the term ‘evil’ in the public transitional discourse at all; David Schalkwyk posits that by reserving this word for the likes of

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<sup>128</sup> Saira Mohamed, “Of Monsters and Men: Perpetrator Trauma and Mass Atrocity,” *Columbia Law Review*, 2015, 1157–1216. p1161.

<sup>129</sup> <http://www.galloimages.co.za/image/jeffrey-benzien-former-special-branch-wetbag/1214949/1>

<sup>130</sup> Wilhelm Verwoerd, *Equity, Mercy, Forgiveness: Interpreting Amnesty within the South African Truth and Reconciliation Commission* (New Brunswick, NJ: Rutgers University Press, 2005). p23.

De Kock, society was able to condemn the terrors of apartheid while wholly absolving themselves from responsibility.<sup>131</sup> The legend, imagery, and orality around individuals like De Kock, Benzien, and countless others solidify the reductionist image of perpetrator-as-monster in history. Don Foster argues that

The weight of literature on atrocities finds little evidence to support the notion that severe abnormality is the cause of bad deeds. Even regarding sadism, the general view is that while it cannot be dismissed, only about five percent of all types of perpetrators (serial killers, torturers, rapists) may be classed as sadists and furthermore this motive is not inherent but gradually acquired over time; a consequence of serial acts of violence.<sup>132</sup>

Additionally, security establishments have little interest in ‘mad’ or undisciplined foot soldiers; it better serves their overall purpose to have obedient operatives rather than outright ‘sadists.’<sup>133</sup>

The driving factors behind the singular and sadistic image of perpetrator must be identified in order to unpack it, which one might argue there is the moral responsibility to do; “if perpetrators are ascribed a mythical status of evil, they become one-dimensional and thus unavailable for understanding.”<sup>134</sup>

The belief that understanding can also inform social change or prevention necessitates a critical stance. In order to properly scrutinize the ‘image’ of the perpetrator, it is first necessary to identify the orality that either shapes or challenges the perception of what a ‘perpetrator’ is. This allows consideration of how that same orality may contribute to the categorizations that Foster identifies and problematizes. Orality in this context refers to the narration around the image, as well as the editing and framing which structures how the story is told. South African film scholar Edward Hees challenges the idea of a fixed image at all when he calls it a “naïve realist assumption that the image can stand alone as a true,

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<sup>131</sup> Schalkwyk, “Truth, Reconciliation, and Evil in South Africa.”

<sup>132</sup> Foster, “The Truth and Reconciliation Commission and Understanding Perpetrators.” p6.

<sup>133</sup> Martha K Huggins, Mika Haritos-Fatourous, and Philip G Zimbardo, *Violence Workers* (Berkeley: University of California Press, 2002).

<sup>134</sup> Tinneke Everaert, “The Representation of Perpetrators in the Work of Martin Amis: A Comparative Analysis” (University of Gent., 2014), <https://lib.ugent.be/en/catalog/rug01:002162621>. p17.

correct, image,” and calls for further analysis of not only the image, but the forces that shape it, going on to state that it is necessary to:

...create a scepticism in relation to that image, to what it shows, and what it tells- and ultimately to encourage a move into the analysis and interpretation of what it is the image wishes to show or tell, with the emphasis now on the telling, or the construction of meaning.<sup>135</sup>

Ideally, this construction of meaning around the metaphorical ‘image’ of the perpetrator is one that provides a greater understanding of the structures of violence at play. Hees argues that this type of context in film creates a pathway towards potential for understanding the perpetrator, and even a certain degree of learning for the audience.<sup>136</sup> The relationship between contextualization and the message imparted is why Hees’ emphasis on the telling and construction of meaning is a linchpin for discussion around complex perpetrator narratives. Hees posits that recognition of the structural factors of violence, which comes through said contextualization, is essential in order to empathize with a perpetrator.<sup>137</sup> It calls to mind the fundamental attribution error, which is a “tendency for observers to underestimate situational influence and overestimate dispositional influences upon others’ behaviours.”<sup>138</sup> By counteracting this tendency through a contextualized narrative, there is further potential to break down the victim-perpetrator binary that is pervasive in much of the orality around perpetrators. Pumla Godobo-Madikizela summarizes this in relation to Eugene de Kock and herself in her work on *A Human Being Died That Night*:

He had belonged to a world that created violence, I to a world that was the object of his violence; he belonged to a world where morality meant the same thing as hate, and I to a world

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<sup>135</sup> Edwin Hees, “Proteus and the Dialectic of History,” in *Marginal Lives & Painful Pasts: South African Cinema After Apartheid* (Parklands: Genugtig! Publishers, 2007), 89–103. p93.

<sup>136</sup> Mohamed, “Of Monsters and Men: Perpetrator Trauma and Mass Atrocity.” p1159-1160.

<sup>137</sup> Hees, “Proteus and the Dialectic of History.”p93.

<sup>138</sup> David Myers, *Social Psychology*, 6th ed. (Boston: McGraw-Hill, 1999). p83; as cited in Marleen Ramsey, “The Lived Experience of Receiving Empathy and Forgiveness for Six South African Perpetrators,” in *Memory, Narrative and Forgiveness: Perspectives on the Unfinished Journeys of the Past*, ed. Pumla Godobo-Madikizela (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 130–47. p137.

that knew the difference. Our worlds were black and white of lies and truth, and yet as De Kock spoke, the boundaries of our worlds did not always seem so clear.<sup>139</sup>

It may seem counterintuitive to seek learning from the representation of a perpetrator of violent crime and human rights abuses, but Susanne Knittel argues otherwise;

The idea that something could be learned from people such as Eichmann or Stangl [famously treacherous Holocaust perpetrators] may seem unsettling, but perhaps a certain degree of unsettlement is exactly what is required to shake visitors out of a distancing, even complacent idea about the past.<sup>140</sup>

This also aligns ideologically with truth commissions in their aim to prevent future human rights violations. Knittel discusses this learning in terms of physical sites of memory and documentary exhibition, and more specifically, Holocaust sites. Though Knittel does address film in *Lethal Trajectories*, this ideation of unsettlement seems quite pertinent when applied to media representations. Because memory itself is intangible, the abstraction of a site of memory can arguably be expanded beyond its related physical spaces. A “site of memory” was first coined by Pierre Nora, in which he envisaged “repositories” of collective memory.<sup>141</sup> This as encapsulated in a piece of media such as a documentary series has reach beyond physical space; viewers of the media become ‘visitors’ to a more metaphoric site of memory in a way that is able to transcend the spatial and temporal constraints placed on something like a museum, exhibition, or memorial. This removal of boundaries on the learning that Knittel calls for at physical sites is partly why media has such potential to harness transformative power.

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<sup>139</sup> Pumla Godobo-Madikizela, *A Human Being Died That Night: A South African Woman Confronts the Legacy of Apartheid*, 1st ed. (New York: Houghton Mifflin Company, 2004). p19-20.

<sup>140</sup> Susanne C. Knittel, “Lethal Trajectories: Perpetrators from Grafeneck to the Risiera,” in *The Historical Uncanny: Disability, Ethnicity, and the Politics of Holocaust Memory* (New York: Fordham University, 2015), 137–72.

<sup>141</sup> Pierre Nora, “Between Memory and History: Les Lieux de Mémoire,” *Representations*, 1989, <https://doi.org/10.2307/2928520>. p7.

The unsettlement that Knittel identifies is essential in ‘post-conflict’ scenarios where many viewers may also be beneficiaries. A beneficiary refers to a person who was not directly involved in crime or violence, but who helps to keep oppressive regimes in power;<sup>142</sup> in South Africa, white individuals who were not involved in direct conflict still benefitted from the apartheid system, and most voted accordingly.<sup>143</sup> Knittel’s concept of unsettlement is a literal one, which allows viewers to reflect on the situation as well as their own positionality in relation to it. This unsettlement can also be related to LaCapra’s more specific concept of empathic unsettlement. The core of this intellection is that the individual who is listening to a testimony responds empathically, while still being reflective about the difference between the testimony itself, the experience of the narrator, and the experience of listening to that testimony, thus recognizing the separation between self and other.<sup>144</sup> As Geschier summarized, “empathy is not identification, though it might contain moments of identification.”<sup>145</sup> LaCapra only discussed this in relation to empathy with a victim, but based on perpetrator trauma theory, which will be further discussed, paired with the breaking down of the victim-perpetrator binary, Knittel argues that we should apply LaCapra’s empathic unsettlement to perpetrators, as well<sup>146</sup> (though LaCapra himself struggled with this notion).<sup>147</sup> LaCapra’s concern with this concept was rooted in the possibility that empathy can bring a researcher to identify with the other, whether that be the victim or the perpetrator, thus losing the necessary critical distance. Although LaCapra’s concern was in the context of research, his argument is applicable to any experience of listening to a narrative. A complex and dynamic perpetrator narrative that invites empathy should ideally allow the listener (or in this case

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<sup>142</sup> Mahmood Mamdani, *The Truth According to the TRC*, ed. Ifi Amadiume and Abdullahi An-Na’im, *The Politics of Memory: Truth, Healing and Social Justice* (London: Zed books, 2000). p80.

<sup>143</sup> Thompson and Berat, *A History of South Africa, Fourth Edition*.

<sup>144</sup> Dominick Lacapra et al., “Trauma , Absence , Loss” 25, no. 4 (2007): 696–727. p78.

<sup>145</sup> Sofie Geschier, “The Empathy Imperative: Primary Narratives in South African History Teaching” (University of Cape Town, 2008).

<sup>146</sup> Knittel, “Lethal Trajectories: Perpetrators from Grafeneck to the Risiera.”p131.

<sup>147</sup> Alan Gibbs, *Contemporary American Trauma Narratives*. (Edinburg: Edinburgh UP, 2014). p166.

study, a viewer of *Special Report*) to experience the narrative while feeling unsettled but also not completely cutting oneself off from the narrator or subject. It keeps a critical distance between “us” (the viewer/listener) and “them” (the subject/in this case, the perpetrator)<sup>148</sup> while still providing an undercurrent which says that any of us could be capable of this- and, because of the infrastructural violence of the apartheid system and its inherent creation of beneficiaries, that some of us might actually be culpable. This ensures that documentary coverage of conflict and post-conflict settings does not become an unattached and didactic practice, but rather inherently includes us as viewers and often even participants within the system, which is one of the ways in which media may be able to work as a tool for transitional justice in and of itself. This is a difficult endeavour and one that people likely resist. Even when experienced with unsettlement, seeing the humanity of and thus empathizing with a so-called monster (an experience that I will refer to as empathic connection), is, as Godobo-Madikizela posits, a “profoundly frightening prospect, for ultimately, it forces us to confront the potential for evil within ourselves.”<sup>149</sup> Field suggests circumventing these concerns by distinguishing between compassion and empathy, of which the former is not essential to practicing the latter. He contends that the imaginative connection is “neither sympathy nor an emotion but a tool of understanding” for furthering the dialogic process of the interview; interviewer must practice empathy as a tool for productive dialogue, but avoid moving fully into compassion, because it is in that space that over-identification occurs.<sup>150</sup>

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<sup>148</sup> Megan Boler asserts this as the “irony of empathy: that it is only our separation- I/not I- that permits empathy.” Megan Boler, “The Risks of Empathy: Interrogating Multiculturalism’s Gaze,” *Cultural Studies*, 2006, <https://doi.org/10.1080/09502389700490141>. p265.

<sup>149</sup> Godobo-Madikizela, *A Human Being Died That Night: A South African Woman Confronts the Legacy of Apartheid*. p123; This concept is also addressed in Ramsey, “The Lived Experience of Receiving Empathy and Forgiveness for Six South African Perpetrators.”: Some psychologists assert that our first instinct to vilify a perpetrator is a “way of protecting ourselves from our own internal fears that we may have the potential to act in such horrific and heinous ways” (137).

<sup>150</sup> Field, “Critical Empathy through Oral Histories after Apartheid.” p663.

The sort of discourse that does not starkly draw the line between evil and good in terms of people and actions is ever present through the TRC, as well. “Instead of the complex, ethically charged notion of evil,” the TRC framed its discourse through the lens of human rights violations, meaning, for example, the commission could not provide blanket amnesty for a group such as the ANC despite their justificatory ‘just war’ thesis because they were still responsible for human rights violations,<sup>151</sup> although certainly within a different context than those committed by the apartheid state. The individualized search for terrible deeds committed across the political spectrum allowed the commission to imply that ‘evil’- or at least, evil deeds- has the potential to appear in any group or institution, a sentiment that is echoed in reflective perpetrator narrative media. Although this creation of a moral equivalence was a looming-- and valid-- point of critique that the commission faced,<sup>152</sup> by not labelling individuals with the loaded classification of “evil” and by providing narratives that sit between complete distance and identification, ensuring that those individuals are not relegated to a place beyond engagement,<sup>153</sup> which some argue is essential to any hope for an inclusively transformed future after conflict. However, using complex perpetrator narrative as a space for engagement does not guarantee that productive engagement (in this case, for processes of reconciliation) will be reached; “empathic unsettlement presents remembrance as a difficult return instead of merely adhering to the redemptive myth that the future will be better if one remembers.”<sup>154</sup> This becomes clear in examination of the many challenges that arise in showcasing perpetrator narratives.

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<sup>151</sup> Schalkwyk, “Truth, Reconciliation, and Evil in South Africa.” p7.

<sup>152</sup> N Barney Pityana, “The Truth and Reconciliation Commission in South Africa: Perspectives and Prospects,” *Journal of Global Ethics* 14, no. 2 (May 4, 2018): 194–207, <https://doi.org/10.1080/17449626.2018.1517819>.

<sup>153</sup> Schalkwyk, “Truth, Reconciliation, and Evil in South Africa.”

<sup>154</sup> Geschier, “The Empathy Imperative: Primary Narratives in South African History Teaching.” p28. See also Roger I. Simon, *The Touch of the Past: Remembrance, Learning and Ethics*, *The Touch of the Past: Remembrance, Learning and Ethics*, 2016, <https://doi.org/10.1007/978-1-137-11524-9>.

### *Challenges of perpetrator representation*

Though empathic unsettlement between perpetrators and viewers of perpetrator narratives may allow for consideration of structures of violence, there are still several challenges to keep in mind when discussing perpetrator testimony. The first and arguably most common in post-conflict settings is the criticism from victim and survivor groups that believe providing a perpetrator a “confessional stage” simply gives them further power in shaping public opinion. However, Leigh Payne found in her comprehensive study on perpetrator confessions in Argentina, Brazil and South Africa, that perpetrators feel quite the opposite. Payne argues that these “stages” strip perpetrators of power, especially when mediatized, because the institutional environment of something like a truth commission shapes how their account will be interpreted and they “lose control” of their own narrative.<sup>155</sup> The cognitive shortcuts and moral judgements that media’s frame narrative provide only enhances this process.

Sibylle Schmidt takes a critical look at perpetrator testimony, breaking the discussion into what she calls the testimony’s hermeneutic and moral problems of trust, truth, and authority. She does so in order to suggest how to “giv[e] and receiv[e]... testimony as a social practice,”<sup>156</sup> and to hopefully be able to move beyond these challenges. Schmidt’s understanding of trust in testimony says that in order for testimony to have any sort of value, the listener must approach it with a certain level of trust in what the speaker offers; without trust in the testimony, there is nothing to be learned from it (as Knittel suggests we should), and the practice becomes irrelevant. Trust in perpetrator testimony is

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<sup>155</sup> Leigh Payne, “Confessional Performances: A Methodological Approach to Studying Perpetrators’ Testimonies,” in *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*, ed. Audrey R Chapman, Hugo van der Merwe, and Victoria Baxter (Washington, DC: United States Institute of Peace, 2009), 227–48. p239.

<sup>156</sup> Sibylle Schmidt, “Perpetrators’ Knowledge: What and How Can We Learn from Perpetrator Testimony?,” *Journal of Perpetrator Research* 1, no. 1 (2017): 85–104, <https://doi.org/10.21039/jpr.v1i1.38>. p90.

particularly risky, as they have something to gain from telling their story in a particular way, especially in a context such as an amnesty hearing:

Personal conflict and structural factors demonstrate both the power of confession and the limits of its sincerity: the urge to tell vs. the burden of secrecy that may last for years, the need for self-protection vs. self-incrimination, the need to identify with society vs. with themselves, the desire for integration and inclusion vs. exclusion, the manifest intentions vs. the non-narratable or even unspeakable dimensions of the unconscious powers at work, and the foreignness of language itself.<sup>157</sup>

That said, the potential dangers of trusting this this type of narrative “does not release us from the obligations of remembrance,”<sup>158</sup> thus the question is not ‘should we?’ But rather, ‘how should we?’ The challenges of trust in perpetrator testimony also brings forth questions of genuineness of the testimony, a characteristic which is near impossible to measure; it also may be the case that the authenticity is swayed by media presence, and the knowledge of the narrator that they are being watched- and judged- by a much larger audience. However, Schmidt also notes that “testimony is not a piece of information which we assess independently, but a sort of dialogue with normative social implications.”<sup>159</sup> This was certainly true within the TRC’s amnesty process, as it took on outside research and considered victim testimony in an attempt to ascertain whether the perpetrators were telling the truth in its entirety. Albeit, Schmidt also identifies two types of truth, internal and external. External truth refers to the facts of how the incident happens, while internal truth refers to the inner experience of the event.<sup>160</sup> While the TRC’s mandate focused on finding external truths, it shed light on internal truths as well, which the *Truth Commission Special Report* broadcast was able to expand on in some of the perpetrators’ cases. Though internal truths are fallible in terms of historical record, they can elucidate “social and psychological truths” of the perpetrators and allow consideration of not only

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<sup>157</sup> Raya Morag, *Waltzing with Bashir: Perpetrator Trauma and Cinema* (London: I.B.Taurus & Co Ltd, 2013). 20.

<sup>158</sup> Simon, *The Touch of the Past: Remembrance, Learning and Ethics*. As cited in Geschier, “The Empathy Imperative: Primary Narratives in South African History Teaching.”

<sup>159</sup> Schmidt, “Perpetrators’ Knowledge: What and How Can We Learn from Perpetrator Testimony?” p91.

<sup>160</sup> Schmidt. p96.

the truths that are shared, but also what is silenced.<sup>161</sup> Lastly, Schmidt discusses authority, stating that the acceptance of a testimony authorizes it and thus empowers it. She does not assert this as an inevitability, but instead notes it as something to be aware of as researchers dealing with perpetrator testimony and re- presenting it to an audience.

Jenni Adams and Sue Vice also discuss perpetrator representation in the context of the Holocaust; one issue they raise is that by representing perpetrators, there is a risk of “obscuring or de-emphasising victim perspectives and experience.”<sup>162</sup> They also posit that the reluctance to portray perpetrators may be better described as a “refusal to legitimise or exonerate perpetrator viewpoints,”<sup>163</sup> as if the act of listening to these narratives excuses the act of violence implied; this is certainly a possibility, depending on how the narrative is framed, though I would argue it is nowhere near inevitable. Media scholarship has also noted that films that foreground the narratives of perpetrators in order to provide a more complex understanding of them have the potential to minimize engagement with the wider context of the violent act. Macarena Gómez-Barras’ analysis of documentary portrayal of the female perpetrator in Abu Ghraib argues that, whether intentionally or not, focusing on a perpetrator and being reductionist about the victim individualizes violence rather than delves into the larger-scale issues,<sup>164</sup> such as the structural and institutional factors. This is problematic, because, as identified, acknowledging structural issues also creates the possibility for the empathic connection while still maintaining distance as a listener-- hence, empathic unsettlement-- that are necessary for complex perpetrator narratives that lend to moving through larger-scale conflict.

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<sup>161</sup> Schmidt. p98.

<sup>162</sup> Jenni Adams and Sue Vice, eds., *Representing Perpetrators in Holocaust Literature and Film* (London: Vallentine Mitchell, 2013). p2.

<sup>163</sup> Adams and Vice. p2.

<sup>164</sup> Macarena Gómez-Barras, “The Female Perpetrator,” in *A Companion to Contemporary Documentary Film*, ed. Alexandra Juhasz and Alisa Lebow (New York: John Wiley & Sons, Inc, 2015), 524–35. p525.

Wendy Hesford's discussion on representational violence widens Gómez-Barras' critique of individualization to say more generally that "survivor narratives often get caught up in discursive practices (legal, religious, and therapeutic) that further individualize violence and trauma and in doing so prompt passive empathy or judgement from viewers rather than a stance of critical witnessing."<sup>165</sup> Passive empathy, as Megan Boler has defined it, refers to "those instances where our concern is directed to a fairly distant other, whom we cannot directly help,"<sup>166</sup> which does not then require a "self-reflective participation"<sup>167</sup> by the interviewer and turns the story into one for "consumptive" objectification or identification.<sup>168</sup> Boler contends that this 'annihilates the other,' piggybacking on Dori Laub's postulation that the empathic listener affirms and recognizes their [the other's] realness, and the lack of such 'annihilates the story.'<sup>169</sup> This can happen with perpetrator narratives, as well. The use of individual stories as examples to prove a point risks creating the perception that "such violence becomes about a few bad apples as many have commented, rather than pointing at the broader institutional violence at work."<sup>170</sup> It has been argued that in South Africa's transitional era, both the media and the TRC fell into this trap, and the intentional individualization, and thus, flat objectification, within both trial and performance became problematic for perpetrators as well as victims.<sup>171</sup> This speaks to the possibility that these singular narratives can be more detrimental than helpful to the cause of finding empathic connection with perpetrators. Don Foster observes that

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<sup>165</sup> Wendy Hesford, "Rape Stories: Material Rhetoric and the Trauma of Representation," in *Haunting Violations: Feminist Criticism and the Crisis of the "Real,"* ed. Wendy Hesford and Wendy Kozol (Urbana: University of Illinois Press, 2001).p17.

<sup>166</sup> Boler, "The Risks of Empathy: Interrogating Multiculturalism's Gaze." p257.

<sup>167</sup> Boler. p263.

<sup>168</sup> Boler.

<sup>169</sup> Dori Laub and Shoshanna Feldman, *Testimony: Crisis of Witnessing in Literature, Psychoanalysis, and History* (New York: Routledge, 1992).

<sup>170</sup> Gómez-Barras, "The Female Perpetrator." p525.

<sup>171</sup> Evans, "Amnesty and Amnesia: The Truth and Reconciliation Commission in Narrative Film." p274.

despite claims by scholars<sup>172</sup> “that understanding [perpetrators] does not imply excusing, apologising, or forgiving, we have nevertheless seen that certain understandings may lead to the ‘soft’ reaction and reduce the culpability of the evildoer, leaving the victim with a potential sense of injustice,”<sup>173</sup> using ‘soft reaction’ to refer to explanations that reduce culpability of the perpetrator in a problematic way.

Despite these challenges, acknowledging perpetrator narratives is necessary; “The perpetrator is as much part of history as the victims and in order to achieve a deeper understanding of past tragedies that might even help avert future traumas, we need a better understanding of the perpetrator too.”<sup>174</sup>

When these narratives are presented in a way that prompts critical empathy<sup>175</sup> for perpetrators (paired with unsettlement as LaCapra envisaged) they first acknowledge the reality of perpetrator trauma, and subsequently allow an understanding of perpetrators as dynamic actors that are (potentially) capable of change. Both aspects are needed within successful reconciliatory processes. It is also possible that this exchange also prompts a desire to change within the perpetrator themselves, becoming a type of self-fulfilling prophecy. Additionally, because empathic unsettlement is not without circumscription, there remains room for both empathy and critical consumption of these narratives, which, at the very least, come together to create the “mutuality” needed to propel a dialogue forward in some way.<sup>176</sup>

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<sup>172</sup> R Baumesiter, *Evil* (New York: WH Freeman & Co., 1997). p19; Christopher R. Browning, “Ordinary Men,” in *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*, 1992, <https://doi.org/10.4324/9781912281336>.

<sup>173</sup> Don Foster, “Entitlement as Explanation for Perpetrators’ Actions,” *South African Journal of Psychology* 30, no. 1 (2000): 10–13, <https://doi.org/10.1177/008124630003000103>. p11.

<sup>174</sup> Everaert, “The Representation of Perpetrators in the Work of Martin Amis: A Comparative Analysis.”p17.

<sup>175</sup> Carolyn Dean was one of the initial scholars to frame this conceptual and methodological challenge, in which historians must attempt to “take the victims view” without “taking the victims place.” Carolyn J. Dean, *The Fragility of Empathy after the Holocaust* (Ithaca, NY: Cornell University Press, 2004). p67, p73. Eric Leake brings this into the methodological realm when he states that “critical empathy offers a way to employ the personal to inform the intersubjective and social,” the crux of this study. Eric Leake, “The (Un) Knowable Self and Others: Critical Empathy and Expressivism,” in *Critical Expressivism: Theory and Practice in the Composition Classroom*, ed. T Roeder and R Gatto, Perspectives on Writing (WAC Clearinghouse, 2015), 149–60, <https://books.google.co.za/books?id=hraDrgEACAAJ>. p150.

<sup>176</sup> Field, “Critical Empathy through Oral Histories after Apartheid.”

This is essential because the potential for empathic unsettlement to cause audience reflection on culpability is a positive step in moving away from the fixed image of perpetrator, unravelling the binaries of ‘us’ and ‘them’ and ‘victim’ and ‘perpetrator.’ It is these grey areas that make transitional processes possible at all and necessitate complex perpetrator-focused narratives despite the challenges this entails.

Even beyond forcing introspection, addressing structural factors of perpetratorship within media narratives also works to circumvent the issues of sensationalism. The traditional narrative surrounding perpetrators is one that elicits horror (rather than sympathy as with victim narratives), and thus, further othering.<sup>177</sup> This makes transitional justice procedures great fodder for filmmakers, in realms of both documentary and feature film; “The suspense of judicial processes, the testing of old loyalties, the fluid identities of victim and perpetrator, and the uncovering of past abuses lend themselves to various film genres, including psychological thriller, courtroom drama, and spy films.”<sup>178</sup> Filmmakers and audiences alike seem to gravitate towards perpetrator narratives that fall into the trap of the perpetrator-as-monster image, and Evans claims that this may be because audiences feel discomfort with the stories of victims. She observes that “the empathy required of audiences in reaction to victims’ narratives is arguably more traumatic than the horror/revulsion evoked by perpetrators’ testimonies (even in narrative film).”<sup>179</sup> In addition to individualization, it is also the popular and sensationalized views of perpetrators after conflict that disallow consideration of wider violent structures at play, and thus empathy. A closer look at the simplification and sensationalizing that often happens in perpetrator-focused media reveals the necessity to break down the idea that victim and perpetrator

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<sup>177</sup> Evans, *Amnesty and Amnesia*, 269.

<sup>178</sup> Evans, “Amnesty and Amnesia: The Truth and Reconciliation Commission in Narrative Film.”p257.

<sup>179</sup> Evans. p269.

are binary or mutually exclusive concepts in order to recognize a fuller experience of conflict, not only for the identified perpetrator, but for members of wider society.

### The language of 'evil': Discourse around perpetrators

Perpetrator studies include the scholarly study of perpetrators of mass killings, political violence, and genocide. Its cross-disciplinary nature aims to understand fuller pictures of the causes and effects of violence, and thus engage with how to move forward as well as, ideally, take preventative measures for such violence in the future. Traditional or retributive justice is mainly offender-focused, as its main goal is to assess the wrongdoing and what the appropriate punishment would be in response to that wrongdoing. This is in stark contrast with transitional justice, in which the literature offers little in regard to any sort of widely accepted best practices on how to address perpetrators; however, in order for transitional justice to be a “forward-looking process,” it must engage with the crimes committed in order to go about reintegration and re-education. This twofold approach to perpetrators within transitional justice should work to not only condemn the abuses, but to then transform the social environment that fostered them.<sup>180</sup>

Some scholars contest the existence of the field of perpetrator studies, and hold the belief that “we should simply recognize [extraordinary human evil] for what it is and condemn it.”<sup>181</sup> This comes from concern that attempts to understand perpetrators would draw away from a victim-centric approach that is necessary to transitional justice as previously identified, and that perpetrator studies may have the potential to draw sympathies and lessen the focus on past violence.<sup>182</sup> However, these critiques

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<sup>180</sup> Payne, “Confessional Performances: A Methodological Approach to Studying Perpetrators’ Testimonies.”

<sup>181</sup> James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing*. (Oxford: Oxford University Press, 2002). p15.

<sup>182</sup> Foster, “Popular Representations of Perpetrators,” 2005. p10.

play into the problematic victim-perpetrator binary far too much. As Govier and Verwoerd<sup>183</sup> point out, the label of ‘victim’ is reductionist because it discounts the depth of an individuals’ personhood and implies a problematic passivity within their experience of violence. It also disregards the ways in which victims shift their positionality into varying forms of the more agentic ‘survivor’ role as an aspect of coping. Similarly, though seemingly less acceptable to think about, ‘perpetrators’ have other characteristics and experiences to be considered, and the label is usually an oversimplification. “Perpetrators are perpetrators when they commit an act of violence, but the act of violence is only one action in a broader repertoire of actions that individuals who commit violence actually carry out.”<sup>184</sup> Perhaps in its most productive form within a framework of transitional justice, empathizing with a perpetrator takes into account their positionality within the structure that led to the moment in which they perpetrated the crime, thus creating a victim or victims. Whether intentionally or not, *Special Report* created a space in which viewers could expand their understanding of perpetrators from all sides of the conflict, and even forge an opening for viewers to go beneath the actions of the crime in order to encounter the Other. The recognition of the complexity behind the conceptualization of a ‘perpetrator’ is not to discount the need for justice in whatever form that may take, but rather to dismantle a problematic and uncompromising understanding of a major component of conflict and transitional justice.

Mark Drumbl<sup>185</sup> also identifies three groups of conflict actors, in descending order of what he calls “moral blameworthiness.” The first is ‘conflict entrepreneurs,’ who exacerbate societal divisions in

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<sup>183</sup> Trudy Govier and Wilhelm Verwoerd, “How Not to Polarize ‘Victims’ and ‘Perpetrators,’” *Peace Review*, 2004, <https://doi.org/10.1080/1040265042000278621>.

<sup>184</sup> Scott Straus, “Studying Perpetrators: A Reflection,” *Journal of Perpetrator Research* 1, no. 1 (December 2017): 28–38, <https://doi.org/10.21039/jpr.v1i1.52>. p29.

<sup>185</sup> Mark Drumbl, *Atrocity, Punishment, and International Law*. (Cambridge: Cambridge University Press, 2007). p25.

order to gain and retain power; they are what he calls an “apex” perpetrator. The second category he identifies are those that fall into a middle ground; they receive orders from apex perpetrators and pass orders on to others to do the same. The third category is of actual killers, which is the largest group and is generally made up of ‘ordinary people.’ He then differentiates beneficiaries, which refers to individuals who have either assisted, benefited from, or simply ignored the abuses by the regime at hand. Nkosingithi Biko (son of slain activist Steve Biko) is even more critical of the relationship of amnesty and beneficiaries, posing the question of whether participation in the commission was about truth and reconciliation at all for perpetrators, but was it rather a way for those engaged in direct violence to “join the ranks” of the rest of the indifferent, the beneficiaries.<sup>186</sup> Transitional justice in general should work to broaden understanding of what responsibility for human rights abuses looks like, and in fact “not draw the line too sharply between perpetrators and the ‘innocent’ members of society.... Holding people accountable needs to be extended beyond the conventional bounds of criminal responsibility.”<sup>187</sup>

Lastly, another dominant—and binary— perpetrator categorization is situationist versus voluntarist, per Don Foster. The prolific political theorist Hannah Arendt falls into the situationist discourse in reference to Nazi leader (and one of the architects of the “Final Solution”) Adolf Eichmann’s bureaucratic facilitation of state- sponsored genocide during the Holocaust, stating that perpetrators are actually ordinary people that simply follow orders, and perpetrate violence situationally, not because they are inherently evil.<sup>188</sup> Many psychological studies have followed to reinforce the

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<sup>186</sup> Nkosingithi Biko, “Amnesty and Denial,” in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (Cape Town: Zed books, 2000).

<sup>187</sup> Hugo Van der Merwe, “Delivering Justice during Transition: Research Challenges,” in *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*, ed. Hugo Van der Merwe, Victoria Baxter, and Audrey Chapman (Washington, DC: United States Institute of Peace, 2009), 115–42. p125.

<sup>188</sup> Hannah Arendt, *Eichmann in Jerusalem* (New York: Viking, 1963).

situationist theory during times of armed conflict, particularly when it is state-led.<sup>189</sup> This may be most relevant to South African perpetrators who were conscripted. However, the issue with this approach is the total lack of agency it assumes of the subjects. The other side of the spectrum is the voluntarist argument, which gives no credence whatsoever to the systems that created space for perpetratorship, stating that the perpetrator is simply doing what they wish. This draws on early theory that perpetrators were all psychopaths,<sup>190</sup> while Klaus Theweleit asserts, referring to right-wing *Freikorps* volunteers in interwar Germany,<sup>191</sup> the voluntarist must be tapping into a desire to perform extreme aspects of masculinity,<sup>192</sup> which will be further addressed. The problem with these two categorical options is that it only allows for framing of top-down violence, when it also must account for lateral violence (violence against peers), spontaneous violence (unplanned), and bottom-up violence<sup>193</sup> (violence from socially subordinate groups<sup>194</sup>).

Yasmin Sooka addresses the issue of victim-perpetrator binary and the levels of perpetratorship as it comes up in truth commissions. She states that in situations in which human rights abuses were carried out not only by the state but also by retaliating forces, a truth commission must be clear that it will

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<sup>189</sup> Stanley Milgram, *Obedience to Authority* (New York: Harper & Row, 1974); Craig Haney, Curtis Banks, and Phil Zimbardo, "Interpersonal Dynamics in a Simulated Prison," *International Journal of Criminology and Penology* 1 (1973); Herbert Kelman and V. Lee Hamilton, *Crimes of Obedience* (New Haven: Yale University Press, 1989); Huggins, Haritos-Fatourous, and Zimbardo, *Violence Workers*; Philip Zimbardo, *The Lucifer Effect* (London: Rider Books, 2007).

<sup>190</sup> Foster, "Rethinking the Subjectivity of Perpetrators of Political Violence." p41.

<sup>191</sup> While this a different setting than that of South Africa, members of the right-wing organizations and the liberation movements would have been volunteers. This may not exclude them from the situationist categorization, but it also provides a similar context for decision-making that the *Freikorps* volunteers would have faced during an authoritarian regime and conflict, and thus, rationale for the consideration of this theory.

<sup>192</sup> Klaus. Theweleit, *Male Fantasies, Vol 1* (Minneapolis: University of Minnesota Press, 1987); Klaus Theweleit, "Male Fantasies, Vol 2" (Cambridge: Polity Press, n.d.).

<sup>193</sup> Foster, "Rethinking the Subjectivity of Perpetrators of Political Violence."p43.

<sup>194</sup> Roberta Senechal de la Roche, "Collective Violence as Social Control," *Sociological Forum*, 1996, <https://doi.org/10.1007/bf02408303>.

investigate crimes from all sides.<sup>195</sup> To do this demonstrates the belief that there was no side that held or continues to hold any sort of absolute moral high ground, and that individuals can be both victim and perpetrator. She states that a truth commission can avoid criticism of one-sidedness by

...ensuring that the legal definitions of “perpetrators” and “victims” are politically neutral. While this can result in the identification of some persons as both perpetrator and victim, it should not be seen as a dilemma, as it is a question of upholding values rather than an adversarial approach that holds one party being right and the other in the wrong.<sup>196</sup>

Approaching labels with political neutrality is one approach to the deconstruction of a reductionist binary, but another is to question these labels in the first place. Social representations, much of which can be made of labels, establish frames of meaning around people, things, and events, and thus serve a “prescriptive role” in their creations of meaning.<sup>197</sup> It could be surmised that this is why many individuals that are labelled as perpetrators reject that label altogether; to them, there is often a much more complex story behind the deeds that brought them to be labelled as such.<sup>198</sup> Thus, the type of language that surrounds those identified as perpetrators in *Truth Commission Special Report* and through the TRC process is useful in unpacking the politics of representation. Geschier and Lubbe identify the problem with using binary identities such as ‘victim’ and ‘perpetrator’; the individual is “the meeting point of many, sometimes conflicting socially and historically defined discourses... the complexity of an individual’s make-up, his different ‘voices’, combined with the identities attributed to different groups by the apartheid narrative, has serious implications for the success of a process such as the TRC,”<sup>199</sup> because people can be both victim and perpetrator.<sup>200</sup> There are several other binaries that

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<sup>195</sup> Sooka, “Dealing with the Past and Transitional Justice: Building Peace through Accountability.” p315.

<sup>196</sup> Sooka. p315.

<sup>197</sup> Foster, “Popular Representations of Perpetrators,” 2005. p28.

<sup>198</sup> Foster, “Rethinking the Subjectivity of Perpetrators of Political Violence.” p43.

<sup>199</sup> S Geschier and F Lubbe, “Who Is the Perpetrator? Identifying Responsibility in Truth and Reconciliation Commission Narratives,” in *Telling Wounds: Narrative, Trauma and Memory—Working through the SA Armed Conflicts of the 20 Th Century* (Stellenbosch: Van Schaik, 2002), 277–88. p277.

<sup>200</sup> Foster, “Rethinking the Subjectivity of Perpetrators of Political Violence.” p43.

should be problematized; for example, criminal and political violence was portrayed as a hard line in the TRC, but was often unclear in practice in the context of South African violence.<sup>201</sup> The binarism in the TRC's linguistics of representation leaves little room for encapsulating the complexities and power relations at hand, which will in turn influence how the individuals that hold those labels are represented and perceived. An entire discourse analysis could be performed around the othering or justifying discourses in media portrayals of perpetrators.<sup>202</sup> Firstly, othering discourses allow the viewer to separate themselves from the perpetrators, thus providing the "luxury of moral indignation,"<sup>203</sup> despite the fact that they may have been beneficiaries of the violent structures themselves. This sort of discourse goes against the call from transitional justice to erase a definitive line between perpetrators and the "innocent" majority as previously identified in the literature.

### *Perpetrators' discourse of the self*

Beyond the language used around perpetrators by others, it is important to consider the language that perpetrators use to describe their own situations. Leigh Payne describes perpetrator confessions to authoritarian violence as performances that are both scripted and acted out in a manner that "imbue their performance with political meaning." She breaks this down further by identifying the makeup of such a performance as "what they say, how they say it, and where and when" the confessional performance takes place. She also acknowledges that media is often used to further shape the performance by reinforcing or countering what is said.<sup>204</sup> This framework is helpful for thinking about *Special Report*, as a successful amnesty application required political meaning to appear in the narrative, and the TRC offered a shape to the four parts of performance that Payne describes. Her reference to

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<sup>201</sup> Foster. p43.

<sup>202</sup> Foster, "Popular Representations of Perpetrators," 2005. p44.

<sup>203</sup> Jeremy Gordin, "Foreword," in *A Long Night's Damage: Working for the Apartheid State*, ed. Jeremy Gordin (Saxonwold: Contra Press, 1998), 13–38. p.23.

<sup>204</sup> Payne, "Confessional Performances: A Methodological Approach to Studying Perpetrators' Testimonies."p227.

media is simply another way to conceptualize a frame narrative, with the perpetrator’s “performance” as the embedded narrative. Payne also notes that the structure of the South African TRC was especially suited to prompting these types of confessions as no other process had yet to do; however, she also points out that there had not yet been no systematic analysis on the perpetrator confessions’ role in transitional justice processes. The methodology she used for researching perpetrator confession for her book *Unsettling Accounts* utilizes a predominantly textually-based analysis, which by her own admittance still cannot answer the questions around their value for transitional justice. This is why she also included analysis of video transcripts and media opinion surveys, as well as conducted her own interviews. The research for this thesis takes a similar approach but focuses instead on the mediatized version of the confession. Although this version includes parts of the original confessional performance, it specifically seeks understanding of what Payne has called the “staging” part of the performative process, through which the audience interpretation of the narrative is likely subliminally shaped.<sup>205</sup>

Don Foster explains that perpetrators will “have a range of possible strategies” as they confess, testify, or otherwise narrate their experiences, hinting that it is impossible to receive an unbiased narrative from anyone, but especially perpetrators of violence because of the several psychological layers that this involves. Studies have shown that apology and acknowledgement is the rarest of responses to the call for accountability,<sup>206</sup> though it would be the most helpful for reconciliation; denial is the most common.<sup>207</sup> Cohen argues that denialism can take four forms: obedience to superiors, conformity with society, necessity, or splitting of the personality. These are encompassed and further teased out within a combination of further scholarly works. Sociolinguist Patricia O’Connor envisions a “scheme of

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<sup>205</sup> Payne. p238.

<sup>206</sup> Huggins, Haritos-Fatourous, and Zimbardo, *Violence Workers*.

<sup>207</sup> Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Cambridge: Polity Press, 2001).

accountability,” a continuum on which the perpetrator’s discourse of the self reflects different levels of agency. This ranges from claiming, or taking full responsibility; problematizing, stating they don’t know why they did it; and lastly, deflecting, in which they push agency to another party (this is one form of denial).<sup>208</sup> Foster identifies patterns of deflection in perpetrator narratives, which are essentially directions in which blame is cast. Upwards deflection refers to narratives that attribute agency to superiors; horizontal deflection pushes agency along horizontal power lines, meaning those with similar status; downwards deflection appears as victim blaming.<sup>209</sup> Foster notes that deflection was most common in narratives from former apartheid operatives. Conversely, members of liberation movements more often employed strategies of justification, in which the perpetrator takes responsibility for the act, but does not acknowledge its wrongfulness.<sup>210</sup> This particularly related to the ANC and PAC’s ‘just war’ narrative, in which they propound the same act cannot be measured against “the same moral yardstick” because of what Asmal et al. call “fundamentally different international law fabric of the contending sides.”<sup>211</sup>

Justification through utilizing language related to war is the first of four recurring perpetrator discourses that Foster identified through an analysis of TRC documents, including reports, testimony, submissions, and hearings. These recurrent discourses, all of which relate to accountability include (after war justification) denying full knowledge of what happened; admitting to mistakes and unintended consequences; and that they were unable to exercise restraint.<sup>212</sup> These narratives work as

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<sup>208</sup> Patricia E O’Connor, “Speaking of Crime: I Don’t Know What Made Me Do It,” *Discourse & Society* 6, no. 3 (1995): 429–56.

<sup>209</sup> Foster, “Confessions, Apologies, and Perpetrators.” p182.

<sup>210</sup> Foster. p183.

<sup>211</sup> Kader Asmal, Louise Asmal, and Ronald Suresh Roberts, “When the Assassin Cries Foul,” in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, ed. Charles Villa-Vicencio and Wilhelm Verwoerd (Cape Town: University of Cape Town Press, 2000), 86–98. p95.

<sup>212</sup> Foster, “Confessions, Apologies, and Perpetrators.” p183-184.

an attempt at justification to the self. They are often narratives of moral disengagement; according to Waller, this disengagement is created through “an active, but gradual process of detachment by which some individuals or groups are placed outside the boundary in which moral values, rules, and considerations or fairness apply.”<sup>213</sup> It is this moral construction of the world that must be deconstructed after conflict.

Godobo-Madikizela has identified a commonality in how perpetrators may experience their own narratives; as a perpetrator communicates a rationalization for their actions, it becomes their truth, which absolves them from any guilt they may feel. She argues that this is done as a form of self-preservation in order to hold onto their sense of dignity, even when there is some sort of understanding that their actions were morally abhorrent.<sup>214</sup> This is a theory which surfaced in Marleen Ramsey’s interviews with perpetrators on their experience with the TRC; she found

Five of the six men interviewed spoke of this internal need to maintain a sense of dignity and self-respect in an environment that they felt was extremely hostile towards them. They used words such as ‘protect myself,’ ‘keep my public face,’ and ‘I could not show weakness’ to describe the emotions they were experiencing.<sup>215</sup>

No narrative can ever be full and true; this is especially the case in the context of a truth commission, which heavily shapes the narrative form and content.<sup>216</sup> However, as Raya Morag formulated in reference to the Israeli-Palestinian conflict (especially in the context of Israeli soldiers, which is arguably the most comparable case to South African conscripts who enforced apartheid),

Even if the post-traumatic perpetrator were capable of diverse forms of self-awareness through confession, the outcome of the confession would be redefined, necessarily, as a social

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<sup>213</sup> James Waller, “The Ordinarity of Extraordinary Evil,” in *Collective Violence and International Criminal Justice*, ed. Alette Smeulers (Oxford: Intersentia, 2010). p29.

<sup>214</sup> Godobo-Madikizela, *A Human Being Died That Night: A South African Woman Confronts the Legacy of Apartheid*. p23.

<sup>215</sup> Ramsey, “The Lived Experience of Receiving Empathy and Forgiveness for Six South African Perpetrators.” p140.

<sup>216</sup> Foster, “Confessions, Apologies, and Perpetrators.”

dilemma. In other words, the perpetrator's ethical insight must be tested against society's willingness to accept responsibility rather than its willingness to accept the perpetrator.<sup>217</sup>

Here, Morag extends the responsibility for narrative as a tool for transformation to the audience as well; regardless of which framework a perpetrator uses for their narrative of self, society must also reflect on their own culpability. Perpetrator trauma and empathic unsettlement may be able to act as an entry point for this.

Language choice—as in, whether a perpetrator gives their testimony in English, Afrikaans, Xhosa, Zulu, or any of the eleven South African languages—also influences their experience of giving testimony, the viewer's experience of receiving the testimony, and it may be tied into experiences each had in conflict, as well. This also affects how a testimony or narrative is received. A narrative should be examined not just for words, but for its discourse; Blommaert et al. describe this as language use plus intertextuality, which includes social, cultural, and historical contextualization that comes particularly from deep language fluency, that allow people to understand one another.<sup>218</sup> In addition to the actual language spoken, the TRC format may have restricted the types of discourse people were using; the prescriptive structure meant that at times, “due to differences in communicative competence,”<sup>219</sup> some of the more subtle aspects of a discourse, or aspects which could not have been translated for lack of underlying context beyond verbiage, may have been lost. The translator's role in the hearings were thus essential; linguist Christine Anthonissen writes about how in the amnesty hearings especially, either the speakers or their legal representatives became very focused on the exact

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<sup>217</sup> Morag, *Waltzing with Bashir: Perpetrator Trauma and Cinema*. p19.

<sup>218</sup> Jan Blommaert, Mary Bock, and Kay Mc Cormick, “Narrative Inequality in the TRC Hearings: On the Hearability of Hidden Transcripts,” *Journal of Language and Politics*, 2006, <https://doi.org/10.1075/jlp.5.1.04blo>. p42. For further discussion of communicative competence, see Dell Hymes, “On Communicative Competence,” in *Sociolinguistics*, ed. J. B. Pride and Janet Holmes (Harmondsworth: Penguin Books, 1972), 269–85.

<sup>219</sup> Blommaert, Bock, and Mc Cormick, “Narrative Inequality in the TRC Hearings: On the Hearability of Hidden Transcripts.”

interpretation put forth by the translators.<sup>220</sup> This appeared in the transcription, as well, which is now only available in English; meaning that the archive of TRC documents is at a loss for most speakers' "actual modes of expression."<sup>221</sup> This issue would have been slightly circumvented with *Special Report's* investigative format, which often provided further investigation or interviews in which clarification could occur, however, in the use of footage from the hearings themselves, the translated version was the only audio provided. That said, Analisa Oboe argues in her work on the TRC women's hearings that these versions are still relevant and valuable in that they point to the creation of public memory, as the translations were what most of the nation would have interacted with.<sup>222</sup> What translation cannot capture which is relevant to this research, is, firstly, how language may provide an access point for identity,<sup>223</sup> and secondly, as Pumla Gqola put it, the "systems of dominance" which are "inscribed" through language.<sup>224</sup>

### *Perpetrator trauma*

Discussing the psychology of perpetrators in the aftermath of the violent act calls for discussion of the causation of perpetratorship as well, which must include trauma theory. The concept of 'trauma' developed first out of the clinical psychological examination of war experiences, beginning in the 20<sup>th</sup> century. What had been called shell shock after World War I and later, "Vietnam Syndrome" is now known as Post Traumatic Stress Disorder (PTSD). This conceptualization of trauma was popularized

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<sup>220</sup> Christine Anthonissen, "On Interpreting the Interpreter - Experiences of Language Practitioners Mediating for the TRC," *Journal of Multicultural Discourses*, 2008, <https://doi.org/10.1080/17447140802376284>. p181.

<sup>221</sup> Analisa Oboe, "The TRC Women's Hearings as Performance and Protest in the New South Africa," *Research in African Literatures*, 2007, <https://doi.org/10.2979/RAL.2007.38.3.60>. p62.

<sup>222</sup> Oboe. p62.

<sup>223</sup> Stuart Hall, "Cultural Identity and Diaspora," in *Contemporary Postcolonial Theory: A Reader*, ed. Padmini Mongia (London: Arnold, 1996).

<sup>224</sup> Pumla Dineo Gqola, "Defining People: Analysing Power, Language and Representation in Metaphors of the New South Africa," *Transformation*, 2001. p95, as in Annemarie Van Niekerk, *The Torn Veil: Women's Short Stories from the Continent of Africa* (Cape Town: Queillierie, 1998).

when it was included in the Diagnostic and Statistical Manual of Mental Disorders (DSM) III in 1980, thus spreading the referential approach to trauma, which is event-based. In this context, trauma scholar Christopher Colvin offers the idea that trauma as a diagnosis provided soldiers with “a way to frame their suffering in a morally neutral idiom, not as the regrets of a guilt-ridden soldier back home, but as the predictable psychological effects of external experiences of ‘traumatic stress.’”<sup>225</sup> Trauma theory has since further developed, including the ideological camp which critiques the event-based approach to trauma, pointing to the post-structural limits of representation and this, that any reference to trauma is only that- a reference- rather than a full understanding.<sup>226</sup>

For many South Africans outside of clinical settings, it is likely that their first encounter with the word ‘trauma’ was during the TRC.<sup>227</sup> The working definition of trauma within this research uses Colvin’s understanding of trauma as a psychiatric term that is helpful in its ability to “offer a new number of classes of individuals a status as ‘real’ victims in a way that was not possible before,” but which calls for a critical eye in its application.<sup>228</sup> To do this, it also draws on Judith Herman’s conceptualization of trauma in the aftermath of violence; “the systematic study of psychological trauma... depends on the support of a political movement.”<sup>229</sup> Although in the TRC, it was mostly a word surrounding the victim hearings, here it is considered within the realm of perpetrator psychology, which first, is relevant, as its first diagnostic emergence was around returning Vietnam soldiers; second, it is necessary because the categories of victim and perpetrator are not mutually exclusive in South Africa; and third, it is important to the processes of transitional justice.

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<sup>225</sup> Christopher Colvin, “Trauma,” in *New South African Keywords*, ed. Nick Shepard and Steven Robins (Johannesburg: Jacana Media, 2008), 223–34.

<sup>226</sup> Caruth, *Unclaimed Experience: Trauma, Narrative, and History*.

<sup>227</sup> Christopher Colvin, “Trauma.”

<sup>228</sup> Christopher Colvin. p229.

<sup>229</sup> Judith Herman, *Trauma and Recovery: The Aftermath of Violence-- --From Domestic Abuse to Political Terror* (New York: Basic Books, 1992). p9.

In Godobo-Madikizela's discussion of the causation behind perpetrator psychology, she identifies two dominant viewpoints. The first is that violence may be a response to trauma. The first is a Freudian take in that it becomes a "revenge-based behaviour," and the individual may feel relief in the moment of violence because they revisit what she calls the unresolved feelings from the initial trauma, but does not actually solve them, thus creating a pattern.<sup>230</sup> The second view that she points out is that it simply comes down to free choice, because not every person who has experienced trauma then perpetuates violence (essential to remember throughout this discussion on perpetrator trauma). Godobo-Madikizela argues for finding a place somewhere in between these arguments, promoting the idea that after a trauma, individuals may then be "violently coached," or they may have positive experiences which allow them to move forward in some way. An elaboration on Godobo-Madikizela's discussion of perpetrator trauma is one entry point to make a fuller argument for understanding the individuals who carry that label. That said, there is no way to fully understand an-Other. Therefore, explanations for perpetrator trauma will be speculative as we cannot know the unconscious dynamics at work within a perpetrator's psyche; these have been established not only through their conflict experience, but since early childhood. This research thus analyses the media text and approaches interviews not in an effort to uncover truths, but to reach an interpretation which may point to a recovered referentiality; film scholar Anne Kaplan argues that herein lies the value of film.<sup>231</sup>

In the realm of clinical psychology, it wasn't until 2002 that Rachael McNair offered the term "Perpetration-Induced Traumatic Stress," or PITS. MacNair collected evidence from previously

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<sup>230</sup> Primo Levi, "In Memory of Offense," in *Bitburg in Moral and Political Perspective*, ed. Geoffrey Hartman (Bloomington: Indiana University Press, 1986).; as cited in Godobo-Madikizela, *A Human Being Died That Night: A South African Woman Confronts the Legacy of Apartheid*. p56.

<sup>231</sup> Anne E. Kaplan, *Trauma Culture: The Politics of Terror and Loss in the Media and Literature* (New Brunswick, NJ: Rutgers University Press, 2005).

established records on the psychological impacts of killing amongst various groups. Her findings inform her conceptualization of PITS, which describes “any portions of symptomatology of PTSD, at clinical or subclinical levels, which result from situations that would be traumatic if someone were a victim, but situations for which the person in question was a causal participant.”<sup>232</sup> This is a helpful framework for understanding psychological trauma that can be experienced by perpetrators in its circumstantial specificity. However, MacNair only explores the term as it relates to killing; the South African context- and this research- necessitates a much wider definition of perpetratorship. PITS is still a much less understood phenomenon than PTSD; few studies have explored the difference between “self-perpetrated or self-experienced events,”<sup>233</sup> and it appears as if its presentation is only recently being explored. The DSM-5<sup>234</sup> does acknowledge the existence of PITS, which it has classified it as a type of PTSD since the manual’s 2015 edition. PITS would not have been referenced in *Special Report* because the term had not yet been coined, but it is an important paradigm to acknowledge in that it validates this study’s conceptual use of perpetrator trauma. Second, its application to *Special Report* would have likely widened the group of perpetrators that the series overtly identified as traumatised. Lastly and perhaps most importantly, the clinical recommendations for such a diagnosis include evidence-based treatment; psychologists Schaal et al have stated their belief that treating PITS in ex-combatants may facilitate successful reintegration and prevent a return to violence,<sup>235</sup> providing

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<sup>232</sup> R MacNair, *Perpetration-Induced Traumatic Stress: The Psychological Consequences of Killing*, Psychological Dimensions to War and Peace (Authors Choice Press, 2005), <https://books.google.com/books?id=bb79yYRqbjQC>. p7.

<sup>233</sup> Susanne Schaal et al., “Posttraumatic Stress Disorder According to DSM-5 and DSM-IV Diagnostic Criteria: A Comparison in a Sample of Congolese Ex-Combatants,” *European Journal of Psychotraumatology*, 2015, <https://doi.org/10.3402/ejpt.v6.24981>.

<sup>234</sup> *Diagnostic and Statistical Manual of Mental Disorders*: an authoritative volume published by the American Psychiatric Association that defines and classifies mental disorders in order to improve diagnoses, treatment, and research.

<sup>235</sup> Schaal et al., “Posttraumatic Stress Disorder According to DSM-5 and DSM-IV Diagnostic Criteria: A Comparison in a Sample of Congolese Ex-Combatants.”

a scientific counterpart to the political argument for fostering redemptive opportunities for perpetrators.

Perpetrator trauma acts as another conceptual grounding through which to justify the need for dynamic media representation of perpetrators, particularly in transitional or post-conflict settings. Although the occurrence of psychic suffering as a result of *committing* a crime is not often addressed in trauma scholarship,<sup>236</sup> and is at times contested,<sup>237</sup> it is a necessary consideration. Judith Herman's vital work *Trauma and Recovery* explores trauma after violence, in which she examines former soldiers as an example of a traumatized community. Though she does not refer to it as perpetrator trauma, this choice speaks to the possibility that being a perpetrator of violence does not preclude an individual to traumatization. After large-scale conflict, as large numbers of perpetrators reintegrate—often without addressing their trauma—it can cause stagnation in the process of reconciliation on a societal level.<sup>238</sup> Addressing trauma is necessary “if perpetrators are to distance themselves from an earlier implication in deadly ideology and practices.”<sup>239</sup> This is pertinent when considering Robert J. Lifton's body of work, most of which focuses on soldier-survivors after World War II and Vietnam. He claims that the experience of extreme trauma creates two selves; the ‘second self’ is able to adapt to the situation at hand, and “enables a relatively ordinary person to commit evil.” This is echoed in Stanley Cohen's work on denial of responsibility, in which one of the four types of denial he identifies is the splitting of the self.<sup>240</sup> This doubling allows what Lifton calls the perpetrator's transfer of conscience. The

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<sup>236</sup> Mohamed, “Of Monsters and Men: Perpetrator Trauma and Mass Atrocity.”

<sup>237</sup> “The possibility of perpetrator trauma is actively shunned by many scholars of cultural traumas, most notably by Claude Lanzmann, the director of *Shoah* (Gibbs 19).” Gibbs, *Contemporary American Trauma Narratives*. As cited in Everaert, “The Representation of Perpetrators in the Work of Martin Amis: A Comparative Analysis.”

<sup>238</sup> Everaert, “The Representation of Perpetrators in the Work of Martin Amis: A Comparative Analysis.”

<sup>239</sup> Morag, *Waltzing with Bashir: Perpetrator Trauma and Cinema*. p 13; Dominic LaCapra, *Writing History, Writing Trauma* (Baltimore: Johns Hopkins University Press, 2001).

