

APLA and the Amnesty Committee of the TRC? An Ethical Analysis of the Amnesty Committee of the Truth and Reconciliation Commission of South Africa

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Abstract

This article examines the role of the Truth and Reconciliation Commission (TRC) of South Africa, led by Archbishop Desmond Tutu. It focuses on the amnesty committee and challenges regarding amnesty applications of members and supporters of the