<sup>240</sup> Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering of Others* (Cambridge: Polity Press, 2001).

conscience of the second self “becomes associated with the group, with the sense of duty,” allowing the perpetrator to adapt to evil while avoiding guilt.<sup>241</sup> If the transfer of conscience is allowed to continue into a post-conflict context, there is little chance for perpetrator to distance themselves from the group that has become the holding space for their guilt or general response to trauma.

These two selves appear throughout Morag’s formulation of perpetrator trauma as it is represented within film; she discusses ‘the five crises of perpetrator trauma,’ which are manifestations of what she terms the perpetrator complex. The perpetrator complex refers to tension between guilt feelings (motivated by narcissism and looking backwards) and sense of guilt (motivated by victims and looking forward) as experienced by the posttraumatic perpetrator.<sup>242</sup> This is a type of doubling of the self in that only one—a sense of guilt—carries true feelings of conscience, if we define conscience as driven by moral righteousness. In film, Morag postulates that these doublings and the tensions between them appear as five specific crises: crisis of evidence (the gap between the horror and the evidence of such); disclosure (the concealment that takes place within the narrative); gender (power relations within the moment of perpetration and in dealing with it after the fact); audience (“an absence of an imagined supportive community”); and narrativization (the gap between the identity of the perpetrator before inflicting violence and in the testimony of the violence).<sup>243</sup> Each of these crises is representative of epistemological gaps between the perpetrator’s understanding of their own identity and the testimony that then binds them to the label of perpetrator. The inclusion of these tensions in film can draw viewers into a space where the source of said doubling, which Lifton claims is the experience of

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<sup>241</sup> Robert J. Lifton, “Understanding the Traumatized Self: Imagery, Symbolization, and Transformation,” in *Human Adaptation to Extreme Stress from the Holocaust to Vietnam*, ed. John P. Wilson, Zev Harel, and Boaz Kahana (New York: Plenum, 1988). p29.

<sup>242</sup> Morag, *Waltzing with Bashir: Perpetrator Trauma and Cinema*. p131.

<sup>243</sup> Raya Morag, “Perpetrator Trauma and Current Israeli Documentary Cinema,” *Camera Obscura* 27, no. 2 (2012): 93–133, <https://doi.org/10.1111/j.1748-720X.2012.00683.x>. p98.

extreme trauma, can be addressed. Anne Kaplan asserts that this can be addressed in film itself, calling on the argument that trauma and modernity are “inherently” linked,<sup>244</sup> per scholars such as Seltzer,<sup>245</sup> Michale and Lerner,<sup>246</sup> and Luckhurst.<sup>247</sup> This theory states that modernity interrupts the “fixity” of place and rituals in a way that orients an individual to a much wider and abstract orientation of space and their place within it.<sup>248</sup> Not only do the disruptions within modernity fit into the notion of trauma as a rupture or wound, but several scholars of modernity have observed actual experiences resulting from the lived realities of modernity which indicate physical and psychic effects of trauma.<sup>249</sup> Kaplan postulates that cinema is a cultural practice in which “the effects of modernization” – and thus, trauma—“on human experience could be acknowledged, recognized, negotiated, and perhaps reconfigured and transformed.”<sup>250</sup> It does this, according to Elsaesser, by “recovering referentiality”<sup>251</sup> (as opposed to recovering memory, thus circumventing certain harsher critiques of the referential view of trauma). Kaplan notes that one can only recover referentiality by way of interpretation due to the “nature” of trauma,<sup>252</sup> acknowledging the concepts of deferral or afterwardsness in deconstructionism or psychoanalysis, respectively.<sup>253</sup> The value in this lies not in the recovering of referentiality itself, but in its provision of space and processes for people who have experienced trauma to reconstitute

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<sup>244</sup> Anne E. Kaplan, *Trauma Culture: The Politics of Terror and Loss in the Media and Literature* (New Brunswick, NJ: Rutgers University Press, 2005); also discussed in Roger Luckhurst, *The Trauma Question, The Trauma Question*, 2013, <https://doi.org/10.4324/9780203607305>.

<sup>245</sup> Mark Seltzer, “Wound Culture: Trauma in the Pathological Public Sphere,” *October*, 1997, <https://doi.org/10.2307/778805>.

<sup>246</sup> Mike Micale and Paul Lerner, *Traumatic Pasts: History, Psychiatry, and Trauma in the Modern Age 1870-1930* (Cambridge: Cambridge University Press, 2001).

<sup>247</sup> Luckhurst, *The Trauma Question*.

<sup>248</sup> Luckhurst.

<sup>249</sup> Luckhurst.

<sup>250</sup> Miriam Hansen, “Introduction,” in *Theory of Film: The Redemption of Physical Reality*, ed. Siegfried Kracauer, 3rd ed. (Princeton: Princeton Paperbacks, 1997). pxi. As cited in Kaplan, *Trauma Culture: The Politics of Terror and Loss in the Media and Literature*. p24.

<sup>251</sup> Thomas Elsaesser, “Postmodernism as Mourning Work,” *Screen*, 2001, <https://doi.org/10.1093/screen/42.2.193>. p201.

<sup>252</sup> Kaplan, *Trauma Culture: The Politics of Terror and Loss in the Media and Literature*. p70.

<sup>253</sup> Elsaesser, “Postmodernism as Mourning Work.” p201.

themselves in via the referential discourse. This ideation leans slightly more towards how Field thinks about trauma and memory as an oral historian, which he says is “nuanced” in that it is more about the “production of memory, silences, and stories” that occur through the relationship of the subject and the interviewer.

Grappling with perpetrator trauma is also necessitated through Herman’s claim that trauma damages the ties between individuals and community.<sup>254</sup> If perpetrators are continually isolated from wider society, there is less potential for them to distance themselves from their past actions and ideologies. It is thus in the best interest of both perpetrator and society for perpetrator trauma to be recognized as a potential reality, and to respond to it appropriately when it manifests. Recognizing the humanity of perpetrators also begins to break down any reductionist perpetrator-as-monster image that may exist; this also hints at the idea that any person could be capable of such acts,<sup>255</sup> an important note as this study moves into theorizing empathic unsettlement. It must be emphasized that trauma and victimhood are not synonymous; an individual can be traumatized without being a victim. However, perpetrators are certainly not always traumatized by their acts either. That it also not to say that those labelled as ‘perpetrator’ cannot also simultaneously hold the label of ‘victim’. Within the discourse around perpetratorship in South Africa,

During the South African Truth and Reconciliation Commission, three major theoretical transformations emerged and played a significant role in human rights discourse: first, each category defined by the Commission (victim, perpetrator, bystander, beneficiary) was examined independently of the others; second, the main categories (victim and perpetrator) were considered hetero- rather than homogenous... and third, victim-perpetrator binarism was broken, opening the possibility for interchange between the two categories.<sup>256</sup>

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<sup>254</sup> Herman, *Trauma and Recovery: The Aftermath of Violence-- From Domestic Abuse to Political Terror*.

<sup>255</sup> Morag, *Waltzing with Bashir: Perpetrator Trauma and Cinema*.

<sup>256</sup> Morag.

In legitimizing this type of thinking, the TRC has firstly, recognized that binarisms such as good and evil and labels such as perpetrator are all discursive constructions. Secondly, by dismantling of these labels' perceived exclusivity, the TRC has given credence to perpetrator trauma as a possibility, identifying the fluidity and overlap within each of these experiences. Albeit, a recognition of perpetrator trauma does not discount the act(s) of violence which they committed; Morag propounds that these narratives still must “maintain permanent division between the perpetrator’s trauma and his or her deeds (though both relate to the same event),” particularly if “the perpetrator [is to] cause society to accept that he or she was sent at its behest.” This links the concepts of perpetrator trauma to empathic connection to viewer unsettlement, thus prompting the viewer to reflect on their own positionality. That said, it is important to note that a beneficiary, though discussed, was never identified as a form of perpetratorship in the TRC.<sup>257</sup>

These processes and the discussion of perpetrator trauma are instrumental in the transitional setting because “the systematic study of psychological trauma... depends on the support of a political movement.”<sup>258</sup> The political currency given to these concepts by the TRC creates a space in which to explore them. That said, South African scholarship has seen only a small amount of consideration regarding perpetrator trauma within the already wanting field of perpetrator studies; as previously mentioned, Godobo-Madikizela has produced a comprehensive body of work on trauma, memory, and forgiveness, of which a cornerstone is her largely empathetic view of notorious apartheid assassin Eugene De Kock based on a series of personal interviews she undertook with him during his incarceration.<sup>259</sup> Marleen Ramsey conducted interview-based research looking into the experiences of receiving empathy and forgiveness through the TRC; she found through the interviews, “several of

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<sup>257</sup> Mamdani, “Reconciliation Without Justice.”

<sup>258</sup> Herman, *Trauma and Recovery: The Aftermath of Violence-- From Domestic Abuse to Political Terror*.

<sup>259</sup> Godobo-Madikizela, *A Human Being Died That Night: A South African Woman Confronts the Legacy of Apartheid*.

the men described the violent memory as a heavy weight that they carried inside them. Brian Mitchell described the horrific scene he witnessed as a weight that seemed to suffocate him,” noting the post-traumatic experience of perpetrating an act of violence.<sup>260</sup> Similarly to Ramsey’s work, perpetrator trauma has appeared as an honourable mention within South African focused research but never as a theoretical backbone.<sup>261</sup> Morag claims that despite developments in understanding the complexities of perpetratorship (one of which is recognizing perpetrator trauma), these developments have not yet reached the sphere of cinema research in any great depth.<sup>262</sup> Morag’s is one of the few scholarly approaches to the interactions of these labels within film and media. She posits that the interaction of perpetrator trauma and cinema happens through several different pathways, such as in this case study, the similarities of courtrooms and documentary, both of which are part trial of the perpetrator and part performance (as previously highlighted),<sup>263</sup> each led by narrative and the contextualization of said narrative. Some of the stereotypical narratives that appear can be seen outlined in Don Foster’s overview of South African media’s portrayal of perpetrators during and after the apartheid era in the previously mentioned chapter “Popular Representations of Perpetrators.”<sup>264</sup> He focuses on stereotypes of perpetrators that continually surface in media portrayals, while problematizing what he calls these representation’s “silences, their formulaic entries, or their sensationalist and sentimental portrayals.”<sup>265</sup> Within this problematization, Foster subtly calls for a more sophisticated lens through

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<sup>260</sup> Ramsey, “The Lived Experience of Receiving Empathy and Forgiveness for Six South African Perpetrators.” p137.

<sup>261</sup> See Mohamed, “Of Monsters and Men: Perpetrator Trauma and Mass Atrocity”; Morag, *Waltzing with Bashir: Perpetrator Trauma and Cinema*; Stef Craps, *Postcolonial Witnessing: Trauma out of Bounds, Postcolonial Witnessing: Trauma Out of Bounds*, 2012, <https://doi.org/10.1057/9781137292117>.

<sup>262</sup> Morag, *Waltzing with Bashir: Perpetrator Trauma and Cinema*. p3.

<sup>263</sup> Morag. p144.

<sup>264</sup> Don Foster, “Popular Representations of Perpetrators,” in *The Theatre of Violence: Narratives of Protagonists in the South African Conflict*, ed. Don Foster, Paul Haupt, and Marésa de Beer (Cape Town: HSRC Press, 2005).

<sup>265</sup> Foster.

which to view perpetrators in order reduce the audience's ability to distance themselves from what tends towards a collection of reductionist caricatures.

### *Masculinity, entitlement, & perpetratorship*

Another important facet within discourse on perpetratorship is how actions that deem one as a perpetrator are informed by identity, namely masculinity and/or entitlement. As Foster points out, “it is abundantly clear that the vast majority of perpetrators of ghastly deeds both in South Africa and elsewhere have been male.”<sup>266</sup> An example of this can be easily seen by glancing through the list of amnesty applicants to the TRC, and in this study; the *Truth Commission Special Report* only depicted male perpetrators, save for episodes that included Winnie Madikizela-Mandela and the questions around her political actions. The TRC Final Report acknowledged that it neglected what seems now to be a clear link between masculinity and violence.<sup>267</sup> In 2000, Villa-Vicencio and Verwoerd observed that most studies of mass violence did not address issues of masculinity; this field has been much further developed since then, though still with little focus on the violence that occurred in the apartheid era. Gender studies and a gendered lens on violence can begin to address this gap and work towards an understanding of factors that may contribute to perpetratorship.

Concepts of masculinity are social constructions. If we are to argue that violence tends to be tied to masculinity, it is necessary to interrogate that construction. David H.J. Morgan breaks this down by asking, what are the processes by which violence is recognized, legitimized, excused or condoned, and

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<sup>266</sup> Don Foster, “What Makes a Perpetrator? An Attempt to Understand,” in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, ed. Charles Villa-Vicencio and Wilhelm Verwoerd (Cape Town: University of Cape Town Press, 2000), 219–29.p227.

<sup>267</sup> Foster; Truth and Reconciliation Commission, “Truth and Reconciliation Commission of South Africa Final Report Volume 4.”

explained?<sup>268</sup> Morgan identifies these as different levels of violence; the male domination of violence is intrinsically linked to power, particularly in patriarchal societies (this referring certainly to gender, but can also be applied to the inherently patriarchal nature of colonial or settler-colonial societies). When men hold the power within an institution, they are responsible for defining what violence is and how it will be responded to.<sup>269</sup> Men are then able to express and perform hegemonic masculinity in a socially legitimized model, such as institutions like the state, or even a family.<sup>270</sup> This is not to say that women cannot be and have not been perpetrators; there is slight mention of female perpetrators in the final reports by the commission, however, this was done anecdotally and with no academic research behind it beyond the few stories shared from victims.<sup>271</sup> No female perpetrators appeared in front of the TRC, and none were identified in *Truth Commission Special Report*. This is also not to say that every male in a patriarchal society will perform—or have the ability to perform—masculinity in this way. While heteronormative males are most commonly the oppressors, those who do not fit that description often become part of the oppressed. In colonial or settler-colonial societies, the original inhabitants are, in many ways, stripped of their ability to perform masculinity through traditional power structures. The extreme enforcement of other expressions of masculinities in reaction to this also become part of the cyclical nature of violence within conflict.

Some perpetrators—from across the political spectrum—have specifically cited the hyper-masculinity of groups that carried out political violence as a factor that drew them into joining the group. John Deegan, a former member of Koetvoet, cites the group's "*esprit de corps*," or pride in an elite unit, and

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<sup>268</sup> David H.J. Morgan, "Masculinity and Violence," in *Women, Violence and Social Control*, ed. Mary Maynard and Jalna Hanmer (London: British Sociological Association, 1987).

<sup>269</sup> Morgan. p181.

<sup>270</sup> R. W. Connell, "On Hegemonic Masculinity and Violence," *Theoretical Criminology* 6, no. 1 (2002): 89–99, <https://doi.org/10.1177/136248060200600104>.

<sup>271</sup> Villa-Vicencio and Verwoerd, *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*. p227.

the teamwork of masculine belonging”<sup>272</sup> as having a considerable influence on his desire to join and remain. Foster presents Deegan’s demonstrated frustration and rage as stemming from entitlement, a concept that Sharon Lamb also mentions as a potential explanation for the actions of perpetrators of sexual violence.<sup>273</sup> Entitlement refers to the belief that “one deserves more or is entitled to more than others are.”<sup>274</sup> This is most certainly also related to deeply rooted narcissism. This is interesting considering how the concepts of entitlement are also intertwined with the ideology behind misogyny and racial privilege, both driving factors within the apartheid regime; Foster suggests that ideology plays a crucial role in entitlement and the creation of such feelings.<sup>275</sup> It could be ascertained that someone drawn to a group that embodies hyper-masculinity is responding to someone or something that seems to threaten what they see themselves as entitled to. Sociologist Thomas Scheff identifies this as shame (and opposite to pride, relating to the male ego), which he links to a response of rage and destructive violence in an effort to reclaim a sense of power.<sup>276</sup> These notions should be taken into account not only in considering the perpetuation of violence, but also responses to violence or a forced halt to violence. There are also healthy and exaggerated entitlement, as Foster identifies.<sup>277</sup> Entitlement is considered exaggerated when it has to do with a sense of superiority over others, and no concern for the effects of one’s actions on others that they perceive as lesser, or selective empathy.<sup>278</sup> Lamb goes further to associate exaggerated entitlement as a “quasi-emotional state” that she claims guides the perpetrator in taking action, the most obvious of which is anger. Clearly both men and women are capable of anger, but each are socialized to express it very differently; “men come

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<sup>272</sup> Foster, “Rethinking the Subjectivity of Perpetrators of Political Violence.”p58.

<sup>273</sup> Sharon Lamb, *The Trouble with Blame* (Cambridge: Mass: Harvard University Press, 1996).

<sup>274</sup> W Keith Campbell and Kathleen D Vohs, “Psychological Entitlement,” in *Encyclopedia of Social Psychology*, ed. Roy F Baumeister and Kathleen D Vohs, vol. 1 (Sage, 2007).

<sup>275</sup> Foster, “Entitlement as Explanation for Perpetrators’ Actions.” p11.

<sup>276</sup> Thomas Scheff, “Hypermasculinity and Violence as a Social System,” *Universitas* 2, no. 2 (2006): 1–10.

<sup>277</sup> Foster, “Entitlement as Explanation for Perpetrators’ Actions.”p11.

<sup>278</sup> Foster.

to experience anger as moral indignation [often expressed as entitlement], whereas women experience anger more as a guilt-laden frustration and with less self-righteousness.”<sup>279</sup> Though this gender breakdown is obviously a generalization, entitlement- and thus anger- are linked to power and status. Both are generally held more by males in traditionally patriarchal societies,<sup>280</sup> which also circles back to Foster’s claim that entitlement and ideology are inextricably linked. In the context of South African violence, the argument is that multiple forms of entitlement intersected to create conditions for widespread violence; these ideologies included “patriarchy, racism, nationalism, anti-communism, militarism,” among others.<sup>281</sup> As individuals across boundaries of race, class, and politics experienced these ideologies, violence as an expression of masculine entitlement became a cycle of action and reaction.

Foster believes that by creating a framework based on entitlement to elucidate why perpetrators commit acts of violence is one which does not fall into the category of soft reaction; it does not inherently excuse, apologise, or forgive the perpetrator per the challenges that were previously identified, but it does not write them off as evil by nature, either.<sup>282</sup> This balance allows room for perpetrators to still be held morally accountable for those deeds in what aims to be a less problematic way while still considering the structures of violence that individual acts sit within.

Lastly, this research calls for the unpacking of masculinity not only as a point of entry to understand violent structures and actions, but also with reference to how ego and narrative may interact, both in the documentary series and in the research interviews. Although the subjects of this study will have

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<sup>279</sup> Foster. p11.

<sup>280</sup> Lamb, *The Trouble with Blame*. p54.

<sup>281</sup> Foster, “Entitlement as Explanation for Perpetrators’ Actions.”p12.

<sup>282</sup> Foster.

varying reasons to grant an interview, it is likely that ego will have played a part and may also influence how they construct a narrative around themselves. Though this research is not a psychological study, this is an element of the multi-faceted dialogue between the media, its subjects then and now, and the researcher, all of which must be considered.

## Transitional justice

Transitional justice studies are another key axis within the analysis of perpetrator representation and experience within *Truth Commission Special Report*, providing the wider social and political context. Transitional justice has been defined as “the full set of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuse, in order to secure accountability, serve justice and achieve reconciliation.”<sup>283</sup> This somewhat vague definition can be attributed to the fact that it is difficult to define what transition means; transition after conflict or authoritarian rule is not realized within a set time frame, but rather over an undeterminable several years. However, when this study speaks about transitional justice, it refers to the processes that directly aim to address legacies of violence from a particular time of conflict or repression; this will include the legalistic and statutory measures as well as work regarding memory, education, reform, and community-based initiatives. These characteristics allow the aims of transitional justice to go beyond just the cessation of violence in order to build deeply rooted reforms which will contribute to sustainable peace.<sup>284</sup> Transitional justice is one approach by which international standards have

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<sup>283</sup> Kofi Annan and UN Secretary General, “The Rule of Law in Conflict and Post-Conflict Societies: Report of the Secretary-General” (NY, 2004), <https://www.un.org/ruleoflaw/blog/document/the-rule-of-law-and-transitional-justice-in-conflict-and-post-conflict-societies-report-of-the-secretary-general/>. p4.

<sup>284</sup> Lisa J Laplante, “Transitional Justice and Peace Building: Diagnosing and Addressing the Socioeconomic Roots of Violence through a Human Rights Framework,” *International Journal of Transitional Justice* 2, no. 3 (October 2008): 331–55, <https://doi.org/10.1093/ijtj/ijn031>.

conceptualized how rule of law interacts with human rights, thus providing a progressively complex delineation of how peacebuilding can or should take form.<sup>285</sup>

These processes developed particularly in response to societies' realizations that victims often needed much more than what was provided by the limited functions of retributive justice in order to move beyond institutional violence and its entrenched tensions.<sup>286</sup> Although retributive justice — a punishment-centred framework — is currently the default approach for dealing with perpetrators at most national and international levels, it has several shortcomings. Transitional justice aims to address these limitations acting as a complement, or at times even as a replacement, to retributive justice. Shortcomings of retributive justice include its selectivity, meaning that often only apex perpetrators are punished due to the limited capacity of the judiciary. Additionally, a postulate of retribution is that the punishment is equal in gravity to the crime; it is easily argued that grave human rights abuses are impossible to proportionately punish, as well as the fact that there is variance depending on the court, judges, and individual on trial. Plea bargains are often offered, competing with the prevailing idea behind retributive justice that a perpetrator should be punished, yet it does not provide space for other concepts of justice to be used as a replacement. Studies show that retributive justice approaches do not deter crime, and the performative aspect of justice in the courts may not actually create respect for law, but further entrench the divides between society and the groups whose members are on trial. Lastly, the procedure that is inherent to retributive justice allows only for partial and selective truths

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<sup>285</sup> Neil J Kritz, "The Rule of Law in Conflict Management," in *Leashing the Dogs of War: Conflict Management in a Divided World*, ed. Chester A Crocker, Fen Osler Hampson, and Pamela Aall (Washington DC: United States Institute of Peace Press, 2007), 401–24. p403.

<sup>286</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p8.

and may undermine memory.<sup>287</sup> These last two potential outcomes are in stark opposition to the goals of transitional justice that necessitate inclusion and widespread societal buy-in.

In the transformation and rebuilding that takes place after the end of repressive regimes or conflict, justice and accountability are key tenets in the process of change.<sup>288</sup> As a state responds to past abuses its aims may vary but generally include reforming institutions, addressing harm that was done, ascertaining truth or truths, and punishing perpetrators. Beyond these tangible goals might be loftier aims, such as the promotion of reconciliation and unity in order to promote sustainable peace internally as well as rebuild relationships within the international sphere.<sup>289</sup> These goals all fall within the framework of transitional justice.

Transitional justice studies cite the need to establish legitimacy of the new societal order (and the mechanisms used to reach that point) through transparency and accessibility.<sup>290</sup> It is these postulates that propel this study forward in its understanding of why media involvement is pivotal to the perceptions of the TRC; in the South African context, both the TRC and the SABC were proactive in the broadcasting of hearings in multiple forms, likely as an attempt to showcase just how transparent they were<sup>291</sup> after years of censorship. This makes for an accessible case study on the intersections of media and transitional justice, and how that influences perpetrators' experience within transitional

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<sup>287</sup> Drumbl, *Atrocity, Punishment, and International Law*.; Martti Koskenniemi, "Between Impunity and Show Trials," *Max Planck Yearbook of United Nations Law Online* 6, no. 1 (January 2002): 1–32, <https://doi.org/10.1163/138946302775159451>.; Koskenniemi, 2002).

<sup>288</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p7.

<sup>289</sup> Hayner. p8.

<sup>290</sup> Laurel E Fletcher, Harvey M Weinstein, and Jamie Rowen, "Context, Timing and the Dynamics of Transitional Justice: A Historical Perspective," *Human Rights Quarterly* 31 (2009): 163–220, <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1741&context=facpubs>.

<sup>291</sup> Evans, "Televising South Africa's Truth and Reconciliation Commission: What Liveness Tells Us about the Commission; What the Commission Tells Us about Liveness."

periods. Transitional justice theory provides some context to explain the formation of the South African TRC, its methods and goals, as well as a context for why the media representation of perpetrators within the TRC is an essential building block for understanding post-apartheid South Africa.

However, there are also critiques applicable to the wider field of ‘peacebuilding,’ and thus, it must be acknowledged that peacebuilding as we know it is not ubiquitously accepted as the way out of conflict. The concept of peacebuilding as an aspect of conflict intervention first emerged from Johan Galtung’s (1976) work exploring methods for sustainable peace;<sup>292</sup> it is a broad concept defined in international relations as action before, during, and after conflict which aims to transform social and political spheres. More recently this has been understood not only in terms of statutory measures, but at multiple levels, which John-Paul Lederach (1997) has defined as coming from grass roots, middle-level, and top-level leadership.<sup>293</sup> Much of peacebuilding theory is built on moral objectivism, which is informed by and informs the concept of positive peace. It requires going beyond simply the end of physical violence, and includes sustainable social, political, and economic justice.<sup>294</sup> The tension here lies within whether an assumption of normative values and morality can be made at all, particularly within a global context. This is applicable especially to liberal peacebuilding, referring to the state and international organization-led efforts that are classified as ‘top-level’ in Lederach’s understanding. Critical scholars have provided the postcolonial critique that liberal peacebuilding has been too informed by a Western understanding of world order,<sup>295</sup> and also that they may simply embolden and

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<sup>292</sup> Johan Galtung, “Three Approaches to Peace: Peacekeeping, Peacemaking, and Peacebuilding,” *Peace, War and Defense: Essays in Peace Research*, 1976, <https://doi.org/10.1007/s00345-016-1880-9>.

<sup>293</sup> John Paul Lederach, “Sustainable Reconciliation in Divided Societies,” in *Building Peace: Sustainable Reconciliation in Divided Societies*, 1997, [https://doi.org/10.1007/978-3-319-57807-1\\_1](https://doi.org/10.1007/978-3-319-57807-1_1).

<sup>294</sup> Tim Murithi, *The Ethics of Peacebuilding*, *The Ethics of Peacebuilding*, 2008.

<sup>295</sup> T Debiel, T Held, and U Schneekener, *Peacebuilding in Crisis: Rethinking Paradigms and Practices of Transnational Cooperation*, Routledge Global Cooperation Series (Taylor & Francis, 2016),

reinforce “power asymmetries,”<sup>296</sup> creating inequalities even in the new social order and thus proving a basis for future conflict. These risks must be kept in mind throughout this investigation into peacebuilding efforts as they intersect with media in South Africa, particularly because it is both a post-conflict and post-colonial society.

## Truth commissions

Truth commissions are, at a basic level, “official [and short-term] bodies set up to investigate and report on a pattern of past human rights abuses.”<sup>297</sup> The International Center for Transitional Justice cites truth commissions or other means of investigation and reportage on systemic human rights abuses as one of four key elements to a comprehensive transitional justice policy.<sup>298</sup> The phrase “one of four” is significant, indicating the need for a multifaceted approach. This can be attributed to the idea that “truth is not synonymous with justice: neither is it independent of justice. Instead, it is better understood as a virtue of justice.”<sup>299</sup> Truth commissions are one form of establishing facts and garnering a better idea of the scale of abuse, while criminal trials are another. Often truth commissions are utilized as a complement to criminal trials where a nation is unable to carry out fair trials, whether due to lack of resources or lack of lustration within the justice system.<sup>300</sup> This allows for each system to provide a counterbalance where the other is lacking.<sup>301</sup>

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<https://books.google.co.za/books?id=PkF-CwAAQBAJ>; David Chandler, “The Uncritical Critique of ‘Liberal Peace,’” *Review of International Studies*, 2010, <https://doi.org/10.1017/S0260210510000823>.

<sup>296</sup> J Smith, *Globalization, Social Movements, and Peacebuilding*, Syracuse Studies on Peace and Conflict Resolution (Syracuse University Press, 2013), <https://books.google.co.za/books?id=t4aiAgAAQBAJ>.

<sup>297</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p5.

<sup>298</sup> International Center for Transitional Justice, “About Us: What Is Transitional Justice?,” *International Center for Transitional Justice*, 2016, <https://www.ictj.org/about/transitional-justice>.

<sup>299</sup> Ruti G Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000). p.89

<sup>300</sup> Kritz, “The Rule of Law in Conflict Management.” p414.

<sup>301</sup> De Lange, “The Historical Context, Legal Origins and Philosophical Foundation of the South African Truth and Reconciliation Commission.”

Priscilla Hayner's *Unspeakable Truths*<sup>302</sup> is a foundational study on truth commissions as transitional justice processes. She provides the most comprehensive audit of truth commissions up to its time of publication in 2011, covering South Africa's transitional period and well beyond. The concept of truth commissions developed in Latin America in the 1980s; Argentina established the first truth-seeking body that resembled a truth commission when they created "the National Commission on the Disappeared" in 1983. The first body formally called a truth commission was initiated in Chile, which closed in 1990, followed by El Salvador, which concluded in 1993.<sup>303</sup> These bodies are considered to be what catalysed truth commissions as a practice as well as a subject of study. However, they varied greatly in their approaches and goals, which is why a working definition of the parameters of a truth commission has since been established. Hayner first suggested a definition of such in 1994, which has since been refined. This adjusted definition states that for a body of inquiry to be considered a truth commission, it:

is focused on past, rather than ongoing, events; investigates a pattern of events that took place over a period of time; engages directly and broadly with the affected population, gathering information on their experiences; is a temporary body, with the aim of concluding with a final report; and is officially authorized or empowered by the state under review.<sup>304</sup>

Though these qualifications are not entirely inflexible, they are helpful guidelines for identification. Yasmin Sooka, a scholar of transitional justice who was a member of the truth commissions for both South Africa and Sierra Leone, lists possible outcomes of a successful truth commission: democracy building; acknowledgement; addressing denial of past abuses; acknowledging and dealing with victims' needs; reparations; reconciliation; and putting together an inclusive narrative from which the country can move forward together.<sup>305</sup> Truth commissions are becoming seen as increasingly important for

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<sup>302</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*.

<sup>303</sup> Hayner. p11; De Lange, "The Historical Context, Legal Origins and Philosophical Foundation of the South African Truth and Reconciliation Commission."

<sup>304</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p12.

<sup>305</sup> Sooka, "Dealing with the Past and Transitional Justice: Building Peace through Accountability." p317.

human rights and justice, recognized by the United Nations Human Rights Council in the 2012 passage of a resolution stating that there is a right to truth after gross human rights violations.<sup>306</sup>

Truth commissions also often provide breadth and depth of information that is not necessarily available through other historical accounts, and provide a sanctioned record that showcases previously denied truths.<sup>307</sup> It is a common understanding among scholars that the establishment of an official historical record is essential to a successful transition after conflict.<sup>308</sup> That said, a commission is as much a documentation of past events as it is an event in and of itself. Historian Tristram Hunt has asserted that a truth commission should be seen as a historical event, rather than source, because to uphold anything as factually unassailable is “intellectually circumspect and historically dangerous.”<sup>309</sup> This, however, does not negate the value and importance of truth-seeking bodies as archives of conflict narratives, or the value of it as an event or process that has potential to provide a sense of “national justice, reckoning, and catharsis.”<sup>310</sup>

Even after a commission comes to an end, it is not out of the ordinary for a country to feel that the issues were not resolved.<sup>311</sup> This potential feeling of unsettlement at the conclusion of truth commissions may come from situations in which the recommendations report that comes out of the commission is not implemented; this has happened in South Africa, as well as Guatemala, Ghana, Peru, and East Timor, among others.<sup>312</sup> This falls in line with political theorist Rajeev Bhargava’s claim

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<sup>306</sup> United Nations Human Rights Council, “Right to Truth,” Pub. L. No. 9/11 (2011).

<sup>307</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p20.

<sup>308</sup> Kritz, “The Rule of Law in Conflict Management.” p414.

<sup>309</sup> Tristram Hunt, “Whose Truth? Objective Truth and a Challenge for History,” *Criminal Law Forum*, 2004, <https://doi.org/10.1007/s10609-004-3560-5>.

<sup>310</sup> Kritz, “The Rule of Law in Conflict Management.”p414.

<sup>311</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*.

<sup>312</sup> Hayner.

that a truth commission is only the first step to move from a barbaric condition to a minimally decent condition.<sup>313</sup> If the recommendations report is not implemented after the close of the commission, it stops development beyond the ‘minimally decent’ stage, and can lead to the impression that the commission’s workings are inherently at fault for the lack of justice, whether real or perceived.<sup>314</sup> Failing to implement the recommendations of a truth commission’s report undermines the impact of the work that was carried out because it then fails to address the underlying causes of conflict. This can further traumatize victims, particularly those who provided their narrative or testimony in the commission proceedings; it is feasible that this was exacerbated in South Africa because as Wilson points out, “there was a large gap between survivors’ expectations of justice and the reality, as they saw perpetrators getting amnesty right way while their meagre reparations were many years away,” if they came at all.<sup>315</sup> This discussion will be furthered in the overview of perceptions on the South African TRC.

Finally, some have questioned the concept of establishing an “officially sanctioned truth” at all,<sup>316</sup> to define what truth is and what is not is a controversial endeavour. While examining a truth commission, it must be kept in mind that it would not be possible to hear or record every detail and experience of truth. However, truth commissions can aim to reveal experiences that may be common to many people, and thus demonstrate patterns of abuse.<sup>317</sup> It is also helpful to accept the notion of multiple truths, and that individuals’ varied experiences can all be valid, adding to not ‘one truth,’ but to a fabric

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<sup>313</sup> Rajeev Bhargava, “The Moral Justification of Truth Commissions,” in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, ed. Villa-Vicencio Charles and Wilhelm Verwoerd (Cape Town: University of Cape Town Press, 2000), 60–67.

<sup>314</sup> Sooka, “Dealing with the Past and Transitional Justice: Building Peace through Accountability.”p324.

<sup>315</sup> Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*. p25.

<sup>316</sup> Madeleine Fullard and Nicky Rousseau, “Uncertain Borders: The TRC and the (Un) Making of Public Myths,” *Kronos* 34, no. 1 (2008): 181–214.

<sup>317</sup> Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. p84.

of stories which help to unveil a more comprehensive understanding. Though there are demonstrated benefits to truth commissions when implemented well, they are not always the appropriate pathway within transitional justice; whether or not a truth commission should be applied to certain situations can be assessed by considering the nature of the investigated abuses, for example, that if it was a two-sided conflict, the investigation would identify the shared responsibility for the violence that occurred. The nature of the political transition is also key, and a truth commission will not likely work in situations of military victory. The extent of power that perpetrators have within the restructured society must also be considered; in situations where perpetrators may still retaliate or reignite conflict, amnesty through a truth commission is often employed, and is seen as a measure to maintain stability.<sup>318</sup> For a truth commission to be successful, Sooka argues a society must place focus on reconciliation; there must be high levels of public support for a truth commission; and there must be potential for a wide range of potential for participation, a pursuance of accountability, and measures to promote empowerment.<sup>319</sup> The powers that established South Africa's TRC felt the country satisfied these considerations, and thus used the TRC as the main tool in moving towards the goal of becoming a peaceful and inclusive democracy, despite the criticisms the commission faced before, during, and after its active years.

### *Amnesty*

An aspect of many truth commissions is that they include provisions of amnesty to those who perpetrated the crime or crimes that are being investigated and uncovered. Amnesty refers to a granting of indemnity for perpetrators after conflict and is usually granted based on a certain set of conditions or group belonging. Though amnesty can appear in various forms, Chilean lawyer and

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<sup>318</sup> Sooka, "Dealing with the Past and Transitional Justice: Building Peace through Accountability."

<sup>319</sup> Sooka.p315.

transitional justice expert José Zalaquett states that several things should first take place for amnesties to be possible, regardless of the context and conditions. “Amnesty should possibly serve the ultimate purposes of reparation and prevention; it should be based on the truth, or one cannot really know what the pardon or amnesty is for; there should ideally be an acknowledgement of that truth; and the amnesty must be approved democratically in the sense that it is the will of the nation to forgive.”<sup>320</sup>

One critique of amnesty states that it allows impunity for grave crimes. In this critique, it is perceived that justice is being traded in for truth, rather than the two acting as complements; Alex Boraine is quoted as once saying that “amnesty was the price paid for peace.”<sup>321</sup> However, the culture of impunity in many post-conflict transitional societies may not be due to the workings of a commission itself, but rather the inability of a society to prosecute in large numbers, or undertake the recommendations that they commission recommended in its findings or final report. Van Zyl argues that this is true in South Africa, where impunity is “more a result of the crisis in South Africa’s criminal justice system than [of] the granting of amnesty.”<sup>322</sup>

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<sup>320</sup> José Zalaquett, in *Dealing with the Past: Truth and Reconciliation in South Africa*, ed. Alex Boraine, Janet Levy, and Ronel Scheffer (Rondebosch: Institute for Democracy in South Africa, 1994). p11.

<sup>321</sup> Mary Ingouville Murphy, *The Truth and Reconciliation Commission*. (Auckland Park: Jacama Media, 2016). p18.

<sup>322</sup> van Zyl, “Dilemmas of Transitional Justice : The Case of South Africa ’ S.” p12.

## Methodology

To answer the research questions, this study undertook a content analysis of *Special Report* using both quantitative and qualitative methods. Though presented in separate sections, the quantitative findings provide a numerical overview of the narrative, which is then further unpacked via the nuances of narrative that emerged from the qualitative data. Interviews with the perpetrator-subjects of the series then explored their perspectives and experiences of being a subject of *Special Report*. Lastly, to gain insight into the choice of narrative, the study also interviews core *Truth Commission Special Report* journalists Max du Preez and Anneliese Burgess. The following section unpacks the methods of each facet of research in further detail.

### Analysis of the broadcast

According to media scholar David Hesmondhalgh, the criteria for an effective claim about media occurs through a process of first determining the problem (in this case, what appears to be a common issue of reductionist perpetrator representation), deciding on the sample (the *Truth Commission Special Report* series in its entirety), counting and coding within that sample (based on stated categories), and lastly, writing up and interpreting the data.<sup>1</sup> When this thesis refers to the series ‘in its entirety,’ it must be noted that there are innumerable ways which the series could have been analysed. Although this research utilized all eighty-eight episodes for its data, it was done within one version of a theoretical framework that could have taken shape in several different forms. However, it is based in established scholarship such as Don Foster and Patricia O’Connor’s work on perpetrator discourse, which was applicable to both the content analysis and interviews. The significance of these works and their use as a framework is evidenced by their primacy within the recently developing field of study on

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<sup>1</sup> David Hesmondhalgh, “Discourse Analysis and Content Analysis,” in *Analysing Media Texts*, ed. Marie Gillespie and Jason Toynbee (Maidenhead: Open University Press, 2006), 119–56.

perpetratorship, providing not only a basis for this work, but also points of comparison within the wider field.

A mixed-method approach to the analysis of the broadcast allowed both quantitative and qualitative methods to be utilized in order to get the most well-rounded understanding of the series' representation of perpetrators. By not focusing on a solely positivist or constructionist approach, this multi-faceted methodology attempts to provide a view from as many angles as possible, not only for purposes of empirical adequacy, but also as a nod to the multiple sides of experiencing media, from practitioner to subject to viewer. Hesmondhalgh asserts that a helpful combination of the mixed-method approach is to use qualitative discourse analysis to "generate claims", while quantitative content analysis can be used to test those claims;<sup>2</sup> additionally, it simply adds a breadth and depth of research that would not be possible in using only one approach. Because this research is focused on one particular broadcast series, the issues that can arise through having to make sampling choices that affect the data collected is mostly circumvented. Because there is a limited sample size to choose from, the research is able to take more of the total body of work into account, and there is a higher level of reliability in the content analysis.<sup>3</sup> However, because this study is focused on one series, it cannot speak to a wider survey of perpetrators in the media surrounding the TRC, particularly not within other mediums such as radio and print.

Beyond the quantitative and qualitative analyses that are heavily rooted in discourse analysis, this study will also utilize a framework around media format as set out by Keith Selby and Ron Cowdery in *How*

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<sup>2</sup> Hesmondhalgh. p121.

<sup>3</sup> Michael R Neal, "Media Content Analysis: Qualitative Methods , (Oxford: Oxford University Press, 2012)," in *The Oxford Handbook of Media Psychology* (Oxford: Oxford University Press, 2012). p5.

to *Study Television*.<sup>4</sup> They recommend a process which unpacks, first, the construction of a media text, which has much to do with the technical codes that are employed; second, the levels of narrative including the literal story, the interpretation of the story, and the implied meanings; third, the categorization of the text, which includes form and genre; and fourth, the agencies at play, referring to the different pressures that shape the media text which include media conglomerates, politics, and journalists themselves. They recommend an even more specific equation for analysing a news broadcast, some of which is helpful in regard to *Special Report* and is outlined in the content analysis itself.

### Qualitative analysis

The qualitative analysis of the series is focused on gleaning “insight into experiences, emotions, and cultural phenomena,”<sup>5</sup> most particularly, the latent meanings within a media text.<sup>6</sup> Though it is the researcher that interprets the meaning (per the tendency of qualitative methods in general),<sup>7</sup> the framework of existing literature is used to provide validity and consistency to the qualitative approach. The quantitative findings are used to then test these claims. This qualitative analysis leans heavily on discourse analysis, in combination with some consideration of visual elements.<sup>8</sup>

Media scholar Norman Fairclough’s conceptualization of discourse analysis states that it should answer and elucidate three questions: How is the world represented? What identities are established for the subjects? What relationships are established between subjects? These are based on the

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<sup>4</sup> Selby and Cowdery, *How to Study Television*.

<sup>5</sup> A. Strauss and J. Corbin, *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*. (Thousand Oaks, CA: Sage Publications, Inc., 1998).; as cited In Neal, “Media Content Analysis: Qualitative Methods”, (Oxford: Oxford University Press, 2012).”p5.

<sup>6</sup> Hesmondhalgh, “Discourse Analysis and Content Analysis.”, p121.

<sup>7</sup> Hesmondhalgh. p120.

<sup>8</sup>Hesmondhalgh. p138.

assumption that discourse is rooted in “social action and interaction.”<sup>9</sup> This is certainly a valuable approach per this study’s focus on perpetrator representation because the causes, process, and outcomes of such representations are driven by interaction, and how that interaction in turn shapes social reality. These relations and interactions within the media are not binary, but rather a set. This includes, for example, journalist and viewer, perpetrator and victim, perpetrator and viewer, and others, in addition to the intersubjective analysis which Valerie Yow points out in the context of oral history, acknowledging the dialogue of identities between the parties, as well as the interviewer’s reactions as an “intrusion into the research process”<sup>10</sup> and how the relationship informs the knowledge which is produced.<sup>11</sup> In this work, there are multiple layers of ‘interviewers,’ including the researcher and the journalists. Though a helpful starting point, these questions about action and interaction posed by Fairclough, Yow, Sarkhar, and others can be further illuminated by Teun A. van Dijk’s approach. Van Dijk focuses more specifically on language use within self-presentation, meaning when a subject speaks about themselves, and other-presentation, referring to when someone is being spoken about.<sup>12</sup> Though this approach simplifies relations to be one of us versus them rather than envisioning relations as a network, it allows further exploration of Fairclough’s questions through the unpacking of language use in a procedural manner.

The qualitative analysis within this research then drew heavily on Don Foster’s work to inform its interpretations, particularly his identification of the perpetrator’s discourse of the self, which includes

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<sup>9</sup> Norman Fairclough, *Media Discourse* (London: Arnold, 1995). p18.

<sup>10</sup> Valerie Yow, “Do i like Them Too Much?: Effects of the Oral History Interview on the Interviewer and Vice-Versa,” *Oral History Review*, 1997, <https://doi.org/10.1093/ohr/24.1.55>.

<sup>11</sup> Mahua Sarkar, “Between Craft and Method: Meaning and Inter-Subjectivity in Oral History Analysis,” *Journal of Historical Sociology*, 2012, <https://doi.org/10.1111/johs.12000>.

<sup>12</sup> Teun A Van Dijk, “New(s) Racism: A Discourse Analytical Approach,” in *Ethnic Minorities and the Media: Changing Cultural Boundaries*, ed. Simon Cottle (Buckingham: Open University Press, 2000).

accountability and justification.<sup>13</sup> Discourse around accountability includes, as conceived by Patricia O'Connor, whether a perpetrator claimed responsibility for the act, problematized it, or deflected it,<sup>14</sup> and if so, what pattern of deflection they resorted to. These patterns of deflection can be upwards, horizontal, or downwards. Discourse of justification refers to instances in which a perpetrator accepted personal responsibility for the act, but not its wrongfulness. Both of these discourses of the self were examined in consideration with the individual's political affiliation in order to identify patterns, keeping in mind that what appeared on *Special Report* was only a representation of such, and not the entirety of narratives provided. This study cannot say with exactitude which self-representations the journalists allowed and which they chose to silence, as the series was not compared against their corresponding complete testimony transcripts; however, it is an interesting consideration to account for when examining the media that was produced. The qualitative analysis also investigated the broadcast and discourse of the self for inclusion of religious discourse, legal discourse, and war language, as well as expression of remorse, apology, or pride. All of these patterns help to identify the tropes of perpetrators within media that Foster names in *Theatres of Violence*; the perpetrator as religious, as good and kind, as victim, as obedient servants/ professionals, as mad/ crazy, as fearless and to be feared, as criminals, as evil, as cruel, savage, brutal, and as psychopath, animal, or monster.<sup>15</sup> Foster's identified tropes were chosen as a framework for this section of analysis as his is one of the only studies on perpetrator representation in South Africa. This shared context is important to provide specificity for the historical and social context of South African perpetratorship. The decision to layer Foster's structure of tropes onto *Special Report* was also made because it provides validity to the existence of the tropes themselves and allows for a point of comparison of *Special Report* with other South African perpetrator representations. These tropes are ones which can sometimes be inferred

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<sup>13</sup> Foster, "Confessions, Apologies, and Perpetrators."

<sup>14</sup> O'Connor, "Speaking of Crime: I Don't Know What Made Me Do It."

<sup>15</sup> Foster, "Popular Representations of Perpetrators," 2005.

based on framing, whereas other times, the trope titles themselves are used by the journalists. Fairclough's use of action and interaction as a basis for understanding a media text came into the qualitative analysis in its consideration of whether (and if so, how) the perpetrator story was juxtaposed with a victim story. The qualitative approach also briefly notes visual language and editing based within mass communication research methods.<sup>16</sup> While visual narrative and visual language are an essential aspect of television analysis, this study leans more heavily on discourse because of the nature of the case study. As discussed in the section on the South African context, the TRC allowed only very limited camera access, and *Truth Commission Special Report* was consequently limited for choice in how it would construct a visual narrative. Instances in which the series utilized footage from outside of the TRC hearings, the visuals are appropriately discussed and analysed.

This analysis used simultaneous coding—applying descriptive coding, process coding, and in vivo coding—as a heuristic process to aid in linking discourse to the phenomena outlined above.<sup>17</sup> The findings from the qualitative discourse analysis lead to an understanding of the perpetrator tropes that may or may not appear in the *Truth Commission Special Report*, seeking an understanding of the ways in which the series represented perpetrators.

## Quantitative analysis

Quantitative data gathered through a content analysis was important to include in this study because it allowed an assessment of numerical values that offered potential for generalization<sup>18</sup> about the trends of perpetrator representation throughout *Special Report* as whole, considering all two years' worth of

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<sup>16</sup> Particularly rooted in Hansen et al.'s discussion of narrative & the moving image. Anders Hansen, *Mass Communication Research Methods* (New York: New York University Press, 1998).

<sup>17</sup> Johnny Saldaña, *The Coding Manual for Qualitative Researchers*, Sage, 2014, <https://doi.org/10.1007/s13398-014-0173-7.2>.

<sup>18</sup> Hesmondhalgh, "Discourse Analysis and Content Analysis." p120.

episodes.<sup>19</sup> It also acted, per Hesmondhalgh's assertion, as a sort of test for the claims made by the qualitative analysis.<sup>20</sup> Content analysis provides a method for the systematic and objective description of the "manifest content of communication."<sup>21</sup> The quantitative values that the series was analysed for include the number of episodes which focused on perpetrators; the ratio of representation per political association as compared to actual TRC happenings; that same ratio considering the repeated portrayal of an individual within a particular political affiliation; the ratio of episodes that showed amnesty recipients as compared to the number of actual amnesty recipients.

The reliability of this coding process is high because of the intentionally straightforward categories, with as little ambiguity in their characteristics as possible so that the same counting may be replicated.<sup>22</sup> Hesmondhalgh's methodological recommendations include analysing as large of a sample size as possible, because it results in a greater likelihood that patterns found within the quantitative analysis are not due to an accident or specific sampling method.<sup>23</sup> This research was able to adhere to this by accounting for *Truth Commission Special Report* in its entirety. Lastly, the multiplicity of categories of analysis that are all indicative of how perpetrators are represented lends the study to a higher degree of saturation of properties to speak to the emergent theory.<sup>24</sup> The numerical values that this approach provided allow a more overarching grasp of the narrative around perpetrators in the TRC that was being constructed by *Truth Commission Special Report*, presented through a set of statistics that is coherent, comprehensive, and empirically adequate.

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<sup>19</sup> That said, the focus on a singular series as opposed to a sampling of the media landscape at the time in its entirety does not allow for generalizability about media beyond this series.

<sup>20</sup> Hesmondhalgh, "Discourse Analysis and Content Analysis." p121.

<sup>21</sup> Bernard Berelson, "Content Analysis in Communication Research," *Society*, 1952, <https://doi.org/10.1086/617924>. p18.

<sup>22</sup> Hesmondhalgh, "Discourse Analysis and Content Analysis." p145.

<sup>23</sup> Hesmondhalgh. p143.

<sup>24</sup> Stefan Titscher et al., *Methods of Text and Discourse Analysis* (London: Sage Publications, 2000), <https://doi.org/http://dx.doi.org/10.4135/9780857024480>. p78.

## Interviews

The interviews were conducted with a qualitative focus because the core ideas of truth and memory that are interwoven in the telling of narrative as well as the experience of being represented are not readily quantifiable. Oral historian Michael Frisch calls this concept “dialogues about memories,” which Sean Field furthers, explaining that oral history is not simply “historical recovery” but is an intersubjective dialogue that produces oral history from the “traces of memory that are marked in peoples’ minds and on their bodies,” creating a text which is not the answer in and of itself, but becomes a point of analysis in which new or alternative histories can be produced.<sup>25</sup> Thus, the reflection that these interviews necessitate contain levels of intricacy which cannot be unpacked solely with numerical data.<sup>26</sup>

A semi-structured thematic interview approach was taken in order to collect information relevant to the research, but to still allow the possibility for other emergent themes. As Roth points out, “the researcher usually does not know everything he is looking for himself when he first starts out and structures his study to some extent as he goes along.”<sup>27</sup> The chosen interview themes touch on the concepts from the content analysis, while also considering the interdependencies of media presence on narrative and vice versa in the temporal frames of then and since then, with the intent to unpack the intricacies of the experience of being represented. The semi-structured thematic format of interviews allowed for flexibility in research<sup>28</sup> and space for nuances to emerge. This was necessary

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<sup>25</sup> Sean Field, “Turning up the Volume: Dialogues about Memory Create Oral Histories,” *South African Historical Journal*, 2008, <https://doi.org/10.1080/02582470802416393>; as referenced in Leslie Witz, Gary Minkley, and Ciraj Rassool, *Unsettled History: Making South African Public Pasts*, *Unsettled History: Making South African Public Pasts*, 2017, <https://doi.org/10.1080/02582473.2017.1389979>. p28.

<sup>26</sup> Jane Ritchie, “The Applications of Qualitative Methods to Social Research,” in *Qualitative Research Practice: A Guide for Social Science Students and Researchers* (London: Sage Publications, 2003), 24–46. p33.

<sup>27</sup> J Roth, “Comments on Secret Observation,” in *Qualitative Methodology: Firsthand Involvement with the Social World*, ed. William J Filstead (Chicago: Markham Pub. Co., 1970), 278–80.p283.

<sup>28</sup> Ritchie, “The Applications of Qualitative Methods to Social Research.”

because of the researcher's positionality as an outsider to the society that is the subject of research, and as someone who did not experience apartheid or the immediate transitional period that followed. It will also help to provide wider context for a perpetrator's act of violence, which this research argues as essential. The thematic questions within the interviews focused on how giving testimony with the knowledge that it might be nationally broadcast influenced the interviewee's experience of the TRC, how they perceived the representation of themselves that was then produced on *Truth Commission Special Report*, and whether or not they feel that representation has since affected them or their lives. This is done with the intent to understand how being involved in the medialization of the South African truth mechanism is connected to perpetrator's perceptions of transition, and their role and experience within it.

The interviewees were obtained through both personal contacts and research; throughout the content analysis of each episode of the SABC *Truth Commission Special Report* broadcast, the researcher recorded every perpetrator shown, and then worked to find those who are still living, either through their digital footprint or the researcher's personal network. Only seeking people who had a digital footprint may have excluded people who are older and less inclined to social media or those who have limited access to internet, which might have led to a skewed sample; that said, the use of personal connections and their extended networks proved extremely helpful in circumventing this, and reached individuals across the spectrum who might not have otherwise been found. After initial contact of the preliminary interview group, finding additional contacts became somewhat easier due to snowball sampling.<sup>29</sup> Despite this, even if a subject of *Truth Commission Special Report* was identified and contacted, many still did not agree to be interviewed. This is unsurprising given the sensitive subject matter and is also not

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<sup>29</sup> Patrick Biernacki and Dan Waldorf, "Snowball Sampling: Problems and Techniques of Chain Referral Sampling," *Sociological Methods & Research* 10, no. 2 (November 1981): 141–63, <https://doi.org/10.1177/004912418101000205>.

uncommon. Don Foster faced similar challenges in his interviews with South African perpetrators; he cited that from fifty initial contacts, he ended with only twelve life narratives, stating that “it is clear again that many are not too keen to provide ‘confessions,’ perhaps not altogether surprising when one considers that prosecutions could still have eventuated in the years we were interviewing.”<sup>30</sup> Similar concerns were voiced by many of the perpetrators that were contacted for this research; several denied interviews because they were concerned that it may cause issues with their current employer or family. During the time of interviews, there were public calls to the NPA to pursue the prosecutions recommended by the TRC that were never carried out;<sup>31</sup> this also may have caused fear regarding anything related to criminal activity of the past. An additional barrier is simply the lived reality of the country; as one colleague has put it, the ‘particular challenge of the South African landscape is that people just disappear.’

The interviews were conducted one on one to better facilitate the creation of a safe space for conversation so that interviewees were more likely to share more personal thoughts and experiences in depth. To that end, interviews took place in a space of the interviewee’s choice, most of which were within the interviewee’s community. This is ideal as it is more likely to create a feeling of safety and openness that may not be as easily accessed when placed in an unfamiliar environment, or in an environment that has the potential to be intimidating. The length of each interview was between one and two hours, running longer or shorter depending on the interviewee and their responsiveness. There was always initial contact with the interviewee either by phone, email, or social media as an introduction to both the researcher and the topic of the interviews; following this was one in-depth interview per interviewee, with the possibility for a follow-up if it was deemed necessary for further

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<sup>30</sup>Foster, “Confessions, Apologies, and Perpetrators.” p181.

<sup>31</sup> <https://www.timeslive.co.za/news/south-africa/2019-06-03-npa-must-prosecute-apartheid-era-crimes-urges-trc-commissioner/>

questions or clarification, or if it was requested by the interviewee. All interviews were recorded on a voice-recording device for later transcription and analysis.

Approximately thirty participants were identified as the ideal sample size in order to attempt to gather, insofar as possible, a representative sampling of political affiliation, ranks, and race in a proportion similar to what was represented within the eighty-eight broadcasts shown during the years of 1996 and 1998.<sup>32</sup> This goal proved to be extremely difficult, an obstacle that the researcher did anticipate at the start of the research. This difficulty was due to several obstacles, which together contributed to the final interviewee number of twelve. The broadcast itself represented 192 individuals identified as perpetrators or conflict actors, a significantly small number compared to the 1,646 amnesty applications that the commission actually received. Of those, several were confirmed to be deceased by the time of this research. A total of 109 of the 192 individuals on the list were untraceable; this issue is likely specific to the South African context, because people can disappear with relative ease. Contact information for 35 living individuals was found. This is on par, and in fact, slightly higher than the number of responses garnered by other researchers on perpetratorship, such as Don Foster's previously mentioned response rate of twelve out of fifty. The lower numbers of interviewees contributed to the balance of the study being adjusted to include a heavier focus on content analysis, which had yet to be done of *Truth Commission Special Report* in its entirety; additionally, there has been even less focus on the series' representation of perpetrators, a topic that takes up much of the series' focus. The combination of content analysis with interviews provides an understanding of thematic content and narrative approach, while also providing some insight into why those choices were made

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<sup>32</sup> Greg Guest, Emily E Namey, and Marilyn L Mitchell, *Collecting Qualitative Data: A Field Manual for Applied Research* (London: Sage Publications, 1963); Martin N Marshall, "Sampling for Qualitative Research," *Family Practice* 13, no. 6 (1996): 522–26, <https://doi.org/10.1093/fampra/13.6.522>; South African Broadcasting Corporation, "Truth Commission Special Report."

by the show's producers, and how the subjects experienced those choices both during and after the programme was created and aired.

## Analysis of Interviews

Analysis of the interviews began with transcription, which allowed for an in-depth consideration of each interview that aided in a categorized interpretation of the data.<sup>33</sup> The data is “textual, non-numerical and unstructured,” and must be organized and made sense of.<sup>34</sup> The reading of the data was both literal and interpretive. Literal data refers to the interviewees’ literal verbal responses, which were combed through for particular words and phrases. The interpretive data came from the statements and answers given and went further to infer the interviewees’ interpretations of the social phenomena under investigation,<sup>35</sup> in this case, their own portrayals in *Truth Commission Special Report* and their perceptions and experience of such. Once initial emergent themes were identified from a textual analysis of interview transcriptions, the data sets were categorically indexed.<sup>36</sup> These results highlighted emergent themes from each of the participants’ responses by sorting data partially based on the sub-questions within the research question, and then were developed specifically through trial runs of employing categories to all of the data to ensure applicability and consistency.<sup>37</sup> The identification of emergent themes linked the literal data to the theoretical concepts<sup>38</sup> already identified within the broadcast analyses. This process utilized a manual system for each theme and subtheme throughout the textual analysis of the transcriptions, and then again in a larger chart of both literal and inferred

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<sup>33</sup> J Lofland and L Lofland, *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis* (London: Wadsworth Publishing Company, 1995).

<sup>34</sup> Tehmina N. Basit, “Manual or Electronic? The Role of Coding in Qualitative Data Analysis,” *Educational Research*, 2003, <https://doi.org/10.1080/0013188032000133548>. p152.

<sup>35</sup> Jennifer Mason, *Qualitative Researching* (London: Sage Publications Ltd., 1996).

<sup>36</sup> Mason.

<sup>37</sup> Mason.

<sup>38</sup> Kathy Charmaz, “The Grounded Theory Method: An Explication and Interpretation,” in *Contemporary Field Research: A Collection of Readings*, ed. Robert M Emerson (Boston: Little, Brown, 1983).

themes and interpretations. A manual process was chosen because, although tedious, it was better able to encapsulate the nuances that emerged within interviews, including tone and body language, pauses, and other indicators of meaning that cannot be gleaned solely through textual representation. This allowed the researcher to extrapolate a proposition with an inductive analysis of the interview data.<sup>39</sup>

Together, the findings from the separate processes of content analysis and interviews inform the discussion. The content analysis first provides a deep unpacking of perpetrator portrayal in *Special Report* through several lenses. This analysis is then animated through the interviews with perpetrator-subjects and journalists by providing a window into some of the experiences within the creation of and being a subject of a transition-focused television news broadcast. Although each process of investigation has relevant insights in and of itself, this research is more interested with the interaction between the two, which will play out within the discussion.

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<sup>39</sup> Lofland and Lofland, *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis*; Charmaz, “The Grounded Theory Method: An Explication and Interpretation.”

# Content Analysis of SABC's Truth Commission Special Report

## Quantitative analysis

This section presents and discusses the quantitative data gathered from the 88 episodes of *Truth Commission Special Report*, which is the broadcast series in its totality. It will use the quantitative data from this analysis to outline the overarching narrative that *Special Report* created. This data will also be a point of comparison for the overall numbers and quantifiable characteristics of amnesty applicants from the TRC in order to move towards an analysis of *Special Report* as it represented the TRC and the involved perpetrators. The quantitative overview serves both as a place in which to ground the forthcoming qualitative work and as a concrete set of numbers with which to test the more in-depth interpretive findings within the qualitative analysis.

Recall that this thesis asks, 1. How are perpetrators represented in the *Truth Commission Special Report* broadcast?, and 2. What are the wider implications of this for transitional justice? Therefore, this portion of the analysis examined aspects of the broadcast that could be quantified and, thus, lent to an exploration of these questions. These include:

- Numbering the political affiliation of the perpetrators who were shown in the broadcast in at least one episode
- Numbering political affiliation of the perpetrators who were shown in more than one episode
- Number of male and female applicants
- Number of perpetrators shown who were granted or refused amnesty, or whether they were an amnesty applicant at all.

Though there are several other numerical assessments that could be made to construct a data-driven vision of *Truth Commission Special Report's* portrayal of perpetrators, these were chosen as the main foci because it helps to understand if the series provides a representative, condensed version of the events that happened within the TRC through the use of comparative ratios between the series and the actual

happenings of the commission,<sup>1</sup> with a particular focus on the role of political affiliation. This provides a basis for the qualitative analysis to then identify more nuanced patterns. It should be noted that race was not chosen specifically as a quantitative measure, though it is discussed; although careful not to conflate political affiliation with race, this research does note that there is a correlation between the two, and expressly notes in the qualitative analysis when this is not the case.

Throughout the 88 episodes of the series, 192 individual perpetrators are shown; this data does not consider individuals associated with group hearings or statements, unless the person was specifically framed as a perpetrator within said group. Of the 192 individuals, only one is female, and that was the extremely contested perpetrator, Winnie Madikizela-Mandela; the remaining 191 perpetrators are male. This is reflective of amnesty applicants, as well; only one percent of amnesty applications came from women.<sup>2</sup>

What is not reflective of actual amnesty applicants within *Special Report* is the representative numbers of political affiliation. This table reflects the political affiliation of all 192 identified perpetrators in the broadcast series, and the comparative ratio of amnesty applicants:

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<sup>1</sup> This will focus on the TRC's "on-stage" presentation as Lars Buur so dubbed the hearing processes, though with an awareness of the "back-stage" bureaucracy and information management, which would go on to inform the decisions in hearings but also the Final Report later presented. See Lars Buur, "Making Findings for the Future: Representational Order and Redemption in the Work of the TRC," *South African Journal of Philosophy*, 2001, <https://doi.org/10.4314/sajpem.v20i1.31322>.

<sup>2</sup> Truth and Reconciliation Commission [hereafter TRC], *Institutional and Special Hearings*, vol. 4, Truth and Reconciliation Commission of South Africa Report (London: Macmillan, 1998), 313.; as cited in Van der Merwe and Lamb, "Transitional Justice and DDR: The Case of South Africa."

Political Affiliation of perpetrators	<i>Special Report</i> #	<i>Special Report</i> %	Actual Application %:
African National Congress & allied groups	51	27%	60.6%
SA state and security forces	99	52%	17.8%
Pan Africanist Congress	20	10%	8.4%
Inkatha Freedom Party	3	2%	6.6%
Right-wing groups	15	8%	6.5%
AZAPO	0	0%	0.1%
other	4	2%	0.0%
<b>Total</b>	192	100%	100.0%

It is clear in this chart that, compared to the actual applications within the amnesty process, *Truth Commission Special Report* grossly underrepresents perpetrators of the ANC and its allied groups, which receive 27% (51 of 192) of *Special Report* appearances, even though the ANC represented over 60% of all amnesty applications. Simultaneously, the series overrepresents perpetrators from the side of the state, which make up 52% (99 of 192) of *Special Report* appearances, even though the total applications were only comprised of 17.8% from the state and state affiliates. The misrepresentations between *Special Report* percentages and actual application percentages are significant, representing differentials of 33.6 percent and 34.2 percent, respectively. Conversely, the other groups are generally represented in ratios that were on par with actual numbers within amnesty applications, which all stay within a margin less than 5 percent, and at times, is less than a 1 percent difference. It must be noted that the percentages from the TRC itself are not differentiated between open hearings versus chamber hearings, which may have influenced the outcome of representational ratios within the series.

This may have been misleading for viewers, particularly because of the wide reach of *Special Report* as a TRC news source for South Africans. This is especially so in situations in which a viewer may not have supplemented this television broadcast with other outlets such as radio or print that might have

allowed a more consistent news stream, and thus had more space to provide a more balanced representation.

The focus on state-associated political groups is heightened by the number of times each individual was shown; although 192 individuals are shown on the series in total, many of these individuals are covered more than once, sometimes appearing in up to ten episodes. This table outlines the individuals who appear in more than one episode, and their political affiliation.

<b>Political Affiliation of perpetrators shown in more than 1 episode</b>	<b><i>Special Report</i> #</b>	<b><i>Special report</i> %</b>
<b>African National Congress &amp; allied groups</b>	6	8.6%
<b>SA state and security forces</b>	46	65.7%
<b>Pan Africanist Congress</b>	3	4.3%
<b>Inkatha Freedom Party</b>	2	2.9%
<b>Right-wing groups</b>	11	15.7%
<b>AZAPO</b>	0	0.0%
<b>other</b>	2	2.9%
<b>Total</b>	70	100.0%

Forty-six out of the seventy individuals—65.7 percent—who appear in more than one episode are affiliated with the state or security forces in some way. This oversaturation once again might have left viewers with the impression that the actual body of the truth commission was inundated with these types of perpetrators. This was not the case (see table 1), the reality being that only 17.8% of amnesty applicants were associated with the apartheid state. This, of course, is not to say that the apartheid era was not rife with state-associated perpetrators (and its white beneficiaries), which cannot be reflected in the numbers for amnesty applications or within the structure of the TRC in general. Additionally, some political parties did not encourage their members to come forward to the commission. However,

the stated intent of *Special Report* to inform South Africa about the internal activity of the TRC, and, in that sense, the narrative that the broadcast constructs may have been misleading.

The series profiles a relatively equal distribution of individuals who were refused amnesty and those who were granted amnesty in the two years of hearings that it covers, with only a 3 percent difference between the representation that each group receives. This, however, is not representative of the outcome of actual amnesty applications that went to hearing. The significant disparity between the series and actual amnesty outcomes is shown in the table below, indicating that perpetrators that were refused amnesty are over-represented in the series, receiving 42 percent of the coverage (80 out of 191) compared to being only 22 percent of the actual amnesty applications (362 were refused amnesty out of 1 674 applications). Alternatively, perpetrators who were granted amnesty are under-represented in the series, receiving 39 percent of the coverage (74 out of 191), while in actuality, 70 percent of all applications were granted (1 167 granted out of 1 674 applications).<sup>3</sup> Although this may be better representative of the numbers when including the applications that were administratively rejected or did not go to public or chamber hearings, the series does not acknowledge this, and the percentages as they appear in this table relate to *Special Report's* portrayal of public hearings and their outcomes.

	<b>Special Report #s:</b>	<b>Special Report %:</b>	<b>Applications: #</b>	<b>Actual % of Applications</b>
<b>Perpetrators granted amnesty</b>	74	39%	1 167	70%
<b>Perpetrators refused amnesty</b>	80	42%	362	22%
<b>Granted for some crimes but not others</b>	10	5%	145	9%
<b>Did not apply for amnesty</b>	27	14%	n/a	n/a
<b>Total</b>	191	100%	1 674	100%

<sup>3</sup> This number only taking into account “genuine applications” that did not include the 5,143 applications received that not meet amnesty conditions even on paper, or fall under the powers of the Act. Per Don Foster, as discussed in the introduction. Foster, “Popular Representations of Perpetrators,” 2005.

The series also includes coverage of perpetrators who did not apply for amnesty but were involved in crimes the series further investigated. This is a helpful nod towards the fact that there was a vast number of people who were involved in gross human rights violations who did not apply for amnesty, for various reasons. Further quantitative findings will be discussed in the relevant sections of the qualitative analysis.

## Qualitative analysis

This section presents and discusses the qualitative data gathered from all eighty-eight episodes of the *Truth Commission Special Report* broadcast using the theoretical framework established in the literature and methodology. With the two main research questions in mind, this portion of the analysis examines aspects of the broadcast that are nuanced and uncountable. It considers how the chosen categories of analysis appear both as frame narratives and embedded narratives. It maintains academic rigour by utilizing a theoretical framework of discourse analysis, as well as applying and testing patterns already identified by scholars of perpetratorship as discussed in the literature. Prior to presenting the thematically parsed analysis of the episodic content, this section also analyses the media format applied to the series, considering both news and documentary formats to understand how the framework via which the information was provided may have influenced the narrative. The qualitative data from the episodes is then parsed and presented in a way to provide the language and thematic scheme needed to analyse the underlying messages presented around perpetrators. Though there are several other approaches that could be used within a qualitative analysis of a television series, the core concepts that appear in this section were chosen in order to best interpret *Truth Commission Special Report's* portrayal of perpetrators in the comparative context of the South African TRC's actual happenings, as well as that of transitional justice theory and current notions on effectiveness of such processes in practice.

Because this interpretive data is also examined and understood within the previously provided quantitative analysis, it is able to zero in on the representation beyond simply that of “perpetrators” as a category in and of itself, which this research has identified as reductionist. The interpretive and thematic approach differentiates between types of perpetrators and their representation within multiple categories. These categories are stratified by how the perpetrator self-identifies per political affiliation, how the TRC identifies them within the context of amnesty, how *Special Report* identifies them based on the biases and influences inherent to any media lens, and how scholars of perpetratorship would identify them based on emergent patterns within the field. By unravelling the multiple strands involved in representation and, in this case, the various narrative lenses that factor into a television series covering a truth commission, this qualitative analysis is a multifaceted approach to the singular yet complex concept of “perpetrator.” In tandem with the picture constructed by the quantitative analysis, it then acts as a place from which to question how those choices may have influenced the processes and experience of transitional justice in South Africa with regard to perpetrators.

### Media formats

As investigative journalism, *Truth Commission Special Report* crosses boundaries between the formats and genres of both news and documentary. The concept of “news” is indicative that the information provided is just that—new. The information presented by *Special Report* is news by way of the fact that it followed the TRC as it unfolded. However, it becomes more documentary-like through its further investigation of the individuals and crimes that were brought to the fore of the commission and its dealing with historical events, thus moving away from straight news reporting. That said, its overarching structure is almost always presented in news format. Throughout its screening, the series held a thirty-minute slot; beginning at episode 68, this was expanded into an hour-long slot. Each

episode is introduced by the same opening sequence, and the body of each episode is most often made up of a series of stories, though there were also multiple exceptions to this pattern. Two episodes do not use this structure, instead offering an investigative documentary on a single topic; episode “99” (though not the ninety-ninth, but rather the last ever episode of the series) focuses solely on Winnie Madikizela-Mandela and her involvement and TRC hearing into the Mandela United Football Club. Episode 59 is a documentary called *Borderliners: The Scars of War*, which investigates compulsory military service and post-traumatic stress disorder; *Special Report* received so many requests regarding this episode that they screened it again as the last half of episode 78. The series names some of their segments within episodes “documentaries” rather than news stories, segments, or packages. These are longer than more traditional news segments though not the length of a full episode, and often refer to past events without always directly connecting those events to happenings of the TRC. For example, much of episode 9 is made up of a twenty-seven-minute documentary made by filmmaker Jann Turner on the assassination of her activist father; episode 31 includes a twenty-two-minute documentary on the violence in KwaZulu-Natal and its effect on residents; episode 33 provides an eleven-minute documentary explaining the pass laws that used to be in place in South Africa, which was shown again in episode 80. Episode 80 also contains a thirteen-minute documentary on Vlakplaas askaris. Episode 29 uses eight minutes to explain how Africans in the Karoo had previously given up their ethnic identities to live in preferential areas, and their desire to reclaim these racial identities; this was replayed in episode 79. Episodes 61 and 65 both provide documentaries on the hearings for the murders of popular activists Chris Hani and Steve Biko, respectively. Episode 66 is entirely focused on the media under apartheid, basing it within the TRC institutional hearings on the media, but delving much further into the dark history of media’s role. Episode 74 contains an eighteen-minute documentary on South Africa’s involvement in what was a failed 1981 coup in the Seychelles.

Several of the segments that host Max du Preez referred to as documentaries appeared after the show received the longer time slot; this expanded time provided the space to explore topics beyond just TRC news, thus allowing further blurring between news and documentary formats. That said, the “documentaries” that were indicated still held space as a segment within the overarching news format of the show, even if only indicated by the familiar opening sequence and an introduction by Du Preez. This may classify the series as something closer to feature news. Knowledge of media formats- and the instances in which *Special Report’s* format varied- assists in understanding the type of narrative that was able to be presented from episode to episode, and in the overarching narrative the series constructed over its two years on screen.

Selby and Cowdery’s recommended structure of studying television news broadcasts begins with assessing the opening sequence.<sup>4</sup> Throughout, *Truth Commission Special Report* kept the same ominous but fast-paced instrumental theme song, which evokes a sense of urgency and suspense. As the short theme song plays, viewers watch as “SPECIAL REPORT” is typed across the screen in typewriter font, suggesting the journalistic nature of the programme. Behind the text roll black-and-white film clips and photographs of scenes that are likely already familiar to many South Africans, including people’s fists in the air at a protest, a close-up of an assault rifle bouncing as it is carried, speeches by leaders of the struggle, graves of other struggle cadres, bodies under sheets, and soldiers running. It concludes as the title, “TRUTH COMMISSION SPECIAL REPORT” lands in the centre of the screen. This title sequence exhibits the “importance, dignity, and drama” that Bignell points out as common in news format opening sequences.<sup>5</sup> It also became part of the series’ “brand recognition”<sup>6</sup> as it broadcast to households and communities across the country for over two years; this helps to

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<sup>4</sup> Selby and Cowdery, *How to Study Television*.

<sup>5</sup> Bignell, *An Introduction to Television Studies*. P95.

<sup>6</sup> Bignell. P95.

build trust in a source, as well as provides continuity.<sup>7</sup> The format then consistently cuts to producer and host Max du Preez. It is usually somewhat dark, though Du Preez is always well lit and surrounded by several screens with varying images, monitors, and keyboards. This creates a sense of authority, as well as the impression that Du Preez and his team have their eyes on South Africa, and that they can be trusted to tell the viewer about it. In this way, Du Preez establishes himself and his correspondents as the institutional voices of the programme. Furthering this are the codes that accompany that role, which include both verbal and nonverbal communication. Non-verbal communication codes include the journalists' dress, which is consistently professional but not to the point of stuffiness, eye contact, and calmness of voice. The neutral and even tone of voice connotes both objectivity and neutrality.<sup>8</sup> Together, this system of codes works to establish the news that will follow as objective too, disguising any slant to seem as if the discourse came from the news itself rather than out of the framing processes within the media.<sup>9</sup> As Selby and Cowdery note, "the American term 'news anchor' nicely brings out the fact that news readers provide an 'anchor' in a turbulent world."<sup>10</sup> Du Preez and his team do just that in the authoritative yet relatable way in which they present themselves. Verbal codes that Du Preez often uses as he introduces the episode and the following segments include language such as "we" and "our." This indicates a relationship between himself and the viewers, and also helps him to guide how "we," collectively, should respond to something that he is about to show us. It also notes the relevance of the story, per news values.

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<sup>7</sup> Continuity is not only a news value per Galtung & Ruge, but Bignell notes that it is also a common aspect of news formats. Because news itself is not often continuous, news formats ground in continuity through conventions such as the same reporting team and host, title sequence, separate news packages, the setting of the same newsroom, and certain logos & graphics.

<sup>8</sup> Bignell, *An Introduction to Television Studies*. P90.

<sup>9</sup> Bignell. P98.

<sup>10</sup> Selby and Cowdery, *How to Study Television*. P130.

The segments that follow the opening sequence in any given episode can each be examined separately, which is largely what the following analysis does. However, the juxtaposition of segments also guides each narrative, and will be noted when relevant. The choices behind the order of stories often are based on thematic flow, but also on what type of story it will be in order to control pacing of the overarching episode. Segments may follow multiple story forms. One story form is the voiceover; this uses full-screen graphics while a voiceover by one of the institutional voices speaks about the particular data being presented.<sup>11</sup> Another is the voiceover with sound on tape (VO/SOT). These can be presented in any order, but it always includes voiceovers with images or clips in addition to an on-camera interview. This is often used when a message would be lost if said by the journalist, such as when there is deep emotion behind it.<sup>12</sup> The last type of story is a package; this includes a stand-up, referring to when the correspondent appears on-camera in order to provide familiarity or draw the viewer into a story further; they can either re-introduce the topic, appear in the middle, or provide a summarizing statement. This is the type of story that appears in *Special Report* most often, likely because the stories presented are all unfamiliar or traumatic and necessitate further grounding.<sup>13</sup>

## Perpetrator tropes

This content analysis investigated for appearances of perpetrator tropes as described by Don Foster's study on the representation of South African perpetrators (generally speaking) in media, as they appear in *Truth Commission Special Report*. It considered tropes in situations in which the trope could be inferred based on rhetoric, visual language, and editing, as well as when the terms themselves were applied.

The tropes as categorized by Foster are the perpetrator as:

- religious

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<sup>11</sup> C A Tuggle, F Carr, and S Huffman, *Broadcast News Handbook: Writing, Reporting, and Producing in a Converging Media World* (McGraw-Hill, 2004), [https://books.google.co.za/books?id=F\\_G\\_tAEACAAJ](https://books.google.co.za/books?id=F_G_tAEACAAJ).

<sup>12</sup> Tuggle, Carr, and Huffman.

<sup>13</sup> Tuggle, Carr, and Huffman.

- good and kind
- victim
- obedient servants/ professionals
- mad/ crazy
- fearless and to be feared
- criminals
- evil
- cruel, savage, brutal
- psychopath, animal, or monster<sup>14</sup>

The most common tropes used to refer to perpetrators in *Special Report* were either the perpetrator as victim, or the perpetrator as evil. The majority of those framed as “victims” were askaris, so, although considered state affiliates, they were initially a part of another group and most often did not work for the state by choice. Those painted within the “evil” trope were mostly white state affiliates, principally security police. The least common trope was—not surprisingly—the perpetrator as mad or crazy. This trope did not appear at all in *Special Report* because it did not fit into the requirements for amnesty by the TRC; because crimes had to be politically motivated, they required some sort of stated rationale. Even so, it is possible for crossover between the trope of mad or crazy and the trope of religious in cases of religious fanaticism. The trope of obedient servant or professional was extremely common and was mostly a narrative that was self-imposed by the perpetrator, with phrases such as “I was just doing my job” and “I was simply following orders” repeated consistently and across multiple political affiliations. However, this discourse of the self as obedient, professional, or soldier is also one of upwards deflection, and is thus unpacked instead within the coming section on accountability.

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<sup>14</sup> Foster, “Popular Representations of Perpetrators,” 2005.

## *Religious*

Episode 19 contained distinctly racial rhetoric around the murders by right-wing brothers Adriaan, Willem, Gideon and Dawid van Straaten.<sup>15</sup> Du Preez introduces the story as one in which the committee heard an argument that “pure racial hatred should qualify as a political motive for murder.” The brothers are shown entering a hearing hall in slow motion, walking through an audience that is (poignantly) made up largely of black South Africans. This visual, paired with correspondent Nantie Steyn’s voiceover description of the brutal murders, did the brothers no favours as they made an ominous metaphorical entrance into the episode. Steyn describes how they had used a stone to crush skulls and a chisel to stab the two unarmed night watchmen at a transport company. The Van Straatens admitted that the attack was racially based, in an attempt to “show that black people were not capable of doing their jobs.” They go on to cite their conservative Christian upbringing as where they learned their beliefs, seeming to think that religion validated their actions, and, thus, their amnesty applications. Although their own narrative certainly places them in the “religious” category, the frame narrative around them provided by the commission and *Special Report* indicates that could also be classified within the “mad” trope as religious fanatics. The segment uses the frame narrative to paint the brothers as less than intelligent and certainly racist, with the last clip showing Judge Ngoepe of the TRC asking whether they truly did not distinguish murders based on politics from murder based on racial hatred. Adriaan answered that this was correct; you can hear the crowd quietly laugh as the judge incredulously looks at Van Straaten asking, “Are you serious?”

The only other perpetrators the series showed as attempting to present themselves as religious in what seemed to be a method of justification were duo Leo Froneman and Peiter Harmse, members of the

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<sup>15</sup> The van Straaten brothers were members of the right-wing group the AWB; they murdered two black security guards, for which they did not receive amnesty.

AWB and BWB who set off a bomb in an Indian shopping mall that killed a policeman. Their amnesty testimonies appeared in episode 43 served as the embedded narrative, framed by footage sourced by *Special Report* that showed white right-wingers marching, training with firearms to prepare to “defend South Africa from the future they feared- majority rule.” This fear stems from entitlement created by apartheid ideology,<sup>16</sup> while their violent actions were an attempt to protect what they believed was rightly theirs.<sup>17</sup> In their testimonies, Harmse and Froneman cited this fear as motivation for their crime, putting particular focus on the fact that this would affect the religious leanings of South Africa. “Mister De Klerk at that stage also mentioned that all religions would become equal. And that was something that was totally against the BWB and against my own objectives; because we believe that there is only one God,” said Harmse. The episode was edited so that their testimonies were immediately followed with a news bulletin that had been shown the night of the bombing, which included clips of the destroyed building and an official police portrait of the unintended victim, solidifying the sense of criminality around the perpetrators (similar to the narrative that *Special Report* provided around the Van Straaten brothers). Only Froneman was given a small moment of reprieve in the segment; the story closed with a clip from his amnesty hearing, in which he stated that he had not intended to kill someone, and that it “touched him deeply” to know he had taken the victim from his family. Nevertheless, it is not lost in the story that he only expressed remorse and empathy towards his white victim, and not regarding the larger crime designed to target Muslim businesses, despite that he did not intend to kill.

Neither the Van Straaten brothers nor Froneman and Harmse received amnesty; because they were all in prison at the time, they all continued serving their sentences. The *Special Report* version of events

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<sup>16</sup> Foster, “Entitlement as Explanation for Perpetrators’ Actions.”

<sup>17</sup> Scheff, “Hypermasculinity and Violence as a Social System.”

evoked a sense of religious fanaticism and criminality rather than engendering the sympathy or understanding that the perpetrators seemed to think their politicized and right-wing versions of Christianity would. Beyond these instances, religious rhetoric also came up in the special hearings for faith communities as was summarized in episode 75. These, however, were not in reference to direct criminal or violent actions, and rather leaned more towards positioning the subjects as being bystanders, beneficiaries, or implicated subjects, concepts that are later examined as themes of their own.

### *Good or kind*

There were very few perpetrators who *Special Report* purely framed as good or kind; arguably the only individual who was afforded enough representational forgiveness to classify him as such was policeman Brian Mitchell.<sup>18</sup> Episode 46 details his background, his crime, and what has unfolded since his amnesty hearing. Du Preez opens the segment by stating that Mitchell was “honest and brave enough to go back to the scene of his crime,” then showing the destroyed buildings and an interview with the man whose shop and family home were targeted, mistakenly identified as a UDF stronghold. Du Preez’ authority via the institutional voice indicates to viewers that Mitchell should be commended for attempting to engage with the wrong he did, thus committing to the process of transitional justice.<sup>19</sup> A short clip from Mitchell’s amnesty hearing depicted him saying that “the wrong people became victims,” an admission aligned with the judgement Du Preez already offered in framing Mitchell’s story. This acknowledgement, along with the community’s request for help rebuilding as a prerequisite for forgiveness, is likely why Mitchell returns to Trust Feed many years later. The segment uses quite

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<sup>18</sup> Brian Mitchell was a member of the security police, where he was involved in what became known as the Trust Feed massacre in which eleven people were killed. He was the first former security force member to receive amnesty.

<sup>19</sup> See prior discussion on transitional justice, especially pages 111-112 on both condemning the abuses while also being forward-looking to promote perpetrator reintegration and reeducation, per Chapman et al.

a lot of visual material beyond the footage from the TRC. It continues, following Mitchell as he returns to the community where, in 1988, he killed 11 people- mostly women and children. Trust Feed is introduced by the segment with images of rolling fields and a group of community members singing. This is followed by an interview with a resident whose husband was killed in the attack, describing how she now has to support her eight children alone, and that they had to stop their studies because Mitchell killed their father. It cuts to Mitchell as he addresses a crowd of Trust Feed residents, apologising again for what he has done and offering whatever assistance he can, but also stating that he could not financially support anybody there. The camera pans over the crowd as it erupts into exclamations and cries, echoing the interview with the widowed mother. Nothing Mitchell can do can change the loss and trauma the community has experienced. However, the crowd's reaction feels downplayed when the episode juxtaposes it with multiple interviews with individual community members. Each of the interviewees say that they are beginning to forgive Mitchell, particularly if he remains involved in the community; the segment provides no interviews with competing viewpoints. *Special Report* journalist Benedict Motau then interviews Mitchell, who states that he is waiting to hear from the community what they need. The segment shows him saying, "Let us do it [rebuild and reconcile] combined and not let it be just my show, I want a community show." This insinuates a certain level of sensitivity from Mitchell as he apparently hands over the decision-making power to the community that he had victimised in a scenario in which he could easily fall into, or even endeavour to be, the white saviour as a form of redemption. When he departs from Trust Feed, community members say, "See you again," indicating their expectation- or maybe simply hope- that Mitchell will continue his involvement and dedication to reconciliation efforts. The narrative constructed in this episode addresses the destruction of "ties between individual and community" that Judith Herman identifies as a consequence of trauma, depicting one community and perpetrator as they supposedly

attempt to mend these ties.<sup>20</sup> It is, however, difficult to be sure of the success or veracity of these endeavours, or whether editing choices (particularly the selection, juxtaposition and order of clips) were promoting the sense that reconciliatory processes were under way.

### *Victim*

The perpetrator-as-victim trope breaks down the victim-perpetrator binary that is common in representations of perpetrators. There are variations of this trope in *Special Report*; one perpetrator-as-victim representation is in the portrayal of askaris. Media scholar Martha Evans calls the askari, as he appears in narrative film, “apartheid’s most deformed offspring,”<sup>21</sup> a reminder that although he falls within the perpetrator-as-victim trope, he still remains a perpetrator and must deal with the effects of such. He is the embodiment of the South African conflict in a singular and therefore logistically accessible package, while also fitting perfectly into a multitude of news values. The askari character avoids the discomfort that audiences feel in response to victim testimony. This is due to the amount of empathy that Evans claims is required of an audience member to process a victim narrative,<sup>22</sup> while still avoiding the highest level of horror provoked by a traditional perpetrator narrative. The horror is lessened as an askari is almost always a low-level perpetrator, acting as a captive participant with knowledge, but no purpose.<sup>23</sup> The askari appears throughout the series in several interviews and amnesty hearings. Segment 3 in episode 80 focuses on Vlakplaas askaris, describing how they came into the role and how that role informed their actions within the conflict, thus providing an overview

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<sup>20</sup> Herman, *Trauma and Recovery: The Aftermath of Violence-- From Domestic Abuse to Political Terror*.

<sup>21</sup> Martha Evans, “Amnesty and Amnesia: The Truth and Reconciliation Commission in Narrative Film,” in *Marginal Lives & Painful Pasts: South African Cinema after Apartheid*, ed. M Botha, 2007. p257.

<sup>22</sup> Evans. p269.

<sup>23</sup> Per Smeulers and Hola, “ICTY and Culpability of Different Types of Perpetrators of International Crimes.”, as discussed in the literature review pages 96-97.

of the “broader institutional violence at work.”<sup>24</sup> The episode describes how ANC and PAC cadres were caught and kidnapped by the South African Police; some askaris described being threatened with torture or death if they did not cooperate, while others cited promises of reward if they did. Infamous askari Joe Mamasela<sup>25</sup> called Vlakplaas “hell on earth,” partially in reference to actions in which he himself was involved. Jimmy Mbane,<sup>26</sup> a former askari, recounted, “I was forced to kill my own people, the people that I devoted my life into liberating.” The segment also interviews former askari Almond Nofomela;<sup>27</sup> according to him, there was “no way out of it,” citing the disappearance of fellow askaris if they were seen as a threat to the security of the extremely secretive Vlakplaas. Although askaris were often at the forefront of the horrific assassinations of liberation movement activists, in doing so, they were likely victimized by the exact same act, with the additional potential for traumatization via perpetration.<sup>28</sup> Mamasela referred to the killings that he and other askaris were coerced as terrible and sadistic: “It’s something that one cannot forgive himself for doing, but under those circumstances one could not do anything [else].” Recall that Lifton’s trauma theory asserts that trauma creates two selves, and the transfer of conscience that occurs with this doubling is also what allows an “ordinary person” to commit evil (an extension of Arendt’s famous “banality of evil”). Mamasela’s narrative evokes this through his language use, in which he always describes “one” doing something, as opposed to taking ownership by using “I.” The episodes that interact with the narratives of askaris such as Mamasela, Mbane, and Nofomela do well to evoke the victim trope through the use of frame narratives and

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<sup>24</sup> This approach circumvents the risk of individualizing violence and thus, not meaningfully engaging with what made it possible. Per Gómez-Barras, “The Female Perpetrator.” as discussed in the literature review page 108.

<sup>25</sup> Joe Mamasela was an askari and prolific murderer for the security police. He claims to have killed approximately thirty-five people. He did not apply for amnesty and was not prosecuted because he acted as a protected state witness.

<sup>26</sup> Jimmy Mbane was an askari that worked for Vlakplaas, and was involved in the murders of the group that became known as the Gugulethu 7.

<sup>27</sup> Almond Nofomela was an askari that worked for Vlakplaas, and was involved in the murder of activist Griffiths Mxenge alongside Mamasela. He was granted amnesty.

<sup>28</sup> Per trauma scholars such as Mohamed, Herman, Lifton, and Morag as discussed in the literature.

pointed choices of interspersed interview clips. However, the episodes do not seem to go further to do the work to re-assimilate the two selves and the crises that Morag identifies within that experience as it appears on film.<sup>29</sup> This is expressly true within Joe Mamasela's narrative; the episode depicts Mamasela showing signs of the crisis of disclosure in particular. As noted in episode 85's coverage of the amnesty hearing for the torture and murders of the activists of the Port Elizabeth Black Civic Organisation (Pebco) known as the Pebco 3, Mamasela, who "by his own admission helped kill more than 35 people," "spoke very little of his own actions during the torture." The segment reasserted this by only including the aspects of his hearing testimony in which he focused more on the actions of his Vlakplaas colleagues, and later claimed that his own actions were all against his will. His focus on the lack of willingness is also indicative of the crisis of narration, referring to the gap between his identity pre and post the infliction of violence. He seems to be attached to his pre-violence identity, thus not assimilating his two selves, particularly if one comes with the knowledge that he became one of the security establishments' most prolific killers. This also may be because he doesn't need to assimilate his two selves to move forward in the transitional space, because at this point, he had already been given immunity as a state witness. According to police Captain Jacques Hechter, Mamasela was "always ready and couldn't wait" when they "had to go kill."<sup>30</sup> The lack of assimilation between his two selves and thus, the impossibility of remorse, arguably makes it difficult to empathize with him as a character despite the fact that his askari status technically places him into the perpetrator-as-victim trope.

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<sup>29</sup> Morag, "Perpetrator Trauma and Current Israeli Documentary Cinema."

<sup>30</sup> Jacques Pauw, "The Men That Evil Do," in *Dances with Devils: A Journalist's Search for Truth* (Cape Town: Zebra Press, 2006).

This complex and confusing nature was also present in Jimmy Mbane's testimony;<sup>31</sup> he appeared in a segment of episode 80, answering to his involvement in murders as a Vlakplaas askari. The segment contextualizes his testimony with a frame narrative made up of gruesome images of the corpses of the activists who posthumously became known as the Gugulethu 7, their bright red blood still flowing down the pavement. He claims that he thought the intention was to arrest the victims, not to shoot them, but also later responds that it is correct to say he realized he was "leading these men to their deaths." The segment itself gives no particular answer to the narrative which they state is "clearly still missing" pieces; however, it provides a half-hearted redemptive ending with a twelve-second clip of a statement from a victim's brother: "Time to cry is gone, time to weep is away. Now it is just our ... we are happy, because what we really needed is the truth, nothing else but the truth." The dissatisfying attempts at closure are certainly unsettling, but do not necessarily make space for empathic unsettlement, even in recognition of the blurred boundaries of victim and perpetrator within the askari. This blurring is not enough to override the lack of clarity in the testimony, and the subsequent inability to truly recognize the potential of perpetrator trauma. This lack of real depth is evidence for Evans' claim that often in narrative film the impipi, or similarly, the askari, is too simplified or lacks context, making the blurring of the victim-perpetrator binary somewhat ineffectual in going so far as to prompt an empathic experience of some kind.<sup>32</sup> The same appears to apply in documentary format.

Another way in which the perpetrator-as-victim trope surfaced in *Special Report* was in discussion of torture and solitary confinement in prisons. These stories came from liberation movement cadres who did not become askaris after capture but were victimized in a different way. As a part of the armed struggle, the captured cadres were perpetrators within the conflict to varying degrees. However, they

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<sup>31</sup> No amnesty outcome could be found for Mbane as the TRC final reports were published prior to the Amnesty Committee's findings.

<sup>32</sup> Evans, "Amnesty and Amnesia: The Truth and Reconciliation Commission in Narrative Film."

also became victims when subjected to the horrific treatment by state affiliates. For example, Zahrah Narkedien<sup>33</sup> was an MK operative who spent seven months in solitary confinement. She was interviewed by *Special Report* journalists in episode 68 regarding her time in prison alongside Robert McBride<sup>34</sup> after the two bombed Magoo's Bar in Durban, killing three and injuring 69. Narkedien discussed the torture of solitary confinement. The camera pans around a small, dark cement room with a tiny window that barely let in light as a soundbite from her testimony to the TRC plays: "The sound of nobody but myself. I'd be crying and screaming against this loneliness. I had this feeling that God has abandoned me; the world doesn't exist. Only I exist. A part of my soul was eaten away like by maggots." She is then shown crying heavily. The intense deprivation of human contact she experienced in solitary confinement likely only exacerbated the depression and PTSD that she spoke about at the TRC and within the two interviews that appeared in this episode. In the second interview with *Special Report*, she sits in her home in front of a decorated mantle, wearing a silk blouse and beaded jewellery. She seems to be a completely different individual than the suited and sobbing version of herself at the TRC. This choice of setting is first, likely a tool by *Special Report* to humanize Narkedien and make her more relatable. Second, Narkedien presents a different version of herself here, but it becomes evident that it may even be a doubling of self as she speaks about her actions within the liberation movement. At certain points, she is not able to look at the camera, instead rubbing her eye as she acknowledges that people died as a result of the struggle and her involvement. She states here that after every "activity," (a discursive choice likely intended to create distance from its reality and thus indicating a crisis of evidence<sup>35</sup>) one had to try to "deaden that memory." However, this was difficult, and she saw soldiers around her become "extremely depressed because of what they had

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<sup>33</sup> Narkedien applied for amnesty on five counts of ANC involvement with Robert McBride for which she was convicted and imprisoned. She received amnesty for all.

<sup>34</sup> McBride was a member MK; he was convicted and imprisoned for the 1986 Magoo bar bombing, but released in 1992 when it was found to be politically motivated, and was later granted amnesty.

<sup>35</sup> Morag, "Perpetrator Trauma and Current Israeli Documentary Cinema."

done”, despite believing in the cause. She referred to McBride, describing the private moments in which he would break down over the violence he had committed, contrary to the public image of masculinity and power that had been constructed around him at that point. McBride and Narkedien’s other colleagues were certainly not the only perpetrators who experienced PTSD as a result of their role in the conflict. *Special Report* leaned towards representing those who experienced PTSD as victims of their situation, recognizing that they can be classified as such while simultaneously being classified a perpetrator. The series’ other references to PTSD is overviewed and unpacked further in the section on perpetrator trauma.

Lastly, in perhaps the most surprising version of perpetrator-as-victim is the coverage of Leonard Veenendal<sup>36</sup> in episode 19. This instance is notable because of Du Preez’ personal connection to the man. Du Preez introduces Veenendal as “the victim who is also a perpetrator,” already providing tension within the character that viewers have yet to see themselves. He also makes sure to note that Veenendal was responsible for the bombing of the offices of *Vrye Weekblad* newspaper, of which Du Preez was editor at the time. The episode is rooted in a victim testimony from Veenendal regarding the torture he experienced at the hands of the security police; what makes him different to most other torture victims was that he was not a part of the liberation movement and was in fact a member of the AWB. Veenendal does not discuss this in his testimony, but Du Preez takes the liberty of elucidating these activities in depth. He notes that AWB leader Eugène Terre’Blanche “affectionately” called Veenendal “my little fanatic,” and provides a compilation of news clips covering his extensive involvement in the AWB throughout South Africa and Namibia, and the training he provided for the

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<sup>36</sup> Leonard Veenendal was a ring-wing member of the Orde Boerevolk and supporter of the IFP; he applied for amnesty for the two murders he committed in Namibia (at the time, South West Africa), for which the committee could not grant amnesty as the crime was committed outside of South African borders. He was also responsible for the bomb set at the Vrye Weekblad newspaper offices, for which he was convicted and served prison time.

IFP. Du Preez shifts back to Veenendal's victim statement regarding his time in South African prison, stating that this was where Veenendal "says he was severely tortured," with Du Preez' emphasis on the first word shrewdly planting doubts around the credibility of testimony before cutting to Veenendal's description of experiencing suffocation through gas masks, electrical shocks, and being urinated on. The segment cuts back to Du Preez, who simply says that he looks forward to Veenendal's amnesty application, and hopeful prosecution for his crimes in Namibia. The juxtaposition of a victim narrative with an investigation into the realities of their perpetratorship was an interesting editorial choice, and one that was uncommon within *Special Report*. The frame narrative was in conflict with Veenendal's own embedded narrative from the clips of his testimony, which allows very little space for empathy from the viewer because moral judgement on Veenendal was already provided, in no uncertain terms. Comparing the coverage of Veenendal to that of Zahrah Narkedien illustrates the stark difference in how the series framed each individual, both perpetrators in their own right who then became victims of torture during incarceration. Perhaps gender, race, or political affiliation played a role in this (Narkedien being a coloured woman from the ANC and Veenendal a white, Afrikaans man from the AWB) although it is impossible to separate how that may have influenced the representation as opposed to political affiliation. Narkedien was framed solely as a victim, whereas that was not the case for Veenendal. It could be surmised that Du Preez's personal connection and thus potential bias towards Veenendal influenced this decision. It also could be hypothesized, as is true throughout most of *Special Report*, that this was an instance in which the series attempted to dismantle the moral equivalence between types of perpetrators as created by the TRC, because the TRC itself could not do so.

### *Fearless or to be feared*

The only individuals who fit into the trope of fearless or to be feared in *Truth Commission Special Report* were white state affiliates and Winnie Madikizela-Mandela.<sup>37</sup> Madikizela-Mandela was both the only woman or black South African to fit into this trope within *Special Report's* coverage (she was the only woman appearing as a perpetrator in the series at all, not counting Narkedian as she was presented as a victim and not in the context of an amnesty hearing). This suggests something about how the power individuals hold or are accustomed to holding influences why they are portrayed as and portray themselves as such. In recent history, white men have been the most powerful group in South Africa, particularly through white minority rule. Many would likely have little trouble in representing themselves as fearless/feared because of their standing as “boss” in both private and public sectors. Likewise, as an ANC leader and symbolic figure as the former wife of then president Nelson Mandela, Madikizela-Mandela had previously been one of the most powerful black women in South Africa. Perhaps this position of power is why she was accustomed to and able to continue to assert herself as someone to be feared, even throughout her TRC hearings.

Throughout the coverage of Madikizela-Mandela and her white state counterparts, this trope surfaced most easily in the language use by victims or victims’ families. In episode 76, Xoliswa Falati, a housekeeper for Methodist minister Paul Verryn (who Madikizela-Mandela disliked for his influence on her Mandela United Football Club members), describes Madikizela-Mandela as a person who “regards herself as a demigod.” Falati cites this as the reason why Madikizela-Mandela, in her mind, can dehumanize a person and “reduce them to nothing.” Madikizela-Mandela herself seems to visually

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<sup>37</sup> Winnie Madikizela-Mandela is the ex-wife of former president Nelson Mandela. They were separated by the time she appeared at the commission. She did not apply for amnesty, however, she did appear before the commission for questioning about her involvement in the Mandela United Football Club, the murders of two of its members, and the murder of her doctor, Dr Asvat.

affirm this assertion; as she sits with her lawyer at the hearings for the Mandela United Football Club, she is shown wearing tinted glasses. This creates a distance between her and the in-person and television audience alike; her reactions and emotions are physically unreadable, and so remains the “god-like” separation she has created. The metaphoric reference to God came up again in episode 81, this time in reference to white state affiliates. Charity Kondile, the mother of slain activist Sizwe Kondile, was shown in a clip of her testimony to the TRC stating that the police who sought amnesty for involvement in her son’s death, Captain Hermanus du Plessis,<sup>38</sup> General Nic van Rensburg,<sup>39</sup> General Gerrit Erasmus,<sup>40</sup> and Sergeant Johannes Raath<sup>41</sup> “thought that they were God, this was their country.” Although it is likely that many more perpetrators beyond Winnie Madikizela-Mandela and the murderers of Sizwe Kondile had this sort of God-complex in which they felt fearless and as if they should be feared, the retrospective timing of the TRC and *Special Report* likely allowed for self-doubt and reality to set in. This is perhaps even more potent a point because Madikizela-Mandela’s hearing was the only one to have received live coverage, thus not affording her the same retrospective processing that may have influenced other perpetrators’ narratives. Additionally, the potential for denial of amnesty may have caused applicants to re-frame their narratives into ones of justification, deflection, or remorse among others in order to better serve their application. The atmosphere

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<sup>38</sup> Captain Hermanus du Plessis was a captain of the Port Elizabeth security branch. He was involved in the murder of activists Sizwe Kondile, Topsy Madaka, the Cradock 4, and the Pebco 3; he also led the interrogation for Siphiwo Mtimkulu, who was poisoned and eventually disappeared. Du Plessis was granted amnesty for the involvement in the conspiracy to murder Kondile and Madaka, and refused amnesty for involvement in the murder of the Cradock 4.

<sup>39</sup> General Nic van Rensburg was a member of the Port Elizabeth security branch. He was granted amnesty for the involvement in the conspiracy to murder Kondile and Madaka, and refused amnesty for involvement in the murder of the Cradock 4.

<sup>40</sup> General Gerrit Erasmus was a member of the Port Elizabeth security branch. He was granted amnesty for the involvement in the conspiracy to murder Kondile and Madaka.

<sup>41</sup> Sergeant Johannes Raath was a member of the Port Elizabeth security branch. He was granted amnesty for the involvement in the conspiracy to murder Kondile.

encouraged reconciliation via forgiveness, and this was perhaps a more unlikely outcome for individuals who invoked the trope of fearless and to be feared.

### *Criminal*

A perpetrator as a criminal was a trope that was less likely to surface throughout the TRC proceedings themselves because a solely criminal motive would not classify as political as required for amnesty. Additionally, those that may have come across as criminal in the TRC proceedings were less likely to make it into the broadcast's summary of events, or even to a live hearing at the TRC at all, because it would have little to do with the reconciliatory aims of the commission's process. It also would not display news values, particularly for continuity of the wider TRC story. In exceptional cases, some murders covered by *Special Report* did have robberies attached to them. This made the acts seemingly less political; cases that came to the TRC that included a robbery were highly questioned based on the potential that a perpetrator may have truly been a standard criminal attempting to capitalize on the atmosphere of reconciliation. In these instances, *Special Report* tended to frame the perpetrators as criminals or thugs. An example of this questioning appeared in episode 41's coverage of four APLA members who killed elderly farmer JJ Fourie and stole his firearms, clothing, old coins, and car. Perpetrators Hendrick Leeuw, Meshack May, Petrus Nkgwedi, and Daniel Magoda<sup>42</sup> were shown claiming that the political motive behind this was to provide resources for APLA. However, one moment within the segment that may have undermined this assertion was in a *Special Report* interview with Hendrick Leeuw; the camera provides a relatively extended close-up shot of his hands, which he wrings as he describes the events of the attack. Faint tattoos across his left hand are discernible though in illegible, reminiscent of prison tattoos. Whether that is truly what the journalists were attempting

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<sup>42</sup> Hendrick Leeuw, Meshack May, Petrus Nkgwedi, and Daniel Magoda were all members of APLA's Task Force. They were involved in the murder of farmer JJ Fourie, for which they all received amnesty.

to do cannot be known, but it supports the overall narrative that the robbers turned killers were common criminals rather than politically motivated.

## *Evil*

One of the last episodes of *Truth Commission Special Report* (82) contains a section on the word “evil,” one of the more common tropes that appears in the series, most commonly through both diction and narrative structure. Host Max du Preez points out,

The word ‘evil’ has been used a lot during the last two years of the Truth Commission. People listen to testimony of torture and executions, shake their heads and say, ‘This is pure evil.’ But what is evil? Was the apartheid system evil? Or were the people who had to enforce the system evil? Are some people inherently evil or did they merely do evil things because of circumstances? Are we all potentially evil?

Journalist Jacques Pauw spearheads this report, which begins to answer the question Du Preez posed with an opening statement from theologian Beyers Naudé, asserting that we all have the capacity to be evil (just as we all have the capacity to be good). This episode unpacks situations in which individuals fulfilled that capacity for evil; the language choice here is salient, because Pauw chooses to say that South Africa’s history was full of men “that did evil things,” rather than calling them evil men. This seems to indicate an action as evil rather than the person as inherently so, thus making redemption a possibility under the right conditions. However, this is given as a voiceover to black-and-white film clips of skulls, which can be assumed to belong to victims of the men who “did evil;” black-and-white close-up shots of men like Joe Mamasela, Craig Williamson,<sup>43</sup> and Gideon Nieuwoudt<sup>44</sup> fade in and out, alternating with the skull. The combination is an ominous and sombre

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<sup>43</sup> Craig Williamson was a security policeman and spy most known for bombing the London ANC offices and ordering the assassination of anti-apartheid activist Ruth First. He applied for and was granted amnesty for the bombing.

<sup>44</sup> Gideon Nieuwoudt was a security policeman in the Eastern Cape who was implicated in several cases of torture and murder, including the deaths of Steve Biko, Siphiso Mtshkulu and Topsy Madaka, the Motherwell 4, and the disappearance of the Pebco 3. He was denied amnesty for his role in all but the deaths of the Motherwell 4, as he died prior to the amnesty decision.

start to almost twenty minutes of testimony from varying perpetrators and thought leaders on the concept of evil.

This episode goes on to interview former Vlakplaas policemen Paul van Vuuren<sup>45</sup> and Wouter Mentz.<sup>46</sup> Van Vuuren's representation does little to counteract the sense of evil that a perpetrator of his level brings; he discusses how he is not sorry for what he did- though he is sorry that it was a waste of human life because the losses did not allow his political objectives to be reached. He still admits, it gave him "a kick" to be part of an elite police squad. The episode's editing here is pointed; Van Vuuren's interview clip cuts to an interview with Father Lapsley, who uses the same phraseology, stating that anyone who "gets kicks out of pain caused to others is profoundly ill," calling it a "deep pathology," creating a frame narrative that seemingly affirms the evil within Van Vuuren based on his own words. Meanwhile, Mentz's portrayal was slightly more forgiving. He was part of a raid in Botswana that killed children; when *Special Report* asks him about evil, he said, "That was evil in killing them, because they caused no threat to the security forces, they caused no threat. Myself, I didn't know that there were children in that house. I only found out later that evening." He admits to an evil act, but also notes that it was unintentional, bringing to the fore the philosophical question of whether an act must be intentional in order to be evil. However, Mentz also states that he does not believe something can be classified as evil when actioned in a war scenario, falling into the not uncommon use of war as a tool within justificatory narrative. Based on that rationale, he states, "No, I don't think I am evil." The episode shows individuals from both sides of the conflict who use similar justificatory discourse to argue that they are not evil. Father Lapsley, a minister and activist who lost his hands and

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<sup>45</sup> Paul van Vuuren was a security policeman who applied for amnesty for over 40 murders; most of his applications were granted while still others were denied.

<sup>46</sup> Wouter Mentz was a security policeman who successfully applied for amnesty for over 40 murders; most of his applications were granted while still others were denied.

an eye in a letter bomb, asserted that morally justified violence is legitimate (again evoking the argument against the moral equivalence sanctioned by the TRC), and therefore not evil, despite that violence still comes with shame, and in his words, was at a cost to their humanity. The differentiation between an evil act and an evil person again surfaced in the episode's discussion of former president of South Africa FW de Klerk (1989-1994). Smangaliso Mkatshwa, the Deputy Minister of Education at the time, asserts that, no, De Klerk was not an evil person, but "his policies, his actions, or what he allowed to happen was definitely evil and to that extent therefore he was part of the evil system." The episode subtly notes that the evil system was not only due to the politicians; it references philosopher Andre du Toit, who stated that in South Africa, "there is no privileged position of innocence," referencing the beneficiaries and implicated subjects who made the system possible.

Certainly, the most obvious South African perpetrator to come to mind when considering the word "evil" is notorious apartheid assassin Eugene de Kock, known as "Prime Evil." Despite this nickname, he came across as docile during his appearances at the TRC and is someone that audience members from his hearings expressed empathy for in interviews throughout *Special Report*. Max du Preez makes sure to remind viewers in episode 68 that evil is not always apparent in the ways we expect it to be, quoting author Hannah Arendt in her discussion of ill-famed Nazi leader, Adolf Eichmann:

The trouble with Eichmann was precisely that so many were like him and that the many were neither perverted nor sadistic. That they were and still are terribly and terrifyingly normal. This normality was much more terrifying than all the atrocities put together.<sup>47</sup>

Du Preez uses his institutional voice to guide viewers to not forget the atrocious acts for which this quiet, disarming, bespectacled man was responsible, and does so continuously throughout the series. In episode 45, he reminds viewers of De Kock's order to askaris who had HIV/AIDs to

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<sup>47</sup> Arendt, *Eichmann in Jerusalem*.

“contaminate” the prostitutes in areas of Johannesburg, an act which he calls “nothing but naked evil,” again providing a moral judgement and cognitive shortcut for viewers.

Interestingly, Du Preez identifies askari Joe Mamasela as “Prime Evil #2” and as apartheid’s second most effective assassin,<sup>48</sup> though the series’ representation of his evil was a different type to that of his namesake. Mamasela bluntly speaks about his crimes to the extent of coming across as a sociopath, while is still also supposedly a victim because of his askari status if we are to take his claims of being forced into the role as true, keeping in mind the issue around genuineness of narrative and the aspects of ego or opportunism that may drive a perpetrator narrative. Conversely to Mamasela, De Kock’s persona post-violence seems to be one of softness and remorse, which contradicts his infamous legacy of assassinations. When one simply knows of their crimes, it is not straightforward as to whether De Kock or Mamasela—Prime Evil or Prime Evil #2—if either, embodies evil to a greater extent than the other. That said, *Special Report* journalists seem to have an opinion, which comes through in the editorial choices in constructing a narrative around each of the men. In episode 82’s discussion of evil, Mamasela is shown in an extreme close-up shot as he implicates himself in “dozens” of brutal murders, creating a sense of unease because, despite this, no justice will be reached because he is protected as a state witness. Something about it brings even more horror because this brutality was against people who he claims were once his comrades. The difference between Mamasela and De Kock’s portrayals likely also has to do with self-awareness around how they would come across, and how they chose to exert their control to shape that portrayal. De Kock (or rather, his lawyer, Schalk Hugo)<sup>49</sup> was intelligent in his avoidance of the media, leaving *Special Report* and other coverage to only go off of the quiet deference De Kock showed during his appearances at the commission. It was

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<sup>48</sup> Episode 26, section 4.

<sup>49</sup> Per my interview with Schalk Hugo on his media strategy while representing De Kock in his trial and at his amnesty hearings.

because of these demure appearances that Du Preez had to continually assert a moral judgement of De Kock; without it, De Kock's nature was at odds with what viewers knew him to be capable of and was thus beyond understanding. Mamasela, on the other hand, had no one advising him on his media appearances, no experience with media interviews, and what seemed to be ego at the wheel. Journalist Jacques Pauw wrote about conducting this very interview in his book *Dances With Devils: A Journalists' Search for Truth*. Mamasela had demanded a hefty fee for granting an interview, which was originally filmed for Pauw's documentary, *Prime Evil*. Pauw eventually got Mamasela to agree to an interview without an agreed upon fee by "persuad[ing] him that publicity could catapult him into the limelight and lead him to substantial [monetary] offers from foreign broadcasters."<sup>50</sup> Pauw believed that Mamasela "found the magnetism of television irresistible."<sup>51</sup> There was immense egotism behind his desire to be seen, his demands for high payment, and his apparent fantasy that he could somehow come out a hero because he felt it would be "therapeutic it would be for the families of his victims to see him bring down his security force masters."<sup>52</sup> This egotism- and the subsequently elaborate descriptions of violence in his interview- became his downfall, while De Kock, who Mamasela blamed for much of the violence, emerged from his media portrayals relatively positively despite the nickname Prime Evil.

### *Cruel, savage, or brutal*

Perpetrators did not often come across as cruel, savage, or brutal, likely because they attempted to portray themselves as "rational" people to the TRC for purposes of amnesty.<sup>53</sup> The series often allowed or even propagated this, either via providing the platform for the perpetrator's own

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<sup>50</sup> Pauw, "The Men That Evil Do." p131.

<sup>51</sup> Pauw. p131.

<sup>52</sup> Pauw. p131.

<sup>53</sup> This served the requirement of political motive in particular; per Huggins et al, authoritarian regimes want their 'men' to be what they would call disciplined, rational, and capable of following orders. Huggins, Haritos-Fatourous, and Zimbardo, *Violence Workers*.

explanation, or sometimes by providing further contextualization in the frame narrative. However, there were also acts of violence that were deemed disproportional to the political goals in mind and these certainly evoked the trope of cruel, savage, or brutal. Additionally, other stories of horrific deeds were not contextualized, and, without further details, the perpetrators were reduced to the action described. The trope that this construction results in may very well be fair and true, but the viewer does not have the chance to decide for themselves when those other components are not included. Other times, the terms “cruel, savage, or brutal” themselves were applied to a person or their actions, going beyond inferring the trope and directly labelling them as such.

Episode 81 showed Charity Kondile, mother of murdered MK member Sizwe Kondile, as she called her son’s murderers cruel, especially because of his young age, stating that if anything they should have simply put him in prison. Sizwe’s death is one that has now become infamous; former security policemen Nic van Rensburg and Hermanus du Plessis described how his body was burnt over a fire; it was later added that they had picnicked and held a braai nearby. These narratives are spliced with clips of Charity Kondile with her head down, wiping away tears, and close-ups of Sizwe’s now teenaged son, whose facial expression- or lack thereof- could only be described as one of shock. The inclusion of this footage plays a large part in contextualising the crime, a visual cue to viewers on who their sympathies should be directed towards. Charity Kondile’s lawyer addressed the applicants at the amnesty hearing; “I finally put it to you Mr van Rensburg that your behaviour and the behaviour of your fellow policemen exceeded the bounds of decency and that you are not entitled to amnesty for these actions,” asserting that they were so savage in the treatment of Kondile as well as of his body after the killing that they should not receive amnesty. This segment was rooted almost wholly in the amnesty hearing and was further limited by the nature of the camera setup in the hearing hall, meaning the opportunity to utilise visual language was limited. However, the footage of the hearing- and its

audience- was edited in a way that still resulted in applicants Hermanus Du Plessis, General Nic van Rensburg, General Gerrit Erasmus and Sergeant Johannes Raath presenting within the trope of cruel.

A segment in episode 57 provides a summary of torture methods used by the security branch. In interviews, former police torturers describe how they terrorized their victims, heavily provoking the trope of a cruel and brutal perpetrator. This segment, which gave very little context for the brutal descriptions by police torturers of their methods, followed a segment of in-depth coverage that spoke about Jeffrey Benzien;<sup>54</sup> his own narrative will be further unpacked in the later discussion on apology and remorse. Benzien was an infamous state security torturer, and amnesty applicant for the murder of activist Ashley Kriel. The segment itself crafted a story arc around Benzien, a frame narrative which affirmed the horrific reputation that preceded him, and the segment's footage of his testimony. The camera zooms out to show a boat full of people (quite literally, as they travel from Cape Town to Robben Island where they had been incarcerated) as a voiceover states, "these are *some* of the victims of Jeffrey Benzien's exceptional interrogation style." It goes on to show photos of Kriel as one "young man" who did not survive these tactics. First, a photo of him alive; then, of his corpse; then, of his casket being carried by a crowd of MK cadres. Kriel is increasingly humanized as not only an activist, but also as a young man with deep family and community ties as the segment moves through a reel of images of his neighbourhood, family photos, and speeches he gave. An interview with his late mother is read by his sister, who is also interviewed on her own experiences; soft light shines on her face, seemingly a physical embodiment of the light she was shedding on the experience of being the family member of a victim of fatal torture. Michelle Kriel outlines how her mother only wanted Benzien to come and tell her how her son had died. The camera then cuts to an extreme close-up of Benzien's

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<sup>54</sup> Jeffrey Benzien was a captain in the security police force. He applied for amnesty for the torture of a number of political detainees and for the murder of activist Ashley Kriel. His applications were granted.

eyes and forehead, then his clasped hands, as he sits alone at a table at his TRC hearing under bright lights, a harsh contrast to that which shone on Kriel. The direct juxtaposition of perpetrator and victim certainly exacerbates any negative feelings toward a perpetrator. It also works to override the perpetrator's own testimony which usually acts as an embedded narrative in and of itself, simply due to news formatting. This juxtaposition was not a common segment style within *Special Report*; most often, the amnesty hearing and the victim testimonies appeared in separate episodes altogether. This was likely not purposeful and rather a result of the commission's schedule. However, it resulted in a disconnect between perpetrators and the impacts of their crimes.

The voiceover of this segment recalls the inquest into the incident through which Benzien had previously been cleared based on his statement that shooting Kriel had been an accident; "asking for amnesty for the death, Benzien repeated that version this week." The camera zooms past Benzien to Kriel's sisters in the front row of the audience; by recalling the family and their wishes as the segment launches into the amnesty hearing, the repetition of his denial of responsibility seems to only be a metaphorical repetition of his cruel torture of Kriel. He himself affirms his cruel methods by re-enacting the wet bag method in front of commissioners and a slew of journalists, some who recall thinking how "lucky" it was that he agreed to show this and that they were able to capture this horrific moment<sup>55</sup> that fulfilled several news values, making headlines. Benzien's character becomes even more synonymous with cruel as the segment shows a collection of clips in which four torture victims face him to describe his methods and how it has since affected them. Just as in the case of his denial regarding Ashley Kriel's death, Benzien denies many of these accounts, which appears as a metaphorical repetition of the disempowerment that the victim experienced as a part of the physical

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<sup>55</sup> Antjie Krog, *Country of My Skull*, 2nd editio (Johannesburg: Random House, 2002).

torture they had previously endured. The only moment of humanization that the sixteen-minute segment allows Benzien is in an interview with Ashley Forbes, one of the torture victims who had spoken at the hearing. The interview takes place on Robben Island, the same place where Forbes had been imprisoned and tortured; this makes it all the more poignant when he states that he initially “felt a bit sorry” for Benzien, citing the lack of support he had from family and much less the security branch, who allowed him to act as its singular representative for the issue of torture. This is the only reference to the broader institutional violence that allowed Benzien to perpetrate these acts, and while it is a poignant moment, the segment gives it little credence because Forbes’ voice is only an accessed voice,<sup>56</sup> and as a result has less authority in this setting than a journalists’ would have. That said, Forbes’ sympathy did not appear to be endless, citing that it was difficult to sustain this feeling when Benzien could not admit to what he did, something Forbes said that the victims felt they needed. This fits into psychologist Bernard Weiner’s assertion that claiming responsibility and expressions of remorse are some of the necessary steps to move towards even a possibility of forgiveness,<sup>57</sup> as well as Dickey’s understanding of restorative justice processes as requiring “apology and acknowledgement” in order to complete the relationality of the restorative process.<sup>58</sup> From the episode’s editing, it appears Benzien allowed none of those processes to occur, though it showed very little of his actual testimony.

It is the narrative and context provided for Benzien that lays the foundation for the following segment, which provides an overview of torture methods as told by those who enacted them. Though these descriptions are decontextualized, it can be imagined that behind each victim of these methods is a similar story to that of Ashley Kriel’s or his colleagues. This is an example of an episode-long attempt

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<sup>56</sup> Per Selby & Cowdery’s definition, as discussed in the literature review on pages 91-92.

<sup>57</sup> Bernard Weiner et al., “Public Confession and Forgiveness,” *Journal of Personality*, 1991, <https://doi.org/10.1111/j.1467-6494.1991.tb00777.x>.

<sup>58</sup> Dickey, “Forgiveness and Crime: The Possibilities of Restorative Justice.” p108.

at creating a frame narrative with a particular message, as opposed to having several unrelated clips. The latter is more traditional for news formatting and was often what *Special Report* was confined to simply due to the unfolding of the commission and its several functions at once. This second segment on torture begins with a clip from a TRC hearing of Paul van Vuuren, or “the Electrician,” describing without hesitation how he shocked activists and deprived them of oxygen via a gas mask. Tokkie Bezuidenhout,<sup>59</sup> or “the Tube Specialist,” is interviewed by *Special Report* in a dark room as he describes his methods of suffocating a person with a tube as they are face-down, while keeping his knees fixed on the victim’s back. He specifically notes waiting until the victim was almost dead, then letting them breathe again, only to repeat the process. These shocking descriptions show that murders at the Vlakplaas farm went far beyond the end goal of having a political opponent dead, but that the methods to get to that end point involved unnecessary brutality. The setting of his interview also provides no further context for Bezuidenhout, adding to the sense that he is defined by his actions. In a similar visual setting, askari and assassin Joe Mamasela describes the severe torture in which activists were “savaged” and “brutalized” with iron pipes and stomps to the head until they died. This was not the only time that Mamasela evoked a cruel image; he fulfilled this trope again in episode 4, which covered part of his testimony regarding his involvement in the murder of Griffiths Mxenge. Mamasela stabbed Mxenge 45 times, which he states was all part of the plan to stage it to look like a robbery but escalated when Mxenge fought back more than anticipated. In this particular study, the cruel, savage, or brutal trope is most often elicited when the violence appears to go beyond what was necessary to fulfil a political objective, whereas arguably, the bar would be lower for what constitutes cruelty in a non-political conflict situation.

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<sup>59</sup> Tokkie Bezuidenhout worked as a police torturer; he did not apply for amnesty.

### *Psychopath, animal, or monster*

The trope of psychopath, animal, or monster was less prevalent than Saira Mohamed's view of perpetrator representation would lead one to believe, per her argument's grounding in the problematization of a static and monstrous image.<sup>60</sup> Though the term "monster" was thrown around in *Special Report* by journalists, perpetrators, and victims alike, most representations became more dynamic than that. This may be attributed to the differing outcomes between instances in which the journalists made the choice to use the institutional voice to refer to a perpetrator as a psychopath, monster, or animal, as opposed to the editorial choice to show an accessed voice labelling a perpetrator as such. Despite each choice being propagated by the same journalists, the authoritative voice (in the literal sense) of a journalist asserts something to be true, whereas there is room for interpretation when it is put forth by an interviewee or otherwise inferred through the larger frame narrative.

Episode 61 represents Polish immigrant Janusz Walus<sup>61</sup> as a psychopath, and nothing else. He allegedly harboured a deep hatred for communism, but apart from this the viewer is told "little is known about this man who volunteered to shoot Chris Hani at point-blank range." The detail provided about the range at which Walus killed the prolific activist does Walus no favours in humanizing him. Nor does the close-up shot of his face about which *Special Report* correctly says, "he shows no emotion; his eyes stare without expression." The lack of details beyond those of his grisly crime and his seemingly blatant lack of remorse leave a one-sided and flat view of a psychopath. The language barrier also creates another wall between Walus and viewers, providing even less space for empathy or even understanding to any degree. Although there were several languages spoken throughout the commission due to the diversity of languages in South Africa, Polish remained totally foreign to most viewers. It is plausible

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<sup>60</sup> Mohamed, "Of Monsters and Men: Perpetrator Trauma and Mass Atrocity."

<sup>61</sup> Janusz Walus was a right-wing supporter, though not affiliated with a political group. He shot and killed Chris Hani, for which he was denied amnesty.

that Walus' experience was one of crisis of audience per Morag's formulation in which there is an absence of an imagined supportive community,<sup>62</sup> though if he felt it, he did not show as much. Though he was portrayed as such, the word "psychopath" was never used to refer to Walus, or anyone else portrayed in *Special Report*.

The words "animal" and "monster" were applied throughout the series. The only perpetrator to have been referred to as an animal was Joe Mamasela; episode 4 shows an interview with murdered lawyer Griffiths Mxenge's brothers as they reflect upon his brutal killing, during which he sustained 45 stab wounds. More specifically and in a meta moment for *Special Report*, they are shown sitting in a living room, watching the *Special Report* interview with Mamasela, who was involved in the assault. When the episode finishes, Mava Mxenge looks up to think and says, "I think Joe Mamasela is an animal. I don't think he's a human being. Because to stab a person 45 times as he did; I don't think he belongs to the world of the human beings, he belongs to one of the animals." Otherwise, "monster" was a much more common diction choice than the other two within Foster's categorization, this being much more aligned with Mohamed's assertions. It is possible that "animal" seems to give too much credit to a perpetrator. A monster is more difficult to humanize. Categorizing them as such avoids the challenge of analysing perpetrators as complex human beings.

The term "monster" was used to reference six specific people by journalists, by victims, and even perpetrators in regard to themselves. Some of these "monsters" are perpetrators whose names we are familiar with by now. Du Preez references Eugene de Kock, but only to ask about those in power who had "made this monster possible," painting De Kock less as someone with complete agency over

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<sup>62</sup> Morag, "Perpetrator Trauma and Current Israeli Documentary Cinema."

the situation, but as a Frankenstein character of sorts. This relates to two other instances in which this word choice was made; the term “monster” was used to describe the Civil Cooperation Bureau and apartheid itself. These were certainly the systems that fostered monstrous actions. Winnie Madikizela-Mandela was called a monster by the aunt of a victim from the Mandela United Football Club; Dudu Chili says she wants the world to know “what kind of a monster this woman was” in her ability to kill other women’s children. This acted as one of the closing, and seemingly message-defining, statements to an hour-long documentary on Madikizela-Mandela, the football club, and the deaths of several people around her about which she claimed to know nothing. Victor Khetisi Kheswa<sup>63</sup> was also referred to as a monster in episodes 14 and 62; it even appears in his nickname, “The Vaal Monster,” referring to his alleged terrorization of inhabitants in the Vaal triangle. He has been blamed for several murders in addition to a massacre at a night vigil which killed 38 people. He was called a “vile monster” by Ernest Sostu, who blamed him for the deaths of his family. Kheswa cannot answer to these accusations as he mysteriously died in police custody in 1993, remaining in memory as the Vaal monster.

Someone who has attempted to answer to having been labelled a monster is MK operative Joseph Koetle.<sup>64</sup> Du Preez introduces episode 28’s segment on a limpet mine explosion at the Johannesburg Magistrate Court in 1987: “Monstrous times, monstrous deeds. State violence brought violence in reaction,” placing his act within the larger South African landscape. Koetle himself describes that he felt the only way to overthrow NP rule was to “meet violence with violence.” The contextualization does little to aid viewers, as Koetle says he desires, to “understand that I’m not the so-called monster

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<sup>63</sup> Victor Khetisi Kheswa led a gang in the Transvaal that began as criminal but developed links to the IFP. The commission found the Khetisi Kheswa gang to be responsible for the 1991 Nangalembe night vigil massacre in which 45 people were killed. Kheswa died in 1993 while in police custody.

<sup>64</sup> Joseph Koetle was an MK cadre who was granted amnesty for several instances, including the railway explosion and one murder.

they may have painted me to be.” The segment provides an interview with the mourning parents of the young policeman who died in the blast. They express a desire to seek justice as *Special Report* shows photos of their son, many from his recent wedding. This is immediately followed by an interview with Koetle as he states he would have “died a happy man” if he “at least killed close to 50 of them.” Though the episode provides contextualization and Koetle invokes the “just war” rhetoric, his lack of empathy and remorse seem to affirm him as a monster when juxtaposed with the emotions of victims. It was uncommon for *Special Report* to juxtapose individuals affiliated with the liberation movement with their victims, perhaps because this juxtaposition can individualize a crime to the point of being unavailable for redemption in the eyes of viewers. One of the only other examples of this was in the series’ engagement with bomber Robert McBride, which still seemed to have a different effect, likely because despite his portrayal being juxtaposed with victim statements, he was interviewed in a setting that evoked professionalism and lent validity to McBride’s words. This segment will be further discussed in the section on accountability. Lastly and conversely, one individual termed themselves as a monster; in episode 59’s coverage of PTSD in South African conscripts, a former Special Forces soldier who only identified himself as Lappies described the effects he experienced coming home, one of which was uncontrollable anger. However, it was only in dealing with the trauma of having inflicted violence that he says he became a monster, without reference to whether he felt he was monstrous for having inflicted the initial violence. This is also an indication of doubling of the self.<sup>65</sup>

## Accountability

Beyond Foster’s framework of tropes, this study also examined *Special Report* using Patricia O’Connor’s scheme of accountability to parse perpetrators’ discourse of the self because of the essential role accountability played in amnesty decisions. However, O’Connor’s framework allows greater depth

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<sup>65</sup> Per Lifton, “Understanding the Traumatized Self: Imagery, Symbolization, and Transformation.”

than just whether a perpetrator claimed an act or not (the binary that the TRC worked within), providing an entry point for understanding the impact of language on reconciliatory processes. The continuum she presents includes when a perpetrator takes full responsibility, which she refers to as “claiming;” when they state they do not know why they did it, referred to as “problematizing;” and, lastly, when they displace agency to another party, or “deflecting.”<sup>66</sup> Claiming appeared in *Special Report* more than initially expected based on O’Connor’s own case study, but deflection was still certainly the most common narrative of accountability. The other aspect of the scheme, problematizing—as in, a perpetrator states that they do not know why they committed an act— is not a discourse of accountability that had space to appear in the TRC. Because conditions for amnesty required an applicant to prove a political motive, it essentially erased this type of narrative from appearing in the processes of the commission, and, subsequently, in its broadcast coverage. This specific narrative of accountability may have appeared in another setting that had less structure around the telling of the story. It is more applicable to general crime (as O’Connor had originally envisioned this scheme to apply to) rather than politically motivated acts within a conflict setting. This section provides an overview of episodes and individuals who presented narratives of the other two types of accountability: claiming and deflecting. This section also focuses more on discourse than visual language and formatting due to the content, as it focuses on perpetrator testimony rather than the frame narrative provided around it.

### *Claim*

A claim refers to when a perpetrator takes full responsibility for committing an act of violence. It lies at one end of the scheme of accountability. It was almost certain that this particular discourse (perpetuated by the perpetrators about themselves) would appear at the TRC, because the conditions

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<sup>66</sup> O’Connor, “Speaking of Crime: I Don’t Know What Made Me Do It.”

for amnesty included full disclosure, thus shaping perpetrator testimony accordingly. However, not every perpetrator's discourse of claim did so without also providing some sort of justification or deflection of responsibility, which I will argue greatly changes the impact of a claim. This section reviews segments in *Truth Commission Special Report* in which individuals fully claimed their acts. Claims were few and far between, with only a few from different political groupings, including the state, right-wing groups, and PAC affiliates, in addition to APLA members (who were not all necessarily amnesty applicants but who did appear in *Special Report*). No instances of the ANC purely claiming responsibility were shown in the series in what seems to be an editorial choice by the journalists, assuming that this was not totally ubiquitous across every ANC amnesty applicant. Even more interestingly, this does not seem to align with the rest of the series' overarching narrative, which is arguably (at least numerically) pro-ANC. The claiming of crimes is perhaps one of the more helpful perpetrator responses in reconciliatory processes as the TRC had envisioned it, as a pathway to apology and potential forgiveness. This is especially true within Joanna North's philosophical conceptualization of forgiveness; she states, "What is annulled in the art of forgiveness is not the crime itself but the distorting effect that the wrong has upon one's relations with the wrongdoer and perhaps others."<sup>67</sup> Sociologist Erving Goffman describes this process, when done successfully, as one of apology as opposed to an account. He defines "accounts" as when a harmdoer provides an explanation but shirks responsibility, whereas an apology must include acceptance of responsibility for the act.<sup>68</sup> Others go further to say that the fullest type of apology includes: "1) an expression of remorse or regret, such as 'I'm sorry'; 2) an overt acceptance of responsibility for the harmful act; 3) some type of offer of

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<sup>67</sup> Joanna North, "Wrongdoing and Forgiveness," *Philosophy*, 1987, <https://doi.org/10.1017/S003181910003905X>. p499.

<sup>68</sup> Erving Goffman, *Relations in Public: Microstudies of the Public Order* (New York: Basic Books, 1971).

compensation, repair, or restitution; and 4) a promise to avoid such behaviour in the future.”<sup>69</sup> An apology without acceptance of the act, according to Weiner and colleagues, is yet another form of account.<sup>70</sup> This will be further discussed as it appeared in *Special Report* in another section. An acceptance of responsibility, and at times, a subsequent apology, leaves space and potential for forgiveness<sup>71</sup> from the victim or their family in a way that a perpetrator’s deflection or justification within an account does not make possible. The claims- and at times, apology- that were shown in *Truth Commission Special Report* are organized in this section based on political affiliation.

### The South African state and its affiliates

The South African state and its affiliates appeared in *Special Report* claiming their actions in three incidents, a relatively high number comparative to other political groupings; this number may simply be attributed to the much higher number of state affiliates that were shown in the series as compared to individuals of other political parties, and not necessarily because the state was more ready to answer to the atrocities it committed. The episodes in which a state politician, askaris, and state police claimed their actions only appeared towards the end of the series’ lifespan, in episodes 68, 70, 74, and 75. In some sense, this later and more forgiving portrayal of state perpetrators might be interpreted as a last-ditch effort to create a sense of even-handedness in representation of apartheid’s perpetrators after a considerable amount of time in which the series’ portrayals played on the more monstrous stereotypes. But, more likely, it may simply be due to the development of the commission in general, because there was a final rush to apply for amnesty from perpetrators who feared being identified and prosecuted.

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<sup>69</sup> Carrie J. Petrucci, “Apology in the Criminal Justice Setting: Evidence for Including Apology as an Additional Component in the Legal System,” *Behavioral Sciences and the Law* 20, no. 4 (2002): 337–62, <https://doi.org/10.1002/bsl.495>.

<sup>70</sup> Weiner et al., “Public Confession and Forgiveness.”

<sup>71</sup> Referring to interpersonal forgiveness, per Enright & North’s exploration. See Enright and North, “Introducing Forgiveness.”

The claim that appeared in episode 68 was of particular significance because it came from Eugene de Kock. Although this hearing was around the 1989 Motherwell bombing, De Kock's statement transcended time and specific incidents. The episode screened an exchange with his lawyer, Schalk Hugo, from his amnesty hearing:

**Hugo:** *You worked on the basis that you gave orders and they executed them and that you were prepared to accept the responsibility and consequences on behalf of your men?*

**De Kock:** Yes.

**Hugo:** *And is that still your feeling today?*

**De Kock:** Yes, I take full responsibility from myself downward, for all my men's actions, but not for those above me – not anymore.

**Hugo:** *Did you also expect the same from people who gave you orders?*

**De Kock:** Yes, I wrongly believed the hierarchy had integrity and moral fibre.

In this line of questioning, De Kock claims not only his own actions, but the actions of those to whom he gave orders, making him the only leadership figure from the state to do so and one of two political leaders to do so in general (the other being Letlapa Mphahlele, the Director of Operations for APLA). *Special Report* journalists makes sure to include when De Kock takes responsibility, without deflection or justifications, for his direct actions and the consequence of his authority. He also notes his misplaced judgement in assuming those above him would do the same, noting a critical issue facing the TRC. De Kock's admission is hugely important because of the potential for reconciliation that this opened. The episode makes sure to acknowledge this, making these effects clear by interviewing multiple audience members of the hearing afterwards, choosing to include people as they note their appreciation for his perceived honesty and remorse, and their resulting feelings of sympathy. From the frame narrative to De Kock's embedded testimony, this *Special Report* coverage is of immense rhetorical value to the series' aim to be "committed television." Not only does it present De Kock as redeemable (while still holding him accountable), but it shows that people whose identities are reflective of De Kock's victims have accepted him as redeemable.

Episode 70 covers the State Security Council hearings, in which council members Pik Botha, Adriaan Vlok, Roelf Meyer and Leon Wessels<sup>72</sup> came to answer for the crimes of their organization. Although the episode shows as each of these men expressed remorse and regret for “past evils,” as Du Preez dubbed them, of all of these council members, Leon Wessels was the only one to also admit to knowledge of illegal actions carried out by security forces and to apologise for them. He dismantles the common narrative found in testimony from members of the security branch and the National Party in general when he states,

I further do not believe that the political defence of ‘I did not know’ is available to me, because in many respects I believe I did not want to know. In my own way I had my suspicions of things that had caused discomfort in official circles, but because I did not have the facts to substantiate my suspicions or I had lacked the courage to shout from the rooftops. I have to confess that I only whispered in the corridors. That I believe is the accusation that people may level at many of us. That ‘us’ is not deleted. We simply did not, and I did not, confront the reports of injustices head on.

This statement claims and takes responsibility for intentionally turning a blind eye, but it could be critiqued in that it does not take responsibility for actions and orders. That said, he goes on to call apartheid “a terrible mistake that blighted our land. South Africans did not listen to the laughing and the crying of each other. I am sorry that I had been so hard of hearing for such a long time.” Despite what it can be critiqued for, it is the closest an NP politician comes to taking responsibility for the human rights violations that occurred under their leadership during apartheid. Wessels seems to recognize the humanity of his former victims and, based on that, apologises for his role within the system, which he characterizes as having lacked empathy. The recognition of his victim’s humanity can only come from experiencing empathy towards them, indicative of a step that may open a space for reconciliation per Halpern and Weinstein’s understanding of the relationship between the two.<sup>73</sup>

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<sup>72</sup> Pik Botha, Adriaan Vlok, Roelf Meyer and Leon Wessels made up the State Security Council, which oversaw the entire security force and all of its branches. They did not apply for amnesty.

<sup>73</sup> Jodi Halpern and Harvey M. Weinstein, “Rehumanizing the Other: Empathy and Reconciliation,” *Human Rights Quarterly*, 2004.

Although the lack of specificity of Wessels' claim may have been a detriment to its effectiveness, it is significant in that it came from an individual of his position within the system, and even more so considering the lack of public recognition of fault from most National Party leaders, and amongst them, his State Security Council colleagues. The series' inclusion of this is an essential counterbalance to its heavy focus on white and state affiliated conflict actors. Wessels' position of leadership is also of value, as his concession serves as an indispensable step in the reconciliatory process not just as an individual, but as a representative of a larger group.

Shifting from a man of power like Wessels to an askari, an identity that arguably held some of the least agency within the South African conflict, episode 74 covers Vlakplaas askari Kimpani Mogoai and policeman Johannes Koole<sup>74</sup> and their claims for taking part in the assault of the Pebco 3. There were nine applicants for the 1985 assault and murder of the three Port Elizabeth leaders and activists, including prolific torturer and killer for the security police, Gideon Nieuwoudt. Du Preez provides a voiceover to let the viewer know that of the nine, only Mogoai and Koole acknowledged that the Pebco 3 were assaulted at all, and to have applied for amnesty for their role in the assault. Mogoai's testimony included,

I have taken this opportunity to speak the truth and to express my torturing regrets about wasted years and my shame about a mean and petty past. As I regard myself today, as a disgrace to my mother, my family and my relatives, my friends and the families of the Pebco 3 and the nation as such, it is with my deepest remorse that I ask for forgiveness and hopefully wishes to be reconciled with everybody once more and be part of a better and brighter future of South Africa. I say it now here, today, as I could not have done so in the earlier days of this realization for obvious reasons. I thank you.

Mogoai is shown claiming responsibility with no deflection or justification; he speaks to his feelings of remorse and shame; he presents a request for forgiveness and reconciliation; and, he references a

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<sup>74</sup> Former askari Kimpani Mogoai and policeman Johannes Koole were two of many people involved in the murder of the Pebco 3. Mogoai was granted amnesty, and Koole was refused amnesty.

changed future in which he arguably insinuates that he too will be changed. The episode's inclusion of this statement is important in that it is perhaps the fullest apology seen in the series per the definition put forth by Petrucci, and thus valuable for reconciliatory processes.<sup>75</sup> This apology and the guilt behind it may have been prompted by Mogoai's double identity of simultaneous victim and perpetrator as an askari. Although he was a perpetrator in a very real sense, askaris generally had a comparative lack of agency to other categories of perpetrators, who likely had more choice in entering that role. It may be that Mogoai's guilt and shame is not something that only emerged in retrospect, but that existed even at the time of perpetration. His claims of responsibility, in a situation that arguably deserved the application of perpetrator-as-victim trope, prompts even further empathic unsettlement from the viewer of the broadcast beyond that which a full apology ostensibly already would.

In episode 75, former police captain Riaan Bellingan<sup>76</sup> is the focus in the series' coverage of the so-called anti-terrorism programme headed up by Vlakplaas, and the murders of young black activists who became known as the Gugulethu 7. Bellingan did, in fact, take responsibility for dispatching the orders that led to the killings. However, he did not specify what those orders were. The episode shows as he states,

I, Riaan Bellingan, who was a sergeant at that time, take full responsibility for everybody who cooperated with me: the askaris, Mbelo, and also the responsibility for those seniors who today are saying there was nothing wrong, they did not know me. Today I accept full responsibility for this whole operation.

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<sup>75</sup> Petrucci, "Apology in the Criminal Justice Setting: Evidence for Including Apology as an Additional Component in the Legal System."

<sup>76</sup> Riaan Bellingan was a Vlakplaas operative responsible for the murders of the Gugulethu 7. He was granted amnesty.

He curiously also takes responsibility for his seniors, whereas the patterns within *Special Report* suggested it was much more common, particularly in the security police, to deflect blame upwards and onto them. Bellingan's recognition of his own agency in this situation to this extent is the only one of its kind as seen in the series. Besides the high-profile nature of the case, this is likely why *Special Report* made sure to include this aspect of his testimony in the segment. However, Bellingan's lack of specificity in his responsibility for the deaths of the Gugulethu 7 muddies this claim as well as makes an apology and thus, forgiveness, unavailable.

## PAC and APLA

Individuals affiliated with the Pan Africanist Congress appeared in *Special Report* a few times and included the likes of Amy Biehl's killers when they claimed full responsibility for the American Fulbright scholar's murder for the first time, and APLA's Director of Operations, who appeared in multiple episodes as he claimed responsibility for a wide range of APLA's crimes under his leadership. The density of claims from PAC affiliates is quite high considering they made up only 10% of the perpetrators on *Special Report*, whereas state affiliates made up 52% of the represented perpetrators.

Episode 56 shows as four of Amy Biehl's murderers claim responsibility for her death. Ntobeko Peni, Easy Nofemela, Vusumi Ntamo, and Mongezi Manqina<sup>77</sup> were PAC affiliates; more specifically, they were part of the student wing of the organization, PASO. According to *Special Report*, Biehl's "young killers have maintained their innocence up to now, but this week told the TRC's Amnesty Committee in chilling detail why they participated in this horrific attack," leaving viewers to wonder if the possibility for amnesty truly perhaps prompted this moment of truth-telling in a high-profile case. At the TRC hearing and as summarized by the broadcast, Manqina admits for the first time that he was

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<sup>77</sup> Ntobeko Peni, Easy Nofemela, Vusumi Ntamo, and Mongezi Manqina were members of the youth wing of the PAC. They were granted amnesty for their involvement in the murder of Amy Biehl.

the one who inflicted the fatal stab wound to Amy's heart; Vusumi Ntamo claimed his role was due to his faithful following of PASO. Ntamo's lawyer reads his affidavit, which states, "Even after Manqina had stabbed Amy I still threw stones at her, at least another four or five stones. I threw stones at her because she was a settler." The applicants' lawyer asks them if they would have acted any differently had they know that Amy was a comrade; in what may be the most candid claim in the hearing, Peni responds that he does not think he would have. He recalls that they were in "high spirits" from the PASO rally they had just left, and he felt that to them at that time, there was no differentiation between any white people as oppressors. It would have been quite easy for Peni and his fellow applicants to assert that they would have acted differently if they had known she was a comrade in order to fit their narrative more neatly into the requirement for political motive within the amnesty clause, and not make it a question of race. However, they simply contextualized their actions within the moment and their own experiences, and with that full claim, were then able to move into what read as a genuine expression of remorse and desire for forgiveness, creating a full apology per Goffman and Weiner and colleagues' understandings. It was an interesting journalistic choice to include Peni's statement that he would not have acted differently had he had more information, as it could have easily counteracted any reconciliatory influence that a claim and apology may have had. Still, it may have done just that for some viewers, despite the theorization of apology that this analysis works under. This instance is also exemplary of the fact that reconciliation is not formulaic, despite the TRC's attempt to make it so.

Letlapa Mphahlele,<sup>78</sup> the former Director of Operations for APLA, is one of the most forthcoming of all the perpetrators who appeared in *Truth Commission Special Report* in terms of purely claiming acts

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<sup>78</sup> Letlapa Mphahlele was the Director of Operations for APLA; he did not finish his amnesty application for his own moral reasons, but takes credit for all of APLA's violence during his leadership, which included attacks such as the St James Church Massacre and the Crazy Beat Disco.

and taking responsibility. He appears in five different episodes discussing APLA operations. He appears most in-depth in episodes 32 and 69, in which he is shown describing the incidents for which he planned to apply for amnesty, and his testimony for APLA at the armed forces hearings, respectively. Episode 52 refers to Mphahlele, in discussion of the 1993 Highgate massacre in which five white civilians died in an APLA shooting; *Special Report* states that the APLA director of operations “takes full responsibility for the attack.” Episode 56 seems to counter that narrative by pointing out his seemingly conflicting actions; Mphahlele is only spoken about in the coverage on the St. James church massacre, for which he had applied for amnesty, but inexplicably did not appear for the hearing. Du Preez states, “His testimony was crucial as he has taken public responsibility for the killings,” which *Special Report* had insight into from their own interview with him. In this interview, Mphahlele states,

We are proud of what we did. We have no regret, it is unfortunate that people had to die, but it is not something that we are ashamed of that we did go to war. War by its very nature is evil and if there was another method of avoiding it we would have avoided it. So, we are not going to have difficulties in owning up to robberies, we are not going to have difficulties, or personally I am not having difficulties in owning up to St. James, King Williamstown Golf Club attack, attacks on farms, etc.

His statement concurrently takes responsibility and employs war rhetoric to explain his actions and those of APLA as an organization; he also denotes his own sense of pride as his reasoning for his full claim. Although he himself relates this to the readily utilized concept that “it was war,” this may also be explained with egotism- particularly male narcissism- within constructions of masculinity and power. Mphahlele and the members of APLA are part of a historically disenfranchised group (black South Africans). It is possible that by making claim to and expressing pride in APLA’s (politically motivated) violent actions, Mphahlele finds space in which he can claim some of the power – or at least experience a temporary fantasy of said power- that traditional constructions of masculinity state

he is entitled to<sup>79</sup>, and which apartheid had in many ways stripped him of. To do so on a public platform such as a television broadcast likely increases the feelings- or fantasy- of the reclamation of power. The inclusion of Mphahlele's in-depth interview and explanations are rare and helpful insights into APLA, whose interaction with the TRC was comparatively minimal. Here, *Special Report* took on the role of truth-finding where the commission was unable to do so, one of the ways it functioned as a "shadow commission."<sup>80</sup>

### Right-wing perpetrators

Episode 62 focuses on the continued Amnesty Committee hearings of Chris Hani's killers, right-wingers Janusz Walus and Clive Derby-Lewis.<sup>81</sup> They are the only perpetrators associated with a right-wing organization to be screened on *Special Report* purely claiming their actions, though with an extremely different approach than the other individuals discussed. Clive Derby-Lewis identifies as a member of the Conservative Party but indicates that Hani's murder was not under any orders from his party. He simply initiated it because he felt that the Conservative Party was "unofficially talking war," and Hani, the leader of the South African Communist Party and MK's chief of staff, was the ultimate enemy. In the clip provided by *Special Report* of Derby-Lewis' TRC testimony, he calls upon his religion as explanation for his political leanings (not uncommon rhetoric from those who supported a racialized society), calling Hani "the anti-Christ." This prefaces his claim, in which he takes responsibility for the assassination of Hani. However, the segment follows this with a clip of lawyer George Bizos asking if he would apologise for the killing, to which Derby-Lewis sardonically replies, "Mister Chairman, with respect, may I ask is this a condition and is this something over which

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<sup>79</sup> Lamb, *The Trouble with Blame*.

<sup>80</sup> Per Catherine Cole.

<sup>81</sup> Clive Derby-Lewis was a member of the Conservative Party and was responsible for the 1993 murder of Chris Hani alongside Janusz Walus. He was convicted of murder and sentenced to life imprisonment. He applied for amnesty from prison, and was refused. Derby-Lewis was denied parole several times, and was granted medical parole the year prior to his death in 2016.

the Committee should then be subjected to evidence? My impression was that an apology was not necessary and not part of the whole function of this Committee.” Although Derby-Lewis purely claims his act, he expresses no remorse, and his rebuke of the request for such an expression further distances him from viewers, making any sort of empathic connection-- even with unsettlement-- difficult, and reinforcing a monstrous murderer stereotype, and seemingly purposefully so from the editorial standpoint. Polish immigrant Janusz Walus, Derby-Lewis’ co-conspirator and the man who pulled the trigger does no better; his description of the murder as well as his claim seem robotic with no emotion behind them and contain no remorse or apology. Hani’s killers come across as sociopaths seemingly because of the way in which they narrated their claims, but may also be attributed to what *Special Report* journalists decided to both include and exclude from their testimonies. Regardless, this narrative aligns with the series’ focus on white perpetrators, including the right-wing, a group for which *Special Report* provides little opportunity for redemption in what might be read as an attempt at representative punitive justice.

## Deflect

The deflection of accountability does not necessarily mean that a perpetrator has not claimed the act at all. Rather, it defers the responsibility of that act onto someone else. Even if that individual was the one to have pulled the trigger in the literal sense, they may not have done it of their own volition- at least within their discourse of the self. Don Foster identifies three patterns of deflection: upwards, in which responsibility is conferred to the individuals’ superiors, i.e., they were ordered to commit the act; horizontal, in which responsibility is conferred to people who have the same or similar power or status as the individual; and downwards, in which responsibility is conferred to the victim of the act, which might appear as a self-defence argument. It is important to note that each of these discourses of the self are also deeply intertwined with the perpetrator tropes employed. For example, individuals who deploy upwards deflection are likely to be categorized within the “obedient soldier/follower”

trope. Particular deflections may have appeared more common across certain political groupings in *Special Report* dependent on the trope that the journalists wanted to evoke. The implications of the editorial decision by journalists to include these in a representation of perpetrator narrative is murky; to include the claim but edit out a deflection of accountability would certainly be problematic within the aims of truth. However, to exclude them might serve the aim of reconciliation and fall under the idea of committed television.

Deflection was the most common discourse around accountability within *Special Report*; this is interesting because part of applying for amnesty is, of course, claiming an act that constituted a gross human rights violation. However, it was much more likely that people would not take full responsibility, presumably also in an understanding that what they shared at the truth commission would also affect their lives much later. In this way, individuals attempted to straddle a line of responsibility and innocence in the quest for amnesty while conceivably making a bid for normalcy after the transitional processes were over. These may not have been entirely satisfying for victims to hear, and it is unlikely that they lent to reconciliatory processes. Foster categorizes deflection as one form of denial (as does Stanley Cohen using different verbiage); by that definition, this research confirms Foster's finding within the context of the *Truth Commission Special Report* that denial in the form of deflection is the most common response within the scheme of accountability as a whole. The following is an overview and analysis of the episodes that portrayed individuals who employed deflection within their discourse of the self. The group that was shown in *Special Report* as deflecting responsibility the most was the state, of which the deflection was overwhelmingly upwards. Upwards deflection was the most common type of deflection in general, though was more prevalent in certain political parties.

## ANC

The ANC was shown in *Special Report* utilizing deflection only three times; each of these deflected in either horizontal or downwards deflection, while each very much avoided upwards deflection. The low number of instances this appeared may have to do with the amount of times ANC perpetrators appeared on the series in general. However, it also indicates what may have been the journalists' desire to avoid a metaphorical, representational prosecution of members of the ANC, particularly its leadership, many of whom had just become leaders within the new dispensation. If this is the case, *Special Report* journalists were certainly working to not only create support for the commission itself, but also for the new South African democracy in an example of committed television.

Episode 4 covers Magoo's Bar bomber Robert McBride, the MK soldier who killed three people and injured 67 in the beach-side blast he set off in Durban in 1986. After testimony from the barmaid and sisters of one of the victims, a *Special Report* journalist interviews McBride in the gardens in front of the Union Buildings, where he worked as a diplomat after being reprieved of his three death sentences prior to the TRC. The segment's juxtaposition of a victim's statement with McBride's statement may have detracted from viewers' ability to connect with McBride; however, the interview setting that journalists chose made clear that he was chosen to work for the new democratic government, creating a sense of trustworthiness and normalcy around him that may not have otherwise been present had he been shown in a stark and decontextualized setting like Mamasela had been. Additionally, the segment's inclusion of victim statements ensured that despite a favourable interview portrayal, the atrocities that McBride committed would still be condemned. Transitional justice should engage with perpetrators first by condemning their abuses, then transforming the environment that created the

conditions for the abuses to take place.<sup>82</sup> In this sense, the juxtaposition of victim and perpetrator statements in this segment does not soil McBride's representation, but simply allows it to sit within a transitional justice framework, particularly as the interview setting highlighted the country's new political dispensation. Because McBride was already convicted of his crimes and later reprieved, he did not need to apply for amnesty to avoid further prosecution but did so anyway. In the interview, McBride contextualizes his actions within the struggle, stating that "this particular operation could not be seen in isolation to what the state was doing" and that it was a time during which youth activists were "very susceptible to carrying out such operations because of the heat and indeed hatred in the country." This could be categorized as downward deflection, though on a larger scale than singular victim blaming. McBride deflects the responsibility of his act onto "the country," which he was reacting to in that his intended victims were members of the Natal police, who he was told would be at the bar that evening. Despite McBride's attempt to situate his crime within the state violence occurring at the time, Du Preez also seems to be searching for something more, asking, "it wasn't your decision, the method of attack wasn't your decision. Did you get orders from MK high command?" Although McBride states that he did get orders and information from leaders in MK, he refuses to name them or deflect upwards, and still states that he takes responsibility. From the sequencing of clips, the framing of the subject, and the discourse itself, this segment is reflective of *Special Report's* desire to allow McBride (and MK/the ANC) space for redemption, despite his own use of downward deflection.

A segment in episode 12 vignettes the murders of the individual known as DiWitty, leader of the Three Million Gang, and his colleague Seabata Ntema, who "terrorized" the township of Maokeng in

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<sup>82</sup> As discussed in the literature review. Per Payne, "Confessional Performances: A Methodological Approach to Studying Perpetrators' Testimonies."

the Free State, and collaborated with police. ANC self-defence unit member Roland Petrus<sup>83</sup> applied for amnesty for the act. In this segment, Petrus interviews in front of an ANC mural, a visual choice by *Special Report* journalists which blatantly reinforces an unspoken opinion that Petrus' actions were politically motivated. This visual language insinuates that he was a part of a recognized political organization despite the incredibly informal nature, and thus loose ANC affiliations, of many SDUs. Though Petrus utilizes first-person narration to describe the murderous act, which appears to denote responsibility, he eventually employs downward deflection, claiming self-defence of his community and himself from DiWitty and his gang. The clip shows as he explains, "the motivation is totally political. Cause Ntema was part of the Three Millions which was terrorising the community and doing all its efforts to eliminate the African National Congress and its alliance." The episode seems to validate this response, or at least the downward deflection via the frame narrative it provides. The frame paints a picture of the "sheer hell" experienced during the gang's "reign of terror" and their complicity with the police. The latter point is not lost throughout the segment, which also subliminally places the ANC self-defence unit and the police as direct adversaries, concluding by indicating which side was the morally superior via the frame narrative.

Episode 55 contains a segment on other members of ANC SDUs,<sup>84</sup> this time in the Western Cape township of Khayelitsha. Ndethini Thyido and Zwelitsha Mkuhlwa<sup>85</sup> were found guilty of the 1992 attempted murder of Bongani Mpisane, a fellow member of the same self-defence unit. Their downward deflection was most certainly singular victim blaming, justifying the attempted murder because Mpisane was an alleged informer. Thyido was then also depicted deflecting horizontally onto

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<sup>83</sup> Roland Petrus (ANC SDU) was granted amnesty for the two gang members.

<sup>84</sup> ANC Self Defence Units. Informal units of protection, particularly in townships. See glossary for further details.

<sup>85</sup> Ndethini Thyido and Zwelitsha Mkuhlwa (ANC SDU) were denied amnesty for murdering an alleged informer.

his co-accused, Mkuhlwa, who he stated was the one to fire the bullets and removing the blame from himself, stating, “I never noticed where the bullets struck him, but I realized that they did strike him.” As compared to the segment on Roland Petrus, this segment did little to circumvent the uneasiness prompted by their deflection of accountability, or to provide any sort of validity to stories from either Thyido or Mkuhlwa. This was partially due to the segment having only used footage from their amnesty hearing and providing no further context or framing. This could be attributed to the fact that this segment was intended to update viewers on amnesty outcomes of several applicants, however, it must be acknowledged that the journalists did choose for this small appearance to be Thyido and Mkuhlwa’s only one on *Special Report*. Despite the series having an arguably clear political leaning, this instance is exemplary of the journalists’ dedication to showing all sides of the story and the breadth of the violence, even when it does not fit into the larger narrative.

### South African state and affiliates

South African state affiliates’ narratives, whether in testimony or interview, were the most common to employ deflection as it appeared in *Special Report*, both in terms of numbers, but also in ratio, taking into account the higher number of state affiliates who appeared in the series in general. As a group, they showed less of a directional pattern in deflection than what appeared from other political affiliations, as *Special Report* showed state affiliates applying upwards, horizontal, and downwards deflection of responsibility relatively evenly. However, the type of deflection did often correspond with the rank of the person, with lower-level operatives deflecting upwards to their superiors, while those who held higher rank generally employed downwards deflection, using what became a common justification within state and police leadership of “I didn’t know,” while the rest of the narratives in which downwards deflection was found took the form of victim-blaming.

Joe Mamasela, one of the most infamous askaris from the apartheid era for his forthcoming testimonies as a protected state witness, is a contested figure in his grotesque descriptions of his and his Vlakplaas colleagues' crimes, for which he appears to have no remorse. That said, linguistically and narratively, he appears in *Special Report* only ever utilizing upwards deflection, stating that everything he had done was done under instruction, and that, if he had not, he would have been killed. This sort of upward deflection should hypothetically depict Mamasela not as an obedient soldier, but more as a perpetrator-as-victim, a trope that mainly appears in the series with reference to askaris. (However, the other varying aspects of Mamasela's portrayal detract enough from his attempt at upwards deflection that the victim trope is no longer applicable to him). The series introduces him, and this narrative, in the very first episode of the broadcast; this indicates that the journalists felt he would act as a sort of hook so that viewers would continue watching. This may also point to the journalists' sense that Mamasela would come across as a subject of grotesque interest, assuming that *Special Report* leaned more heavily on news values as it was first establishing itself. Another infamous perpetrator that *Special Report* introduces as a character early on is Dirk Coetzee,<sup>86</sup> who appears first in episode 4. The series goes on to mention him several times throughout its two years. In this episode, Coetzee admits to the murder of Griffiths Mxenge in an interview; although this episode does not show his own deflection of responsibility, he gives validity to the deflection utilized by Mamasela and other askaris by affirming that they would have been killed if they had not performed their required duties. The askaris' upwards deflection as a pathway to the victim trope differs immensely from the narratives that *Special Report* depicts as being employed by their white police counterparts. Craig Williamson's very controlled interviews with *Special Report* journalists, in which he always appears wearing a suit in

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<sup>86</sup> Dirk Coetzee was a founder and commander at Vlakplaas, where he was involved in several murders, including that of Griffiths Mxenge and Sizwe Kondile. He revealed the existence of the secret hit squad to *Vrye Weekblad* in 1989. He was convicted for the murder of Mxenge in 1997, but was granted amnesty and released just months later.

a library setting, adhere to the narrative that he was “just doing his job” and all actions were under orders. An example of such appears in episode 28, during which he asserts that “it’s a soldier’s job to kill when he’s threatened and when the system he’s defending is threatened,” and that his job was to “carry out operations against the ANC.” A similar narrative appears again in episode 49’s coverage of the Trojan Horse murders in Athlone, in which police entered the area in an unmarked railway car to reach their intended victims. In footage provided from his TRC testimony, policeman Frank van Niekerk<sup>87</sup> expresses his feeling that “it was not for me to refuse to enter the area and to patrol the area. I had no choice; I had to do what I was told in the performance of my duties. I wasn’t in a position to refuse,” in an apparent bid to remove any fault from himself. The same obedient soldier/employee narrative and its inherent upwards deflection appears in the broadcast’s depiction of the police involved in the murder of the Cradock 4; episode 83 chronicles this as Nic van Rensburg implicates his superior, Harold Snyman,<sup>88</sup> while another clip shows his colleague Sakkie van Zyl<sup>89</sup> stating that he “would not have murdered without orders from his superior to do so.” The same men applied for amnesty for the murder of the Pebco 3 as detailed in episode 73; however, the Vlakplaas operatives who abducted the activists are shown at the commission as they maintain that they did not know that the intent was to murder, deferring all responsibility to the men who ordered the abduction. This type of upwards deflection was not often successful, because the leadership that responsibility was deflected to also attempted to deflect it back downwards. While this back and forth rally of responsibility rarely appeared in the same segment or even episode, likely due to the schedule of the commission, Max du Preez made sure to remind viewers of the context around every testimony.

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<sup>87</sup> Frank van Niekerk was a policeman involved in an ambush in Athlone which killed three people, two of whom were children. He was charged and acquitted in 1988, and thus never applied for amnesty.

<sup>88</sup> Harold Snyman was a major in the police force, and was involved most notably with the murder of Steve Biko, for which he was refused amnesty, as was the case for his application regarding his involvement in the Cradock 4 murders. He was also involved in the murders of the Pebco 3, for which he was granted amnesty.

<sup>89</sup> Sakkie van Zyl was a policeman involved in several murders, including that of the Pebco 3 and the Cradock 4, for which he was refused amnesty.

However, an episodically-contained instance of mutual deflection along vertical power structures appears in episode 69's coverage of the armed forces hearings. In the SADF submission, and in particular, discussion on the murders of Mamelodi activists Dr Fabian and Florence Ribeiro, Joep Joubert reports that he had discussed this broadly with the former general of the SADF, General Jannie Geldenhuys,<sup>90</sup> who he says gave permission for the operation. Geldenhuys denies this entirely, stating that "General Joubert could make his own conclusions from what I have meant but I did not authorize those actions," abandoning Joubert stating that this so-called permission was never to kill. The deflection within this interaction (highlighted by the tight juxtaposition via *Special Report's* editing) results in neither party emerging with less fault attached to them, and a further sense of unease towards the narrators. Neither outcome serves the reconciliatory aims of the process at hand, nor is any truth uncovered; however, the segment still offers rhetorical value by providing reason to distrust members of the former government and police force, perhaps in an attempt to sway viewers who had not yet acquiesced to the political transition taking place.

Lastly, the series screened multiple instances of state affiliates employing downwards deflection through rhetoric of victim-blaming. This rhetoric describes the victims as out of control or threatening to either the perpetrator as an individual, or more often, to wider society. These narratives evoke a nuanced conceptualization of "self-defence." This first appeared in episode 7's interview with General Leon Mellet, who served as the public face of the military for years. Du Preez states that he interviewed Mellet seeking insight into his and his fellow policemen's opinion on the TRC process. In an attempt at downward deflection, Mellet expresses his concern to Du Preez that the TRC is painting a picture of the military and other state forces that will be accepted as the truth in history, going on to maintain

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<sup>90</sup> Jannie Geldenhuys was chief of the SADF from 1985 to 1989, and allegedly authorized cross-border murders of activists such as Fabian and Florence Ribeiro, which he denied. He belatedly applied for amnesty for attempted to assist the leader of the Ciskei Defence Force escape from jail, for which was refused.

that the crimes committed were only to bring law and order to the country. Mellet says, “It is shocking to see young children dancing around burning bodies, people that had been necklaced, eating the flesh off some of the bodies, and for policemen to come on the scene to create some order, that they get stoned, that they get fired upon, that they get beaten up.” He echoes the apartheid government’s justification for state violence, particularly in townships, when he claims it was a situation that was caused by the residents and that state forces were made to respond with violence because of it, thus attempting to shift responsibility onto victims. He does so in a very general way, not referring to one incident, but applying this justificatory discourse to all instances of state violence within communities. As he describes this, the segment overlays the audio of his statement onto footage of a military tank driving through a township, shooting seemingly indiscriminately. In a humorously dark editorial choice by *Special Report*, this does not quite match Mellet’s narrative, throughout which he maintains that state forces were just trying to “bring peace to the areas.” By creating tension between the verbal and visual narration, it creates a sense that one must be unreliable.<sup>91</sup> As previously acknowledged, actuality footage is a tool to lend veracity and authority to a story<sup>92</sup>- or in this case, to refute it, without the journalist having to say as much.

More direct claims of self-defence as a form of downward deflection appeared in episodes 49, 55, and 75. Episode 49 discusses what became known as the “Trojan Horse murders,” in which an unmarked railway truck filled with police was secretly sent into Athlone. In a clip from his statement to the TRC Brigadier Christiaan Loedolff<sup>93</sup> insists that this was done because an unmarked vehicle was the most

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<sup>91</sup> Markus Kuhn and Johann N Schmidt, “Narration in Film,” in *The Living Handbook of Narratology*, ed. Peter Hühn (Hamburg University, 2014).

<sup>92</sup> Bignell, *An Introduction to Television Studies*.

<sup>93</sup> Christiaan Loedolff was a member of the police force, and was responsible for planning the Athlone Trojan Horse murders. He appeared at the Human Rights Violations hearings and the Special Hearings to speak about the incident. He did not apply for amnesty.

effective way to arrest stone throwers. The police involved alleged that when residents realized what the vehicle was doing there, they attacked, and the police had to then shoot in self-defence. However, as *Special Report* makes sure to point out, this does not explain the fact that the first victim's bullet wound was in his back. The segment plants several seeds of doubt around Loedolff's pretence of self-defence. The clip of the Brigadier is prefaced with longer testimonies from the families of victims and context for the victims themselves. This frame narrative is likely employed to evoke sympathy for the victims prior to introducing the perpetrator at all, who has been indicated as monstrous through the impact of his actions before any information is shared about him. After Loedolff's statement, the segment allows the footage to continue as the commissioners predicate that his actions instigated the crime, as if he was wilfully constructing a scenario so that he could later claim self-defence. The frame narrative was left open-ended, because the TRC itself provided the above conclusion, which already provides a moral judgement.

*Special Report* includes multiple similar instances in which state perpetrators attempt to claim self-defence at the TRC. A dubious claim of self-defence appears in episode 55 in regard to "the Eendvogelpan killings;" in this incident, 8 MK soldiers were killed in a kombi by an ambush of 38 policemen, 14 of whom applied for amnesty. Despite acknowledging that the ambush was planned, policemen Matthew Sehlwana and Colonel Andre Erwee<sup>94</sup> claimed self-defence, because the MK passenger in front shot his firearm first. This segment's correspondent stated, "for most of the applicants they'd acted in the line of duty," also integrating upwards deflection by including the obedient soldier trope into the situation, though interestingly, this time it verbally came from the journalist themselves. This is an example of the frame narrative confirming authenticity of the

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<sup>94</sup> Matthew Sehlwana and Colonel Andre Erwee were both members of the police force, responsible for the murders of several MK members in an ambush. Erwee was refused amnesty for not being truthful, but Sehlwana, who was a police informer, was granted amnesty.

embedded narrative, rather than questioning it or dispensing judgements. The authority the journalists lend to an embedded narrative, particularly when it comes from a perpetrator, is essential to the entire tone of an episode. In this case, the correspondent confirms to viewers that the askari policemen were, in fact, following orders, allowing them the potential for redemption by removing fault.

The same combination of upwards and downwards deflection as used by the perpetrators of the Eendvogelpan killings was included as the following segment in episode 55, a juxtaposition which acts as framing through intertextuality. This IFP member Hendrik Steyn, who killed 2 ANC affiliates who had been arrested after a shootout with security police. *Special Report* summarizes that instead of taking the men to hospital, Steyn shot them in the bakkie,<sup>95</sup> apparently because he did not believe that the normal legal process would deter them from continuing the struggle. This appears as a more nuanced version of victim-blaming, with the perpetrator asserting the supposed threat that these injured men posed to society, as opposed to the more common victim-blaming in which the victim is a threat in that moment. The segment went on to show Steyn as he received amnesty. The committee found that his actions were committed in the context of a police force whose “additional functions were to keep the government of the day in power and protect the political opponents of the liberation movements,” thus validating an unspoken upwards deflection while not acknowledging the downwards deflection that Steyn actually employed. While the segment on its own provides little guidance for interpreting this outcome, the previous segment covered and validated similar circumstances, proving latent direction to allow the blame to move to the police force for encouraging these type of actions.

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<sup>95</sup> *Bakkie* is a South African term for pickup truck.

This nuanced victim-blaming as a form of downward deflection also appeared in the series' coverage of the murders of Eastern Cape student activists Sphiwo Mtimkulu and Topsy Madaka, namely in episode 67. Although police perpetrators Gideon Nieuwoudt and Nic van Rensburg are very direct in describing how they carried out the killings in addition to first drugging the victims, the provided footage of their TRC testimonies shows as they justify these actions by outlining Mtimkulu and Madaka as threats within the political sphere. Although this gave them political motive as required for amnesty, it also attempts to place the blame on the victims for acting in a way that threatened the state. The shape of their testimonies may be attributed to the architecture of the TRC in that it forced narratives of violence to focus on certain points in order to receive amnesty. The segment was relatively lengthy, placing significant focus on the audience reaction to the hearing, as well as that of the victim's family members. In these interviews, family members of Mtimkulu and Madaka make very clear that although they are glad that the perpetrators have finally claimed their act, it is painful to hear the blame being placed on the two activists. Joyce Mtimkulu tells a *Special Report* correspondent that "there was no reason" for the policemen to kill her son, denying the perpetrators' claims that he was a threat. Her statement is echoed by many supporters in the hearing hall, and acts as the overarching sentiment for the segment.

Lastly, *Special Report* also screened a few instances of horizontal deflection, in both direct and indirect manners. A questionable moment of deflection by police appears in episode 68, summarizing testimony from police involved in what became known as the Motherwell bombing. In this incident, a fellow policeman was killed; all the involved policemen blame the bomb on their now deceased colleague, Brigadier Fanie Gilbert, who could not claim or deny, nor could he be punished. Although these amnesty applicants all have the same story, the episode paints it as suspiciously convenient that the perpetrators deflected responsibility onto a deceased person. The frame narrative resurfaces when

the correspondent narrates that Gilbert is now deceased, as a camera quickly zooms in on Nieuwoudt's face in the hearing hall. These editorial choices plant a seed of doubt in the truthfulness of the accuseds' testimonies without directly stating as much. This was not the only occurrence of horizontal deflection onto a deceased colleague in testimony from state affiliates, particularly police. In the hearing on the death of Sizwe Kondile as it appeared in episode 81, Captain Hermanus du Plessis, General Nic van Rensburg, General Gerrit Erasmus and Sergeant Johannes Raath are seeking amnesty for Kondile's death. In a voiceover, also part of the frame narrative amidst an embedded narrative via change of speaker, the journalist summarizes their common pattern of deflection; they all still insist that it was Sergeant Roy Otto who delivered the fatal bullet. Otto could not defend or claim because he had committed suicide long before the TRC hearing. This situation seems more suspicious because of how the story varied between the men who blame Otto and that of former Vlakplaas policeman turned state witness, Dirk Coetzee. The deflection of responsibility onto a deceased colleague, and the editorial choices which point to this as dubious, happens yet again in episode 83's portrayal of the hearing on the murders of the Cradock 4. Though his co-applicants conferred responsibility to their superiors, policeman Sakkie van Zyl implicates police and askaris who all died in a car bomb in 1989, stating that they were the ones who had stabbed the activists while he and his remaining colleagues were only involved in the victim's kidnap and transfer.

Beyond these examples, horizontal deflection appeared only within semantics from the perpetrators' own narratives, amongst the most deeply embedded narratives in the layered programme. As perpetrators speak about their crimes, their word choice frame actions as being solely undertaken by colleagues. This includes phrases such as "some of the constables involved" (episode 37, Paul van Vuuren on the torture and murder of Scheepers Morodu) or "his death was caused by the incident

that took place” (episode 78, Daantjie Siebert<sup>96</sup> on the death of Steve Biko). These narratives do not place the narrator into that scenario, despite being present and, in all likelihood, involved. The vagueness and lack of attributing an action to oneself then indirectly deflects horizontal to the other individuals present for the crime.

## PAC

All of the PAC/APLA affiliates who appear in *Special Report* using deflection only employ upwards deflection, consistently stating that they only committed acts of violence on the basis of orders given by their superiors. All of these individuals also appear as the obedient soldier trope.

Episode 41 shows a very brief clip of APLA soldiers that played a small part in Operation Great Storm, in which APLA launched widespread attacks on white farmers in the Free State and the Eastern Cape; the four perpetrators shown in this episode were Hendrik Leeuw, Daniel Magoda, Petrus Ngwedi, and Meshalk May. Although their case was just one of many, they became the faces of Operation Great Storm in *Special Report*. The episode discusses their “ambush” of the Fourie farm, during which “elderly” farmer JJ Fourie was murdered, his wife was assaulted, and their house robbed. Journalist Anneliese Burgess plants doubt around their motives, questioning whether the attack was purely political when she reveals that the attackers had previously worked on Fourie’s farm, and had not had a good relationship with the farmer. However, the men maintain that they simply attacked because they were under orders from APLA commanders, though they give no further details, resulting in the upwards deflection falling slightly flat. Episode 72 provides much more depth as it gave backstory for the Heidelberg Tavern attack in 1993, in which four individuals were killed by

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<sup>96</sup> Daantjie Siebert is a former captain in the security police, and was involved in the murder of Steve Biko, for which he was refused amnesty.

APLA operatives Luyanda Gqomfa, Zola Mabala, Vusile Madasi.<sup>97</sup> The segment's voiceover summarizes their sentiment: "The APLA cadres maintain they were simply carrying out orders when they attacked the tavern. They say that as soldiers they had no choice, but still, they executed the attack with pride and in the knowledge that they were helping to fight the struggle against the oppressor." They are depicted conferring responsibility to their APLA superiors and employing the obedient soldier trope, while still maintaining pride in their acts. This is the only example of this combination seen on *Special Report*, where most expressions of pride did not simultaneously surface with deflections of responsibility. Madasi infers that he truly had no agency in the situation, stating that as a soldier, "you do not question orders," furthering his attempt at upwards deflection of responsibility. Both segments echo what APLA leader Letlapa Mphahlele shared in his interview. While these segments do retell the TRC's uncovering of truth, neither the commission nor the episode frame the APLA narratives to provide a way forward towards reconciliation. This brings to mind Verdoolaege's assessment of *Truth Commission Special Report*, which she lauded for even-handedness in showing both successful instances of reconciliation and instances in which reconciliation was not desired or available.<sup>98</sup>

The last appearance in the broadcast of PAC/APLA deflection is in episode 81; Walter Falibango Tanda, Andile Schiceka, and Bongani Malevu<sup>99</sup> are shown as they appear before the amnesty committee for the attack on Newcastle's Crazy Beat Disco in 1994 that killed one and injured two. Schiceka and Malevu employ horizontal deflection, claiming that Tanda was the one to decide the

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<sup>97</sup> Luyanda Gqomfa, Zola Mabala, and Vusile Madasi were the APLA cadres responsible for the four murders at the Heidelberg Tavern attack, for which they were granted amnesty.

<sup>98</sup> Verdoolaege, "Media Representations of the South African Truth and Reconciliation Commission and Their Commitment to Reconciliation."

<sup>99</sup> Walter Falibango Tanda, Andile Schiceka, and Bongani Malevu were the APLA cadres responsible for one death in their attack of the Crazy Beat Disco, for which they were granted amnesty.

target; Tanda then again subverts the responsibility, stating that he received the orders from the APLA high commander. Per her request, the applicants meet the mother of the woman who was killed in the attack in an informal meeting after the hearing.<sup>100</sup> In an interesting editorial choice by *Special Report*, the segment zooms in as Tanda holds the hand of the deceased victim's (whose name is never stated in the episode) mother as he states, "My name is Walter Tanda, I come from the Eastern Cape and am a member of APLA. I got instruction from the high commander of APLA. I didn't kill your daughter because it was my decision," then going on to apologise for his actions. However, the deflection of responsibility makes the apology come across as empty. Despite this, *Special Report's* inclusion of this moment seemingly attempts to show how the TRC is able to promote reconciliation by engaging victims and perpetrators in constructive discourse. In reality, the TRC rarely allowed for this type of meeting to happen, as victim testimonies and perpetrator amnesty hearings were orchestrated by two different committees of the commission. Additionally, this instance is notable in its subversion what is now the more widely told narrative of white perpetrators and black victim; perhaps this interaction was aired as a tool to make the TRC more palatable to the series' white audience by showing that the process, and *Special Report's* coverage, was reciprocal.

## IFP

The two instances of deflection from the IFP that appear in *Special Report* are directionally less obvious, and extremely general. In the IFP's submission to the TRC as a political party as episode 18 portrays it, the journalist's voiceover states that they "had little to say about their own culpability," and that they instead apologise for "having been drawn into the violence which it says it was in no way responsible for," providing an already dubious frame. This is most certainly deflection of responsibility, though it is unclear to whom (but is likely part of their wider tendency to blame the

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<sup>100</sup> See section on reconciliatory meetings for further discussion of this segment.

ANC<sup>101</sup>). This differs from the testimony given by IFP members Nhlanhla Mdlala, Billy Harrington, and Frans Erasmus;<sup>102</sup> they state that they killed an ANC youth in 1990 because their superiors in both the IFP and the National Party told them that they would not be prosecuted for doing so. This is also an unclear form of deflection; it is upwards, however, not in reference to the specific act, but to having been given general permission for violence. While doing little for the perpetrators themselves, the episodes' inclusion of this type of deflection further points to the involvement of politicians, despite their continued blanket denial.

### Right-wing

In instances of deflection, the right-wing affiliates' narratives of accountability that *Special Report* includes are commonly directionally upwards. Leo Froneman and Pieter Harmse were BWB and AWB followers whose testimony about the bombing of a Durban shopping mall appears in episode 43. The correspondent introduces Froneman as a young (seemingly insinuating that he was easily influenced) and obedient follower of Harmse. This frame provides believability to footage of Froneman's testimony as he deflects upwards to his superior, stating that he only followed Harmse's instruction. The segment then cuts to Harmse's testimony, in which he deflects further up the chain of command; he describes the BWB's telephonic instructions to target a Muslim area because "the war had started." The segment does little to contextualise this, and Harmse's deflection is less effective than Froneman's as a result. A similar narrative appears in episode 47 as it summarizes the amnesty hearing of Hendrik

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<sup>101</sup> This in reference to during the transitional era through to today. See Nkosikhona Duma, "BUTHELEZI: ANC TO BLAME FOR BLACK-ON-BLACK VIOLENCE DURING APARTHEID," *EyeWitness News (EWN)*, August 24, 2019, <https://ewn.co.za/2019/08/24/buthelezi-anc-to-blame-for-black-on-black-violence-during-apartheid>.

<sup>102</sup> Nhlanhla Mdlala, Billy Harrington, and Frans Erasmus were members of the IFP who killed an ANC youth in 1991. They were all convicted of this crime, and applied for amnesty from prison. Their applications were refused.

Johannes Slippers,<sup>103</sup> who was part of a group of AWB members who killed a black man for walking in a white neighbourhood after dark. Despite the circumstances, Slippers claims that it was not racially motivated, nor personal, and that the act was committed per the instructions of an AWB superior as a part of the “white by night” operation. This namesake suggests a racial motivation to the operation. However, Slippers’ upwards deflection moves the question away from him and onto the AWB leadership. Host Max du Preez opens the episode by describing Slippers’ crime as “a tale of naked racism mixed with alcohol abuse that led to the gruesome death of an innocent man,” and this is not something Slippers is absolved of in the coverage; however, the segment did not discredit his deflection by leaving it open-ended, with Slippers’ statement as the last, following what seems to be a tendency in *Special Report* to generally accept upwards deflection. This may indicate the series’ desire to avoid leaning too heavily on individual stories, which could detract from the broader institutional violence which allowed individual violence to occur.<sup>104</sup>

Episode 11 also showcases an instance of deflection, although it comes not from the perpetrator, but from his mother. The segment focuses on young NSP members who were responsible for the murders of Afrikaner Maria Roux and the Dubanis, a black couple whom she employed. *Special Report* interviews the mother of one of the perpetrators, speaking for him because he was killed during the attack. She shares her belief that he was indoctrinated by his organization, therefore should not be held responsible; she calls for the government to make indoctrination a crime. This is an otherwise unseen instance of upwards deflection by someone other than the perpetrator on their behalf; it could be read as a coping mechanism for the parent of a child who has become a murderer. Whether or not any of

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<sup>103</sup> Hendrik Johannes Slippers was his area’s commandant for the AWB. He was serving a ten-year prison sentence for the murder of George Nkomane when he applied for amnesty for the incident. He was granted amnesty for the abduction, but refused amnesty for the murder.

<sup>104</sup> As discussed in the literature review, per Gómez-Barras.

these portrayals allow a successful transfer of fault away from the individuals at hand is questionable, however, they certainly prompt a wider questioning of ring-wing groups and the level of influence they have over their members.

## Other

The United Democratic Front came up once as the series was analysed for deflection; episode 10 briefly covers the story of Zero Thebe. He was accused in the 1985 murder of 15-year-old Frieda Mabalane, an accused impi who was stabbed and burned to death; the episode is unclear as to whether he came forward or was subpoenaed. Although the case was dismissed for lack of evidence at the TRC, Zero did claim that he had stabbed her and that it was the right thing to do, as he believed that she would have otherwise outed members of the UDF's civic organization. In this, Thebe uses what comes across as a somewhat unsuccessful downwards deflection by victim blaming, claiming both self and community defence; the lack of clarity does very little for any greater understanding of the UDF's already murky perspective in the context of the TRC, and does even less to allow viewers a moment of recognition with Thebe. However, his muddled story does paint a picture of how difficult life was in Bophuthatswana, a Bantustan, in part due to the collusion between vigilante groups and police in order to maintain support for councillors who were no longer in favour with their communities, but whom the apartheid government wanted to keep in power. In this, a perpetrator's embedded narrative was placed as context for a different story, of the ripple effects of institutional violence.

## Retrospective views of violence

The following subsections consider *Special Report's* inclusion of perpetrator's retrospective views on their violent acts, particularly with reference to either pride or apology and/or remorse.

## *Pride*

Some perpetrators appear expressing pride in their actions. Four perpetrators, specifically, use the word pride in their testimony or interviews as they appeared in *Special Report*. Two of the four are members of PAC's APLA, while the other two are affiliated with the state. Additionally, during the series' summary of submissions to the TRC from political parties, it includes the PAC's expression of pride as a group. Episode 16 provides a succession of short clips of the statements from each political party, in which PAC representative Clarence Makwethu proclaims, "The PAC is proud to have played its role in this historic task of overthrowing white domination in all its manifestations. We make no apologies; we have nothing to hide." By choosing to use this two-sentence clip to summarize a much larger submission to the TRC by the party, *Special Report* simplifies the PAC's stance on their role in the conflict to one of pride and a refusal to apologise, which this study has previously indicated to be a barrier to reconciliation. That said, this summary is not without sound basis. Former APLA Director of Operations Letlapa Mphahlele reiterates these sentiments in a clip that appears in both episodes 32 and 56; "We are proud of what we did. It is unfortunate that people had to die, but it is not something that we are ashamed of, that we did go to war." This war rhetoric was clearly spread throughout APLA as a source of motivation for their cadres. In episode 72, footage from APLA member Luyanda Gqomfa's amnesty hearing for the Heidelberg Tavern attack, he asserts that he was a soldier whose only choice was to follow orders, and that he "executed the attack with pride and in the knowledge that they were helping to fight the struggle against the oppressor." Despite the distance that expressions of pride might create between a perpetrator and a viewer of the perpetrator's media portrayal, because the PAC and APLA are associated with the liberation struggle, they may be given some leeway by viewers who disagree with the moral equivalence for which the TRC has been critiqued.

If this is true, the screening of state affiliates as they expressed pride would have likely had further detrimental influence. Former Civil Cooperation Bureau (CCB) member Ferdi Barnard's<sup>105</sup> story is one whose pride came back to haunt him. Although the episode does not speak to his feelings during the TRC, the reason he was convicted for the murder of anti-apartheid activist David Webster in the first place was due to his tendency to brag about these exploits. The episode claims that, according to evidence, he would share these stories “in order to make himself sound like a big man, or he would tell girlfriends about it in order to justify his womanizing.” This was all revealed when a relationship turned sour, and his former partner shared the story with a newspaper; others came forward to support her claims when David Webster's murder case was reopened to investigate Barnard. His pride in his work as a part of the CCB also ended up being his downfall, whereas most perpetrators who expressed pride at the TRC simply come across as monstrous. The episode's frame narrative gave a significant amount of context to Barnard's story, and to getting caught, indicating a large ego which only added to his monstrous image.

Episode 82 provides nuance which disables any attempt to conceptualize pride and remorse (or even trauma) as exclusive of one another; Paul van Vuuren, who was previously mentioned in the section on evil and will be later mentioned within perpetrator trauma, also expressed pride in his actions and involvement. In an interview with *Special Report*, he asserts that at the time of his crimes he was proud to be part of the security police. “It was one of the elite squads in the police and we worked day and night and, yes, it gave me a kick.” At the surface, this seems to counter the other ways that he appears in the series in which he expresses the difficulty in coming to the TRC, and as he meets with the son

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<sup>105</sup> Ferdi Barnard was an assassin for the CCB. He applied for amnesty for an attempted assassination of Dullah Omar, who became Minister of Justice in democratic South Africa; his application was refused. He was later sentenced to life imprisonment in 1998 for the 1989 murder of anti-apartheid activist David Webster; Barnard was released on parole in 2019.

of one of his victims and apologises. However, in taking a closer look at his diction, he says that he is “sorry for the waste of human life;” this seems to indicate that he is only sorry that these deaths did not mean anything in the outcome of the conflict, meaning the end of apartheid and the end of white majority rule. To that end, it could be surmised that he would still feel pride in his role in the security police, and less sorry for the deaths that he caused, if his side had come out as the victors. The segment’s inclusion of both of these sentiments result in Van Vuuren emerging, at the least, as a complex person. This in itself is important in deconstructing the static image of ‘the perpetrator,’ and it is certain that he is not the only perpetrator to feel similarly conflicted about his past actions. However, Van Vuuren’s narrative is embedded in the larger frame of a segment exploring what “evil” means, and his conflicted reflections do little to keep him from being an example of such.

### *Apology and Remorse*

Instances in which perpetrators express remorse or apology are much more common than scenarios in which they expressed pride, at least in *Special Report’s* version of the TRC. Although many perpetrators who appear in the series only claim their act while simultaneously providing justification or deflection, a larger number of them do apologise or express remorse, which was not required for amnesty. Again, this was one of the two rarest responses for the researchers of *Violence Workers* (whereas denial is the most common). This was interestingly not the case for the perpetrators who were screened on *Special Report*; there are several instances in which remorse and apology are depicted. This could be attributed to multiple factors; firstly, the unofficial structure of the TRC very much included forgiveness, and, more obviously, reconciliation. If these concepts are interrogated, it becomes clear that each can emerge only after a harmdoer recognizes responsibility and subsequently

apologises.<sup>106</sup> However, not all apologies that appear in the series are paired with a pure acceptance or claiming of responsibility. In these cases, an apology becomes a part of what Gonzales and colleagues call an “account”, which includes justifications, excuses, and denial, as well as empty apologies in which “I’m sorry” is stated, but no responsibility is taken. Secondly, the multitude of appearances of apology in *Special Report* may be due to the series’ function as a provider of TRC news; due to news values and the limited space that the weekly broadcasting format afforded, dramatic or notable moments such as ones of apology or reconciliation would be more likely to make it into the weekly summaries. This next section provides an overview and analysis of episodes that cover individuals who express remorse and provided apology.

Infamous bomber Robert McBride expresses remorse in episode 4 of the series during an interview, noting that at the time, he had been caught up in the experience of being an obedient soldier, but that there were ramifications of that for others and for himself. Interestingly, he does not use the soldier trope as a segue to upwards deflection as many of his MK comrades tended to, despite the fact that this held space in his narrative.

Immediately after the operation when we heard of the enormity of the pain and suffering we had caused, it’s at that moment that I regretted having carried out the operation. Because, in the heat of the moment when you are trained to do a specific job, you are trained to carry out your operation as successfully as possible, you don’t always consider the ramifications and the implications of the operation. Especially in terms of human life. It was quite shocking to us that we’d actually been responsible for such pain and suffering. And from that moment, the morning after, I regretted it and I still regret that I had caused pain and suffering to fellow human beings, fellow South Africans.

This seemingly genuine sentiment of remorse for the pain caused by violent actions seems to resonate throughout narratives of many amnesty applicants who appear in *Special Report*. For example, Eugene

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<sup>106</sup> Richard Abel, *Speaking Respect, Respecting Speech*. (Chicago: University of Chicago Press, 1998); Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford: Stanford University Press, 1991).

de Kock is shown apologising for what he has done, and then goes on to express his sympathies for the families. Afterwards, *Special Report* interviews a family member of one of his victims, who displays the empathic connection she has with him when she comments, “I feel terrible for De Kock, you know, because I can hear he feels so sorry about everything he did.” This indicates potential for reconciliation, because the person on each side of the violent act has now seen (and expressed having seen) the humanity in the other.

Another seemingly genuine expression of remorse comes from ANC and MK affiliate Walter Smiles<sup>107</sup> testimony, as it appears in episode 6. Two other men had already been convicted for this crime,<sup>108</sup> the knowledge of which makes it easier to believe first, his account, and second, his apology. Despite the fact that others were serving time for this act, he still came forward to admit to throwing a grenade in Kimberley, stating that since then, “he felt very sad, his heart was sore that someone died.” It seems the guilt weighed on him too much to not come forward, serving as a reminder of the emotional and empathic capacity of (many) perpetrators of violence. Despite what comes across as Smiles’ good intentions, it is unclear how this confession resonated with the victims’ family, the only indication of which was a shot of a victim’s mother crying. Though this provides no cognitive shortcut for viewers, the programme may simply be pointing to the fact that reconciliation is not guaranteed, even if all of the allegedly necessary factors (claiming, expressing remorse) are present.

As discussed in the section on claiming, Security Council member Leon Wessels is one of the only senior politicians, and the only member of the Security Council, to offer unqualified apologies for his

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<sup>107</sup> Walter Smiles (ANC MK) threw a hand grenade into a crowd in Kimberley, killing one. Two others were convicted of this crime and serving time when Smiles applied for amnesty. His application was refused on the basis of a lack of full disclosure.

<sup>108</sup> The segment later explained that the two men who had previously been convicted of this crime had told a certain story in order to receive a lesser sentence.

role in the violence carried out by the security forces without also including justificatory discourse. Still, there are other perpetrators included throughout the broadcast that express a slightly different type of remorse, which is that coupled with justificatory or qualifying discourse, some more extreme than others. For example, episode 43 covers Phinias Ndlovu,<sup>109</sup> member of the loosely ANC-affiliated Daveyton Youth Congress, as he asks for amnesty for burning down the house of an alleged informer resulting in the deaths of four people and injuring yet another four. Ndlovu claims that this was an accident; though the fire was intentional, he and his comrades did not mean to kill anyone. Based on this, he says, “I’m sorry it ever happened. I can’t sleep ever since, there is something in my conscience that says, the cause was just, but in the process people lost their lives.” He acknowledges that it is difficult to forgive but asks those affected to do so. He initially appears to be forthcoming and accepting of full responsibility. However, these efforts are made slightly trivial when *Special Report* summarizes that he hopes that people will accept that he “played a necessary part in the war,” employing the just war rhetoric and qualifying his violence. Despite this, the *Special Report* team seems to want viewers to sympathize with him, apparent in the context and frame narrative they provide for his hearing. The segment begins by noting that he was just 15 when he joined the ANC Daveyton Youth Congress, hinting that he was conceivably easily impressionable. It ends with a shot of his smiling family, as a voiceover explains that his co-accused have been let free, and Ndlovu was simply still in prison due to administrative errors. This insinuates that his own incarceration should soon end, and that he should perhaps no longer be classified as a criminal at all because he has paid his dues. He is also humanised as the segment gives viewers a glimpse into what is waiting for him on the other side of the bars.

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<sup>109</sup> ANC Youth Congress member Phinias Ndlovu was convicted of arson that resulted in the deaths of four people. His application for amnesty was made from prison and was granted.

An apology paired with war rhetoric also appears in episode 56; it shows as Gcinikhaya Makoma,<sup>110</sup> one of the men involved in the St. James church attack, states that he and his comrades are sorry, but that it “was the situation in South Africa” and that they did not carry out their attack based on their “own will,” but were forced into it by the situation. The claim “we were forced to do it” becomes problematic in that it shirks all agency, and, in this case, cheapens the apology. Makoma is an APLA cadre, and his denial of culpability also cheapens narratives of those who were, in a more literal sense, “forced” into perpetration when they were made into askaris. While the argument that violence is the only way to fight violence has its philosophical merits, to declare that no free will is involved in engaging with such is open to doubt.

In yet another inclusion of an apology paired with qualifying discourse, and what may be a call for empathy by *Special Report*, episode 80 discusses the topic of askaris; one particular interview with askari Jimmy Mbane stands out. Mbane expresses his regrets, following with an apology:

As a result, I want to apologise to the nation as well that what we did. We were all forced to do it. We didn't do it willingly; we were forced to do it. So the nation must understand what happened to us.

His apology has little time to sink in before he employs justificatory discourse. Although this is likely warranted and an excellent example of how one can be both a victim and a perpetrator at once, it allows little space for meaningful engagement with the apology itself, which, despite his status as an askari, is still necessary so as not to dismiss the violence he committed. Still, the segment uses very little framing to indicate a correct interpretation of the situation, instead leaving viewers to ruminate on the horrific experience of being forced to kill your people. This may be exactly the point *Special*

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<sup>110</sup> Gcinikhaya Makoma (APLA) was granted amnesty for his role in the 1993 St James church massacre that killed 11 people.

*Report* is attempting to make, choosing to not representationally prosecute an askari in order to prompt consideration of the moral complexity, if not impossibility, of passing judgement.

A more problematic apology comes from Cornelius van Wyk and Jean du Plessis, the two young right-wing affiliates who killed a black couple and an Afrikaner woman in a home invasion, which appears in episode 11. Though both men claim to have been “rehabilitated,” their apology still seems to lean towards their old beliefs when they say that they were “sorry for what happened” to the Dubanis, and “truly sorry for the error committed” in killing Mrs Roux. They seem much more concerned that they had killed “one of their own,” referring to Roux as a fellow Afrikaner, than they are about the brutal slaying of the Dubanis, whose corpses were shown strewn about the garden in graphic video footage spliced between footage of their TRC hearing. The perpetrators’ apologies seem empty as they qualify why they are sorry for killing Mrs Roux, specifically (which feels just as empty after *Special Report* journalists interview her family, who speak about the acts’ unforgiveable nature). A similarly disingenuous apology comes from Jeffrey Benzien in his amnesty testimony regarding the murder of Ashley Kriel, the first MK victim in the Cape Flats during the turbulent 1980s. Amongst the background information that the episode provides on both Kriel and Benzien, the episode (57) shows a poster of Kriel, the same one that Benzien had hanging in his office, over which he had written, “one down, so many to go,” and added the words “not for you” after the slogan, “Freedom or Death, Victory is Certain.” The visually rich frame given to Benzien renders his apology useless, particularly in his word choice. Firstly, he claims that he did not intend to kill Kriel, only to arrest him, then going on to state that “his death was a tragedy for the family, I am very sorry that he had to die.” In examining this diction, it could be inferred that Benzien is not at all sorry that he killed him, nor does he regret it, because in his eyes, Kriel “had” to die. Moreover, although Benzien notes that the death was a tragedy for Kriel’s family, this doesn’t mean that he himself agrees. His is an apology without real

claim, nor any expression of remorse, making it empty and ineffectual; this is compounded by the segment's inclusion of interviews and testimonies from multiple survivors of Benzien's torture, indicating that this was not a singular incident for Benzien, but the norm.

A previously mentioned instance in which there is a complete lack of apology or remorse is episode 62's depiction of Clive Derby-Lewis as he refuses to apologise for the murder of Chris Hani. Although an apology could create potential for reconciliation (and despite the public's confusion around this), apology and remorse were not required of him or any other amnesty applicants. In this way, the TRC did not take its directive from the legal system, in which expressions of remorse are "crucial" to criminal justice outcomes, including "sentencing hearings; parole, probation, and clemency determinations; forensic evaluations; decisions on whether to try a juvenile as an adult; and even (counterintuitively) determinations of guilt or innocence."<sup>111</sup> Episode 86 discusses the role of remorse (or lack thereof) in the TRC:

In families and among friends, conflicts are resolved, and emotional wounds are healed when the wrongdoer admits their wrong and says sorry. The Truth Commission's mandate is to look into South Africa's recent violent history so that the terrible wounds of the past can be healed, but the Act guiding the TRC does not ask the perpetrators of murder and torture express remorse for what they have done. To get amnesty you don't have to be sorry.

In addition to coverage of Derby-Lewis' testimony, the series put together a reel of individuals refusing to apologise, such as: former National Party Prime Minister PW Botha; PAC leader Clarence Makwetu; Ntobeki Peni, who was involved in the killing of Amy Biehl; and Oupa Gqozo, former military leader of the Ciskei who was involved in the Bisho massacre. Although the legal mechanism of the commission did not require apology, the commission certainly desired it, and the nature of this episode

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<sup>111</sup> Susan A. Bandes, "Remorse and Criminal Justice," *Emotion Review*, 2016, <https://doi.org/10.1177/1754073915601222>. p1.

indicates that the media did, as well. This reel comes across as one intended to name and shame those who do not express remorse or provide apology, perhaps in a bid to pressure others to do so in yet another instance of the media as a “shadow commission.” This segment seems to be a rallying cry for the TRC’s discursive scheme of forgiveness as a conduit for reconciliation (however faulty an approach that might be). This is reaffirmed by the episode’s interview with Pumla Godobo-Madikizela, who asserts that it can be retraumatizing for victims to hear the truth from a perpetrator when it is not accompanied by an expression of guilt (as seen in the coverage of the amnesty hearing for Topsy Madaka and Siphiwo Mtimkulu’s killers). This is evident in the coverage of Derby-Lewis’ testimony; as the camera pans over the crowd, Hani’s widow can be seen in several instances crying, shaking her head, and making exclamations such as “what are we doing here?” and “motherf\*cker.” In her interview, Godobo-Madikizela integrates forgiveness with remorse and apology because this expression is one that seems to, in her eyes, “respect the victim’s pain,” which then provides a space in which the victim may be more prepared to grant forgiveness. This segment poses the question that if remorse is as central to successful reconciliation as Godobo-Madikizela seems to believe, whether it should have been required in order to receive amnesty. However, it also recognizes that there would be no way of determining the truthfulness of such, and that the voluntary expressions of remorse that have appeared through the process are more likely to be genuine. Additionally, apologies and remorse do not guarantee forgiveness, as viewers learned in watching the case of Brian Mitchell and the Trust Feed massacre unfold. Episodes 24, 32, and 46 give us glimpses of his journey. He takes responsibility for the murders, he apologises, and he states that he is desirous to make amends; the families and community of Trust Feed do not grant forgiveness, and rather ask for him to become involved in the reconstruction of the community as a part of their own reconciliatory process, asking for a show-not-tell version of remorse. Similarly, in episode 51 when Van Vuuren apologises to the son of his victim, Motasi lists the effects it continues to have on his life. Motasi along with the Trust Feed community

seem to assert that an apology is not enough, because there can be no true restoration of their lives “before,” regardless of how genuine a perpetrator’s remorse is. Still others did not accept apologies because they did not believe in their truthfulness or genuineness. In episode 84, the families of the Cradock 4 are interviewed; perpetrators Eric Taylor and Gerhardus Lotz<sup>112</sup> say that they regret what happened, and Lotz apologises, which the families do not accept because they did not feel it was sincere. Each of these instances are important inclusions by *Special Report*, as it shows that the TRC process did not guarantee reconciliation. It also reminds viewers that even under the best circumstances, forgiveness was not assured despite the weight placed on it by the commission- namely, Chairman Desmond Tutu.

Doubts of sincerity around apology are repeatedly engendered by the apologies offered by political leaders; as Max du Preez states in an episode as it overviews political parties’ submissions to the TRC, “The apologies we have heard so far mostly went along the lines of, if we hurt people, we are sorry, but we didn’t mean it.” He offers this judgement as a ubiquitous translation for the party representatives’ apologies, making the testimonies themselves almost irrelevant. The apologies that *Special Report* includes are either filled with justifications that work to qualify their violence, or in some cases, an apology is accompanied by the simple claim that they “did not know” of the violence that was occurring under their authority. Episode 47 provides clips of former NP Minister of Defence Magnus Malan’s voluntary testimony to the TRC; his statement is a complex one. He apologises for the actions of the defence forces under his leadership in “upholding the then constitution” and “preserv[ing] the sovereignty” of the country. He then apologises for the times when the SADF acted unlawfully. Although, on the surface, this does seem an “unqualified” apology (as he calls it), the

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<sup>112</sup> Eric Taylor and Gerhardus Lotz were members of the security police involved in the murder of the Cradock 4, for which they were refused amnesty.

statement shirks responsibility for the atrocities his forces have committed. He does this, firstly, by citing the laws of the time as the reason for the violence committed (which he does not directly refer to), and, secondly, by inferring that his forces were at times, out of control, deflecting the blame to them rather than addressing any orders that he himself may have given. Despite the complexities, viewers are directed to listen critically. Without context, Malan's testimony may have been taken as benevolent due to its voluntary nature. However, *Special Report* takes care to introduce his statement by describing his time as Defence Minister characterised by a "brutal strategy of attacks across our country's borders, clandestine operations, dirty tricks, death squads and the sinister third force." The segment leaves the embedded narrative, his testimony, open-ended in a telling editorial choice as it closes on Malan as he denies knowledge of the murders of liberation activists Fabian and Florence Ribera.

This is not an uncommon narrative from state leaders. FW de Klerk also offers what is only a conditional apology for the actions of the security forces under his leadership. *Special Report* provides footage of him as he apologises for and describes-- and thus, acknowledges-- the many ways in which people suffered under the National Party regime; he takes "full responsibility" for the NP's "policies, decisions and actions;" and, asserts that he stood by the security forces in their implementations of such to the extent of reasonable interpretation. He ensures to say that he only stands by reasonable interpretations of the law by the security forces, evading responsibility for some acts, though it is unclear what particular acts fill those criteria. Du Preez then poses the question which then shapes the interpretation of the entire segment, narrating: "what exactly was De Klerk taking responsibility for?" His vague statement would be unpassable within the TRC's action-specific structure, even though this was not a true amnesty hearing but rather a political party submission. De Klerk goes further to undo any of the progress of his initial apology when he says, "I think it would have pleased everybody if I

said it was our official policy, but I can't speak an untruth to satisfy the call for blood which there is. I can only speak the truth as I know it," asserting that the structural and direct violence within apartheid was only a by-product of his party's policies, thus invalidating even his conditional claim of responsibility.

The concept of 'reasonable interpretation,' as De Klerk puts it, and the fact that there was anything up for interpretation at all-- also comes to the fore in episode 70's coverage of testimony from former cabinet ministers and members of the State Security Council. *Special Report* includes extensive footage of Pik Botha, Adriaan Vlok, Roelf Meyer all insisting that the cabinet was never involved in approving unlawful acts or the targeting of specific revolutionary individuals, nor was that part of their policy. Instead, they maintain that they had simply given lawful orders that were "misunderstood"- claiming that the word eliminate solely meant to detain, and that their forces, all across the country, mistook this to mean to kill, calling them overeager or mavericks. These politicians place the blame for the violence that characterised their regime on an out-of-control security force. Many continue on to claim that did not know what was actually happening on the ground with police, Vlakplaas, and the CCB, and they themselves did not find out about these crimes until they were made known publicly through TRC testimonies. Ubiquitously, they offer apologies but do not claim responsibility. They apologise that the pressure they put on their forces could have caused them to go further than their command stated, they apologised for mistakes their men made, and apologised for not knowing or providing orders that were misunderstood. Each of these apologies place the blame on foot soldiers rather than the leadership, the system, or policies. Within the wider narrative provided by *Special Report* throughout its lifespan, these claims are incredibly suspect, if not unpassable. While the journalists do not say as much, the segment ends with Leon Wessels' previously discussed apology and claim, in a conclusion that speaks for itself.

While almost all of the state leadership to appear in the series consistently claim ignorance, members of the Ciskei Defence Force challenge that; former Colonel Horst Schoebesburger came forward during the TRC session on the Bisho massacre in which 29 ANC members were shot dead as they marched through Bisho; the broadcast includes footage of this moment as he expresses, “We are sorry. I say the burden of the Bisho massacre will be on our shoulders for the rest of our lives.” He then asks the commission to ensure that Brigadier Gqozo come forth and “answer for what he has ordered on the 7th of September.” Although he apologises, he does not take full responsibility for the tragedy, instead calling on his superior to do so. His superior takes responsibility only to the extent of stating that he simply ordered his soldiers to prevent the marchers from occupying Bisho, but that he did not order the massacre; both parties involved deflected to the other, leaving the situation unresolved and the Brigadier’s apology slightly paltry. Despite the shortcomings in the apology, this segment interrupts the pattern identified in the series in which leadership refuses to acknowledge awareness of the violence at all, much less apologise. In this way, it concludes less with disappointment in Schoebesburger and more so as a call for leadership to be accountable for their orders, despite the fact that they did not physically carry them out, again pointing to the broad context of violence.

State affiliates were not the only leaders to appear in the series providing a less-than-pure apology; the ANC’s statement to the TRC as seen in section 2 of episode 48 employs justificatory discourse, particularly utilizing war discourse; Mac Maharaj refers to “the tactics of the apartheid regime, [which] were drawing us into a morass where the rules of the games were reducing, or were likely to reduce an honourable struggle,” essentially claiming their own misdeeds an unavoidable based on the

situation, a qualification that only then led to an apology to civilian victims.<sup>113</sup> A more obviously unsettling apology from an ANC member is the one forced out of Madikizela-Mandela. Throughout the investigation into the deaths of two boys involved in her organization, the Mandela United Football Club, and into the murder of her personal doctor, Dr Asvat, she vehemently denied involvement. A segment in episode 77 shows as, despite never claiming anything, Madikizela-Mandela apologises after much prompting from both Desmond Tutu as well as her lawyer. In his analysis of narrative and the image- and how lies can reveal truth- Dirk Klopper describes this apology of sorts as “awkward” and “faltering,” that Madikizela-Mandela implies that she had a lack of control over the situation (a common approach to downward deflection), and that she generally qualifies all of her actions, which result in perpetuating her initial denials as opposed to retracting them.<sup>114</sup> Mediation expert Carl Schneider notes that mediators- in this case, Tutu- often need to assist a person in apologizing by helping them get past defensiveness and blame, and by providing them with the words to do so. He provides the example shown in this episode as Tutu becoming vulnerable, despite his place of power, to provide a personal appeal, stating that this created a space for Madikizela-Mandela to “choose” to apologise rather than “feeling trapped.”<sup>115</sup> However, the segment then cuts to Du Preez, where he summarizes questions posed by those present for the hearing: “how much does an apology mean when you have denied so vehemently before that you had done anything wrong?” This also indicates why *Special Report* made sure to include Tutu’s prompting, without which the meaning and motivation behind Madikizela-Mandela’s apology would have been understood vastly differently. It seems Schneider’s theory was not the ubiquitous response. In the 2017 documentary *Winnie*,

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<sup>113</sup> This was one amongst several statements from political leaders in a segment discussing the concept of hard and soft targets in situations of war.

<sup>114</sup> D. Klopper, “Narrative Time and the Space of the Image: The Truth of the Lie in Winnie Madikizela-Mandela’s Testimony before the Truth and Reconciliation Commission,” *Poetics Today*, 2001, <https://doi.org/10.1215/03335372-22-2-453>. p468.

<sup>115</sup> Carl D. Schneider, “What It Means to Be Sorry: The Power of Apology in Mediation,” *Mediation Quarterly*, 2000, <https://doi.org/10.1002/crq.3900170305>. p270-271.

Madikizela-Mandela is interviewed and speaks about this moment; she remembers “seething with rage” when Tutu asked her to apologise, for which she long resented him.<sup>116</sup> This is a helpful framework in which to consider the wider collection of apologies gathered by the TRC and chronicled in *Special Report*, many of which included lack of claims, justification, or deflection. It also indicates why apology as a requirement for amnesty would have undercut authentic processes of transitional justice.

## Perpetrator Trauma

Throughout the series, *Special Report* directly and indirectly acknowledges the experience of perpetrator trauma in several different instances, and often within the framework of post-traumatic stress disorder. There are, of course, critiques of this psychological diagnosis as a framework within trauma studies, but this sub-section examines PTSD through the lens of-- and narrative constructed by-- *Special Report*, which applies it often. The first direct instance appears in episode 39, in which Anneliese Burgess provides a segment that discusses the psychiatric reports of five amnesty applicants from the police. The psychiatrist’s report “states that some of the applicants suffer from severe post-traumatic stress disorder and that this might account for some of their lapses in memory. But the report also gives a deeper insight into the minds of these five policemen. The past has left them severely psychologically damaged.” It goes on to overview the report and the findings on the psyche of several of these perpetrators, to analyse the behaviour of Captain Wouter Mentz throughout his testimony, and to investigate further by providing interviews with Paul van Vuuren and Jack Cronje<sup>117</sup> that focus on the

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<sup>116</sup> Pascale Lamche, *Winnie* (USA, 2017).

<sup>117</sup> Jack Cronje was a brigadier in the security police. He, along with Hechter, was later charged with 27 counts of murder and four of attempted murder, among other criminal charges, after which they immediately applied for amnesty, which was largely granted. The only instances in which amnesty was refused was due to lack of detail creating an inability to determine whether there was political motive, and when it occurred outside of South African borders.

effects of the TRC itself on their mental states. It utilizes black-and-white still frames of the men being discussed, some with extreme close-ups; this, combined with the printed psychiatric reports from professional evaluations work together to lend a sense of validity and authority to these diagnoses and experiences.

Burgess notes that Brigadier Jack Cronje “suffers from moderate to severe post-traumatic stress disorder,” which his psychiatrist attributes to both his experiences in the Rhodesian bush war and the security police, which he attempted to cope with through alcohol use. They also mention that the symptoms of his PTSD have emerged more aggressively during the process of the TRC, unveiling the potential for retraumatization not only for victims in telling their stories, but also for perpetrators. Captain Jacques Hechter<sup>118</sup> is also reported on; they speak to how “emotional stress causes his personality to split into two personas, on the one hand the law enforcement officer and on the other hand the so-called white terrorist. This disorder has ironically protected him from developing post-traumatic stress disorder,” which if we are to take as true, points to Lifton’s theory of the doubling of the self as adopted by Morag with regard to perpetrators as a coping mechanism for trauma.<sup>119</sup> More focus is put on Wouter Mentz. The section states that Mentz seems to be “the most severely damaged,” and experiences PTSD and depression so extreme that the psychiatrist recommended he be hospitalized. In footage from testimony he gave at the TRC, he outlines how uncomfortable he was in most situations that he was put in as a part of Vlakplaas, such as the murder of an askari and that of a fellow policeman; both are instances that he puts particular emphasis on being difficult.

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<sup>118</sup> Jacques Hechter was a captain in the security police. He, along with Cronje, was later charged with 27 counts of murder and four of attempted murder, among other criminal charges, after which they immediately applied for amnesty, which was largely granted. The only instances in which amnesty was refused was due to lack of detail creating an inability to determine whether there was political motive, and when it occurred outside of South African borders.

<sup>119</sup> Lifton, “Understanding the Traumatized Self: Imagery, Symbolization, and Transformation”; Morag, “Perpetrator Trauma and Current Israeli Documentary Cinema.”

Burgess' voiceover observes that he cries easily, and that he showed emotional distress during his testimony, as well as expressing remorse for each of his crimes. *Special Report* also outlines his panic attacks and nightmares, similar PTSD symptoms to colleague Jack Cronje. In interviews, Cronje and Van Vuuren discuss the effects of the TRC; Van Vuuren says that he is "very tired" and "can't go on," and Cronje expresses that he wants it to be over so that he can try to forget. Mentz appears again in episode 82 in an interview regarding a Botswana raid in which he killed two children and a colleague, about which he expresses deep remorse. He says, "There's many a night you still wake up, dreams, you can't sleep, you're aggressive; you drink too much, all that. I've went to many a psychologist; when I've been there it helps, but I have to go back, I have to go back time and time again," delineating the deep scars left by his own acts of violence. While experiencing trauma after perpetrating violence does not change the fact that the violence took place, it does provide an entry point into understanding a perpetrator as a complex person capable of empathy, an understanding which allows humanization.

A similar narrative of came up in the *Special Report* coverage of death row, though it was not directly termed as trauma. Johan Steynberg<sup>120</sup> was just 20 years of age when he was assigned to be a Warrant Officer on death row; his story was contextualized with photos of him as a young man, in school uniform and in a rugby team photo, framing his interview with the story of a normal adolescent who would be relatable to many viewers. The camera cuts to a slow pan up a set of stairs, which ends at what we learn to be the gallows as the voiceover states that on his first day at the job, he witnessed seven hangings "which still haunt him." The segment explains that for two years, Steynberg escorted condemned prisoners to be hanged in the Pretoria Maximum Security Prison. In the following footage from his statement to the TRC, he describes these experiences with what seems to be emotionless

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<sup>120</sup> Johan Steynberg was a conscript whose assignment was as a prison security officer in Pretoria. He did not apply for amnesty.

recitation, which *Special Report* interspersed with cutaways of the gallows, close-ups of ropes, the lever which would open the trap door, and prison scenes, giving insight into the scenes that haunt him. When the correspondent asks Steynberg how this job had affected him, his description sounds very similar to Mentz's: "It's as though there's something missing in one's life, something you'd been chasing after. You tried to silence it with alcohol; you tried to silence it with aggression. It's very difficult to talk about." Although the segment itself seems to be gearing more towards unveiling the horrors of the death penalty, Steynberg's role within it has arguably traumatized him, and the context provided by the segment does not make it difficult to imagine why. Though this referential understanding of trauma may have room for other interpretation, Steynberg echoes the experience of others who were diagnosed with PTSD, leading this analysis to include his narrative in this section, even though Steynberg was not an amnesty applicant. This does not go so far as to attempt to diagnose Steynberg with PTSD, but at least provides it as a consideration, particularly in the context of Mohamed's argument that trauma should be classified based on the effects, not necessarily the event that spurred them.<sup>121</sup> However, the PTSD framework may also be too narrow of an understanding of trauma in that it leaves little room for the role of the unconscious.<sup>122</sup>

Episode 59 also takes on the issue of perpetrator trauma in its discussion of forced conscription and serving in the SADF, exploring the experience of PTSD, or "*bossies*,"<sup>123</sup> as it was called by the South African soldiers. It paints a picture of obedient soldiers who will forever be scarred by the bidding they were required to do for politicians. Max du Preez introduces this investigative episode as visuals

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<sup>121</sup> Mohamed, "Of Monsters and Men: Perpetrator Trauma and Mass Atrocity."

<sup>122</sup> Ruth Leys, *Trauma: A Genealogy* (Chicago: University of Chicago Press, 2000); Susannah Radstone, "Trauma Theory: Contexts, Politics, Ethics," *Paragraph*, 2007, <https://doi.org/10.3366/prg.2007.0015>. Didier Fassin and Richard Rechtman, *The Empire of Trauma: An Inquiry into the Condition of Victimhood* (Princeton: Princeton University Press, 2009).

<sup>123</sup> The term *bossies* comes from the Afrikaans word *bosberok*, meaning bush-fucked.

of grenades explode and soldiers run and hide in trenches. These clips were from “white South Africa at war in Angola,” though this was only one of several border wars in which the SADF was engaged. As shakily filmed footage of war plays on a reel behind him, Du Preez tells viewers of the tens of thousands of soldiers and civilians that the SADF killed, but also that the over-18-year-old white males of South Africa were not given a choice in whether they wanted to go to war. This imagery certainly diverges from the war propaganda that many South Africans would have seen during the border wars; in the voiceover, correspondent Anneliese Burgess argues this depicted success and aimed to create nationalistic sentiment. This also sets viewers up for a different sort of narrative around the soldiers themselves. Burgess spearheads this episode-long documentary, introducing the enemy beyond the “other side” or across the border, but instead focusing on when the “enemy is the one of memory.” This becomes evident in the interviews with John Deagon; a former Koevoet soldier, and his former colleague and SADF medic Shaun Callaghan. In his TRC testimony Callaghan describes how Deagon shot a man that he was trying to save. The initial wound came from Deagon shooting through the man’s hut even after he proclaimed that he did not know what they were looking for. Deagon attempts to contextualize this, explaining the “overkill” method that they were taught to employ in Koevoet, though he could not explain what he now calls “an overreaction.” This could likely be attributed to what they were calling “*bossies*” at the time. The camera shots from Deagon’s interview are close-up, giving viewers an opportunity to see his emotions as he attempts to put words to what it was like to be there, and the trauma that he has since experienced. With wide eyes he glances around and shakes his head, a physical summation of his instability. He summarizes in his soft-spoken manner, “My life since then has been very, very difficult. It’s had a big element of self-destruction. I’ve been through two marriages. I have a daughter. But really I’ve just destroyed the people around me, my friends, my family and I think it’s enough now,” though he is unclear as to what he means by “it is enough now.” Callaghan discusses that in his own search for answers about that time he met up with Deagon to find

that 15 years after the incident, he had “completely lost it,” citing his fall into alcoholism and drug use, which Deagon himself attributes in the interview to the day that Callaghan described. Burgess asserts that part of the difficulty of post-war life for soldiers was the war propaganda shown at home; it showed the men as successful and patriotic, “fighting for faith and country.” Most people at home did not know of the dying and killing that took place at “the border,” making coming back all the more difficult for the soldiers. This might be insinuated by the interviews with the previously mentioned soldier only identified as Lappies. He is filmed in the shadows, making his facial features unrecognizable; it can be assumed that this was done because he did not want to be identified. Though it cannot be said for certain, this may relate to the level of shame felt by soldiers who were experiencing PTSD upon returning to a country which did not understand or care to recognize that trauma, a sense which is echoed in Lappies’ interview. Burgess goes on to state that much of the “deep trauma” these war veterans experience is related to “the thought that nobody understands that the war was in vain,” and that this trauma often goes unrecognized and untreated, which simply makes it more difficult to treat in the long term. Not only does Burgess acknowledge the existence of perpetrator trauma in the war setting, but she also points to the need to address it as a valid issue in order for society to move forward after conflict. This topic blurs the line between perpetrator and victim, showing that an individual can conceivably be both at once. It struck a chord with viewers; as mentioned, there were so many requests for a second viewing that it was screened as the second half of episode 78. The context around this episode and how it came to be is also relevant within the P-M-P cycle as conceptualized by Wolfsfeld; episode 51 ends with a call to former conscripts to come forward and share their experiences from “the border.” Burgess was the contact point, and it was those calls from viewers that informed the extensive interview portions of the documentary. The documentary covers the political experience of conscription, moving the discussion beyond what there was time for in the TRC. The documentary provides an expanded understanding of how a person can simultaneously be

a perpetrator and a victim, and the trauma that may accompany such an experience. The recognition of trauma opens a pathway to empathic connection; according to Mohamed, “trauma is not merely a psychological disorder; it is a moral category that identifies its subject as a person who merits empathy and deserves to be heard.”<sup>124</sup> Although this may be concerning to some when applied to a perpetrator of violence, she argues that it should not be the “root event” that defines the trauma, but rather the way that something is experienced as trauma after the fact that should validate being placed in this category.<sup>125</sup> This of course does not imply that we should ignore the “before” of the trauma, or the culpability for the violence. She simply argues that the recognition of trauma provides potential for empathy, and thus potential for forgiveness or reconciliation, this of course being the overarching political goal of the time and falling into the P-M-P cycle.

Interestingly, all of the instances that indicated perpetrator trauma thus far have come from state affiliates; this could be attributed to the fact that their side “lost,” and therefore more of their violence may seem purposeless in retrospect (as opposed to liberation cadres who still reference the “just war” theory, often linking it to pride). Additionally, military service was state sanctioned; the involuntary nature of the men’s involvement in the SADF may certainly add another layer of trauma, although the same could be said for askaris, diluting that theory a great deal. The fact that perpetrator trauma in *Special Report* seemed to come only from state affiliates could also be culturally related in the ways in which emotions are expressed, noting that all of these men discussed so far were not only state affiliates, but they were all of Afrikaans background. It also may have to do with the narrative expected of each group, by the group; many amnesty applicants or perpetrators expressed continued solidarity with their group by expressing pride in their actions or, at the least, providing justification for them.

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<sup>124</sup> Mohamed, “Of Monsters and Men: Perpetrator Trauma and Mass Atrocity.”

<sup>125</sup> Mohamed.

Lastly, it could also be a result of the level of access to mental health services which provided certain perpetrators with a framework and language with which to understand their experience. It is difficult to point to an exact explanation for the saturation of state affiliates expressing trauma as a result of their actions of violence, at least within the *Special Report* summary of events, but it is not far-fetched to assume this is a phenomenon that occurs across all political groupings. That said, there is one instance in *Special Report* in which an APLA cadre gave hints of experiencing trauma as a result of his crime, though with different verbiage than that of state perpetrators. Luyanda Gqomfa was one of the men involved in the 1993 Heidelberg Tavern attack in which four people were killed. Episode 72 gives an overview of this incident and the amnesty hearings around it; it ends with an emotional interview he granted to *Special Report* in which he expresses remorse, and goes on to say, “It’s very much painful, even to me,” and that “I’m very much sick about what I’ve done to the victims. Because no human being can do such a thing.” Though Gqomfa does not name PTSD, or even trauma, he at least identifies the pain he experiences as a result of his actions. While other perpetrators have seen psychiatrists per the information provided by *Special Report*, Gqomfa makes no mention of such. This may simply be because he feels remorse but is not traumatized, but it is plausible that he has not been provided the same set of words as his white counterparts to describe his experiences. It could also point to something being lost in translation; just because the term “trauma,” or more specifically, the clinical diagnosis of PTSD is not culturally present, does not preclude a person from experiencing it or trying to describe it. Additionally, considering language as an entry point to identity, it may have also had to do with what is acceptable to express (or more accurately, what is not acceptable) within Black South African cultural concepts of masculinity.<sup>126</sup>

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<sup>126</sup> Ursula Lau and Garth Stevens, “Exploring the Psychological Exteriority and Interiority of Men’s Violence Against Women,” *Journal of Psychology in Africa* 20, no. 4 (January 1, 2010): 623–33, <https://doi.org/10.1080/14330237.2010.10820420>.

## Reconciliatory meetings

At times, *Truth Commission Special Report* goes beyond simply reporting on the TRC and acts as a sort of transitional justice mechanism of its own; Catherine Cole has called the series “a shadow TRC.”<sup>127</sup> Five episodes show meetings between the perpetrators and the families of their victims, three of which were facilitated by *Special Report* journalists outside of the formal TRC setting. Some of these meetings were more successful at prompting reconciliation than others.

Episode 51 provides an in-depth background of the effects still felt from a murder that Paul van Vuuren committed ten years ago. The victim was Richard Motasi, a policeman and colleague of Van Vuuren’s, targeted due to a complaint he lodged against a Colonel for assaulting him. The murder of Motasi and his wife left his then four-year-old son Tshidiso orphaned. At the time of the broadcast, Tshidiso was 14 years old. He is interviewed in his school jumper and tie, listing his hobbies and his dream to be a writer; an over-the-shoulder shot shows as he points to photos of his parents in an old family album. He is shown getting ready for the day as he describes the anger he feels at the person who caused his loss. He eats his cereal and walks to school; an interview with his teacher confirms his diligence. In many ways, Tshidiso is a normal 14-year-old boy. This makes it all the more jarring when the segment cuts to a shot of the road and then a front door, as the voiceover reminds viewers that they were taking Tshidiso to meet his parent’s killer, a scenario which is anything but normal. Tshidiso stands next to his uncle, Joseph Motasi, as Joseph proclaims that for him, there is no forgiveness, because they are “still left with bleeding hearts.” Tshidiso says he just wants the truth so that he may tell his children about what happened. He describes seeing the corpses of his parents, and how upon finding out who the killer was, wanting to smash a glass over his head and kill him. At this point, the visuals have shifted; the camera pans over the hall where the amnesty hearing for Paul van Vuuren

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<sup>127</sup> Cole, *Performing South Africa’s Truth Commission: Stages of Transition*. p101.

took place. Van Vuuren walks by in a suit, while Tshidiso is shown with his translation headphones on, so small that he is barely able to see over the chair in front of him.

A voiceover states that Paul van Vuuren had been the one to offer to meet Tshidiso; they sit down at a table together in what is noted as lawyers' offices and shake hands. Van Vuuren acknowledges that "sorry" is an empty word but attempts to apologise to Tshidiso anyway; "I'm sorry about what happened to your parents and to you because it was a waste of human life. I'm sorry for that." An extreme close-up of Tshidiso shows him pursing his lips and holding back tears. Van Vuuren continues, with arms crossed over his chest, "I know that you must hate me. I know if somebody killed my parents maybe I would have been much more hateful than you." The camera zooms in closer, but the profile shot disallows viewers any meaningful engagement with his emotions in this meeting, if emotions were visible at all. Tshidiso responds with his worries that he will have no one to take care of him if his granny dies, and that he cannot forgive Van Vuuren for what he has done. Van Vuuren says that Tshidiso can come live with him, and they both give a soft laugh in a brief moment of odd levity and connection within the otherwise difficult interaction. In a small moment of insight into the killer's mental state, a close-up shot shows Van Vuuren wringing his hands as he states that he understands why Tshidiso cannot grant forgiveness; he immediately looks away and reaches out to shake hands as a means to end the meeting. It seems that selfishly, forgiveness may have been all Van Vuuren came for. However, after the meeting, Tshidiso expresses that he found it meaningful to have one of his father's killers apologise to him. This indicates that although final reconciliation may not be reached immediately—or ever—these interactions are of value in varying ways to different parties. This narrative is of value alongside the TRC's push for immediate reconciliation through a singular path, proving that there are many ways to move forward, especially as it highlights the possibility for transformation without necessarily requiring reconciliation with immediacy.

The next *Special Report* facilitated meeting was between the cadres responsible for one of the most infamous APLA killings of civilians and the family members of their victims. Episode 56's jarring overview of the St. James Church massacre that killed 11 people and wounded over 60 more includes visuals of sheets over bloodied bodies and emergency responders moving about the church pews. The camera pans across the scene; organ music plays as a voiceover describes a victim's head "blown open, blood was oozing out on the carpet." Viewers soon learn this voice belongs to church congregant Dawie Ackerman, and this description was from the TRC hearing on the matter. His description is followed by clips of amnesty testimonies from three perpetrators of the violence, Bassie Mkhumbuzi, Tobela Mlambisa, and Gcinikhaya Makoma,<sup>128</sup> spliced with clips of audience members crying and comforting each other. As previously addressed, the men cite simply taking orders; this deflection of responsibility does not bode well for the potentially reconciliatory discussion between victim and perpetrators that is to come. At the end of the hearing, the three amnesty applicants have a direct conversation with Ackerman per his request. Ackerman was injured when shot, and his wife was one of the 11 dead. A close-up shot depicts Ackerman's furrowed brow as he chokes back tears, asking Makoma, who sits just feet away from him, if he remembers shooting his wife. Although Makoma says he does not remember, Ackerman is further able to ask questions and tell them how he felt. He also tearfully states how he related to Makoma's testimony, the majority of which was not shown on *Special Report*, but referencing a point when Makoma had apparently spoken about being suicidal. It is this recognition of a shared experience of trauma that may assist in moving towards something that looks vaguely like understanding, a step towards reconciliation (and echoes this study's prior consideration of perpetrator trauma). The perpetrators respond to Dawie Ackerman with an apology

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<sup>128</sup> Bassie Mkhumbuzi, Tobela Mlambisa, and Gcinikhaya Makoma were the APLA cadres responsible for the 1993 St James church massacre that killed 11 people. All three were granted amnesty.

(though accompanied by deflection and justification as noted) and ask for forgiveness. *Special Report* notes that many of the injured victims and family members of the dead met with the perpetrators later than night privately for further discussion; interviews with the congregants include expressions of forgiveness and empathy for the men. Survivor Brian Smart compares his own experience of being a conscript at age 18 to the experience of being an APLA cadre at age 17, as the perpetrators of this attack were. It was these realizations that made meetings such as this one, though not all on film, so valuable. They also may not have taken place without the involvement of *Special Report*. Although this segment creates space to empathize with Makoma, it strangely and impressively does so only through the eyes of his victims and never through his own narrative or portrayal.

The segment closes with reference to the journalists' attempt to organize another meeting between the perpetrators and Leizl Ackerman, Dawie's daughter, whose mother was killed. This came to fruition in the following week's episode. A segment of episode 57 is dedicated to showing Ackerman, along with Gillian Schermbrucker, who was badly injured in the attack, as they sit down face to face with Makoma in Pollsmoor Prison in a meeting organized by *Special Report*. By bringing these people together in a more personal and less scripted setting than was allowed at the TRC, the series further involves itself in the larger transitional processes under way. The two young girls ask about Makoma's motive, because the election date had already been set at the time of the attack. He speaks to the brutality of the apartheid system and to his experience of police violence. He then speaks about his role in APLA, and that it was his role as a soldier that informed his attack. His acknowledgement of the multi-layered systems of violence to which he was subjected gives viewers, and his victims, better understanding of the context of his decisions and actions, prompting a potential for empathy. He also states that even at the time, he knew that what he was doing was wrong and that "there is no one who have [sic] a right to kill anyone"; however, he recalls feeling that he had to because of his organization's

greater agenda, an agenda whose methods he says he now questions. This indicates what may be a doubling of the self in which the conscience is held by the group.<sup>129</sup> Makoma's statements about the violence that he experienced and about his role as a soldier endeavours to remove blame in a way that the two girls acknowledge, even agreeing that "soldiers must follow orders."<sup>130</sup> However, Makoma never directly says that he is sorry, and uses justificatory war rhetoric throughout the conversation that never quite addresses the question that was posed to him on why this attack occurred during peace talks after the election date was set. Ackerman speaks to the humanization that occurred for her during this meeting; at the end of their meeting, she says to Makoma, "I am glad I met you... I can now relate to you on a human, person-to-person basis and not just a figure," though she also says she cannot say right now if she forgives him.<sup>131</sup> This may prompt viewers into softening towards Makoma and others who are seen to be victims of the system turned soldiers; if his direct victims are able to see his humanity, then so might we, while still acknowledging that empathy does not then require forgiveness.

The amnesty hearing for seven Vlakplaas policemen involved in the 1986 killings of "the Gugulethu 7" activists appears in episode 75. The hearing is introduced by footage of the bodies of the victims strewn along the roadside, brief introductions to perpetrators Riaan Bellingan and Thapelo Mbelo, and a crowd as it gathers outside of the TRC hearing hall. The testimonies are full of contradictions and a dearth of answers. Despite the lack of closure from the amnesty hearing itself as *Special Report* portrayed it, the segment follows footage of the hearing with "a real raw confrontation between Thapelo Mbelo and those who had lost loved ones." This informal meeting occurs "in a deserted hearing hall after the hearing was over;" *Special Report* captured and shared this as the closing portion of their segment. Mbelo sits in a circle with family members of his victims, addressing them in isiXhosa

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<sup>129</sup> Lifton, "Understanding the Traumatized Self: Imagery, Symbolization, and Transformation."

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.*

as he expresses guilt regarding his actions, and asks for forgiveness. At his amnesty hearing, shown earlier in the segment, Mbelo had framed himself as a pawn of the system. In the meeting between victims and perpetrators, some family members acknowledge that aspect, comparing him to Cane of the biblical brothers Cane and Abel. Others say they feel sorry for him; some grant forgiveness, continuing the religious discourse and citing the Bible's directive to forgive those who sin against you. Still others say that they cannot forgive. The meeting ends with Mbelo shaking the hands of the family members present. The mother who had stated her forgiveness initiated a hug. Mbelo continues to hug many of the other family members, several of whom exhibit body language suggesting they were not pleased to do so. This ties up the segment, but does not leave an overarching sense of reconciliation from the large group of victim's family members.

The lack of closure from a meeting that may have been intended to have reconciliatory outcomes was not isolated to this segment (as closure is arguably impossible to fully achieve); a 1994 attack on a disco in Newcastle led to two deaths and subsequent amnesty hearings for APLA operatives Walter Falibango Tanda, Andile Shiceka, and Bongani Malevu, who perpetrated the act under the auspices that APLA had not suspended the armed struggle despite the imminent democratic elections. As previously discussed with regard to deflection, the episode shows as two men meet with the mother of one of the victims after the hearing, and the outcome gives little closure as far as reconciliation is concerned. Maria Swarts is introduced with a low-angle shot as she meets to the perpetrators, establishing the sense that it was she who controlled the outcome of this meeting. The men bend down to her to greet her as she sits, and the camera zooms in each time Shiceka, Malevu and Tanda shake hands with Mrs Swarts, certainly evoking an image of reconciliation, though in this case with little substance behind it. As Swarts clasps Shiceka's hand, her other hand is visibly wringing a handkerchief in the background. She tearfully tells the men that it is God's will whether forgiveness

will be granted. There is little left to say, and the only closing moment offered is from Mrs Swart's friend, who leaves the men with the directive, "no more killing.'

The reconciliatory meetings that appear in *Special Report* fall under the P-M-P cycle. The political process of the TRC brought gross human rights violations to light; *Special Report* took it a step further by organizing the meetings between the perpetrators and victims of these violations, whether they were in the hall after an amnesty hearing or later and in further depth. These vis-à-vis meetings were more informal than any TRC proceeding, and both parties were able to speak and ask questions beyond the prescriptive TRC formula, which in itself is likely to have fostered more authentic interactions. Although these meetings were not a part of the official political process, they created, along with their subsequent media coverage, further layers of political implications for not only the parties involved, but also likely for those who watched these meetings on television.

### Beneficiaries and implicated subjects

The concept of being a beneficiary surfaced in episodes that covered some of the special hearings, such as the legal sector, the business sector, and the faith community. As discussed in the literature, a beneficiary refers to a person who was not directly involved in crime or violence, but who helps to keep oppressive regimes in power and benefits from the system,<sup>132</sup> while an implicated subject inhabits and thus, perpetuates, the oppressive structure without necessarily benefitting from it.<sup>133</sup> This research considers both to be on the spectrum of perpetratorship, despite the fact that they cannot be prosecuted nor was it ever addressed within an amnesty hearing. It is an essential point of scrutiny within perpetrator scholarship, because beneficiaries and implicated subjects are part of what allows

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<sup>132</sup> Mamdani, *The Truth According to the TRC*. p80.

<sup>133</sup> Rothberg, *Implicated Subj.*

direct physical and structural violence to continue. Additionally, many individuals who were viewers of *Special Report* would have likely fallen into one of these categories as they related to the apartheid system, and coverage of individuals who have acknowledged this positionality and its contribution to violence may help prompt viewers' critical reflection on their own culpability. Of course, these categories in the South African case are informed by aspects of identity over which individuals have little control, and being a beneficiary did not preclude one from becoming part of the white left and joining liberation struggle. This is yet another way in which the binarisms associated with perpetratorship are problematic and much too simplistic. The concepts of beneficiary and implicated subject are thus a helpful stepping-stone towards change within the transition period beyond the technical and measurable processes of amnesty hearings due to its recognition of involvement in structural violence as a form of perpetratorship.

“Beneficiaries” are not often brought up in a direct way throughout the series; the first reference appears in episode 24, which will be covered shortly, and is not discussed again until episode 72, section 4, which provides brief coverage of the special hearings for the legal system. The lawyers and amnesty committee members who are shown speaking at this special hearing overwhelmingly acknowledge the inaction against the injustices of the time and of how the courts continuously upheld apartheid law. Denzel Potgieter, amnesty committee member, notes that this is likely because the majority of the attorneys in practice were white males and were therefore beneficiaries who had a vested interest in keeping the apartheid system in place. The segment shares via narration that none of the top judges or magistrates of the time appeared before the TRC, and that instead, five of the country's current top judges sent a letter admitting their role in maintaining apartheid. Although these five judges claim their part within the system, the absence of so many former members of the judiciary, both in person and in writing, did not indicate any sort of remorse or outward recognition of how

their work in court allowed the continued oppression and violence against non-whites in the country. ANC Lawyer Lennox Hinds testifies that these individuals “have hidden behind a mask that suggests that they were simply carrying out the law and the law is the law,” likening these lawyers’ justification to the obedient soldier trope. Through upwards deflection, lawyers avoided the more difficult consideration around how they could have carried out justice within an unjust system.

*Special Report* includes footage from the business sector special hearing in which a few individuals directly acknowledge what it meant to be a beneficiary, and how that manifested within the business sector. It also shows as others come forward to speak at the hearing apologise, claiming to only realize their mistakes in retrospect. Still, the segment makes sure to highlight that the majority of people denied that their businesses had supported the apartheid system at all. Episode 74, section 3 covers this special hearing. The segment opens with a statement from Johann Rupert of the Rembrandt Group; he states with confidence, “The fact that whites have been advantaged within the private sector is undeniable.” He goes on to admit that the Rembrandt Group did not do enough to advance black management, but that nothing they could have done would have been enough. The segment cuts to an Eskom representative apologising “unconditionally” on behalf of the company for not doing all it could. Others are shown as they defend their business practices; Theo van Wyk of the Afrikaanse Handelsinstituut claims they had supported separate development under the belief that all would prosper, while Mike Rosholt of Barlow Rand insists that “no definition of direct human rights violations...could possibly be attributed to business generally during that period.” Raymond Parsons of the SA Chamber of Commerce is then shown in a short clip, again echoing this belief, saying that it was “impossible” that any form of collective culpability could be placed on the business sector for the injustices within apartheid. *Special Report* chose several clips in which business leaders try, one after the other, to blame the former government for creating the imbalance that favoured white business,

utilizing upward deflection of responsibility for the injustices occurring within the business sector. *Special Report* is clearly trying to identify a pattern by creating what is essentially a reel of denial-- or at the very least, wilful ignorance-- by powerful beneficiaries.

This section then highlights the statement from Anglo-American mining company's representative, Bobby Godsell, perhaps as a point of comparison for the aforementioned businesspeople and the pattern of denial that the episode insinuates was taking place. As South Africa's largest industry, mining is an integral part of the business sector; therefore, what Godsell said in the hearing held enormous weight. After describing the failures in not providing the already minimal required housing for workers, as well as general segregation of workplaces, he states, unequivocally, that "all white South Africans fared very much better than their black compatriots throughout the apartheid decades. So all white South Africans are beneficiaries of apartheid." His acknowledgement of the role he had in perpetuating injustice within business practice is particularly poignant considering the exploitation of black labour for mining. The segment closes with a statement from Jay Naidoo, the former General Secretary of the Congress of SA Trade Unions, that serves as a final word from *Special Report*, as well: "Overwhelmingly, no one can stand up here and claim to be speaking the truth when they say that business were not the direct beneficiaries of apartheid. In fact, the core of apartheid was a perpetuation of a cheap labour system." This statement gets to the root of why this research includes beneficiaries on a scale of perpetratorship; moreover, *Special Report's* inclusion of this is suggestive of the same belief that exploitation as part and parcel of structural violence is also constitutive of perpetratorship (in that it quite literally perpetuates violence).

The first time the concept of the beneficiary comes up within the series at all is in episode 24, broadcast in October 1996. Section 3 of the episode provides brief coverage of the statement by the Stellenbosch

Dutch Reformed Church (NG Kerk) to the TRC on the 15<sup>th</sup> of October 1996 at the Paarl TRC hearings. This was not a part of the special hearing for the faith community (which would happen a year later in November of 1997), but rather a voluntary admission from the Western Cape moderation of the church's General Synodical Commission, though it was done without full support of the rest of their commission.<sup>134</sup> The church was seen as the “theological backbone” of the National Party. The *Special Report* coverage shows as leaders of the Stellenbosch congregation willingly come forward to confess that they feel, as an institution, they did not speak out enough against the injustices in their society. Footage of the hearing includes clergy as they admit that any time they spoke out against such injustices, it was done with timidity, and no action against injustice was ever taken. They each go on to make confessions on a more personal level; Dr Bethel Muller, the former head of the Stellenbosch theological department states that “the Bible says that if I allow something to happen to my brother that which is an injustice, then I'm also part of that action, and then I must also account to God”. The clergy members of the church were given significant coverage considering that their statement was not required, the importance being their outward recognition that though they as an institution did not participate in direct physical violence, their theology had justified the structural violence that led to it. They acknowledge that they did not speak against the violence and benefitted by being an institutional ally to the state and its leaders, many of whom were members of the church and this congregation. The church's confession to the TRC is one of only a few examples of an institution or organization recognizing and apologising for the violence connected to beneficiaries. The inclusion of this unlikely form of perpetratorship – an indirect perpetrator – is a contrast to the fixed images that Mohamed critiques. While we have seen many iterations of terrible tropes throughout the series, this

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<sup>134</sup> Piet Meiring, “The Dutch Reformed Church and the Truth and Reconciliation Commission,” *Scriptura* 83, no. 0 (2014): 250, <https://doi.org/10.7833/83-0-882>.

segment exemplifies *Special Report's* breadth of coverage and dedication to mapping the complexities of violence.

This portrayal of a less obvious form of violence is possibly more unsettling than that of a sociopath or monster trope, as it forces viewers to ask themselves in what ways their inaction was allowing or even assisting in the perpetuation of violence, fracturing the idea that only people who committed direct acts of violence were perpetrators. However, the segment also backpedals on some of this progress by seemingly closing the gap caused by the crisis of narrativization per Morag's formulation of the perpetrator complex (and thus, trauma) assimilating the experience of beneficiary too easily to allow a redemptive narrative that does not actually address the underlying ethical and political issues. Though this segment may evoke unsettling self-reflection, it also accommodates viewers who might squirm at the resulting discomfort when it appears to accept the apologetic testimony at face value. This is not to say that the complex structural violence that occurred was not dealt with in the TRC, or in other institutional hearings; however, this segment's coverage of it was somewhat superficial in its congratulatory nature.

### The media as a perpetrator

Within discussion of how *Truth Commission Special Report* portrays individual perpetrators, it is important to recognize that the media was also a perpetrator during the apartheid era. *Truth Commission Special Report* acknowledges this in episode 66, a self-reflective moment for the series within the special hearings for the media at the TRC. *Special Report's* acknowledgement of their own broadcast company's role in the apartheid machine -- particularly as the state's news outlet, or as Max Du Preez dubs it, "the chief propagandists of the state"-- is essential. Du Preez introduces this episode in his now familiar sombre, but authoritative tone;

Hello. We as journalists have been reporting on the appearances of activists, guerrillas, soldiers and policemen before the Truth Commission week after week the last 18 months, but we ourselves could not escape the wide net of the Truth Commission because they are supposed to get as detailed a picture as possible of what went wrong in South Africa's past. For three days this week the Truth Commission focused on the media during the apartheid years. If we had done our jobs properly would people today have been able to say about the horrors of apartheid 'we did not know?' Tonight, we report on ourselves.

The episode includes a montage of propaganda clips from state-owned media, including clips of nationalist speeches by former prime ministers Hendrik Verwoerd and BJ Vorster, as well as clips focusing on township and ANC violence, calling them terrorists and associating them with Soviets.

It also provides testimony from former SABC media practitioners, as well as media spies. Interestingly enough, many of the white media practitioners employ similar strategy in speaking about their deeds as perpetrators of violent crime do; former SABC editors and executives both appear in clips as they deflect upwards, referencing the state's censorship and general pressure on media outlets. Television did not come to South Africa until 1976, and even then, it was very controlled. Footage of testimony from Louis Raubenheimer, the former head of SABC 3, shows as he references the bi-monthly meetings he had with the State Security council subcommittee, STRATCOM, and the decision-making process about what the SABC would and could present. The montage continues: Journalist Mondli Makhanya asserts that this upwards deflection places too much blame on the state, and that journalists and media outlets were using the hindering of the free flow of information as an excuse for not exposing the atrocities happening throughout apartheid-era South Africa. Johan Pretorius, former SABC editor, claims that they (SABC) "made mistakes," however, he also essentially employs the obedient soldier trope, pointing out that the board was appointed by the president at the time, and therefore the media would be and was required to be working under that political party's sphere of influence. He compares the SABC under the new ANC governance as doing the same. Although Pretorius claims the misdeeds, he does not seem to find issue with them. This is different to the

narrative from media spies, including John Horak, Craig Kotze, and Craig Williamson, who each fully claim their role as spies and within “manipulating South Africa’s print and broadcasting media in a clandestine propaganda war.” Horak’s testimony seems to hold a hint of ego, as he claims to have recruited between 40 and 50 colleagues to spy for him. Many journalists involved in the former white-dominated media, and those who worked as media spies, remained involved in the media even after the transition began, including Craig Kotze, who became the media advisor to the police commissioner post-apartheid, showing that the media at the time of the *Special Report*’s airing was still not completely transformed.

This episode serves as a reminder of why Du Preez claims, “the old SABC did untold damage to our nation through the propaganda that was dished out on the screen. It became, not the voice of the people, but his master’s voice.” His emphasis on the *old* SABC’s misdeeds and that they did not act as a voice for the people- infers that the new SABC will attempt to be just that. It is this understanding that makes the transformation of media- with critical reflection on the violence that came with this type of information control as a part of that- an essential part of the move from apartheid to democracy. It also helps to contextualize the narrative that the *Truth Commission Special Report* provided surrounding the TRC.

The above content analysis disentangles the version of the TRC that much of the South African public engaged with at the time. This is of value in and of itself because of its role in constructing how a large portion of the nation understood its past, as well as how it was to understand concepts of truth and justice in “the new South Africa.” Although the observed patterns identified above are impossible to summarize succinctly, it is clear that *Special Report* took an approach which reflects committed television more so than it reflects the exact happenings within the commission itself. To that end, it

also reflects the journalists' ideas of justice in addition to that which appeared at the commission. Furthermore, the content analysis also provides a basis for engagement with the perpetrator-subjects themselves in order to meaningfully discuss the experience of being represented. It does so by creating the ability to connect specific journalistic choices with the influence they have had on individuals, a reminder of the life of the series beyond its initial broadcast.

## Interviews

The first section in this chapter is based on interviews undertaken with individuals who appeared on *Truth Commission Special Report* as a perpetrator, amnesty applicant, or otherwise involved conflict actor. These individuals come from varied backgrounds of the ANC, APLA, and the National Party, to the NG Kerk, the police force, the white right-wing, and ANC township organizations. (Appendix C contains short biographical notes to act as context for each of the interviewees whose responses are referenced in this chapter). It is followed by a section that discusses interviews with two of the series' main journalists. The interviews are important to this research because, as Field has surmised, oral history creates a text which can be used as point of analysis for the production of new or alternative histories.<sup>1</sup> In the same way that *Special Report* is one version of history, these interviews may act as another, and a point of comparison. While neither the content of the series nor of these interviews can be taken as the utter truth (as no account should be) it is important to allow space for both, alongside a multiplicity of other versions. As previously stated, the interviews were undertaken with the intent to understand how being involved in the medialization of the South African truth mechanism is connected to perpetrator's perceptions of transition, and their continued role and experience within it. While this may be an unpopular approach, the lived experience of perpetrators during and since the transition is one important aspect of the larger puzzle of transition from conflict, and the ways in which the processes used shift the realities of a deeply divided society. This research simply does so by using *Special Report* as a lens to consider varied perceptions of South Africa's post-transition reality. These interviews are not intended to be the basis for a media effects study (which

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<sup>1</sup> Sean Field, "Turning up the Volume: Dialogues about Memory Create Oral Histories," *South African Historical Journal*, 2008, <https://doi.org/10.1080/02582470802416393>; as referenced in Leslie Witz, Gary Minkley, and Ciraj Rassool, *Unsettled History: Making South African Public Pasts*, *Unsettled History: Making South African Public Pasts*, 2017, <https://doi.org/10.1080/02582473.2017.1389979>. p28.

this research, as a whole, is not), nor are they the sole basis for any of my concluding claims. Rather, the following interview findings seek to provide insight into how *Special Report*, bearing in mind the analysis I have provided, was received by its subjects. They provide an entry point to considering how the series may have functioned within the lives of individuals, whose buy-in to the transitional process is necessary. While the pool of interviewees was limited due to aforementioned reasons, the range of interviews below are able to function as a point of reference for me, as an outsider, to make an informed reflection on how future televisual media may be able to represent conflict actors in societally productive ways.

## Perpetrators

### “Have I ever actually met anybody in journalism that wasn’t grinding an axe?”: Views on the media and *Truth Commission Special Report*

Interviewees were asked about their general views on the *Special Report* programme in order to understand if they had strong, if any, leanings on the series before delving into their personal experience with it. Five of the interviewees expressed the sense that the programme was unbiased and that it simply reported what happened, while the other seven were suspicious of *Special Report* but voiced this not only with specificity to this particular programme, but also with regard to the media in general.

APLA Director of Operations Letlapa Mphahlele said very bluntly that he did not trust the mainstream media; he attributes this to its very nature, which he believes is “to sell, at any cost,” colloquially hinting at an awareness-- and criticism of-- the media’s choices being shaped by news values as identified by Galtung and Ruge.<sup>2</sup> Although Mphahlele stated that this view was not due to his own experience with

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<sup>2</sup> Galtung and Holmboe Ruge, “The Structure of Foreign News.”

media coverage, this does not seem entirely true. He went on to reference portrayals of himself as something that he took issue with because, in his opinion, sensationalism won over in-depth truths.<sup>3</sup> Former police general Johannes van der Merwe agreed, citing being subject to the “relentless way in which facts were distorted, and malicious propaganda was sent into the world,”<sup>4</sup> a statement that is difficult to take in without some sense of irony, considering the prolific propaganda campaign put forth by the apartheid government for many years. Apartheid spy Craig Williamson also took issue with the media, both in general and specifically with *Special Report*. He cited his “scepticism” stating, “Have I ever actually met anybody in journalism that wasn’t grinding an axe? On one side or the other? You know, throughout the conflict we had here, we regarded certain media people and media outlets were either on one side or the other.”<sup>5</sup> Williamson is cognizant of the challenge within media coverage of conflict and transitional justice that LaPlante and Phenicie point out, meaning that the producers of content are also “a product of the conflict that a country has experienced”<sup>6</sup> whether consciously or not, and will bring to it their own political bias. It was this feeling of “sides,” in addition to Williamson’s understanding of the robust force held by the media likely informed his interactions with the media throughout the TRC process. The understanding of media as taking “sides” means that Williamson saw his interactions with media as a battle of sorts, placing himself in a war-like mindset even after the transition out of conflict had begun. This perception is likely rooted in some truth, regardless of any complexities that *Special Report* was able to capture; Jonathan Bignell claims that the framing and invocation of narrative code by the newsreaders usually structures political news as

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<sup>3</sup> Letlapa Mphahlele, interview by author, Johannesburg, September 9, 2018. Same for any following reference to the Mphahlele interview.

<sup>4</sup> Johan van der Merwe, interview by author, via phone and email, August 6, 2018. Same for any following reference to the Van der Merwe interview.

<sup>5</sup> Craig Williamson, interview by author, Johannesburg, September 14, 2018. Same for any following reference to the Williamson interview.

<sup>6</sup> Laplante and Phenicie, “Mediating Post-Conflict Dialogue: The Media’s Role in Transitional Justice Processes.”p251.

“adversarial,”<sup>7</sup> pitting one group against another, despite the fact that there may be more complex interactions at play. NP politician Roelf Meyer also referenced the biases that appear in media coverage of political processes; however, he seems much less concerned about fighting that bias. He stated that he does not believe that there can be true neutrality or objectivity, but despite that, there can be fairness in representation by reflecting “both sides.”<sup>8</sup> This again references the media tendency to structure political issues in a binary way, though Meyer did not problematize that proclivity to the extent that Williamson did.

Williamson’s interview echoed LaPlante and Phenicie’s justification for their study on media and transitional justice in Peru, which they base on the assumption that media is inextricably linked to public perception of politics in a cyclical manner— also similar to Wolfsfeld’s P-M-P theory.<sup>9</sup> Williamson proclaimed that “public opinion is the most potent force on earth. Beyond atom bombs, armies.... the media is involved with the moulding of public opinion.” Williamson’s understanding of the ways in which public opinion shapes social realities echoed throughout several interviews in different ways, though none more so than with ANC leader Mac Maharaj, an unlikely juxtaposition because of their direct opposition within the conflict and, throughout their interviews, in reference to each other. This can likely be attributed to their shared experience as spokespeople. Maharaj reflected on the media’s influence on the TRC and the entirety of the transitional process in general by calling it disempowering.

The world and the media coined the concept that our transition from apartheid to democracy was a miracle. That sounded nice, it was one of the most disempowering descriptions. It robbed us, it robbed our people, who had been the architects of the change, to come to grips

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<sup>7</sup> Bignell, *An Introduction to Television Studies*. P98.

<sup>8</sup> Roelf Meyer, interview by author, Pretoria, August 14, 2019. Same for any following reference to the Meyer interview.

<sup>9</sup> Wolfsfeld, *Media and the Path to Peace*.

and continue to make the change proceed- it needed a conscious, organized effort. It left a feeling that ‘don’t worry, miracles will happen. We are a blessed nation’.<sup>10</sup>

He surmised that the word “miracle” was a journalistic word, one that was external, and primarily white. Based on Maharaj’s interpretation, it could be said that the media practitioners who had referred to the South African transition as a miracle were not upholding the “burden of obligation” that scholars such as LaPlante and Phenicie, Bennett, and Lozano believe journalists should be beholden to, in that they misread- or did not consider at all- the influence this word would have on “post-conflict recovery.”<sup>11</sup> If this is true, it points to a problematic feedback loop caused by overly optimistic media coverage of transitional mechanisms. On the other hand, although Maharaj is quick to take blame for much of the country’s lack of transformation (often too much so), he also seems to shirk responsibility and utilize deflection of responsibility onto the media for—according to him—making South Africans feel as if they did not need to engage in the continued processes of transformation for it to succeed. That said, Maharaj did state his belief that *Special Report* was differentiated from the glowing (and by his standard, problematic) reports by external media, as well as from biased approaches from the varying print media sources. “I was left, and I still remain with the impression, that from the point of view of television, and there was only SABC at that time, I think they did a magnificent job of covering it, and I think it did draw a fairly wide viewership. And I think that to the extent I saw particular programmes, I could not fault them for the way they portrayed it.” He reiterated several times throughout the interview that, although he did not see the whole series because he was, at the time, “preoccupied with [his] duties,” he felt Du Preez and his team provided thorough and fair reportage of the goings-on of the commission. However, and in critique not just of *Special Report*, but

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<sup>10</sup> Mac Maharaj, interview by author, Durban, June 8, 2019. Same for any following reference to the Maharaj interview.

<sup>11</sup> Laplante and Phenicie, “Mediating Post-Conflict Dialogue: The Media’s Role in Transitional Justice Processes”; Bennet, *News: The Politics of Illusion*; Lozano, “Journalism: For What Purpose?” Laplante and Phenicie, “Mediating Post-Conflict Dialogue: The Media’s Role in Transitional Justice Processes.”

of media approaches in general, Maharaj expressed that he wishes there had been more of a critical lens to what was happening in the commission itself. This perspective does not give credit to the broadcast's inherent bias (acknowledging that bias is present in any media text); the quantitative analysis indicated that there was an overrepresentation and investigation into the crimes of state affiliates, which was an unbalanced representation in terms of actual amnesty applications. It might be ascertained that this was done in an attempt to shed light on those previously hidden state crimes in a way the TRC itself felt it could not due to the moral equivalence it created, which Maharaj himself critiqued in this interview. Although the series presented itself as an objective news source on the TRC, the numbers indicate that this was not the case; perhaps this was the critique that Maharaj desired.

Contrarily, NG Kerk Minister Hannes Koornhof seemed to be impressed by *Special Report* due to what he perceives as the series' lack of critical lens towards the commission. Koornhof recalled watching the broadcast almost every Sunday night, although he does not remember seeing himself on the show. He expressed his feeling that the series served as the source “where they gave you [the viewer] the raw facts. Uncensored in a sense. To interpret, for the viewer, what was going on. So that was your prime way of informing yourself of what was going on there [at the TRC].”<sup>12</sup> This, of course, is not entirely true, as is clear in the quantitative analysis. Further, an investigative journalism media text is anything but uncensored, and what actually occurred had to be edited from hours and days of hearings into a one-hour (or less) episode, informed largely by news values and what the producers deemed to be important; however, *Special Report* utilizes news format and coding around its reportage to give the impression that it is supplying “raw facts”—and seems, at least for Koornhof, that it has done so

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<sup>12</sup> Hannes Koornhof, interview by author, Stellenbosch, May 24, 2018. Same for any following reference to the Koornhof interview.

successfully. Koornhof juxtaposed *Special Report* and its “uncensored” nature to the Afrikaans media, which was where he recalls some of his congregants were getting their information on the happenings of the TRC, and whose bias was much more obvious to him than in *Special Report*. As for his congregants who did watch *Special Report*, along with himself, he explained that “it was shattering to them to hear to see what was really going on [during apartheid], which they really did not know.” He puts heavy emphasis on having “not known” about the true violence of apartheid at the time; though there is no way to know whether he was truly unaware, this narrative seems to have become his truth, and his use of the word “shattering” is indicative of how the transitional period may have forced some sort of confrontation and restructuring of how he understood his Afrikaans identity and his relationship to the church. Meanwhile, Leo Froneman, Jean du Plessis, and Luyanda Kana were in prison during the TRC, and therefore had less access to media coverage of the commission, with particularly restricted access to television. However, Froneman recalls being classified as an A-group prisoner at the time, which meant that he was able to watch television in a common room. He said the televised news that he and the other incarcerated persons from the A-group classification got came almost solely from *Special Report*, but they also had access to print newspapers in the library.<sup>13</sup> He had little to say about *Special Report* in a general sense, but this may be attributed to having little other televised coverage with which to compare it, as opposed to non-incarcerated persons who may have had more choice in news sources across mediums.

It seems that generally, save for Maharaj, the interviewees who held positions of superiority within their organizations are more suspicious of the media. Because most of them were already public figures in certain aspects, they also would likely have had previous encounters with the media that may have

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<sup>13</sup> Leo Froneman, interview by author, Port Elizabeth, June 2, 2019. Same for any following reference to the Froneman interview.

informed this view. This indicates that the experience a subject had with TRC-focused media may be less relevant for their perspective on *Special Report*, and it is better reflective of their previous experiences. This results in the likelihood of finding more commonality in opinions of the media or *Special Report* with those of similar hierarchical status than with persons of the same political affiliation.

### “It opens a door for soul searching, right?”: Views on the media’s presence at the TRC

Though the media presence at the actual TRC hearings may have seemed an obvious component of the commission’s key tenet of transparency, three of the twelve interviewees claimed that they were not aware prior to appearing at the TRC that the media would be there, or that they would be shown on television in testimony or otherwise. Additionally, ubiquitously, all of the interviewees recalled that their permission was not asked; only in situations in which people were interviewed by *Special Report* journalists was there any sort of agency in how they would be portrayed, in that at least they could speak for themselves (notwithstanding the later editorial processes). People had varying opinions on this matter, as well as whether they feel it affected how they told their stories.

Both ANC-aligned Luyanda Kana and right-wing supporter Jean du Plessis said that they were aware that the media would be there, though neither were asked for their permission to be filmed; both also said that it did not bother them. Du Plessis recalls that he was more focused on the amnesty panel, although he did feel the cameras “put him on the spot,” particularly because he was “not trained to speak in front of cameras,”<sup>14</sup> likely comparing himself to some of the leaders who would have been better prepared as public figures. In Kana’s words, he was “just there to talk.” He said that the more overwhelming presence in the room that day was the very responsive audience, not the cameras and

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<sup>14</sup> Jean du Plessis, interview by author, Cape Town, November 1, 2019. Same for any following reference to the du Plessis interview.

journalists. He described people's emotions being "raw," and audience members crying; the tangibility of the audience's reactions was the more potent memory of his experience, and he did not seem to imagine—or he did not care—that around the country, the broadcast may have garnered the same response from millions more viewers. He simply said that "nothing" about the media presence made him "feel bad."<sup>15</sup> Kana's lack of concern regarding the cameras is a less common perspective. It is also surprising when Kana's profile is compared to the other interviewees who felt the same way; Roelf Meyer "can't even remember whether the media was present or not. Because that was not material to me. I was, at that stage, very much a public figure, so the presence of the media was not at all a factor as far as I'm concerned, because that was a common fact." Meyer's lack of apprehension came partially from experience as a politician and public figure, something that Kana did not have, making their shared perspective surprising. Leon Wessels stated that he knew there would be media present; he had simply assumed as much because the TRC and amnesty hearings were public events, and he felt that it was "important that it was public."<sup>16</sup> However, in our correspondence relating to the research interview, he stated, "my appearance later was one of the most difficult of my public life," citing how alone he felt, and how he was concerned with what his children would think, or whether they would be humiliated. This comment points out how the media coverage of the TRC would bring what was once compartmentalized within "the political" and "the public" into private spaces in ways that would create ripple effects far beyond the individual perpetrators and victims or victims' families who appeared at the commission, not just with immediacy but also for years to come. With that in mind, although Wessels could understand the importance of the public nature of the event, it was this very nature that had concerned him around the consequences it could have for his personal life. This

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<sup>15</sup> Luyanda Kana, interview by author, East London, June 4, 2019. Same for any following reference to the Kana interview.

<sup>16</sup> Leon Wessels, interview by author, via phone and email, May 20, 2019. Same for any following reference to the Wessels interview.

concern becomes even more interesting in the present context because the broadcast has since been made digitally accessible, extending its lifespan much beyond the singular airing that had already so concerned him. Despite these concerns, Wessels, Meyer, Du Plessis, and Kana did not believe that the media presence affected their testimonies. However, the previously discussed literature put forth by scholars such as Hoyt<sup>17</sup> and Borgida, DeBono, and Buckman<sup>18</sup> shows that knowledge of being filmed or televised does influence the ways in which people remember, as well as the nervousness that they experience. The cameras at the TRC almost certainly affected the narrators, though it is not possible to know what the effects may have been. Often, subjects themselves are not aware enough to guess at how camera presence may have influenced their narration. A study by psychologist Ruth Picker with the Centre for the Study of Violence and Reconciliation found that, among other outcomes, many victims in South Africa “welcomed” the media presence because they felt it allowed them to contribute to truth finding.<sup>19</sup> The media presence is likely related to another finding of this study, which showed victims as having positive feelings towards telling their story to the public. This was motivated by the desire to share pain, to be acknowledged, to correct perceived lies and to seek closure.<sup>20</sup> However, the media influence is much less clear for the experience of perpetrators.

General van der Merwe was aware that media would be present, but conversely to Kana and Wessels, shared that he was horrified when he learned that the Promotion of National Unity and Reconciliation Act proclaimed that the commission’s activities would be public, of which media was a part. For him, this aspect “surpassed the worst fears” of what this process might look like for members of the security

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<sup>17</sup> James L. Hoyt, “Courtroom Coverage: The Effects of Being Televised,” *Journal of Broadcasting*, 1977, <https://doi.org/10.1080/08838157709363857>.

<sup>18</sup> Borgida, DeBono, and Buckman, “Cameras in the Courtroom - The Effects of Media Coverage on Witness Testimony and Juror Perceptions.”

<sup>19</sup> Ruth Picker, “Victims Perspectives about the Human Rights Violation Hearings” (Cape Town, 2005). p10.

<sup>20</sup> Picker. p14.

branch. He referenced one attempt to circumvent this publicity when former security officer Gideon Nieuwoudt's lawyer asked that his name be omitted from the hearings. Amongst the interviewees, Van der Merwe is the most, if not the only, person vehemently against media involvement and publicity in general. This can likely be attributed to his position as a highly ranked member of the security branch, which has a deep history of suppressing their criminal activity (as was seen in the ineffective 1990 Harms Commission of Inquiry into police death squads), a silencing that Van der Merwe had undoubtedly hoped would continue.

It was apparent throughout the series that Craig Williamson was aware that media would be present, or at the very least, his lawyer was; beyond testimony, he appeared in interview settings in multiple episodes. It was in the space of these mediatized interviews that Williamson crafted his story with intention. In his interview he stated, "You know, when you grant an interview during the TRC process, the idea of that interview is to influence the people who watch the interview, and it's as simple as that." This attempt to influence not only the commissioners, but also *Special Report* viewers, was clear in his visual self-presentation; he allowed an interview only whilst he was wearing a suit and tie, seated in front of a bookcase, and with his lawyer present. This choice certainly shows an awareness of how visuals associated with criminality, for example, a mug shot or a filmed testimony, primes viewers to associate that individual with guilt or criminality, per psychologists Iyengar, Peter, and Kinder's priming theory.<sup>21</sup> The insistence on being shown in a suit and in an office-like setting also avoids some of the visual language tools such as slow motion, close-ups, or hurried clips of a perpetrator rushing

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<sup>21</sup> Priming theory, first termed the 'priming effect' by Iyengar, et al. states that audiences filter new information through the context of prior information (essentially referentiality), and thus by introducing information in a certain way, media can influence how information is received and processed. One example of this is the use of mugshots as opposed to a family photo, or an interview at the courtroom as opposed to outside or at a home, to associate an individual with criminality or innocence. Shanto Iyengar, Mark D. Peters, and Donald R. Kinder, "Experimental Demonstrations of the 'Not-So-Minimal' Consequences of Television News Programs," *American Political Science Review*, 1982, <https://doi.org/10.1017/S000305540018966X>.

in and out of the hearings that appear in coverage of so many of the series' subjects that may have added to the construction of a particular trope. Despite the media having control over editing, Williamson's intentionality in crafting a narrative both visually and with his discourse of the self is unmistakable. "My attitude always was that people are going to edit or use something or change the approach...but if what I say is what I say, and people listen to what I say, then at least I have said my narrative. And it is up to people to whether they believe it or not." Williamson is not the only state affiliate whose lawyer had a hand in controlling his portrayal; in our interview, Schalk Hugo also shed light on how much he was involved in controlling De Kock's media presence. They took the opposite approach to Williamson and his lawyer, opting instead for scarcity rather than asserting one particular narrative to attempt to dominate the rest. "Ja, to a large extent.... especially initially.... we were very guarded," Hugo explained. "You could imagine if he were to have free access to the media pending his TRC hearings, and he could certainly prejudice himself in obviously saying things beyond record, etcetera, etcetera. In that respect we were guarded, and I think, I was very aware of the risks at the time."<sup>22</sup> This is why De Kock was never directly interviewed for the *Special Report* series. Hugo did not elaborate on the risks he referred to, but it can be assumed he meant the potential legal ramifications; it is surprising that other interviewees, especially those who had granted an additional interview to *Special Report*, did not indicate any concern for this.

The remaining three interviewees were surprised to find that they were to be filmed, and even more so to find that they were shown on television. Leo Froneman expressed his surprise at the cameras that he saw when he was escorted into the hearing; this was an unanticipated answer, because Froneman cited having seen *Special Report* and its coverage of amnesty hearings long before he himself

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<sup>22</sup> Schalk Hugo, interview by author, via phone, September 4, 2018. Same for any following reference to the Hugo interview.

gave testimony. Shockingly, Mac Maharaj, who was involved in writing the interim constitution that created and instated the TRC, said that he was never forewarned that his appearance at the TRC would be televised. He was, however, “aware that the sessions were all open to the media. I was aware that the media in my mind, was to play an important role, because in designing the TRC and its three components, the component of truth-telling was a vital component that needed to be communicated to a wide segment of the South African population, both from the oppressor community and the oppressed. So that it would help us to come to terms with the past.” Maharaj seemingly endorses the hypothesis that transparency played an essential role in enhancing public buy-in to the political process, just as scholars such as Goodman,<sup>23</sup> Parver and Wolf,<sup>24</sup> Fischer,<sup>25</sup> Kent,<sup>26</sup> and Mihr<sup>27</sup> have all observed. Maharaj believed at the time, and seems to remain convinced, that open justice is key to reach any level of success in addressing the past, and in moving forward under the auspices that the transitional and future governments were accountable to its citizens. In this sense, the unforeseen coverage of Maharaj’s own appearance at the TRC was not unwelcome to him. Letlapa Mphahlele expressed similar feelings, though for different reasons.

It came as a surprise, but not as an unpleasant surprise. It was not unpleasant at all. But... it... it opens a door for soul searching, right? Was I doing this for fame or was I doing it because it was necessary? Was I doing it for TV coverage, or was I doing it because it was necessary? So these are some of the things which one has to... to questions one’s motives. In doing anything. That even when you think... am I thinking because I want to be given more, or am I thinking because it is the right thing to do? So things can be good... But motives might not necessarily be good.

Mphahlele himself nodded to the potential that the claiming of an act- and enjoying the fact that it would be publicly broadcast- is also potentially part of reclaiming power or ego. This could be attributed to the fact that the ability to perform these aspects of masculinity had been stripped of him

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<sup>23</sup> Goodman, *Staging Solidarity: Truth and Reconciliation*.

<sup>24</sup> Parver and Wolf, “Civil Society’s Involvement in Post-Conflict Peacebuilding.”

<sup>25</sup> Fischer, “Transitional Justice and Reconciliation: Theory and Practice. , Pp.”

<sup>26</sup> Kent, *The Dynamics of Transitional Justice: International Models and Local Realities in East Timor*.

<sup>27</sup> Mihr, “Chapter 1: An Introduction to Transitional Justice.”

and other members of oppressed groups through the implementation of apartheid, per David H.J. Morgan's understanding of violence in patriarchal societies.<sup>28</sup> Egoism is also something to consider in attempting to understand Mphahlele's (and the other interviewees') reasoning for granting an interview for this research, though it is impossible to claim this with any certainty, particularly because any role it may have played would have been subconscious. Despite Mphahlele's musing regarding why he felt the media presence was not an "unpleasant surprise," he did not have a definitive answer, and feels that he never will.

### **"They see our misdeeds as more grievous than the other side's misdeeds": Views on their portrayal in Truth Commission Special Report**

Some interviewees either did not have the opportunity or the desire to watch their portrayal in *Truth Commission Special Report*, though most are at least aware of the narrative that surrounded them and have an opinion regarding what they know of that narrative.

Four of the interviewees were adamant in expressing that they feel their representation was unfair, two of whom were state affiliates; another from the right-wing; the fourth came from APLA. Mphahlele did not watch the series, claiming that he never watches anything he is portrayed in as it makes him uncomfortable. However, he does feel as if his complex relations with the TRC are "not properly understood by the public," and that much of that has to do with the media's coverage. Mphahlele feels that "things that need long explanation, they don't sell," again relating to news values, factors that inform what stories are put forth. In this instance, the relevant news value is that a story must be clear and unambiguous; Mphahlele feels his was not. This may explain the reductionism common to media portrayals of perpetrators in general. Although this research attempts to uncover

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<sup>28</sup> Morgan, "Masculinity and Violence."

the multi-layered experience of perpetratorship, particularly in a conflict setting, the wholeness of such is difficult to encapsulate. The restrictive nature of any communication medium calls for a summary of a person or event; summaries are given in a way that conforms to news values, and, with that, layers are lost. Mphahlele explained that he had decided not to finish his amnesty process after his initial application was rejected for attempting to take responsibility for everything APLA did under his command. He believes that as a political leader he should be the one to shoulder the responsibility for these acts, whereas the amnesty process focused on individualized acts, subsequently focusing more on the “foot soldiers” who carried out orders rather than those who gave them. However, this intricacy as it relates to Mphahlele and his alleged moral stance was not covered in the media, which he attributes to it not making a “captive headline.” He mused,

It is better to say- this person snubs TRC! Big headlines. Which is a misrepresentation. – this person hates reconciliation! Good headline, but (laughs) this is not who I am! ‘this man is a racist who killed whites!’ Eh- it sells, it sells, it sells, you see? All of the people who died, were they exclusively white? [They were not]. It does not make a good story. ‘this man was bent on killing civilians, soft targets’ – so, eh. Yes, the media misrepresented us, I must say us, because I was not alone.

When he says that he was “not alone” in the experience of being misrepresented, Mphahlele may only be referring to the representation of his fellow APLA cadres. However, this feeling was certainly not isolated to one political affiliation.

Former right-winger Jean du Plessis also felt that he and his colleagues “weren’t very well portrayed” in the two episodes that cover their amnesty hearing and its results. He noted that the TRC itself did not take on board the claims- as evidenced by the reasoning behind refusing amnesty- within his testimony that his organization was unaffiliated because its secrecy necessitated it. He still claims that he actually did work in support of known political organizations, and that because “the mainstream media, by necessity, always try and support the status quo,” the media uncritically accepted the TRC’s conclusion regarding his crime and organization. Similar to Mphahlele, Du Plessis also attributes his

perceived issues in portrayal to what he calls “trends” in the media, which can be likened to the concept of news values, particularly in his reference to the “media machine” and “powers behind it.” He retrospectively guessed that if he had been interviewed by Du Preez for the segment, he would have highlighted his motivations, providing “balance” and context. While describing the episode in the interview, Du Plessis said, “I think there was a lot of emphasis on the church of the creator, and on us being um, radical racists. Which is a negative to start off with.” He went on to state that the core of his motivation was in preserving Afrikaner culture by attaining self-governance, which he distinguishes from religious or racist reasoning. Part of this desire for further depth in his story is driven by his belief, which he called a “selfish perspective” that the media portrayal “may have influenced the TRC, if they watched it,” indicating an awareness of the possibilities within a P-M-P cycle. He feels that the negative portrayal “morally would have forced the TRC to not give us amnesty, which I don’t think was right.” It is unclear, however, whether Du Plessis places more blame on the TRC or on the media for being denied amnesty. He also explained that he feels as if he was “caught in the middle” when he was classified as not being part of a recognized group, and that the media should have “caught on” that the TRC, from his perspective, was grouping him with people who did not have political motive, not understanding that the unaffiliated nature of his group was allegedly due only to its need for secrecy. This belief was the basis of his claim that media was only there to support the status quo, which in this case was the TRC. Even so, Du Plessis did make sure to reiterate throughout his interview that he feels that Max du Preez was a “reasonably sincere guy” who “did a reasonable job” on *Special Report*, commending him for his work “in trying to show both sides of the spectrum. And a variety in between.” In several of the instances in which he praised Du Preez, Du Plessis juxtaposed his perspective with other right-wing affiliates, who he says would call Du Preez their “nemesis,” in an apparent attempt to distance himself from his former ideological comrades.

From the police side, General van der Merwe also believes that good headlines were at times valued over what he perceived as true. Van der Merwe acted as a witness in the amnesty hearing for Leon van Loggerenberg's amnesty application for the death of Mamelodi activist Stanza Bopape, whose body he threw into a river. Van der Merwe's take on the media coverage of his statements is that "reporters, with their penchant for sensationalism, took my explanation completely out of context, proclaiming that [I] found Captain van Loggerenberg's actions to have been excellent." What he calls the reporters' "penchant for sensationalism" points to several news values, none more so than in reference to elite people (Van der Merwe), reference to individuals (to Bopape, particularly in his youth and martyrdom), as well as its negativity (the gruesome circumstances of Bopape's death). Despite these aspects of the story being factual, Van der Merwe feels the coverage was an unfair interpretation, and that the lack of contextualization reflects poorly and inaccurately on his "actual" stance and his character, rather reflecting the media's sensational tendencies.

Craig Williamson expressed a slightly more realistic approach in terms of what to expect out of media portrayals, understanding that every representation inherently comes with some sort of bias, though taking issue with that bias nonetheless. "I don't know really what was going on at the SABC at that time, but, probably, there was some intentions within SABC itself, because obviously things were changing there as well," referencing the transformation that media- particularly the SABC as the state channel- was undergoing at the same time. He also made sure to note that he does "not think the SABC was obviously supposed to be sympathetic. People working for them at that time obviously weren't sympathetic. Jacques Pauw." Firstly, the use of the word "obvious" indicates his feeling that the SABC had to prove themselves as supportive of the new government and processes of transition in order for the public to trust them as a news source, and there was subsequently little hope for sympathetic representations of people like himself. Secondly, Williamson's focus on Pauw and the bias he feels Pauw brought to the broadcast came up multiple times in the interview. In another

instance he stated, “I think people like Jacques Pauw, they see our misdeeds as more grievous than the other side’s misdeeds.” This supposition may not be far off, as many individuals who were anti-apartheid criticized the TRC’s creation of a moral equivalence (and thus its denial of “just war” as a valid justification for violence). Williamson’s hypothesis regarding Pauw might point to why much of Pauw’s *Special Report* work focuses on the most notorious of perpetrators or the most heinous of grave human rights violations (such as his segments on the murders of the Pebco 3 and Griffiths Mxenge, plus interviews with Williamson, a well-known superspy and assassin, security force assassins known as the Zimbabwe 5, and infamously treacherous askari Joe Mamasela.) As an investigative journalist, his stories were less evocative of the reconciliatory aspects of the TRC. In the interview, Williamson underscored that he feels his “side” was vilified, posing the question of *Special Report*, “What are they trying to do? Are they pushing a line, or are they trying to really educate that middle ground to being reasonable?” This queries whether the strong focus on state affiliates-- and the supposed “vilification” happening around them-- was doing more damage to the cause of reconciliation than good. This is an essential perspective to consider within the wider research question at hand in how this piece of media may have influenced the experience of transition in South Africa. The interviewees who believe their *Special Report* portrayal to be problematic are also interviewees who cited issues regarding their interactions with the TRC, reflective of Abrahamsen and Van der Merwe’s findings that showed a correlation between their respondents’ dissatisfaction with their treatment by the TRC in general and their experience of their media portrayals.<sup>29</sup>

Aside from Mphahlele, Du Plessis, Van der Merwe, and Williamson, the remaining eight interviewees from across differing political affiliations feel that they were represented relatively accurately, save for issues that they acknowledge come with media portrayal in general. Luyanda Kana stated, “I cannot

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<sup>29</sup> Abrahamsen and van der Merwe, “Reconciliation through Amnesty? Amnesty Applicants’ Views of the South African Truth and Reconciliation Commission.”

say anything negative about the way the media portrayed myself and my colleagues throughout the case because they were reporting factually, and reporting things we had said ourselves.” He also feels that he “did not get a sense of the media trying to portray us as very bad people or very good people,” and that it was “simply factual.” Leo Froneman expressed similar sentiments, stating, “At the end of the day I feel, look, they told the story. This is what all the information they had, and that’s what they opened up to the public.” However, he does feel that they could have covered his story in more depth and with further investigation in order to “see where we were coming from and what was the plan,” “the plan” referring to what they had intended to happen, as opposed to how the events unfolded in reality. This echoes fellow right-winger Du Plessis’ same desire for further contextualization of his motives. Froneman and Harmse had planted a bomb in what they thought was an empty shopping mall, on the premise that they believed shop owners to be funding ANC activity. However, in the blast, a security officer was inadvertently killed. Froneman never watched the *Special Report* episode in which he appeared; “I do not want to watch it and remember and relive the past.” Despite having never seen the episode, he does know that no journalist ever spoke to him about his crimes, relying solely on his TRC testimony to tell the story, and he takes issue with this.

In our case, nobody ever went to find out what was the motivation. Yeah sure, he is a youngster, he did this. Surely I was influenced. But, they thought it was because I was involved with Harmse’s daughter. And that was the main thing- so I would just go blindly into whatever he says. And that’s not the case. I mean, I was involved in these things long before I met them. That was just a partner that I could go partner up with to do- you see what I’m saying? He had the means and the way... I was involved in these things long long long before I met them. So they thought or assumed I just got involved there and then because I met his daughter and I was in love with her so I would do anything blindly. Which wasn’t the case in any case.

Although he had earlier stated that he feels his case had been reported factually, Froneman’s continued emphasis that his actions were based not on any influence from Harmse, but rather on his own political beliefs, makes it seem as if he does have some issue with the representation in the way it robbed him of agency within his decision-making process. It is reasonable to attribute this to pride, in that he does not want to come across as having been fooled into something, or in that he wants more credit for

the ideation behind his actions. Regardless, it seems Froneman would feel more accurately portrayed in the situation had he been interviewed. Letlapa Mphahlele hinted at the same. This points to their own sense of Hees' assertion that the recognition of structural factors of violence is essential to the ability to empathize with a perpetrator,<sup>30</sup> again calling for further contextualization of singular acts.

In one episode, it is mentioned that Mphahlele did not show up for his amnesty hearing. If there had been further investigation into why, *Special Report* may have found what Mphahlele outlined in the interview for this research. His absence from the hearing seemed out of character for the man who had publicly claimed all operations by APLA during the dates of his post as Director of Operations. He had gone so far as to not only claim but also apply for amnesty for all of these criminal acts. However, in his interview, he recounted how this application was initially rejected before even going to a hearing on the grounds that the TRC would only consider amnesty for specific acts, not generalized ones. Based on this, he then refused to appear for any individual hearings. Mphahlele stated, "I had a problem with that because the whole thing was framed to exonerate the real people... the real people behind the violence are not those who pulled the trigger." The moral stand he took by doing this and thus, risking prosecution, is never elucidated in the series, relating both to his previous criticism that the media would not place an ambiguous story at the forefront, and also to the closely related issue that Du Plessis and Froneman raised in calling for more contextualization for their testimonies.

Froneman's and Mphahlele's perceptions may point to instances in which *Special Report* was lacking the contextualization needed to move beyond a reductionist image of a perpetrator and thus into a

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<sup>30</sup> Hees, "Proteus and the Dialectic of History."p93.

space for potential empathic connection. It also calls to mind film scholar Edwin Hees' emphasis on the construction of an image; every representation has multiple authors involved in its creation. It just so happens that these subjects are unhappy with the "image" of themselves that has become fixed in the time and space of the TRC, and in the way that *Special Report* journalists wanted to present them. It seems they each believe an interview or further research could have rectified what they perceived was an untrue or incomplete portrayal. Though perpetrator agency is not a main concern of this research, it certainly cannot be dismissed within the wider schemes of inclusion and transitional justice processes, making this shared feeling amongst multiple interviewees a valid point to consider within the "how" question being asked regarding the creation of perpetrator focused media in transitional contexts.

For Leon Wessels, when considering whether he would have added anything that was not said in the media coverage of his testimony, he remembered that he "had a lot to say, and on a programme like this it is not possible to capture everything," stating this more as fact than criticism. However, this was an assumption, because Wessels has never actually watched the programme; he explained that he turned to other sources for his TRC news. Hannes Koornhof recalled *Special Report* but could not remember having watched the episode in which he appeared. He only remembers being shown in a small clip included within a news bulletin on the night of his testimony. However, he was happy to hear that his testimony was covered in *Special Report* and does not seem further concerned about what that might have entailed, evidently not wary of a possible media slant. Roelf Meyer said he does remember watching *Special Report*, but he has no recollection of seeing episodes in which he appeared. Lawyer Schalk Hugo is also quite pleased with his client's portrayal, though for a different reason. His reaction relates to the reception De Kock was getting at that time, which he feels "was actually quite

amenable to him, you know, now, whenever he was testifying,” a perhaps unexpected perception of the experience considering De Kock’s nickname was “Prime Evil.” Hugo went on to say that overall,

The reporting was, fairly, I thought well balanced and decent etcetera etcetera. And they were actually to some extent, and maybe I’m exaggerating now, but, hanging onto his lips because everybody at that point in time in the history of this country wanted to know really what was going on. You know? And here, one person that was intimately involved in this whole thing, was prepared to say— ‘well let me tell you exactly how things worked.’ In that respect, he never got, I thought, a hostile reception from the media. Because he was giving them what they actually wanted to hear and what they’ve been suspecting for such a long time.

His take brings a new light to one experience of perpetrator portrayal, showing that claiming responsibility and full disclosure has the ability to provide the individual a platform. The attention De Kock received may have simply been the world gaping (as Saira Mohamed put it),<sup>31</sup> but it also, at the very least, may have simultaneously provided an entry point for possible sympathy from the audience, or even empathic connection should it be combined with other aspects of complex perpetrator portrayal. Even if De Kock did garner a significant level of media interest and went on to provide a narrative that people could and desired to engage with, it is unclear based on Hugo’s perspective whether this engagement happened in any productive patterns for social change.

Despite several interviewees not taking issue with their portrayal in *Special Report*, the simplification and lack of context provided to their stories is a repeated criticism. This echoes Mohamed’s critique of the static image of the perpetrator that this research introduced earlier. Additionally, at the risk of sounding “perp-friendly,” it also confirms that, in many cases, perpetrators themselves believe that *Special Report* could have provided them a more dynamic representation. This research does not highlight this as an unconditional recommendation, nor is it acknowledged with the intent to justify any violence committed. Rather, this finding is cautiously broached in an attempt to take on board

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<sup>31</sup> Mohamed, “Of Monsters and Men: Perpetrator Trauma and Mass Atrocity.”

Huyse's earlier discussed warning, which reminds us that "no post WWII initial policy of exclusion [of wartime perpetrators] was a success." Media's power is demonstrably great in the context of political transition- and can be so in either aiding or hindering the process. As Huyse warns, there are risks to alienating people and groups who may be "hostile to the newly reinstated democracy."<sup>32</sup> Within this case study, the interviewees who are unhappy with their portrayals have almost all integrated into "the new South Africa" to some extent. However, this is likely due to self-selection of who would agree to be interviewed and does not discount that these findings indicate a need for sensitivity towards the risks of social exclusion as it relates to extremism and division.

### "It's all on Google.": Effects of this portrayal

The portrayals and effects of the portrayals that appear in *Special Report* have, at times, followed the individuals who appeared on the show, whether with immediacy or in the two decades since being broadcast. These are the responses gathered from individuals when they were asked whether they had received responses from people who had seen them on the series. Seven interviewees from differing political backgrounds and levels of command recounted receiving responses from people in their communities who had seen them on *Special Report*, though with varying reactions. Three of these seven said that *Special Report* was the first instance in which others found out about their past deeds; all three can easily be classified as having been "foot soldiers" or only loosely affiliated with their stated political parties, which is likely why their involvement or specific actions were unknown to members of their communities.

Luyanda Kana stated that he got "a lot" of responses after the initial broadcast, and continues to get them at times, because people are able to see the series online. "A lot of them were shocked because

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<sup>32</sup> Huyse, "Comparing Transitional Justice Experiences in Europe."

they didn't know. Some people still see them and are surprised because they didn't know. They don't believe that I was capable of actually doing something like that." Even with that, Kana does not feel that the label of criminal or perpetrator has followed him; he has made a name for himself as a boxing matchmaker in East London and Mdantsane and is part of an anti-crime campaign. He feels that now, even though people know his past, he is just known as "Luyanda Kana, who is doing a lot of good work in the community." The lack of attention to his past could be attributed to the facts that Kana is not covered in the same depth as some of the other interviewees, and he was tried as a part of a large group of perpetrators responsible for one crime. However, Leo Froneman is also a more superficial character in the grand scheme of the series yet was not as lucky in how this portrayal has followed him. It is a common employment policy to not hire anyone with a criminal record; although Froneman does not have a record because he was granted amnesty, he recalled that employers have still found out about his past because, as he stated, "it's all on Google." A part of that is the SABC'S *Special Report* video archives of his testimony. This aspect of digitization is reminiscent of the literature from archive theorists such as Trouillot or Parikka, understanding archives as not a static collection, but as a dynamic aspect within sociohistorical processes.<sup>33</sup> Enshrinement in a digitally accessible platform has allowed a recrudescence of Froneman's decades-old narrative that will continue to shape his present reality. This instance also provides some insight into the question posed around how the immortalization of a violent deed-- or a perpetrator's hearing—through a digital archive may influence the continued processes of transformation out of conflict for the perpetrators themselves.

Former prison warder Johan Steynberg had what is apparently the most negative and dramatic experience of all the interviewees in terms of the responses that he allegedly received after being seen

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<sup>33</sup> Trouillot, *Silencing the Past: Power and the Production of History*; Parikka, "Archival Media Theory: An Introduction to Wolfgang Ernst's Media Archaeology."

on *Special Report*. He recalled, “I mean my family didn’t know what I did until I was at truth commission [sic]. I mean it was a total shock. My dad says he was never racist, [and asked me] how the fuck did you do this work? Why did you lie to us? Um, from that day up to now it totally... I’ve lost my family. I’ve lost a lot.”<sup>34</sup> When asked how they found out that he had testified at the TRC, he stated, “it was on radio, it was on TV;” they had seen his testimony and further interview on *Special Report*. The night his episode aired, he went to go pick up his now ex-wife; “She was quiet in the car and she said listen, I don’t know you. I don’t know you- how can you do that?” She went on to say, “I don’t trust you anymore... so, that was it. Picked up the kids, dropped her at home, packed the car, my few belongings, went to my dad and says Dad-- he says, you’re not welcome at my house. I went to my sister’s house, [she] says I’m not allowed there...” Steynberg recounted then living in his car parked behind his uncle’s house for several months. Of course, this cannot all be attributed to media and its representational choices. However, the public nature of the TRC and the media’s involvement acted as a conduit for that information and was apparently a catalyst for the consequences that Steynberg experienced. Though this elucidates some of the challenges that perpetrators face as mediatized subjects, it is not possible to problematize Steynberg’s experience as a fault of the media or the way in which they portrayed him. He has no complaints about the validity of what was said, and additionally, he had willingly come to the TRC as a representative for correctional services and not as an individual amnesty applicant.

Three interviewees cited receiving somewhat positive responses from people who had seen their appearances on *Special Report*. Former minister Hannes Koornhof, who gave voluntary testimony on behalf of the Stellenbosch congregation of the Dutch Reform Church, received praise for coming

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<sup>34</sup> Johan Steynberg, interview by author, Centurion, September 9, 2019. Same for any following reference to the Steynberg interview.

forward. “Thinking of it, after that, many many ministers of the church, the Dutch Reformed Church, when they saw us, congratulated us and thanked us. Ja, many many many.” This persona as a “courageous” pursuant of justice followed him beyond the immediacy of those responses; “In later years, in the Cape Senate [of the church], I was elected to be the secretary and later the chairman, and I had the impression that.... [because] we had the courage to do that, quite probably, and some also told me that, was the reason why they, three, four, five years later proposed that I should be in the leadership of the church.” That said, the positive responses he had gotten were mostly from the Western Cape provinces; feedback from congregants and ministers from more northern areas of the country were apparently quite negative, although Koornhof said that this was “expected.”

Leon Wessels recalled receiving positive responses, going so far as to call them empathetic. These came mostly from former colleagues, although his statement still did not prompt action from other former National Party leadership into accepting the same level of responsibility. In an interview with academic Pdraig O'Malley that Wessels included as an addendum to our interaction, he had stated that people “definitely!” responded to having seen him on television (*Special Report*) as he claimed that the excuse of “I didn’t know” was not available to him. He quoted one response from a colleague who had apparently said, “We should all be with you in the warm water, because we continuously pushed you to act against these terrorists.” Others’ expressions of empathy stemmed from their impression that “The TRC is nothing but a witch hunt” of which Wessels was a perceived victim, according to some reactions he recounted. This was not an uncommon perspective from individuals who were sympathizers of the National Party. The sense that the TRC was targeting people like Wessels- apartheid operatives- certainly would not have been assuaged by *Special Report’s* coverage, noting the quantitative findings from the content analysis of the series that show a heavy and not representative focus on the actions of state affiliates. Beyond just the expressions of empathy Wessels

received from colleagues, he remembered how Magnus Malan had called to tell him that he was proud of him, but also to warn him of PW Botha and the wrath that his statement had likely invoked. It was this warning that caused Wessels to cease speaking to the media any further. The other member of the State Security Council interviewed had a slightly different experience, though this is likely because he provided a much different narrative at the TRC to that of Wessels. Roelf Meyer remembers little about responses he received to his appearance on *Special Report*, attributing this to the fact that he was consistently interviewed and shown in the media. He said that by the time the TRC and its related coverage came about, he was “fairly used to what the sources of reactions would have been,” and that these reactions most commonly came from two drastic ends of the spectrum of support and criticism. He does, however, recall “positive experiences about my own testimony” at the TRC, and based on that, feels like the public, or at least his peers, must have been relatively accepting of his narrative and its portrayal.

This sense of acceptance was slightly more convoluted for Jean du Plessis. He expressed surprise that he did not receive negative responses from non-whites to his *Special Report* appearance, with the exception of a PAC leader he had encountered in prison. Otherwise, he recalls a number of expressions of “sympathy” from white people, though he notes that it was more complex than that due to “personal implications,” referring to when members of his organization killed an Afrikaans woman and a black couple during a raid in which he was involved. He says friends who saw it on television then or who find it online now “don’t quite know how to deal with it,” and he has little direction to offer because he acknowledges that he still does not know either.

In this way, the *Special Report* coverage works seemingly equally as a place of representational prosecution and also a space that provides certain subjects social capital in “the new South Africa,”

depending on the person, their deeds, and the values within their communities, who watched and then deemed the appearance to be positive or negative. This is less a point of departure for general recommendations on coverage of truth commissions, and more a point of interest to keep in mind for journalists when determining what they hope the effects of their production will be, and for whom.

### “One man’s terrorist is another man’s freedom fighter”: Views on labels

It would be insufficient to discuss the experience of amnesty applicants and other conflict actors as they are portrayed in media without discussing the labels they are given within these portrayals. This section provides the responses of interviewees when they were asked how they felt about terms such as perpetrator, terrorist, or criminal, among others. At one point, Mphahlele, Froneman, and Williamson echoed each other uncannily, an interesting parallel from three men who sit at extremely different places on the political spectrum. Froneman said, “Some people might call me a perpetrator, but others might call me a hero;” Mphahlele stated that “they say one man’s terrorist is another man’s freedom fighter;” Williamson laughed as he remembered,

Ha! Yeah, we were called perpetrators... and what was the other one... oh, ‘implicated person.’ We were implicated and we were perpetrators, um, I suppose it depends what side you were on whether you would see me as a perpetrator or a hero. I mean, they were all called combatants. We were also just combatants. But we were the statutory forces, they were the non-statutory forces.

Almost all of the interviewees seem to recognize the fluidity and context of these labels. Perhaps this is why many of them accept people perceiving them as such. Wessels stated, “I didn't personally feel like a perpetrator but think it was reasonable in the circumstances.” The only interviewee who seems adamantly against even considering the possibility that his actions could have constituted a type of perpetratorship was Roelf Meyer, former Minister of Defence and Minister of Law and Order for the National Party during the brutal years of the 1980s; he maintains that he “never instructed anybody” (though to do what is unclear), and furthermore was confused when questioned on how he feels

regarding the label of perpetrator being applied to apartheid-era National Party politicians. He aligns his understanding of perpetratorship with that of the TRC; “politicians were not necessarily categorized as perpetrators, and if you look back at the testimonies, there was probably only one person that put himself in that category [most likely referring to his colleague, Leon Wessels]. For the rest, they either didn’t speak or they didn’t see themselves as perpetrators.” He spoke in the third person, not engaging with where on the spectrum he would place himself. He does label himself as a beneficiary but makes sure to separate that concept from one of perpetratorship. He references the economic benefits that he received as a white Afrikaner born under apartheid, without connecting those benefits to any larger context of oppression and structural violence which allowed those benefits to take form.

Mphahlele does not take any offense to the multiple terminologies he has encountered within the broader label of perpetratorship. In fact, he recalled a time when he “just wanted to be a terrorist!” because at that time, “every freedom fighter on this continent, even outside the continent, were called terrorist. Even the icons- Nelson Mandela,” and because “the terrorist was better than what I was seeing around me!” referring to the violence that was part and parcel of the apartheid system. Mphahlele has since “discovered that actual terrorists are bad, even by revolutionary standards.” However, he admitted that,

At the risk of being misunderstood, especially by my comrades, some of the operations that I endorsed, that I actually ordered, were terrorist... if we define terrorism as the use of fear to achieve political objectives. Now, when we target a church, it is simply to instil fear in the churchgoers. So that you can say, if you dismantle apartheid, there will be no more church attacks.

He claimed that he never takes offense to being labelled as a terrorist or perpetrator, otherwise he “would be angry every day.” This statement is indicative that his acceptance of these labels is possibly not as simple as he lets on, and that it comes partially out of the necessity to move forward.

He also stressed his belief that perpetrator and victim are not a dichotomy, a point that transitional justice scholar Yasmin Sooka recommends be a key point of focus within truth commissions so that the terminology of victim and perpetrator may remain politically neutral.<sup>35</sup> Although Mphahlele admits to being a perpetrator within the context of specific violent acts, but he qualified this by saying that “if you scratch the surface, you would find that actually, I became a victim of history! Because dispossession visited upon Africans on their own continent, on their own land- reduced them into victims!” He emphasizes the importance of context to these labels as well; “it was not a question of being you know, bloodthirsty, being violent, it was just a question of saying, in the face of this dehumanization, in the face of this degradation, in the face of this oppression, exploitation... must I rise up or must I kneel down?”

The debunking of this dichotomy becomes all the more interesting in conversation with former right-winger Jean du Plessis. When asked how he feels about being called a perpetrator, he said, “There are no righteous people on this earth. There are no completely evil people on this earth. We all have mistakes [sic], shortcomings, and that makes all of us, to a lesser or greater degree, perpetrators.” This comes across, perhaps, as an attempt to downplay his own past, though he acknowledges that he was “a bigger perpetrator.” He went on to say that he has forgiven himself because he believes God has done so, and therefore he no longer sees himself as a perpetrator. For him, the crossover between victimhood and perpetratorship comes from his childhood: “I was, to a very large extent, the result of my upbringing, but by the time that I was old enough to make up my own mind, I did, and I changed. So I see myself as a victim as much as a perpetrator.” This reiterates the argument made in the same episode Du Plessis had appeared in, made by Jurgen Grobelaar’s mother as she calls on the

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<sup>35</sup> Sooka, “Dealing with the Past and Transitional Justice: Building Peace through Accountability.”

government to make indoctrination illegal, essentially claiming victimhood in the sense of being ideologically influenced to commit violence. It is perhaps a less obvious conceptualization of what it means to be a victim and perpetrator simultaneously, but still gives insight into one lived experience of how perpetrators may self-identify after conflict.

Though Mphahlele-- and Du Plessis-- identify themselves as having overlapping identities of both victim and perpetrator, which Sooka asserts “should not be seen as a dilemma,”<sup>36</sup> the blurring of this binary does not sit as well with other interviewees. Mac Maharaj is much less at ease with the label of “perpetrator,” not necessarily because of the label itself, but rather the fact that the commission applied it the same way and it came with the same consequences across political affiliations, despite the TRC’s acknowledgement that an individual could be both a victim and a perpetrator.

I have no problem about saying that we did- we committed huge, huge mistakes, including atrocities. But we’ve taken responsibility for it... Now, I’ve said, yes, things happened. But it is very different than a person who murders you, from you who in defending yourself against me murders me. You can’t create a moral equivalence there. The TRC created a moral equivalence. I don’t want to go to the extent of saying it was because they were made up of religious people, but if it was, they misunderstood the literature.

To Maharaj, the creation of a moral equivalence between crimes of the apartheid state and crimes of the liberation movements is problematic, and that extends to labelling a liberation cadre as a perpetrator. Though reductionist, it could be said that Maharaj’s argument is that being a victim of apartheid should have precluded one from being considered a perpetrator in the space of the TRC; the context of the act—rather than the act itself-- should have defined its morality, and thus, the reaction to it. His is an expanded philosophy on the “just war” discourse that Foster identifies as one common method of deflection within perpetrators’ discourse of the self,<sup>37</sup> and was a common thread within the rhetoric of liberation movement affiliates as identified in the content analysis. Maharaj’s

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<sup>36</sup> Sooka.

<sup>37</sup> Foster, “Confessions, Apologies, and Perpetrators.”

belief that true justice could not have measured the crimes of the ANC, for example, to those of the state by “the same moral yardstick<sup>38</sup>” seems to extend into a hesitation around ubiquitously applying the label of perpetrator to a person who committed a politically motivated crime during the ascribed years that the TRC examined.

### “It is like I am frozen in history”: Views on online availability

*Truth Commission Special Report* is publicly available via the SABC’s online archive of truth commission documents in addition to the series in its entirety. Upon entering the name of anyone who appeared on *Special Report* into Google combined with “TRC,” it is likely that clips of their appearances will be some of the first results. The interviewees have varying opinions on this accessibility, which has a strong correlation to the influence they feel their portrayals had. Leon Wessels is very neutral in his opinion, saying, “It’s OK [that it is online]. This is how it happened.” He also recognizes the historical necessity of it; “It is a matter of public record.” Roelf Meyer echoes this perspective, also focusing on the historical value it holds, though approaching it with a slightly critical eye; “Well, it’s part of the record of our history. And it might not, in every sense, be a true reflection, but it’s part of the history. And I think it’s good that the record is there, whether for study purposes or otherwise.” Du Plessis also shares these views as evidenced when he stated, “Look, it’s history. Whether it is perfectly portrayed history, that’s a different question, but it’s history. And history should be as accessible as possible. So that we can learn from our mistakes, we can learn from our past, we can build a better future. For everybody.”

Wessels, Meyer, and Du Plessis hold the three most overarchingly positive views of the series’ accessibility, both focusing on its historical value as an archive, despite its perceived shortcomings.

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<sup>38</sup> As referred to in Asmal, Asmal, and Roberts, “When the Assassin Cries Foul.”

This shared view of Wessels and Meyer is interesting because of, first, their shared background as former members of the State Security Council; second, neither of them were amnesty applicants but rather spoke at the TRC (and on the broadcast) out of their own willingness; and third, neither of them seem particularly concerned with their portrayal. These shared experiences which differentiate them from the other nine interviewees are also indicative of why they would have the least concerns around the permanence of their portrayal in this series, as compared to other interviewees whose actions within the conflict setting are further investigated. This also why it is interesting that Du Plessis echoes their perspectives, which can only be explained by the immense distance he has put between his past self and his current self.

Luyanda Kana is a bit more wary about the online accessibility of the series; although he personally “has no problem” with the series being so widely available, he expressed a fear that “by constantly showing it or it being freely available, it would open up a lot of raw wounds.” This is especially potent because he was involved in an intra-community murder. Community members have since reconciled, but he worries that “those relationships might get affected” if people are reminded of that time, touching on the psychological experience of retraumatization of the community and the reverberating effects of both direct and structural violence that had broken the ties amongst them. Hannes Koornhof lies at the other end of the spectrum; for him, his appearance is a part of family history and something to be shown. He asked me to send him the link after the interview; “It could form part of the family archives for my children and grandchildren!” This also aligns with what appeared as a desire to construct a narrative around himself as a seeker of justice. To this end, this accessible video proof of his appearance to the TRC on behalf of the church can act as a type of social currency, whether within his family or his community. The construction of this narrative works to assuage whatever guilt

he may have around being a beneficiary of the violent system of apartheid, a theme he outlined within his testimony at the commission.

Leo Froneman seems to think that the online availability might serve him in a positive manner as well by providing further context for people regarding his crime; “when they actually do... see what it was about, it’s like, ah okay. It’s not so bad,” a surprising take considering he expressed wishing that the journalists had delved deeper into his story and reasoning. He does not dwell on how *Special Report* might be received today: “Judge me if you want.... Everybody has made a mistake somewhere in their life.” Froneman also went on to say that some people think he is a hero; it could be inferred that he doesn’t mind that his testimony is accessible because part of him still believes in the cause with which he had previously been aligned, and that his remorse lies in the accidental murder of the security guard, but not in the bombing itself. There was slight indication of this when he spoke about what he perceives to be problems in current-day South Africa; “I mean, I won’t go back there [the AWB], but still, I feel a sense of, you know what, we could foresee what was going to happen, it is happening now, we did try something to avoid it, it didn’t work, but at least at the end of the day I can say, look, we did try.”

Mphahlele takes issue with the online availability on a personal level because of how much he feels he has changed since that time. “When it appears there, it appears there as I was. So the problem with the media is that they never update you that this person has changed! .... the person I am. So it is like I am frozen in history.” The person who appeared for this research interview was certainly a much less radicalized version of his 23-year-younger self, who appears in *Special Report*. Mphahlele recounted when someone pulled up a clip of him on *Special Report* whilst visiting Kenya; he recalled that this brought up mixed emotions, because “people would come, you know, with their smart cameras, and

say look! Look at what you are saying! And... please... yes of course, I am not apologetic of what I've said, but only if it could be counterbalanced with a different person I am today." Although Mphahlele finds it difficult to be confronted with his former self, he says that he is also happy to be asked about it, because he feels his current character can speak for itself: "I was happy that people saw a different me, from the one that they have been seeing to be, my permanent character." His issue is that he will not always be able to answer to these questions about his past; the archive will be but one of a few points of reference for his actions. Even if we consider an archive to be a dynamic part of sociohistorical processes and assume that it will garner a multiplicity of interpretations based on context,<sup>39</sup> Mphahlele's complaint of being "frozen" raises questions about the future of this digital archive. Derrida reminds us that an archive will eventually inform human memory, rather than be moulded by it,<sup>40</sup> and Mphahlele seems to feel that this does a disservice to his own personal process of transition.

Mac Maharaj sees the issue of online availability from a more macro level, and beyond his individual experience. In his interview, he expressed a multitude of critiques of the TRC, and he believes that showing *Special Report* in its coverage of the commission could be problematic because "the limitations [of the TRC]... would be magnified." The only way Maharaj feels it should be shown is alongside a critical lens, such as through multiple "views being debated in a panel." This could also address Mphahlele's concerns of being "frozen" because it would bring an updated perspective to that point in time. However, it would also add a second layer of interpretation to an already mediated event. The lens that Maharaj is calling for will likely come not as a literal addendum as he has envisioned, but in the form of whatever socio-political context it is being consumed and interpreted in. Additionally, we

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<sup>39</sup> Trouillot, *Silencing the Past: Power and the Production of History*.

<sup>40</sup> Derrida, *Archive Fever: A Freudian Impression*.

can hope that future viewers of this archive will understand that to ask an archive- or any singular source- to act as a sole historical point of reference is to ask too much and is bad historical practice.

The mixed responses around online availability do not allow for a definitive finding on how the digital accessibility of perpetrator narratives influence the continued experience of being represented. There is also little recourse for exploring alternative options to this type of accessibility due to the already public nature of the broadcast that the archive originated from.<sup>41</sup>

### **“It gave us the confidence; this was actually for reconciliation”: Views on media and reconciliation**

Several of the interviewees seem not to have reflected in depth on the media’s role in the experience of reconciliation, either for themselves or on a wider level. However, five instances stand out.

Du Plessis brought forth concerns around the series’ potential influence, and even what could have been a basis for hindering successful long-term transition. His belief is that at the time, *Special Report* “played a reasonable role” in transitional processes by discussing “the suffering of the black people through violence of the system.” However, he also aired his concern that “there was suffering on both sides. And that wasn’t highlighted in programmes like this one very well.” He cites this as a reason for “a culture of entitlement” in which “the black people have felt like the white people owe them something,” which he feels will only engender further conflict rather than allow the country to move forward.

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<sup>41</sup> This opposed to the findings in my masters’ research on Northern Ireland’s Prisons Memory Archive; the perpetrators narratives were all voluntary, thus the project was able to work within a framework of co-ownership in which the narrators had control over when, where, and how much of their story would be digitally accessible.

At the other end of the spectrum, Williamson believes that the media served a role in the reconciliation process. He praises it in terms of its ability, first, to send the message that “fighting it out isn’t the solution, that we found another way,” and, secondly, to serve and inform people from both “sides” of the conflict. “The media was able at that time to broadcast a narrative that was supported by both, the mainstream of both camps.” In his opinion, by uniting the majority of both sides of the conflict (with the exception of what he called “the lunatic fringe” of both left and right) and promulgating the same narrative, it better united the country in reaching for the same goals to “better not fight this out,” otherwise South Africa “would have ended up like Iraq or something.” Williamson’s perspective that media support for the South African TRC process was integral to its success supports Wolfsfeld’s argument that “the greater the extent of shared media, the more likely it is that the news media will play a constructive role in a peace process.”<sup>42</sup> *Special Report* was a source of TRC news for South Africans across political, racial, and class divides, thus classifying it as shared media; it also broadly endorsed the process, despite its critical attitude towards certain participants. The concept of shared media and its perceived positive influence also surfaced in Roelf Meyer’s interview; he postulates that “the media in general wanted us to make peace. In general. There were very few, on the fringes, that didn’t want us to make peace. So we had a positive climate, as far as the media is concerned, in which we operate.” He calls this “very fortunate,” not because this support meant the media overlooked the parts that warranted criticism, but because despite acknowledging the issues, the media “had a positive message” towards a peaceful settlement and reconciliation. Having this type of support across media outlets, as Meyer seems to believe they had, falls into the concept of shared media, and is likely why interviewees across the political spectrum feel somewhat positive regarding its involvement.

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<sup>42</sup> Wolfsfeld, *Media and the Path to Peace*. P42.

Meyer also feels that the media was particularly successful in generating public support for the overall process. He dubbed the media as “an essential part of a peace process, of a process of truth and reconciliation, a process of healing.” He recalled that he (along with “all South Africans, probably”) watched the TRC closely, “because that was very much part of the healing.” He emphasized his belief in how fundamental transparency is for reconciliation, and that “television played a very important role” in allowing the South African process to be so. Meyer even went as far as to say that “in a certain way, the media acts as the therapist during such a process. Because it exposes the good and the bad.” At the other end of the spectrum was Mac Maharaj, who has many critiques of transition and transformation in South Africa-- or lack thereof-- and who feels that the media only reported what was happening. To him, it is the system which was flawed, therefore “it is not the media’s fault” that the country has not, in his eyes, reconciled. He gives the media very little credit in having positive or negative influence on the political and social processes at hand.

Perhaps the most interesting and direct way in which *Special Report* specifically contributed to reconciliation as it appears in the interviews is in the case of Leo Froneman. He was in prison when the TRC began its work; initially, “we were scared that they gonna come in at night and shoot us. Because now they know, all the facts and whatever, and just come in and kill us, that’s what we were scared of. We were scared to even speak to anybody about anything.” It was not until he saw multiple episodes of *Special Report* that he felt comfortable enough to come forward to the commission and apply for amnesty. “Then as it progressed in that, seeing on TV, we had a TV on a community hall, but then seeing they listened to these things. They actually, after the brains came, let me put it that way- they were after the bigger fish. When we saw that, it actually gave us confidence, this was actually for reconciliation.” The TRC appearances of people whom Froneman saw as relatable at that time created a sense of safety within the process; he recalled his initial concerns that the TRC would allow

people to target him for violence. It was only after he allowed others to first test the process that he sent in his application for amnesty. Froneman is likely not the only amnesty applicant who felt prompted to apply for amnesty after watching the series; in multiple episodes, Du Preez provides a phone number to call and receive information on applying for amnesty, making sure to remind people that *Special Report* was not, in fact, the truth commission. Froneman's story points out one example of the role of *Special Report* in the P-M-P cycle, in this case, prompting further participation in the process.

The overarching sense from several of the perpetrator-subjects is that *Special Report* was helpful to transition, a somewhat surprising finding seeing as many of them were not portrayed in a way which this research would classify as dynamic.

## Journalists

I interviewed host and producer Max Du Preez<sup>43</sup> and journalist Anneliese Burgess<sup>44</sup> in hopes they might provide insight into the beliefs, intent, biases, and decision-making processes behind *Special Report* and its narratives around perpetrators. This is a poignant question considering Du Preez' own history. He had been a writer and editor for *Vrye Weekblad*, an anti-apartheid Afrikaans newspaper that was known for breaking stories on state crimes, including revealing Vlakplaas and activities of the CCB. *Vrye Weekblad* subsequently became a target of the state; its offices were bombed in 1991, and it was forced to close in 1994 after a defamation case from a former police officer bankrupted the paper. Although this is but one factor in Du Preez' long history of anti-apartheid journalism, it provides footing to understand the lens through which he worked.

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<sup>43</sup> Max du Preez, interview by author, Cape Town, September 10, 2019. Same for any following reference to the Du Preez interview.

<sup>44</sup> Anneliese Burgess, interview by author, Cape Town, September 6, 2018. Same for any following reference to the Burgess interview.

When asked about the overarching narrative of the series, Du Preez critiqued the TRC structure; “The legality of the TRC just spoke about the violent crimes, about gross human rights violations.” He went on to list aspects of everyday violence and oppression which were perpetuated by state-led structures, saying that they were something that he “felt needed to be spoken about.” It was clear from the interview with Burgess that Du Preez led the decision-making processes in what the show would cover, and it did become populated by stories that he felt were important to tell. Burgess remembers,

....Max guided what he wanted to have on the programme. So we would show up [at the TRC hearing] and get a list of who was testifying, and we would call Max and he would tell us who to cover, because he had a lot of background knowledge.

With this in mind, Du Preez’ background is an important point of reference for the narrative that was constructed within the series, both within singular episodes and as a whole. Although each journalist would produce their own segments, the whole team would gather every week to compile the programme,<sup>45</sup> during which it can be assumed Du Preez had the final say.

Du Preez cited his investigative journalism background as informative to his editorial decisions. He spoke to his desire to provide context to stories beyond what the TRC was able to do, again indicating that he approached *Special Report* not only as a tool for reporting, but as a mechanism for justice in and of itself:

The biggest thing we tried to do, which came from being a journalist first-- print journalism, which is where most of us came from-- was provide context. The TRC told stories about specific crimes, but we went further and found the old apartheid news footage or spoke to the victims or perpetrators. We told the wider story, which we were sometimes criticized for, but I wanted people to see that.

This statement around his intent to provide context relates to this study’s call for context as an important aspect of dynamic representation of conflict actors. Du Preez also tried to differentiate

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<sup>45</sup> Cole, *Performing South Africa’s Truth Commission: Stages of Transition*. p113.

himself from “reporters” through the style in which he directed his team to film; he claims to have instructed them to not zoom in on victims as they broke down, reasoning that “to zoom in on that pain almost becomes pornographic.” His instructions differed for perpetrators; “I instructed them for perpetrators to get shots just of the eyes, or of full front, so that we could see for ourselves-- who is this person and are they truly remorseful?” Martha Evans posits that “an investigative journalist is like a lie detector,”<sup>46</sup> and this approach to filming is a way of conveying their beliefs to audiences. Although Du Preez notes the varying visual language he and his team applied to victims versus perpetrators, he claims that otherwise there was never a “big difference in visual representation instructions.” This answer can only speak to, first, how he self-presented to me as the interviewer, and second, the intentional and conscious driving forces of his production.

This study found that despite the series’ many instances of deep investigation and provision of context, it still fell into some tendencies associated with news values. Burgess maintained that they “tried as much as possible to not editorialize” because if a story was sensational, people would not believe the perpetrator’s narrative. She recalled trying to circumvent these issues by “let[ting] viewers decide” what they thought and believed. Contrary to what might appear in news values, Burgess stated, “We didn’t need the shocking- that wasn’t a part of our toolbox- but we certainly would have made a decision about what are the big stories this week.” In this sense, they were certainly informed by news values and what was seen as important in this setting, such as apologies, meetings between perpetrators and victims, and what she called “strange stories, different to what you’d seen somewhere else,” which speaks to the news value of unexpectedness. She recalled that they always included coverage when someone apologised (whether or not they as journalists felt it was “hollow”), because, as Burgess

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<sup>46</sup> Personal correspondence, Dec. 5, 2019

noted, an apology was not required for amnesty. The only “qualifying” she admitted to was that if there were “holes” in a story, Du Preez and fellow veteran anti-apartheid journalist Jacques Pauw “would identify that and make a point.” Although they were bound to aspects of news values even just by format expectations, Max cited that he felt that they had very few constraints, from the SABC or viewers alike. He notes that the SABC never directed him in any one way, and that because *Special Report* was “the only television programme covering this at the time, so we didn’t have to worry about viewers. We had the luxury of taking risks and covering different stories.” It is unclear what Du Preez meant by “different,” though it can be gleaned from his stated beliefs around journalistic responsibility, in line with the aforementioned journalistic “burden of obligation” and the concept of committed television. In a lecture at the University of Cape Town in September of 2019, he stated in separate instances that “it is journalists’ duty to examine those who exploit the rule of law,”<sup>47</sup> and even more poignantly with relation to the findings of the content analysis, that he “do[es] not believe in objectivity as a tenet of journalism, but rather that journalists should be activists.”<sup>48</sup> This may have also been directed by Du Preez’ imagined audience for *Special Report*; Catherine Cole notes that although whites were only a small section of viewers, Du Preez “saw white audiences, especially conservatives, as an essential constituency,” apparently partly because he understood his power as an Afrikaner to “enlist” support for the process from white viewers.<sup>49</sup>

This also may indicate why the content analysis found that the series put an unrepresentative emphasis on perpetrators from the side of the state; it also found that the representative choices within tropes did little to dismantle that negative image. Du Preez’ stated mission of activism likely explains this. He

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<sup>47</sup> Max du Preez, "What is the status of the South African media?", (guest lecture, University of Cape Town, Cape Town, September 3, 2019).

<sup>48</sup> Du Preez, "What is the status of the South African media?"

<sup>49</sup> Cole, *Performing South Africa's Truth Commission: Stages of Transition*. p111.

gave further reasoning in the interview; the first being the ease of “tell[ing] a story in English for a wider audience, so at some point, it was about availability and accessibility.” From a journalistic perspective, particularly one of his standing, this seems a slightly flimsy answer because translators were surely available, although the small budget of *Special Report* may have been one barrier.<sup>50</sup> (It also begs the question, thinking back to the literature on language and the loss of layers of intertextuality in translation, whether discourse tropes would have appeared differently if the series had been more inclusive of linguistic diversity). If anything, this is indicative that he was directing the show mainly towards English speakers. This musing around his intended audience is further affirmed in the context of another answer; he recognized that he had wanted to avoid apartheid denialism, and he felt that they could prevent that from taking root in the future by sharing these stories as they unfolded. He explained that by corroborating stories, they created layers of proof:

We had a victim, who would share her story and her pain. The Afrikaans media would say she is lying. Then we would bring in the police officer who did it. And he would tell you how he did it, why he did it, and who he got his commands from. You can't deny that.

Burgess seemed to agree, though her perspective was focused more in uncovering the past rather than what might have happened in the future. When asked about the focus on the state, she stated, “We would have definitely wanted to nail... oh, can't use that word. Maybe not consciously, but in terms of our histories, we wanted to maybe show up the apartheid people more, give them more airtime.” Her perspective on Du Preez' desires align with this and his own statements: “Max had this thing where he wanted those guys to go to hearing, and he didn't want them to never be seen, he wanted them to be exposed in a way, so to that extent he wanted to focus on amnesty.” This is indicative not only of his desire to shed light on those who “exploit the law,” but also of his attempt at filling gaps that he perceived within the commission. One of the hypotheses to emerge from this study's findings

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<sup>50</sup> Cole. p113.

is that *Special Report* worked to undo any sense of a moral equivalence between the different sides of the South African conflict. When asked about this, Du Preez confirmed that this was in fact his belief and intent: “We were very clear that some violence was committed in the context of maintaining oppressive policies, while other violence was committed in order to break free.” However, he seemed to believe the truth commission had done the same, contrary to many scholars’ assertions and despite the equalizing scheme of amnesty.

That said, Du Preez did not seem to apply a blanket judgement of morality to every member of a group, which surfaced when speaking about the choice of who to interview for the series. Interestingly, he recalls perpetrators’ lawyers approaching him with requests to interview their client for *Special Report*. Du Preez credits this to the lawyers knowing that the judges were watching, and that the lawyers felt a favourable portrayal would be influential in their clients’ bid for amnesty. This came up in the interview with Jean du Plessis, as well, who felt that a more favourable representation might have resulted in a more favourable amnesty outcome (he also felt that this was why *Special Report* didn’t provide a narrative around him that might have engendered more “sympathy”). Although Du Preez did not feel his programme had this level of influence on amnesty outcomes, he did recount being quite discerning in whose encounter he accepted: “Depending on the story and if we had specific questions we wanted to ask them, we would say yes. But for certain people, no. I am not going to provide that platform so that you may present more favourably to the judges.” When asked if one political group approached him more than another, he remembered many requests from the ANC. This was surprising considering their relative lack of appearances in the series, but Du Preez had reason behind his choice to reject many of these requests. In the same understanding of his earlier mentioned ability as an investigative journalist to provide context for a person or action, he determined what actions he deemed not deserving of such:

The ANC actually approached us a lot with requests to be interviewed. We didn't take all of them, though, because they wanted context. I remember they called me about the anti-personnel mines and asked me to do a segment. But to me, I could not morally do that. I told them, it is an anti-personnel mine-- like a land mine, you plant it, and you don't know who it is going to kill. There is no context for that. There is no context for when you plant a bomb in a restaurant and blow up only civilians. You could have targeted the police station, the military base. If someone was necklaced, I won't provide context. It was a moral thing for me. And they tried to make the argument of moral equivalence, but certain crimes, particularly against civilians, I could not provide context.

Although Du Preez said he doubted that *Special Report's* portrayals actually influenced amnesty outcomes, this interaction in itself, and his own filtering of who he felt deserved a chance at a more favourable representation, is an indicator of the social and political clout that this series held at the time, not just for viewers but for subjects as well, and the firmly guiding hand that Du Preez had within that. Du Preez' own moral compass in choosing who deserved context or not may also explain why right-wingers Du Plessis and Froneman did not receive the contextualization that they both identified as desirable within their understanding of a more accurate or positive portrayal. This did not go unnoticed by interviewees, either; without prompting, several of the interviewees mentioned Du Preez by name, in addition to Jacques Pauw, discussing the representations as having been solely shaped by them rather than referencing *Special Report* in general or the SABC.

This study questioned how the series may have influenced the perceptions and experience of the transitional justice process; when asked their opinions, both Du Preez and Burgess (unsurprisingly) agreed that *Special Report* acted as a tool for transitional justice, in tandem with the commission. Du Preez' take was that it assisted the TRC in that it "informed people what was going on," working under the assumption that transparency is key to transitional success. Interestingly, when asked about interactions with perpetrators that he felt were particularly memorable, he cites a meeting between a

victim and perpetrator that he had facilitated.<sup>51</sup> Although he did not refer to this as a part of reconciliatory processes, it certainly could be classified as such, making it all the more notable that this is what he cited as his most memorable interaction. Burgess also saw the value of the series within a transitional justice context in the processes of its creation and consumption. She stated that, first, *Special Report* was helpful in that it provided further space for people to tell their stories. Second, because “there was a big element of amnesty process that was not completed. A lot of people didn’t tell the whole truth,” and *Special Report* was able to take these stories and investigate them further, recalling that “there was a lot that went into establishing what happened- to then have evidence to compare stories to.” This circles back to Du Preez’ guess that the value of the series was in its informative nature, though Burgess seems to apply that much beyond just regarding the commission. These insights confirm Catherine Cole’s take on the series that it “walked a fine line between journalism and participation, between reporting the event and propagating it.”<sup>52</sup> This is likely why both expressed positive feelings regarding the online availability of the series. Du Preez was surprisingly unaware of its online presence, though when informed, he exclaimed, “That’s great! I think it should be made more known [that it is online].” Burgess recognized its value as an archive in and of itself, calling *Special Report* “a document of that time” because of the vast amounts of material coming in. She recalled trying “desperately on our own trying to archive [the material] for people to look at this

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<sup>51</sup> The interaction he referred to was the meeting between former policeman Paul van Vuuren and the son of his victim. The meeting appeared in episode 51. Du Preez recalled the immense preparation it took to facilitate the meeting, but the worthwhile outcome: “We organized that. And it was difficult. We had to talk to the truth commission, to psychologists, to the boy, to Van Vuuren’s lawyers. Because you can’t just do things like that. So it took a long time. He also recall But I think the best sentence of the whole truth commission came out of that meeting. Tshido Motasi said to Van Vuuren, ‘you killed my mother and my father. Now my granny takes care of me. Who will take care of me when she dies?’ and van Vuuren looks very uncomfortable and says, ‘Well, I’ll have to take care of you.’ That responsibility, that ownership of the consequences. And it was good we did it, because it was good for the boy. He wanted the meeting as soon as it was brought up to him. Because the last time he saw that man, was when he killed his parents. And if you remember, he was the one who pointed him out because he was wearing a police vest.”

<sup>52</sup> Cole, “Mediating Testimony: Broadcasting South Africa’s Truth and Reconciliation Commission.” p205.

and go back and see what happened,” so she felt “grateful” that it was eventually made available online though it is “only a snippet of what happened.” As journalists and the producers of the series, both Du Preez and Burgess would certainly see the aspect of availability from an informative and historical perspective, as opposed to the perpetrators, who held more personal concerns. As time passes, the journalists’ perspective will become the more relevant and relatable one, as the concern around the effect on the media’s subjects will no longer be applicable. This points to the tension between the processes of historical production and processes of transitional justice, and their shifting demands over time.

## Discussion

This research has explored the portrayal of perpetrators in SABC's *Truth Commission Special Report* broadcast, a popular television series that covered two years of South Africa's TRC. The research questions posed were, first, how are perpetrators portrayed in the SABC's *Truth Commission Special Report* broadcast? Second, what are the wider implications of this for transitional justice? Quantitative and qualitative analysis was applied to the entire series, juxtaposed with interviews with its perpetrator-subjects. This line of questioning aims to inform a further-reaching hypothesis around effective and responsible perpetrator representation within political transition.

## Findings

### *Special Report, quantitative:*

The quantitative analysis demonstrates that the series places an unrepresentative focus on state affiliated perpetrators. This is confirmed by the number of perpetrators from each political affiliation that appear on the broadcast as opposed to the number of said affiliates that were actual TRC amnesty applicants; 52 percent of perpetrators on *Special Report* are from the state or its security forces, when in actuality state affiliates only made up 17.8 percent of applications. Only 27 percent of perpetrators that appear on the series were associated with the ANC, exceedingly low compared to actual ANC amnesty applications, which made up 60.6 percent of the total applications the commission received. The other political affiliations (PAC, IFP, right-wing groups, AZAPO) fall within a more accurate range (classified as within less than 5 percent). The focus on state affiliates is further pronounced, delineated by the findings on the number of perpetrators per political grouping that appear on the series more than once. In this case, 65.7 percent of the individuals who are shown more than once were state affiliates, with the next most repeatedly shown group being right-wing groups at 15.7

percent. This is important because it arguably adds a racial element to the series' focus because both groups are largely made up of white South Africans whereas the other groups were predominantly black or coloured South Africans. This suggests that the series intended to unravel the moral equivalence between the crimes of different political affiliations that the TRC had been critiqued for, a finding that I later confirmed with producer Max du Preez. The over-representation of the state and right-wing groups also aligns with the hypothesis that the series was attempting to shed light on crimes that had previously been hidden by propaganda campaigns and censorship.

A more unexpected finding was that the series shows an equal number of amnesty applicants whose applications were granted as it did whose applications were denied, at 39 and 42 percent, respectively. In actuality, the commission granted 70 percent of the complete and relevant amnesty applications it received,<sup>1</sup> refusing amnesty to only 22 percent of applicants (though a vast quantity of applications were not complete or relevant to the mandate of the commission and therefore rejected on administrative basis). This was likely an accidental outcome because the series was created alongside the commission as it unfolded, and its creators could not have planned which of their chosen subjects would receive amnesty. However, this outcome may also have been due to the choice of perpetrators, some who may have been less likely to receive amnesty due to particularly heinous crimes. Regardless, the resulting narrative put forth by the series as a whole creates an impression that the commission was much more selective in granting amnesty than it actually was (only taking into account applications that were complete and relevant to the mandate, not numbering the total number of applications that were received).<sup>2</sup> It can be hypothesized that this has implications for viewers' perceptions of how

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<sup>1</sup> Complete and relevant being the key terms, not including applications which were refused prior to the hearings because they did not meet amnesty conditions on paper, or fall under the powers of the Act.

<sup>2</sup> This is not to say it was liberal in granting amnesty, but rather that many of the applicants did, in fact, complete all the required aspects of an application and hearing, when relevant.

justice was carried out (or whether it was at all), both within the commission and through the prosecutions and reparations it had promised would follow.

Together, these quantitative findings indicate that *Truth Commission Special Report* is not necessarily the most accurate source to turn to for a summary of what occurred at the TRC, at least in terms of the numbers it represented. Interestingly, this reflects the complaint that a group of former apartheid-era police lodged ten years later with the Broadcasting Complaints Commission of South Africa (BCCSA) against the series' successor, *Special Assignment*. The complaint was directed at an anniversary episode that looked back on the TRC "through the lens of *Special Report*." The complaint argued that the episode created the impression that security forces were the only ones who committed atrocities. The BCCSA tribunal ruled that the SABC did create a one-sided impression, thus contravening the BCCSA Code of Conduct, but they "do not regard it so serious that the broadcaster deserves more than a reprimand."<sup>3</sup> The *Special Assignment* anniversary episode was reflective of the *Special Report* narrative that was identified via this quantitative research; however, what is perhaps more interesting, and more important, is that the tribunal did not deem this to be entirely problematic. Although the quantitative aspects are certainly relevant to the research questions in this study, they are not necessarily the measure by which a media text should be deemed "successful," a point with which the BCCSA seems to agree. This perspective may be informed by the concept of "committed television" in its aim to promote positive social change;<sup>4</sup> the tension then lies in the (false) assumption that non-fiction genres such as documentary and news media occupy neutral positions.<sup>5</sup> *Special Report* simultaneously reported on the TRC and offered an alternative narrative (at times, arguably in critique of the TRC narrative). It provided valuable information while also shifting how that information was presented. This was

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<sup>3</sup> "BCCSA TRC Special Assignment Finding," n.d.

<sup>4</sup> Bignell, *An Introduction to Television Studies*. P18.

<sup>5</sup> Bignell. P18.

seemingly in an attempt to provide representational justice, and to highlight the unveiling of truths that had been hidden throughout the apartheid regime. If this is true, the series simply embodied committed television by focusing on the historical truths that the journalists felt to be important to the moment of transition, as opposed to trying to depict “all” of the truths as in the TRC. In this way, *Special Report* was likely able to do what the commission could not because it was constrained by political compromises that, if broken, could have reignited conflict. Thus, this study is less inclined to critique the series for not providing accurate ratios of representation, and rather places greater focus on how that discrepancy influenced the narrative provided, probing why that narrative may have been put forth, and the subsequent experience for the subjects of the representation. These allow for the critical framework to examine the series as a tool for transforming the social and ideological structures within a society coming out of conflict. In this, the discourse and construction of narrative is a more relevant point for critique.

### *Special Report, qualitative:*

The qualitative analysis examined the media format that *Special Report* applies both in singular episodes and as a whole to explore if- and if so, how- the chosen format(s) shape the narrative around perpetrators. Although the series dubbed itself as investigative journalism, this is a sub-categorization that could be applied within many non-fiction media formats. *Special Report* overarchingly utilizes news formatting conventions, only differing from traditional news format in its relative freedom to explore topics in more depth because of its narrow scope of topic combined with a longer time slot, which became essential to the series’ ability to provide further context. This may better be classified as feature news. This fluidity between formats, and arguably even actuality genres, has been evidenced through this research as indispensable to dynamic engagement with political transition. It also works as a counterpoint to the series’ traditional news formatting framework, which can be reductionist at times.

The qualitative analysis was divided into the following areas of exploration: perpetrator tropes, discourses of accountability, retrospective discourse, perpetrator trauma, reconciliatory meetings, and beneficiaries. The first line of inquiry focused on the way in which perpetrators are representationally categorized by the series; the second and third concentrated on the perpetrators' own discourses that appear within that portrayal; the final three are more conceptual and interpretive per the framework of literature provided. Together, these layers of analysis work to provide a full picture of the representations of perpetrators as individuals and as one sum part of their political group.

Tropes are significant to this research in order to understand *Special Report's* narrative around perpetrators, but even more so when attention is paid to which political affiliations tend to be characterized as certain tropes. The analysis found that the two most common tropes used in *Special Report* are either "victim" or "evil". This is an interesting finding in and of itself, indicating that the series errs towards two polar sides of a "spectrum of perpetratorship," apparently avoiding slightly more complex or ambiguous representations, which are less aligned with news values.<sup>6</sup> The individuals' political affiliations within those respective tropes is also indicative of the series' larger narrative. The categories "evil" and "cruel, savage, or brutal" are mostly populated by state affiliates, specifically those who are white; this combined with the overrepresentation of this group as evidenced in the quantitative work may explain why some National Party supporters called the TRC a "witch hunt."<sup>7</sup> This is because, though the series may have intended to shed light on- or even metaphorically prosecute- perpetrators of apartheid, viewers seemed to conflate the series with the commission itself. The reality of each as a separate entity almost becomes a moot point in its irrelevance to the lived and

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<sup>6</sup> Some interviewees indicated having this sense when interacting with the media and in watching their own portrayals. This was addressed in the section on interviews.

<sup>7</sup> Lyn S. Graybill, "Pursuit of Truth and Reconciliation in South Africa," *Africa Today*, 1998. p105.

perceived reality of South Africans. That said, the series is not entirely single-sided; the only perpetrator to fall under the trope of “good” is a former police officer. Stories such as his serve as a reminder that not all perpetrators- not even those on the side of the oppressor- are inherently bad or incapable of change. However, it is unlikely that his singular dynamic narrative does much to uproot the entrenched image of evil that *Special Report* attaches to white state perpetrators.<sup>8</sup>

The perpetrator-as-victim is the other most used trope in the series. This is a shift from traditional perpetrator-focused media because it problematizes the victim-perpetrator binary, understanding that these classifications are not mutually exclusive. The perpetrator as victim is a more ambiguous categorization than that of evil, although most subjects who could be categorized within the victim trope in the series were askaris. This is perhaps a more accessible instance in which to imagine a perpetrator as victim, because the victimhood inherent in the askari experience is obvious and often, incontestable. That said, such a categorization is not necessarily positive, nor does it indicate dynamic representation. Recalling Bird and Garda’s analysis of TRC media coverage, which critiqued the tendency to allow perpetrators to dominate airtime while simultaneously depoliticizing them through their depiction as victim or pawn. However, Bird and Garda praised *Special Report* for circumventing this issue.<sup>9</sup> While this research has identified significant use of the victim trope in the series, it is clear that the variation and complexities within the category do not allow for depoliticization to take place, as the series recognizes that there is space to be both a perpetrator and a victim, and that accountability

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<sup>8</sup> This is an interesting overall finding to compare to the opinion of one respondent in Abrahamsen and Van der Merwe’s research on perpetrators; the respondent cited feeling that he was treated more as a criminal because he was black, while he felt that white amnesty applicants were treated comparatively better, and “as human beings.” Although this is only one person’s experience, it poses the question of whether *Special Report* felt similarly, and represented white state perpetrators in a way that they felt would make up for any perceived shortcomings of the commission itself.

<sup>9</sup> Bird and Garda, “Reporting the Truth Commission: Analysis of Media Coverage of the Truth and Reconciliation Commission of South Africa.”

and empathy are not mutually exclusive. The less accessible version of perpetrator as victim within the series was the character of state soldier with PTSD, which was the only real discussion of perpetrator trauma. The series places emphasis on the experience and symptoms of PTSD as *the* indicator of trauma, rather than one potential indicator out of many, and becomes further problematic because it also requires access to a psychologist to be validated. While this approach humanizes these perpetrators (which was arguably needed in the wider scheme of the series), it is possible that this is too narrow of a definition of trauma if we are to apply the work of a wider cohort of trauma scholars beyond psychoanalysts. A guess could be hazarded that liberation struggle cadres had less access to mental health services in order to receive such a diagnosis. It would also be remiss not to acknowledge that the language around trauma is very much informed by a Eurocentric perspective,<sup>10</sup> which is at odds with aspects of black South African hegemonic masculinities that assert that the articulation of experiencing trauma is “unmanly,” therefore it would either not have been spoken about at all, or would have been spoken about in a coded manner.<sup>11</sup> This becomes problematic because first, it is likely easier to identify trauma within the narrative of a white South African who is more acquainted with Western modes of communication; second, it may be more stigmatized to discuss trauma within certain cultures, particularly within the confines and expectations of hegemonic masculinities. While an official PTSD diagnosis may have been helpful in lending validity to perpetrators’ claims of trauma, it also may have cast doubts because this diagnosis was likely limited to the white subjects, which should raise immense concern within the scheme of racially charged stereotypes around violence. Employing a wider interpretation of trauma could have offered a more dynamic representation of perpetrator conflict experience across cultural understanding. That said, it would also have been an

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<sup>10</sup> Stef Craps, “Beyond Eurocentrism: Trauma Theory in the Global Age,” in *The Future of Trauma Theory: Contemporary Literary and Cultural Criticism*, 2013, <https://doi.org/10.4324/9780203493106>.

<sup>11</sup> Lau and Stevens, “Exploring the Psychological Exteriority and Interiority of Men’s Violence Against Women.”

extremely difficult narrative to engage with within the context of first, very active victim groups at the time, and second, concerns that the atrocities committed would be minimized or justified by readily recognizing perpetrator trauma.

Beyond the abovementioned leanings within the tropes of evil, cruel, good, and victim, the other categorizations are stratified relatively equally within *Special Report* between individuals from the liberation movements, the state, and right-wing groups. Notwithstanding, the even-handedness in the application of tropes such as monsters and psychopaths does little to override the salience of the numbers combined with the tropes in shaping the narrative around groups of perpetrators thus far. One notable observation in how tropes are created is with regard to the influence of setting; it is more likely for perpetrators to be afforded some representational forgiveness, and for them to be categorized as a more “redeemable” trope if they are interviewed outside of a hearing setting, and in an open or more relaxed setting such as outside or in their home. Though there are several factors which lead to the construction of a trope, this in particular was evidenced as a way to contribute to a dynamic representation of a perpetrator.<sup>12</sup> The interview with Max du Preez unveiled that this was no accident; he very carefully weighed who he would interview, understanding the potential implications not only for how favourable a representation emerged, but how it may influence amnesty outcomes (despite not believing that it truly would). This knowledge also provides further intrigue and context to the recurring interview response from perpetrators, several of whom expressed a desire to have been interviewed to rectify what they perceived to be untrue or incomplete portrayals based on their TRC appearances. While there are a multitude of reasons why these interviewees had not been afforded this space in the programme, it raises question on whether Du Preez had personally dubbed them to be undeserving of the chance at further explanation.

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<sup>12</sup> Examples of this appear in coverage of Zarah Narkedian and Robert McBride, amongst others.

That said, this research also takes into account the perpetrators' own narrative as it appears embedded within the series (as opposed to that which is applied to them in the processes of framing), acknowledging that the perpetrator-subjects did have some agency in their portrayal even if only via the testimony they chose to give at the TRC. This is explored via the perpetrators' discourses of accountability. Although media framing has a large role in representation, the perpetrators' narrative of self plays a key role in how their narrative fits into a transitional justice setting, particularly in the context of Joanna North's theory that a perpetrator's claim of responsibility is an essential basis for the processes of reconciliation and forgiveness.<sup>13</sup> Additionally, though a media text has the ability to frame an individual, event, or narrative, the viewer arguably has a certain level of agency to parse what is presented. In that sense, if included, a perpetrator's discourse of accountability may reinforce or counter the media text's narrative, although the latter would be difficult to do successfully as it requires the perpetrator to contest the authoritative institutional voice.<sup>14</sup>

In *Special Report*, claims are unsurprisingly less common than deflection across all political affiliations. However, every political affiliation except for the ANC has at least one instance in which a perpetrator is shown purely claiming their act. Somewhat counter to the narrative which this analysis has identified around state affiliates thus far, their group is shown claiming their acts most often. This is likely partially due to their higher saturation of appearances but works still to counteract some of the series' negative tendencies towards state affiliates. Based on North and Goffman's hypotheses that accepting responsibility opens possibility for forgiveness, these instances may act as redemptive portals for otherwise negative portrayals of state affiliates. However, this analysis also finds that claiming of

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<sup>13</sup> North, "Wrongdoing and Forgiveness."

<sup>14</sup> Selby and Cowdery, *How to Study Television*.

responsibility does not equate to certain reconciliation, and especially not certain forgiveness, as substantiated by the claims from right-wing affiliates on *Special Report* such as Walus and Derby-Lewis, who claims Hani's assassination in what appeared to be driven by egotism. This also may explain why these right-wing affiliates fall into the psychopath trope, whereas state actors are dispersed amongst arguably more redeemable tropes. Pride also appears in many of the claims by APLA. However, the pride seems to be less rooted in the murders themselves and more about pride in the group, a common experience amongst men in military-type situations (*'esprit de corps'*).<sup>15</sup> If one accepts the argument against a moral equivalence, this type of pride may sit more comfortably within the scheme of the liberation movement than that of the oppressor, despite the hindrance that it may cause to a claim's ability to open a reconciliatory space. While this is a difficult assertion to prove, it is important to consider. It is also exemplary of Catherine Cole's assertion that the series includes views of those who do not want to reconcile (along with those who do), an even-handedness which she lauds.<sup>16</sup> While the inclusion of prideful claims certainly does not support the aims of the TRC, it does provide a more truthful look at the commission by highlighting where conditions for amnesty (such as truth) did not create conditions for reconciliation, despite that being the premise of the process. These instances indicate that *Special Report* journalists did not allow the aims of committed television to override the series' quest for truth.

Although the conditions for amnesty did require an applicant to admit that they were (physically) responsible for the crime, it did not require them to accept complete or moral responsibility, leaving room for perpetrators to deflect the blame onto others. Subsequently, deflection became the most common discourse of accountability to appear in *Special Report*. Deflection appears in narrative and

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<sup>15</sup> Foster, "Rethinking the Subjectivity of Perpetrators of Political Violence."

<sup>16</sup> Cole, "Mediating Testimony: Broadcasting South Africa's Truth and Reconciliation Commission."

testimony from virtually every political affiliation, though the sub-categories of deflection creates a more definitive divide between the perpetrators of differing backgrounds and their usage of it. The series overarchingly portrays APLA/PAC, IFP, and right-wing groups as overwhelmingly engage in upwards deflection, leaning on the obedient soldier trope. The programme further shows the ANC as wholly avoiding upwards deflection, often either blaming their colleagues who were present at the crime, or the victims themselves (usually within the political schema of liberators versus oppressors, simultaneously attempting to justify the violence). This is interesting if we consider *Special Report* as an informal tool for nation-building, or a “shadow commission” (per Cole). As South Africa moved into the new ANC-led dispensation, it would have been in the best interest of nation-building to not show blame being placed on the leaders of the liberation struggle who had become leaders of the new democracy. This musing is a reminder that patterns of deflection as they appeared in *Special Report* do not necessarily reflect the actual TRC proceedings in their entirety, but rather a particular aim of politically involved- and biased- television reporters. Lastly and perhaps most surprisingly because of the otherwise very pointed trends within representations of state affiliates, the state appears in the series as having no generalized trend of directionality in their deflection. If this was not an editorial choice, then it is presumably owing to the diversity of rank amongst state affiliates who appeared at the TRC and in *Special Report* as compared to members of other groups. When rank is used to further parse these findings, the same trend of upwards deflection used by the “foot soldiers” is seen in almost every political group, while the majority of higher-ranking leaders either blame unruly subordinates or the victims themselves. The discourses of accountability do little to circumvent the narratives the series provides around specific groups. The prescriptive nature of the commission’s narrative structure meant that perpetrators were prompted to “retreat into political justification”<sup>17</sup> in order to be eligible

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<sup>17</sup> Abrahamsen and van der Merwe, “Reconciliation through Amnesty? Amnesty Applicants’ Views of the South African Truth and Reconciliation Commission.”p23.

for amnesty. In contrast, *Special Report* may have been a platform to explore perpetrator narratives without as many requirements to its presentation, subsequently allowing fuller truths to emerge. The investigative aspects of *Special Report's* journalism also allowed for further research on a TRC case, which often corroborated what they believed to be lies- or partial truths- by the perpetrators. Burgess acknowledged this in our interview, affirming that when Du Preez felt that there were “holes” in a story, he “would identify that and make a point.”

A second aspect of a perpetrators' discourse of the self has to do with retrospective narrative, which this research divided into the subsections of pride and remorse (as touched on within accountability), taking them as opposites. Only four perpetrators in *Special Report* directly express being prideful; two are from APLA, and two from the state. Expressions of remorse, and sometimes an apology, occur much more often. This was a surprising finding in the context of the literature provided as a framework for this study, because remorse and shame was the least common finding in Don Foster's *Violence Workers* research. The remorse and shame response in the unique setting of *Special Report* may have been prompted by the TRC or by cameras, and the knowledge that South Africa was expectantly watching. It also may have simply been the series' choice of story that made it seem as if it were a common narrative; these expressions embody vulnerability, and certainly make for good television in addition to assisting the TRC goal of reconciliation. Less cynically, this finding may be not necessarily be reflective of selective editing; it could also be evidence to reinforce Abrahamsen and van der Merwe's argument that despite perceptions put forth by the usually “hostile press” during South Africa's political transition, perpetrators often demonstrate a strong desire to contribute to the transformed society.<sup>18</sup>

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<sup>18</sup> Abrahamsen and van der Merwe, “Reconciliation through Amnesty? Amnesty Applicants' Views of the South African Truth and Reconciliation Commission.” p24.

Several times, *Special Report* goes beyond simply reporting and acts as an informal mechanism for transitional justice by organizing meetings between victims and perpetrators. Five episodes showed such meetings, three of which *Special Report* journalists claim to have facilitated.<sup>19</sup> As asserted within the content analysis, these meetings became a part of a P-M-P cycle. It could be further hypothesized that these meetings and the media's involvement were more impactful than the related amnesty hearings or victim testimonies because, again, they did not have to follow the dictatorial format of a TRC hearing. However, there is also less recourse after an informal meeting, which may leave a sense of unfinished-ness, whereas the TRC's intent was to pursue prosecutions for those who were denied amnesty and provide reparations to victims and their families (though noting that these recommendations were not pursued). When victims and perpetrators did not meet in person, it was uncommon for *Special Report* to juxtapose in-depth stories of each within the same segment. Episodes that do provide significant coverage of a victim alongside the perpetrator exacerbate negative feelings toward the perpetrator by individualizing the violence, making it impossible to separate the personal from the (maybe) political. On the other hand, instances in which there is no direct comparison of perpetrator portrayal with the victim experience disconnect perpetrators from the tangible effects of their crimes, which risks glossing over accountability. While neither is an inherently problematic approach, the choice around whether or not to directly connect victim and perpetrator stories onscreen is one that must be carefully considered in each varying context, as each is likely to conclude with drastically different narrative outcomes. *Special Report* journalists were careful to avoid individualizing crimes so as to not lose sight of the broader institutional violence at hand, for which it has received great praise. It seems that one of the ways this was achieved was through sparse and intentional use of in-depth victim stories as a tool for explaining the terrible nature of a perpetrator.

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<sup>19</sup> It is unclear how the other two meetings came to take place.

Examples such as Jeffrey Benzien's murder of Ashley Kriel, or the Vlakplaas murders of Sizwe Kondile and Topsy Madaka stand out. Learning who the victims were before death alongside graphic descriptions of their murders offers the rhetorical function of rendering the perpetrators beyond redemption. This is clearly an editorial choice reserved for many of the same people who did not receive amnesty because their methods were far beyond proportionate. In most cases, representational 'prosecution' in *Special Report* reflects where transitional justice was unavailable and the TRC recommended that retributive justice be sought. This is arguably another, more metaphorical way the series hovered between reporting the commission and "propagating" it.<sup>20</sup>

Together, these findings begin to disentangle a portion of the narrative that most South Africans consumed during the TRC, as *Special Report* was the most widely watched television coverage of the commission. Although audience research is beyond the scope of this work, this analysis is indicative as to why the commission has been perceived in certain ways, especially by ordinary citizens who interfaced with the commission's work solely through its media representations. This study's concern around *Special Report's* implications for the experience of South Africa's transitional justice process does involve a small subsection of audience, although their relation to the series is much more complex than simply that of a viewer. Subjects of the series, who were often also part of its audience, were interviewed to explore the experience of being represented during the creation and consumption of the series, and its influence on their lives in the twenty-plus years since. These interviews are contextualized by the above-presented findings, with the intention to illuminate the experience of being represented, and mediate on the influences of television's specific representational choices on its subjects, twenty years on.

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<sup>20</sup> Per Cole, "Mediating Testimony: Broadcasting South Africa's Truth and Reconciliation Commission."

## Interviews:

The depth of analysis applied to the series, organized both by theme and political affiliation, creates a basis to unravel the common threads amongst the interviews both within and across political groups and rank. Though this study focuses heavily on the content of the series itself, the interviews are essential in considering the research question, what are the wider implications of this for transitional justice? It was surprising to find how many interviewees had not watched their own portrayals on *Special Report*. This made it difficult to explore specific issues or successes of the representational choices with exactitude. However, most interviewees had an opinion based on the responses or effects they felt from their appearance, whether or not they had watched it.

The interviews found that there was more commonality in experience and perspectives of people who held similar rankings across different political affiliations than there were between people of different ranks in the same political grouping. This seemed to be partially due to high-ranking perpetrators blaming the media for any perceived unfairness, whereas lower-ranking perpetrators were more concerned with the lack of responsibility taken by many of their superiors. The common concern around media portrayals from low-ranking affiliates was around how that representation and its accessibility has influenced or may influence their lives now, particularly in spaces of family, community, and work.

It was surprising how few interviewees were concerned about the labels that had been ascribed to them. The lack of concern indicates that these labels have no influence on perpetrators' sense of self (perhaps related to an inflated ego), and any concern that was raised simply stemmed from the fact that they had never thought of themselves as a "perpetrator"- or any of the related labels- in the first place. Recalling Don Foster's choice of the word "protagonist" as opposed to "perpetrator", it is clear

that these labels only need to be interrogated in the context of audience perceptions, as it appears largely irrelevant to the subjects themselves, at least in their direct understanding of how media portrayals have influenced their lives further. The main complaints across the varying groups and rankings of interviewees were more around either a lack of context or a perceived bias from the media producer. These are, of course, self-serving complaints in that they are driven by the human desire for understanding and validation, but to an extent, again indicates a certain level of egotism that fits in with the characterization of many perpetrators.

The lack of trust expressed by half of the interviewees indicates a need for better liaising between the media and its perpetrator-subjects. Although this may assuage the individuals who felt their representations were unfair, the motivation is in breaking down trust issues (and thus, the barriers to authenticity) that a narrator has built up, particularly when they are distrustful of a specific media outlet or journalist. The latter was evident in this case study, as several interviewees offered criticism of both Du Preez and Pauw without prompting. This prompts speculation on how *Special Report* would have unfolded if it had not been led by a well-known Afrikaans anti-apartheid activist. While this is impossible to imagine with any accuracy, it does point to the need for careful consideration of identity politics when building a journalistic team to cover transitional justice processes. Despite the interviewees' critiques and even distrust, several also asserted a belief that *Special Report* assisted the processes of political transition, doing so via its transparency; as a shared media source amongst race, politics, and class; and in its message of support for the TRC itself. This last point is interesting, because although Du Preez voiced his reverence and gratitude for the TRC when interviewed for this research, he also indicated its gaps when he spoke about his intent around *Special Report*, which he stated was to go further than the TRC could. Considering these combined perspectives, it is arguably the commission's work layered with that of *Truth Commission Special Report* that painted a fuller picture

of what “actually” happened during the apartheid years. Although this went beyond *Special Report’s* stated mission of simply providing TRC news, it is just as valid (if not even more important) a tool within the space of political transition.

## Research Limitations

The approach taken in this case study cannot indicate the wider perceptions of *Special Report’s* viewership, and thus, cannot assert its overall influence on South African’s perceptions of transitional justice processes. For this to occur, a study would need to undertake extensive audience research. At this point in time, this would prove exceptionally difficult within the South African case study because the series was broadcast over twenty years ago. The retrospective aspects that aided the research questions in this investigation of the influence media has had (and continues to have) on *Special Report’s* perpetrator-subjects would likely be detrimental to an audience-focused study. This is also part of the rationale behind the perpetrator focus. A study must be retrospective if it questions whether a political shift successfully facilitated inclusion, as this can only be determined many years after completion of the official transitional mechanisms.

A further limitation of this study is the small population size of interviewees; as previously acknowledged, this is due to the already small sample size which narrowed further because over half of the subjects were untraceable, several more were deceased, and still others were not willing to grant an interview. Despite this, the final group of interviewees was stratified across several political affiliations and levels of leadership within their respective organizations. The small population size for potential interviewees did not hinder the research in any great capacity either because this study was focused mainly on the series itself and its content. It aimed to provide a thorough and definitive deconstruction of *Special Report* because of its seminal positionality as a main source of TRC news,

while the interviews that were provided only intend to give insight into one area of influence that the broadcast may have had.

Lastly, a limitation may lie in the chosen methods of analysis; the process could not be automated due to the high levels of interpretation, therefore there may be more room for inconsistencies or oversights. However, the research questions at hand could not be explored using another methodological approach because they necessitate interpretation beyond more formulaic or automated approaches, such as solely quantitative or textual analyses. The research attempted to circumvent issues relating to inconsistency and oversight by applying multiple frameworks for analysis established by other scholarly investigations and theory, creating layers of information and analysis that mesh to close any gaps that may have been caused by using only one approach.

### Implications for research and practice

In this thesis, I have examined the representation of South African perpetrators in the country's most watched television coverage of the historic Truth and Reconciliation Commission. This case study is of importance because South Africa's political transition has acted as an international model for countries moving from various types of conflict to democracy. The media coverage of South Africa's TRC was unprecedented and still has yet to be matched in the level of transparency it provided. Thus, in many ways it remains a model for truth commissions, several of which are under way around the globe at the time of writing. While the TRC has been the subject of many academic studies, this is the only in-depth research on television news' real-time portrayal and engagement with apartheid-era perpetrators as they came forward to the TRC.

This study provides a point of departure for further research to pursue investigation of the media coverage of perpetrators in current politically transitioning contexts, the timeliness of which would

allow for audience research to be conducted in tandem with a content analysis, either as an alternative to or combined with investigation into the influence of the media coverage on its subjects. This approach would give an even fuller picture of the influence of perpetrator representation on societal perceptions of processes of political transition. This would also allow for, where there is capacity, a long-term study on the changing influence of a media text for subjects and audience. Another way that research can move forward in this field is to examine new media technology's engagement in more recent political transitions, and how the ability to interact with a conflict narrative rather than just consume it (as in traditional media forms like television) changes the experience of being represented. Because this case study's focus was on a project that occurred prior to the proliferation of new media technology, this could go in several directions, with major relevance to the several ongoing truth commissions around the world at this time.

The practical implications of this research are many, to the point that this cogitation will almost certainly be incomplete. By parsing the narrative that the series presented to millions, this research is able to point to discursive, rhetorical, and visual tools, and how they are combined to garner specific narrative outcomes around perpetratorship. This in itself can inform future intentional television coverage of perpetrators amidst political transition. Instead of falling back on familiar formats, journalists and reporters should first consider what they hope the outcome of their programmes to be, working backwards to determine the appropriate methods to achieve them. While this is certainly a challenge in a fast-paced news environment, it is possible if the team determines a cohesive vision (as Du Preez did for *Special Report*), a discussion which could begin with my forthcoming recommendations. *Special Report* has a reputation amongst scholars of providing balanced, truth-driven coverage of the TRC, and even propagating further transitional justice processes. This research indicates that news coverage driven by the desire to promote democracy is able to do so by holding

the entire spectrum of perpetrators accountable for their actions, while generally avoiding rhetoric that relegates them to a place beyond engagement (though also understanding where that line is, as justice and victim recognition is essential). It also indicates that creating coverage that promotes truth and justice does not always follow the events of official transitional mechanisms with exactitude; as in *Special Report*, depth or breadth in coverage is better achieved through research beyond what political processes are likely able to provide. These findings are important beyond the South African context because the practical implications of this are in service to the wider application of media in transitional justice settings.

While *Special Report* has an abundance of content that is yet to be analysed, the perpetrator focus was partially chosen with a much wider context in mind. At the time of writing, it is just over twenty years after the series was broadcast and the world is facing a rise in right-wing politics and emboldened hate. This is reminiscent of South Africa during apartheid, especially in the years leading up to the 1994 election. The TRC and *Special Report* both received a myriad of valid critiques, and by no means could they solve the depth of issues faced in the country; however, together they form a rare example of divisiveness being taken head-on and in full view of the nation. Since then, the South African experience has served as a point of reference for more recent transitional justice processes and truth commissions. However, these lessons- especially relating to media coverage- may also be helpful for societies desirous of transforming various forms of deep divisiveness, which the 21<sup>st</sup> century is not short of thus far. The content analysis findings of this research have identified a practical toolbox of methods for the construction of narratives around perpetrators, each with a description of their function and a warning. The interviews can be likened to testimonials, in that they give a degree of insight into the experience of people who had to then live with this construction, one aspect of their transforming lived reality. While it is impossible to understand media's exact role in personal

transformation amidst a myriad of contributing factors, every interviewee involved in this research felt impacted by the media in some way. What's more, each had an opinion as to how TRC related media directed transition, either individually or for South Africa. These insights are worth accounting for because of the incredibly intertwined nature of lived reality and ideology, the latter being a driving factor of conflict.<sup>21</sup>

Media- and its accessibility through multiple channels- is only becoming increasingly unexceptional; today, this is concurrent with truth commissions happening in several countries across the globe. It is clear that this study believes media to be an important and powerful tool for processes of political transition, therefore the recommendations here are based in the assumption that the relevant governance is supportive of media involvement in transitional justice processes as a basis for transparency and foundational for sustainable peace and democracy. With that, the following recommendations are put forth based on the lessons learned from *Special Report* and the South African experience. While recognizing that there is no one-size-fits-all approach to transitional justice processes, these may be able to act as general guidelines that can be contextually adapted. They intend to guide media practitioners to practice intentionality in their representational choices as they interact with and represent perpetrators during the coverage of truth commissions in order to effectively serve the purposes of transitional justice:

1. **The best format for media portrayal of perpetrators in a truth commission setting seems to be feature journalism.** *Special Report* vacillated between news format and

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<sup>21</sup> Reiterating that neither the interview content nor the analysis of such acts as a basis for the findings presented, they rather provide insight into one way that media representations may function within processes of transition, during and after the conclusion of official political mechanisms. This serves as a jumping off point to consider best practices for future media coverage, not a foundation, recognizing the problematic nature of giving too much agency to perpetrators and acknowledging the utmost importance of truth and justice.

documentary format; however, it seems that its approach that combined investigative journalism with feature journalism provided the most space for the dynamic narratives that this research has established is important. Investigations brought more depth of story, resulting in more context for the individuals being portrayed and the conflict at large. This was a helpful- if not necessary- addendum to the prescriptive format of the TRC, which did not have the capacity to cover the multi-layered nature of apartheid injustice. Via an investigative approach and a time slot that allows this type of exploration, media coverage can truly be “a shadow commission,” as *Special Report* has been called,<sup>22</sup> and work not only as a tool for communicating information, but to further the processes and reach of transitional justice.

2. **There should be an editorial board for the broadcast that is made up of a diverse and representative group of people, including experienced journalists with deep understanding of the conflict landscape.** *Special Report* claims to have had a diverse group of journalists throughout its lifespan. However, the main producer and the journalists who stayed on the longest were of Afrikaans background. They led the series because of their depth of knowledge and experience working within this conflict setting, which was of immense value, and provides an example of best practice in that regard. However, their racial identities and linguistic backgrounds would have had immeasurable impacts on the stories they deemed to be important and who agreed to speak with them; it directed their editorial choices, the languages the work was conducted in, and the types of conversations they had with perpetrators. Just as the commissioners of the TRC itself were chosen to be representative of society’s race and gender stratification, so too should the media practitioners. Though this may not always be possible within the roles of producer/ journalist, especially because journalistic experience is likely dependent on the media constraints that were in place during the conflict, an editorial board would circumvent this issue and contribute to a wider breadth of perspective during the construction of the media narrative. This would also address the concern raised by research interviewees that felt there was a bias from particular journalists. Additionally, it may be helpful for the editorial board to host a mix of investigative journalists and human rights journalists when possible.

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<sup>22</sup> Cole, “Mediating Testimony: Broadcasting South Africa’s Truth and Reconciliation Commission.”

3. **Journalists should always include footage when a perpetrator claims their actions,** whether during testimony or additional interviews. Furthermore, they should include if the perpetrator expresses remorse or makes an apology. Because these are evidenced to be the most successful types of discourse of the self for reconciliation, the inclusion of these are essential for the practice of “committed television,” as these discourses may catalyse feelings of closure or forgiveness for victims or viewers. That said, this research found that claims which went on to include pride or deflection were not helpful in the processes of reconciliation. These should still be included, but only to the extent of not creating a false narrative, as opposed to doing so because it taps into sensationalism or simply for the sake of supporting the reconciliatory aims of the commission.
  
4. **Journalists should generally include footage of when perpetrators and victims meet.** *Special Report* screened multiple instances in which perpetrators and their victims or victims’ family members met and spoke. At times, this was serendipitous, other times it was requested by one of the parties, and in some scenarios, the journalists themselves organized it. It is recommended that if this occurs organically, a broadcast should always include it; whether or not a journalistic team wants to further act as a “shadow commission” by organizing and showing their own attempts at reconciliatory meetings is more a choice about what type of coverage they want to provide and less a point of best practice.

While the meetings shown in *Special Report* were relatively tame, this of course will not always be the case because of the inherently tense nature of this type of meeting. It is clear that when these interactions are successful (or at least, not hostile), their inclusion in media coverage is helpful in reinforcing the processes of reconciliation. If there were to be a clash between perpetrator and victim, perhaps it could be referenced but not visually depicted in the interest of avoiding promoting further violence.

5. **The journalistic team should work to establish a trusting relationship with perpetrators.** Half of the interviewees cited distrust in the media, which meant that some of them did not speak to the media at all, denying themselves and viewers the opportunity to give and receive further context. Those who did grant an interview would have been very guarded, and likely provided a less genuine narrative, which then dampens the potential for its reconciliatory effects. A channel of trusting communication, if approached carefully and

intentionally, would likely allow for more in-depth interactions, resulting in raw materials that could potentially aid in more dynamic representations.

6. **When possible, journalists should consider juxtaposing footage from the truth commission testimony with an additional interview.** Firstly, almost every dynamic representation that this research identified came from a perpetrator having been provided more contextualization beyond the footage from the commission itself, which often took form via an outside interview. Secondly, an emergent theme in the research interviews was that the perpetrator-subjects wanted to be asked further about their perspective, because they felt that would have aided a more “fair” or “accurate” representation. Although some interviewees took issue with what their *Special Report* portrayals contained, most others were more concerned with what it lacked. This was often in cases when the broadcast only included what happened at the commission itself, which was, as mentioned, too prescriptive to get a full understanding of conflict experience. That said, interviews were not always beneficial to perpetrators, depending on the editing and framing, of course combined with their own discourse. This recommendation must be approached with caution and discernment; as Max Du Preez indicated, interviews may grant perpetrators some power to shift the representation to a more favourable one. While this was useful at times through *Special Report* as it attempted to unravel the moral equivalence and dismantle the victim-perpetrator binary, it is incredibly dependent on the type of conflict and perpetrator at hand as to whether this tactic would be helpful or harmful to reconciliation.
  
7. **Journalists should afford equal treatment to perpetrators across interview settings.** Of course, it will never be possible to interview every perpetrator who appears either at a truth commission or even within a broadcast itself. When interviews are available, it is best to apply the same set of practices to each. Although certain decisions around interviews are simply opportunistic (i.e., when and where the interview is able to occur, and how much prior planning the journalist is able to do), it also includes intentional framing. For example, apartheid spy Craig Williamson was only interviewed in a suit in front of stacks of books, per his lawyer; ANC bomber Robert McBride was interviewed in the lawns outside of his new government job; similarly, several perpetrators were interviewed in their homes or other places they were comfortable. These are more humanizing pictures of these individuals compared to

that of people like Joe Mamasela, who sat in a dark room with a harsh light over him and a much closer camera shot. Although it can certainly be argued that Mamasela's narrative spoke for itself and no variation in the interview setting would have shifted his negative portrayal, this should be for viewers to determine, whereas, in this case, the journalists had already made that decision for them via visual language. A similar disclaimer must be made for this recommendation as in number 6; however, this recommendation is based on the idea that moral ambiguities (such as the askari identity) should not be exploited in order to promote a narrative based solely on a journalist's interpretation. Instead, allowing ambiguities may be helpful in prompting viewer reflection on other cognitively messy concepts, such as simultaneous perpetratorship and victimhood, beneficiaryism, or being an 'implicated subject.'

8. **Journalists must be aware of- and at times, actively work against- news values.**

Although difficult to put into practice, this relates first, to the previous point; many perpetrators have charisma (likely relating to egoism) and know how to make media work for them. Examples are Williamson's well-designed interview and his awareness of the media as a mould for public opinion, and De Kock's charming demeanour, which caught people off-guard so much so that a segment included interviews with audience members expressing empathy towards him after his amnesty hearing. Both of these individuals also have the command of English in their favour, which is the language the series was presented in. They have a certain communicative fluency- or at least, a lawyer who does- that goes beyond many lesser-known perpetrators who would have had less experience with being in the media (or perhaps even in watching it), and who may not have been able to express themselves as well, either due to language barriers or a lower education level than what was needed to successfully interact with the formal proceedings of the truth commission. These stories are more difficult to package in a way that captivates viewers but are equally as important to tell. This may not always fulfil news values; however, it does provide a more complete picture of both the conflict and the truth commission, which is necessary for the less charismatic perpetrators to move beyond the static image of perpetrator and into a space of engagement.

9. **Journalists must have a critical awareness of the victim/perpetrator binary and the individualization of violence.**

If television is to work within a scheme of transitional justice, journalists must be aware of, and avoid, falling into the victim/ perpetrator binary. They

avoided this in *Special Report* via characters such as the askari and through reference of PTSD. However, the series could have gone further, as it often got stuck in what was mostly a racially stratified idea of perpetratorship and victimhood, which was not reflective of the actual numbers of amnesty applicants. While this is not a measure of the series' success or even indicative of a lack of truthfulness, it could be recommended to future media coverage of truth commissions that further coverage of structural violence would be able to identify the ways in which people were victims beyond experiencing gross human rights violations. The TRC itself did not address structural violence, thus shelving the phenomenon of apartheid itself; *Special Report* attempted to fill this gap, although it could have gone much further to highlight the everyday violence of the apartheid system. This would have augmented the series' success in unravelling the moral equivalence of the different "sides" crimes. By moving beyond the ahistorical nature of individual stories that are so prevalent in news formatting, media may be able to cast a wider net of what it means to be a victim or a perpetrator, as intersecting temporalities show that many people can simultaneously be both. This would also allow further discussion of beneficiaries and implicated subjects; the former was mentioned in *Special Report* only briefly, and the latter was not discussed at all, despite the fact that both would have likely widened the discussion on the structural violence of apartheid as opposed to individual violations.

**10. Journalists must consider the potential dangers that perpetrators may be placed in by being screened on television.** Although this was less of an issue for *Special Report* because of the democratic election having already occurred peacefully at the time it aired, many politically transitioning settings are volatile, even throughout their truth commission. *Special Report* honoured the wishes of one perpetrator whom they interviewed about his conscription experience by backlighting him so that his face was not visible and identifying him only by nickname. Although this case was likely due more to shame or avoidance of stigma than fear, strategies such as this allow for narratives to be shared, and probably with more authenticity, because it removes the fear of revenge attacks. This also points to the need for extreme sensitivity to each varying context.

**11. Journalists should work with the awareness that their product will be both a media package for now, as well as an archive for later.** *Special Report* is but one sliver of what

occurred at the TRC, which in itself is still only a sliver of what occurred in South Africa during the years in and beyond the commission's mandate. With increasing ability for digitization and storage, preservation should be at the forefront of audio-visual work. Due to a lack of resources, *Special Report* was unable to capture and save everything; their approach of live editing for segments meant a huge amount of material was not recorded. As archives' context and meanings shift through time, a more complete archive would mean that the silences created by condensing a large amount of information into a media package can better be uncovered and reinterpreted in the future.<sup>23</sup>

- 12. Journalists should be specifically trained to cover a truth commission prior to the commission's commencement.** *Special Report* journalists all seem to recall improvising as they went and adjusting accordingly. However, if the media, or a specific media text such as a broadcast, is to act as a "shadow commission," then the same intentionality should be applied to the journalistic coverage as to the process of the commission itself. Training can ensure that the selected team of journalists have a cohesive vision that is guided by an agreed upon code of ethics and a shared desire for truthful and committed television within a politically transitioning context.

These recommendations could also speak to how to best organize screening perpetrator testimonies with their corresponding victim stories, however, it becomes difficult to put forth a decontextualized

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<sup>23</sup> This recommendation also relates to what is perhaps more of a suggestion, or even just an idea. Several of the interviewees had expressed a desire to add to what was said about them on *Special Report*. It is entirely likely that such an opportunity may be used for further denial, deflection, justification, or simply to feed egos. However, Letlapa Mphahlele's comment stood out to me as he explained that he disliked the online availability of *Special Report* because it was like he was "frozen in time" for all to see. He is soft-spoken man who had been by many definitions, a terrorist and violent extremist; now, he writes about reconciliation and denounces his prior violent tactics. While this recommendations list focuses on television and not film archives, technology has developed to the point that the two can easily blur together. Therefore, it is entirely feasible that if a series like *Special Report* has been turned into an archive, it could also provide space for people to record and upload their own testimony as supplemental material. Stories like Mphahlele's have transformative power, and a safely moderated interactive digital archive may increase the longevity of the original media coverage's relevance and capacity for promoting justice. This would also address Mac Maharaj's complaint that the access to the series should be accompanied by context and critique of the process it portrays. He believes it would then serve as a better learning tool, based on his perception that South Africa has not successfully transformed and should not act as a model for success, but as a cautionary lesson.

and generalized piece of guidance because of the complexities involved. Certainly, juxtaposing any coverage of a victim's story will likely create a more hostile basis for receiving the perpetrator narrative. That said, the influence this editing will have is dependent on whether the victim coverage appears as footage of the victim after the violence (such as their corpse), as interviews with the victim or their surviving family members, or as a humanizing discussion of who the victim was when they were alive. It is essential to share the victim story in addition to that of the perpetrator, and to intentionally withhold it would confirm concerns from critics of perpetrator studies that are attentive to the possibility that a perpetrator narrative could overshadow that of a victim. To avoid this as well as to avoid constructing every perpetrator as irredeemable, perhaps journalists must take care to provide the same level of contextualization and coverage to a perpetrator as to their victim; whether they do so within the same segment of a broadcast or entirely different episodes is likely more dependent on the structure of the commission than their journalistic desires around story construction.

Here, it is also important to further cogitate on the significance of transformations in the medium of television since this case study, a topic which has only been acknowledged briefly but will be an essential factor for any future mediatization of transitional justice. As explained, at the time of the TRC and *Special Report*, SABC was virtually the only network from which South Africans could receive televisual TRC news. This can be attributed to the relative newness of television to South Africa, as well as the industry itself having not yet fully transformed from the controlled nature of apartheid era media. Now, South Africa has multiple free-to-air television channels from varied networks, for both entertainment and news. This, in addition to significant growth in internet access and internet-based media and communication channels, means that South Africans, like people across the globe, are able to receive information in a myriad of ways. While access and choice are developments to be lauded, this also means that any news or media channel may have to work much harder than *Special Report* did

to become the go-to news source on anything of national significance, such as a truth commission. Inevitably, audiences will be fragmented and dispersed across the variable digital and media landscape, ostensibly by their geography, language, religion, political beliefs, race, and class. Thus, media coverage of transitional justice mechanisms may not be able to work as a nation-building tool through narrative shaping in the same way that *Special Report* seemingly aimed to do, nor will it be as easy to create the sense of imagined community the Max du Preez fostered as he addressed the collective nation every Sunday evening. If we are imagining that another TRC were to occur in South Africa or somewhere of similar makeup, the challenge also lies in the fact that, as Hoefte and Veenendaal found in the former Dutch colony of Suriname, “nation-building is more challenging in post-colonial, multi-ethnic societies.”<sup>24</sup> However, that does not render the task impossible. First it must be noted that the above recommendations regarding media coverage of conflict actors still hold true, even if media coverage is occurring across multiple networks and channels. Secondly, while a diverse and sometimes divisive media landscape may raise challenges unheard of in 1990s South African television, it also indicates that there has been a democratization of media. This in itself allows democratic discourse (rather than a one-sided communication) and fosters the inclusion of many more voices, an argued tenet to successful and sustainable transitional justice processes. Ideally, multiple sources can play different roles within transitional justice; *Special Report* attempted to monitor politics, facilitate democratic processes, and expose and critique the failures of government and its processes, all while collaborating with it to support the goals of nation building.<sup>25</sup> The immense burden of multitasking is possibly why it could have arguably been more effective in each of these spheres, despite its successes (and failures)

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<sup>24</sup> Rosemarijn Hoefte and Wouter Veenendaal, “The Challenges of Nation-Building and Nation Branding in Multi-Ethnic Suriname,” *Nationalism and Ethnic Politics*, 2019, <https://doi.org/10.1080/13537113.2019.1602371>. pp185.

<sup>25</sup> Normative theories of the media states that the media’s roles in democracy are monitorial, facilitative, radical, and collaborative. See Clifford G. Christians et al., *Normative Theories of the Media: Journalism in Democratic Societies*, *Normative Theories of the Media: Journalism in Democratic Societies*, 2009, <https://doi.org/10.5860/choice.47-1837>.

in each. Perhaps then, diverse media coverage and each outlet's varying aims can add to the effectiveness of media involvement in transitional justice, however, the burden of seeking out information from different sources is then on the consumer. At the time of the TRC, print and broadcast journalists, save for those representing the fringe communities on the far right and left, generally worked under the promise of committed journalism in order to support nation-building and democratic values. Without providing context outside of what appears in this research, it might be simple to claim that other societies transitioning from conflict to democracy should and can do the same in the future. It certainly may be possible to replicate through the intentional training of journalists, some of which could be guided by my above recommendations. However, I also write this in the era of post-truth politics, in which fake news is a constant threat. At the conception of this research in mid-2016, it might have still been assumed that journalism is a space that can and will hold politicians accountable. Now, this is no longer something which media consumers even in long-standing democratic countries can take for granted. While it is easy to blame the diverse media landscape and new media for allowing or even promoting disinformation, the case of apartheid-era South Africa (alongside many others) show that this cannot take the full brunt of blame. What we now know as fake news has always been present, likely falling under the label of "propaganda." Alongside it, activist journalists have always been there to counter it in different forms. It is the same diverse media landscape allows the proliferation of citizen journalism and alternative media and provides a forum for constructive dialogue. Transitional justice scholar Lisa LaPlante wrote a think piece in 2014 on the media's role in transitional justice, a relationship which she called understudied. In it, she observes that this lack of scrutiny stems from the assumption that journalism would work in the same way during times of transition as it does in peace (which I believe this research shows that it clearly does not). LaPlante goes on to posit that this "requires a new consciousness," in which we understand that media can never present pure facts, and that reportage will always create a framework

of interpretation for its audience which “may move us towards or away from preventing conflict and thus assuring peace.”<sup>26</sup> With this in mind, a new political dispensation must, alongside its transitional mechanisms, create a media culture centred on accountability- not just of holding its subjects to it- but also themselves. South Africa ensured this by creating the Broadcasting Complaints Commission of South Africa (BCCSA). While a regulatory body such as this can only apply to traditional media, new media continues to find itself being held to similar standards of truthfulness and fair reporting. In May of 2019, new media platforms Facebook and Instagram started using third-party fact checking services to assist in identifying and labelling false information, notifying people who attempt to read or share such content, and removing it from main pages on the site.<sup>27</sup> While there is an abundance of media available to people now as compared to 1996-1998 (the years that *Special Report* aired), media consumers are continuously being provided better tools to make decisions around what to trust. Though an algorithm cannot consider details in the same way a regulatory body like the BCCSA can, it may begin to dispel conditions that allow media warfare to use distorted, false, or sensationalist information as ammunition for reigniting or fuelling conflict and division. Transitional governments and their mechanisms must find a balance between dissuading sensationalism that incites division and allowing free speech, a mark of true democracy. Partnerships between media and transitional justice mechanisms are an essential tool if it is desirable that the media effect structures of transitional justice by helping to, as a UNESCO report on media and conflict put it, “transform destructive conflicts into non-destructive debates.”<sup>28</sup> Even so, having various other media sources, both traditional and new, should not be seen as a detriment to such a partnership but rather as another tool of accountability, and a space for further elaboration and the inclusion of more voices. It makes one wonder how other

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<sup>26</sup> Laplante, “Media and Transitional Justice: A Complex, Understudied Relationship.”

<sup>27</sup> Facebook, “Combating Misinformation on Instagram,” [about.fb.com](https://about.fb.com/news/2019/12/combating-misinformation-on-instagram/), 2019, <https://about.fb.com/news/2019/12/combating-misinformation-on-instagram/>.

<sup>28</sup> Puddephatt, “Turning Broadcasters into a Genuine Public Service.”

television news would have reported South Africa's TRC as a contrast to *Special Report*, and how that may have changed the South African public's understanding of the TRC process and outcomes.

## Conclusion

The analysis and findings around *Truth Commission Special Report* disentangle one of the most widely consumed media narratives around the TRC. This sheds light on the perceptions of the TRC itself in terms of the criticisms it has garnered, and how racial and political identities were understood in retrospect and in "the new South Africa." Although the series did not embody numerical accuracy, the findings within this research suggest that this is not the singular measure for success in coverage of transitional justice processes, assuming that journalists and media practitioners take on the "burden of obligation" for "committed television." The series was able to provide another, more accessible, and less prescriptive space in which the meaning of truth and reconciliation could be explored. It did so by providing depth of investigation, viewer participation (insofar as a television show could in the late 1990s), and the facilitation of reconciliatory dialogues. Although this was not always exactly TRC news in the traditional sense of current affairs, it acted as an addendum to the same aims, and added to an exploration of perpetratorship that was generally unavailable via the structure of the commission itself. The interviews with perpetrator-subjects were invaluable because, in concert with the content analysis of the series, they point to how specific representational choices were experienced by media subjects both within and across boundaries of race, political affiliation, and rank, as well as the ways these representations have continued to influence the subjects' lives post-transition. Although each perpetrators' experience is individual and unrepeatable, it at least provides a starting point for identifying common points of success and risk in media coverage for a former conflict actors' sense of inclusion in a post-conflict landscape.

As identified, “If reconciliation lays the foundation for preventing new cycles of violence, then transitional justice theory must begin considering how to attend to the media so that it exerts a positive influence on post-conflict recovery.”<sup>29</sup> This research adds to the sparse literature on how transitional justice may best harness the power of media, particularly television. Its key contribution lies in its identification of methods for non-fiction filmed media such as news coverage to provide truthful and thorough coverage of perpetrators that allows space for both accountability and potential redemption when appropriate, thus fulfilling the aims of journalism and transitional justice. Together, the identified narrative strands within the television series combined with interviews that shed light on perpetrator-subjects’ experienced of being portrayed inform a consideration of best practice recommendations within the intersecting spheres of media and transitional justice. As the relationship between media coverage and processes of political transition strengthens, so too should the understandings of the intricacies of the relationship. This study is just one example of and directive within, hopefully, what becomes a much wider exploration of inclusive and intentional perpetrator representation within media coverage of truth commissions.

The final report put forth by the TRC states, “To understand the source of evil is not to condone it. It is only by recognising the potential for evil in each one of us that we can take full responsibility for ensuring that such evil will never be repeated.”<sup>30</sup> The report seemed to assert that by not only hearing, but really *listening* to testimonies from the perpetrators of violence during the apartheid era would go beyond addressing the violent acts that were committed, and also prompt self-reflection for those who listened. Whether or not the commission did that on its own is debatable, but the media platform the

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<sup>29</sup> Laplante and Phenicie, “Mediating Post-Conflict Dialogue: The Media’s Role in Transitional Justice Processes.” p253.

<sup>30</sup> Truth and Reconciliation Commission, “The Truth and Reconciliation Commission of South Africa Final Report Vol 1–Vol 5” (Cape Town, 1999).

commission was given by programmes such as *Truth Commission Special Report* provided at least that possibility. The broadcast added yet another lens through which to view the already prescriptive commission, however, that lens may have been a magnifying glass to certain areas, as opposed to a tinted lens to the entire process. In this way, the series opened up further potential for people to engage with perpetrators akin to how the commission's final report seems to desire. It also made accessible a process which, in previous iterations and places, was anything but. This was not only a transmitter of information, but also created an exchange beyond what could have been imagined, such as by inspiring some viewers to apply for amnesty. Certainly, the TRC sought to draw out perpetrator testimonies as one facet of its attempt to grasp the nation's violent past, while still forging a path towards a future that would hopefully be characterized by justice, transparency, and equality. However, *Special Report* was likely the more successful process in addressing that desired future, partially through its provision of what were often dynamic portrayals of perpetrators. Interviews with the perpetrator-subjects evidenced this, bringing the lasting legacies of the series to light almost twenty-five years on from its first episode. Despite certain points of critiques from interviewees, the general consensus leaned more towards a positive perspective of *Special Report*, a somewhat surprising finding considering the findings of the content analysis. Recall TRC chairman Archbishop Desmond Tutu's statement that "the perpetrators don't get off scot-free. They have to confess publicly, in the full glare of television lights, that they did those ghastly things. And that's pretty, pretty tough."<sup>31</sup> However, at times, the series' end product was able to temper some of the difficulties that Tutu posits are inherent to confession. Though the assuagements that *Special Report* offered varied from person to person, each came back to the very human desire to be heard and (though perhaps impossibly so) understood. Or perhaps it was just the first part—to be seen as human.

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<sup>31</sup> Frances Reid and Deborah Hoffman, *Long Night's Journey Into Day* (USA: Seventh Art Releasing, 2000).

## Appendix

### Appendix A: Rationale, continued

I came to understand this gap in the intersecting fields of media and transitional justice through a serendipitous job assignment and subsequent exploration of the penal system and restorative justice. This came to fit in with my concurrently forming academic path of political conflict studies and related job experiences. While working for Human Rights Watch in San Francisco in 2013, I was placed on a project that required me to provide research, advocacy, and lobbying for a California senate bill that would provide a pathway to parole for juvenile offenders who were sentenced to life without parole. Part of the approach that we took in promoting this Bill was to share stories of the people who would be affected by its passage. The first time I walked into San Quentin maximum-security prison, I was naturally apprehensive to meet people who had been convicted of violent crime. There, I met men who were both my peers and much older, but all had been incarcerated since they were teenagers, if not younger. Over the weeks of our in-prison research, I got to know the men and their stories, and came to understand that each one of their actions was informed by their context and not because they were inherently bad, monstrous, or evil people. This was partially due to the particulars of the situation; all of our participants were part of a highly competitive restorative justice programme in San Quentin that, because of the requirements to be part of the program combined with the selection process for members, essentially guaranteed this type of person. However, the fact that there were so many so-called perpetrators in whom I could see myself reflected was jarring, prompting me to rethink how we speak about, understand, and therefore treat, our incarcerated population- and by extension, people labelled as perpetrators. These men understand this better than anyone because societal perceptions inform their lived reality both in and after their incarceration. At that time, the prisoners were working on a self-run newspaper to tell their stories to subvert the traditional and one-sided representations of

the incarcerated, spurring my own consideration of how media informs and interacts with different mechanisms of justice and their outcomes.

A few years later, my masters' dissertation, completed at Trinity College Dublin in August 2016 as part of an M.Phil in Conflict Resolution and Reconciliation, highlighted a lack of research on media's influence on transitional justice processes. The dissertation investigated the use of a film archive of conflict stories as a transitional justice mechanism in response to the lack of statutory measures in Northern Ireland for dealing with the past. Belfast's Prisons Memory Archive served as the case study for this inquiry. The Prisons Memory Archive is a film archive and documentary initiative that filmed former political prisoners giving their narratives as they walked through the space in which they were previously incarcerated. The research highlighted the importance that participants placed on not only the act of narration, but also on the aspect of being filmed; virtually every interviewee emphasized the value of their stories being used for documentaries and being placed within an accessible film archive. The majority of archive participants felt this created a sense of agency, referring to feeling in control of one's own actions and the outcomes they produce.<sup>1</sup> Adversely, it was found that when their stories were not made accessible in a timely manner, they felt a reduced sense of agency, and were less satisfied with the project as a tool for transition and their role within it. The study also found that by watching others' stories in the archive, Prisons Memory Archive participants as viewers reportedly gained a wider perspective of the conflict, breaking down perceived 'otherness' in a deeply divided society, and creating a more inclusive collective memory.

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<sup>1</sup> Marc Jeannerod, "The Mechanism of Self-Recognition in Humans.," *Behavioural Brain Research* 142 (June 2003): 1–15, <http://www.ncbi.nlm.nih.gov/pubmed/12798261>.

This research on the Prisons Memory Archive raised questions of whether the same outcomes can be attributed to the filmed media itself when a narrative is already being shared as a part of a statutory transitional justice mechanism, with the filmed media as an additional aspect rather than the sole process. It is this question that prompted this research. This research differs from that on the Northern Irish case because it is focused on filmed testimony working in concert with statutory transitional justice mechanisms rather than when the media itself is acting as an informal transitional justice tool where statutory measures are lacking. Additionally, the South African conflict can be framed as racial, whereas the attempted reconciliation in the case of the Prisons Memory Archive follows religious conflict. By approaching concepts of filmed narrative-- in the South African case, testimony from perpetrators within a larger investigative news/documentary framework-- and its role in the South African transition, this study builds on previous findings from the Northern Irish example to better understand how media interacts with transitional political processes. This allows it to start with a specific and informed transitional justice framework, and an in-depth grasp of the testimonial aspects of the commission. By combining these existing understandings with a media studies lens, this research hopes to inform media practitioners on theoretically and practically supported methods for media to act as a positive, effective, and truthful supplement to transitional processes in cases of deeply divided societies where the goal is nation-building. Empirical research such as this can help to inform transitional justice practitioners on how well certain choices within transitional justice are able to promote truth, justice, rule of law, and durable peace over the long term; it tests and informs the assumptions made within current practice in regard to the smaller pieces of the complex and lengthy process that is transition away from conflict.<sup>2</sup>

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<sup>2</sup> Neil Kritz, "Policy Implications of Empirical Research on Transitional Justice," in *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*, ed. Hugo van der Merwe, Victoria Baxter, and Audrey Chapman (Washington DC: United States Institute of Peace Press, 2009), 13–22. p14.

## Appendix B: Ethics

Ethics is an essential consideration throughout this research due to the sensitivity of the work and the perpetrator status of most of the interviewees. All ethical considerations were expressed to the interviewees prior to their interview beginning; each participant received a consent and information form to sign and to keep. Additionally, the ethics and what was being consented to were reiterated verbally. A translator for all aspects of the ethical procedures, interviews, and any follow-ups was offered. These documents are clear and straightforward in providing the information on the purpose of the study, an outline of the procedures of the study as pertaining to the interviewees, and where the research will be used. They detailed the nature of voluntary participation as well as the potential risks involved, as well as information on disclosing criminal activity and the researcher's obligation to report unprosecuted crimes. The intent of the interviews was put forward upon immediate contact, and if there were gatekeepers involved, I asked that these gatekeepers also inform the individuals of the subject matter in order to avoid bringing up difficult experiences to an unprepared or unwilling individual. As each interview began, I made it clear to the interviewee that they could choose not to answer any question. Information and contact for appropriate mental health and other support resources were made available throughout the entire process.

Other ethical considerations included the levels of confidentiality throughout all interviews; it was made clear to the interviewee that they may end the interview at any time or rescind any statements, and that they were able to request the following: a debriefing process after their interview, the transcript of the interaction, a follow-up with questions or concerns at any time using the contact information I had provided them. The lack of anonymity in the research was made clear, since anonymity would be neither possible nor necessary because the TRC hearing transcripts are available online, names already made public, and then further covered on the *Special Report* broadcast. Steps

have also been taken for data protection. This included keeping all records on a separate drive that is kept secure and never travelled with, saving only relevant and accurate information, and only using data as specified to the interviewees and respondents.

It is also essential to address my role as an outsider to the community that I researched. As an outsider to South Africa, particularly as a white person, there is risk that my motives would be perceived as exploitative under the auspices that an outsider speaking for disempowered people is in itself, disempowering.<sup>3</sup> I worked to counteract this by citing the hopeful rationale that media should be used as a tool for boosting a multiplicity of voices and allowing people to speak for themselves. I informed the interviewees that I hope to use their opinions and experiences to better understand how media can facilitate transitional justice processes. This relates to Cattaneo and Chapman's interpretation of the empowerment model, which includes communicating the "establishment of goals and the real-world impacts of the individuals' efforts" and involvement in the research.<sup>4</sup>

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<sup>3</sup> David Bridges, "The Ethics of Outsider Research," *Journal of the Philosophy of Education* 35, no. 3 (August 2001): 371–86, <https://doi.org/10.1111/1467-9752.00233>.

<sup>4</sup> Lauren Bennett Cattaneo and Aliya R Chapman, "The Process of Empowerment: A Model for Use in Research and Practice.," *American Psychologist* 65, no. 7 (2010): 646–59, <https://doi.org/10.1037/a0018854>.

## Appendix C: Interviewee biographical notes

### **Jean du Plessis:**

*Jean du Plessis was born in 1970. His father was a member of the right-wing Boere Bervrydings Beweging. His father's radical and racist teachings combined with his grandmother's stories of having to "flee" Kenya when it became democratic, influenced Jean to start his own right-wing organization, the National Socialist Partisans. In 1991, Jean was sentenced to twelve years imprisonment for robbery, theft of weapons from the Defence Force, and illegal possession of firearms; members of his group killed three people during this operation. He appeared at the TRC two years into his sentence, where he was denied amnesty on the grounds that his political organization was unrecognized. His testimony appeared in episodes 11 and 32. While in prison, he received his university degree and converted to Christianity. He now owns a construction company in Cape Town, where he lives with his family.*

### **Leo Froneman:**

*Leo Froneman was born in 1974 in Pretoria. He was brought up in a conservative and religious home. His Standard 5 Sunday school teacher was a member of the AWB, which Leo then joined as a teenager. Froneman, along with his colleague Pieter Harmse, set off a bomb in 1993 in a Transvaal Indian shopping mall, killing one security officer in the blast. He and Harmse were both convicted and served time in prison until receiving amnesty through the TRC. He has since renounced his right-wing affiliations and converted to another branch of Christianity. He lives in Port Elizabeth. His testimony appeared in episode 43, and his amnesty outcome was mentioned in episode 60.*

### **Schalk Hugo:**

*Schalk Hugo was the lawyer for notorious apartheid assassin Eugene De Kock, throughout the TRC amnesty process and his prosecution. Long before the TRC, Hugo acted as a private lawyer for police and defence force members if state attorneys were not available. He had finished his masters' degree in labour law three days before being approached to represent De Kock, which he did for about eight years. He is now retired and lives on a farm.*

### **Luyanda Kana:**

*Luyanda Kana was born in East London in 1961; soon after, his family was forcefully removed to the township of Mdantsane, where he grew up and still resides today. He got involved in politics in 1977 when Steve Biko was killed; it was at that time that he was recruited to be a member of the school's youth congress. He was expelled in 1978 for being a part of school riots, and only returned to school again in 1981. In 1983, he helped to mobilize a school bus boycott. This political involvement prompted the community to ask he and his comrades to help to protect them from the gang activity happening in the area, particularly because the police were also involved with the gangs. He and his comrades killed several local gang leaders in 1987. Kana and his 11 comrades served time in prison for this from 1988 until 2002 and had initially each been sentenced to death five times; although their actions were aligned with the residents' association, which was loosely ANC aligned, they did not receive amnesty. They were pardoned by ANC president Thabo Mbeki in 2002. Kana's testimony appeared in episode 12. He now works as a successful boxing matchmaker in Mdantsane and East London, and also contributes to local anti-crime campaigns.*

### **Hannes Koornhof:**

*Hannes Koornhof is a retired minister of the Dutch Reformed Church. He was born in 1949 in Worcester into a family of five children. His father was a part of a right-wing nationalist group; he passed away when Hannes was 10 years of*

age. Hannes acted as minister in several congregations of the Dutch Reformed Church, the first of which was in Somerset East in the Eastern Cape starting in 1976. He attended the University of Stellenbosch, where he received his Doctor of Theology in 1986. He moved to Cape Town in 1991, where he was a minister in Pinelands; he soon became a part of the church in Stellenbosch, through which he gave testimony to the TRC in 1995 along with two other clergymen on behalf of the Stellenbosch Dutch Reformed Church, shown in episode 24 of Special Report. He served as chair of the church council until his retirement in 2014; he still resides in Stellenbosch. Since his retirement, he sits on the boards of several charitable organizations, and notes that he is particularly interested in issues of poverty and unemployment.

### **Mac Maharaj:**

Mac Maharaj was born in 1935 in Newcastle, Natal. At the University of Natal, he campaigned against segregation of students; he went to the UK to study law at LSE but returned to South Africa in 1962 without finishing his degree to do political work. He was arrested in 1964 and sentenced in what was known as the little Rivonia trial, after which he was imprisoned on Robben Island for 12 ½ years. After his release, the ANC sent him to Lusaka to live in exile, where he was eventually elected to the ANC national executive committee in 1985. Maharaj was part of operation Vula (MK) in South Africa from 1987-1990, until he was arrested & charged based on the allegations that they had planned insurrection against the South African state. In 1990, Maharaj announced retirement from ANC central committee. In 1991, became a member of CODESA, which was the secretariat that negotiated a peaceful political transition and new constitution. After 1994 elections, he was appointed Minister of Transport and served until 1999. He also served as official spokesperson for Jacob Zuma during his presidency. He now lives in Durban with his family. He appeared in multiple episodes of Special Report when speaking at the TRC as a representative for the ANC.

### **Roelf Meyer:**

Roelf Meyer was born in Port Elizabeth in 1947. He served various ministerial positions including Minister of Law and Order, Minister of Defence, and Minister of Constitutional Affairs and Communication. He became the government's chief negotiator for the Multiparty Negotiating Forum as well as the subsequent Transitional Executive Council. He resigned from the National Party in 1997. He later became a member of the ANC, and now works in transformation initiatives in South Africa and abroad; he resides in Pretoria. He appeared in Special Report's coverage of TRC testimony from former State Security Council members.

### **Letlapa Mphahlele:**

Letlapa Mphahlele was born in 1960 in the Northern Transvaal; his political leadership began as a high school student when he began a politically motivated student union. He went into exile in Botswana at age 17, where he eventually joined the PAC. Mphahlele worked in several posts throughout sub-Saharan Africa, as well as spent some time in prison, all while climbing the ranks of PAC's APLA until becoming Director of Operations. He re-entered South Africa in 1991, where he worked as the Director of Operations until the democratic elections. During the negotiations, he had ordered to suspend attacks on civilians, until an APLA-associated house was targeted by the SADF, resulting in the killing of five children. This renewed opening of violence resulted in APLA attacks such as the St. James Church massacre and the Heidelberg Tavern massacre. His crimes were never brought to court and the charges were eventually dropped, nor was there resolution with his amnesty application, which he never testified for. He served as PAC President from 2006-2013, then was ousted due to charges in regard to financial matters. He now resides in Johannesburg. Mphahlele appeared in five episodes of Special Report.

**Johan Steynberg:**

*Johan Steynberg was a warrant officer in Pretoria Maximum Security Prison, where his job was to escort people to be hung as a part of his work on death row. At age 20, Steynberg was placed in the prison as an alternative to conscription into the army so that he could continue to pursue a career in rugby. He was the only death row prison warden to come forward to the TRC. He currently lives in Pretoria. Coverage of his background, his statement to the TRC, and an interview appear in episode 58 of Special Report.*

**Johannes Velde van der Merwe:**

*Johannes van der Merwe was born in Ermelo in the Eastern Transvaal in 1936. His parents were conservative supporters of the National Party. He joined the police force in 1953; he became the commanding officer for the security branch in 1986 and worked his way up to be the Deputy Commissioner and then, a general and police Commissioner by 1990. Van der Merwe appeared at the TRC, where he admitted to ordering the bombing of Khotso House in 1988, as well as distributing booby-trapped grenades to ANC student activists in 1985. He was granted amnesty. He retired in 1995, and now resides in Pretoria. He appeared in episodes 25 and 40 of Special Report.*

**Leon Wessels:**

*Leon Wessels was born in Kroonstaad in 1946, and grew up moving between there, Johannesburg, Vryburg, Durban, and Krugersdorp, eventually going on to study law. He became an MP for the National Party in 1977. He served in several ministerial positions, including Deputy Minister of Law and Order, and also sat on the State Security Council. Wessels participated in the CODESA talks for political transition. He was re-elected into parliament for the NP in 1994, where he stayed until implementation of the new constitution in 1996. He made a name for himself during the TRC process, being one of the only politicians to dismiss the “I didn’t know” narrative; this speech appears in one episode of Special Report as it covered testimony from former State Security Council members. In 1999, he was appointed to the South African Human Rights Commission. He now lives in Gauteng.*

**Craig Williamson:**

*Craig Williamson was born in Johannesburg in 1949. He worked as a spy for the apartheid government; he is known for infiltrating ANC student groups abroad, founding the South African News Agency as a part of his counter-intelligence campaign, for bombing the ANC’s London headquarters, and for ordering the assassination of prolific Communist Party activist Ruth First. He was exposed as a spy in 1980, though he continued his work in fighting against liberation movements, with his most famous attacks occurring after this. He applied and received amnesty for the London bombing, but no other incidents. Williamson appeared or was mentioned in nine episodes of Special Report. He now resides in Johannesburg.*

## Appendix D: Personal reflection

I was surprised to find that this research felt quite personal at times. I found myself in interviews empathically connecting with people, feeling unsettlement, and at moments, seeing them as the very monsters the media had made them out to be. I only later realized that I had experienced these in-person narratives in many of the ways that I had identified, commended, or problematized media portrayals for. In as much as the interviews elucidated what I had hoped they would (i.e., how a subject experiences being represented), they also layered the memory and identities of the interviewees which had faded, shifted or solidified in the twenty years since the time of the commission and its broadcast coverage. It also became an odd and informal comparison of the “then and now” of my interviewees; I found myself just as intrigued by how their narrative had changed- or not changed- since the initial narrative that I had engaged with so deeply via the broadcast. In certain cases, this did relate to the direct line of inquiry into the ways a media portrayal affected the perpetrator-subject, but these interviews could have also coalesced in an entirely separate oral history project on retrospect. I was surprised to find by the end of the research, particularly the interviews, how much I was able to look past to see the humanity of the people who sat in front of me that had done horrible things, some of whom were still not remorseful or apologetic, and some who even continued to employ justificatory rhetoric. I had to remind myself of the distancing that scholars such as LaCapra,<sup>5</sup> Geschier,<sup>6</sup> Boler,<sup>7</sup> and others call for, but I also have to wonder if this recognition of humanity (and thus, a certain sense of empathy) was more a coping mechanism on my part as a researcher than always an entirely truthful connection with my interviewees. I maintain that some were genuine connections, particularly in the cases when the interviewee expressed a change of heart not only since their crimes, but also since the time of the TRC. Perhaps this came from a sort of fatigue; watching and re-watching *Special Report* was

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<sup>5</sup> LaCapra, *Writing History, Writing Trauma*.

<sup>6</sup> Geschier, “The Empathy Imperative: Primary Narratives in South African History Teaching.”

<sup>7</sup> Boler, “The Risks of Empathy: Interrogating Multiculturalism’s Gaze.”

not a particularly easy endeavour due to the sometimes gory and almost always devastating violence that the series covered. By the time I reached the interview stage, I had become so familiar with the television series that I felt I already knew its subjects intimately, which was not always welcome in the case of those who were afforded a less than favourable portrayal, and were responsible for the imagery of violence and narratives of trauma which I had watched several times. It may be that I had some hope that, although not a central point of the interviews, the perpetrator would express some new revelation he had since the time of the series, because that would somehow assuage my own personal desire (and maybe to some level, just a human desire) for a redemptive story after witnessing the effects of their violence. That said, I did my best to separate my own reactions, fatigues, and desires from my subsequent analysis, which examines the perpetrator's engagement and experience of being represented by the media, which is relevant whether or not I-- as an individual with my own bias, background, and socially constructed moral compass that may or may not differ from the subjects and interviewees I interacted with-- deem them to be worthy of the dynamic representation that my research calls for within politically transitioning settings. This tension may be the unavoidable internal struggle of the researcher who focuses on perpetrators; though impossible to completely erase our biases as researchers in the humanities, an awareness of them is an important start, as is a well-thought-out framework, which could be applied by any researcher to get similar results.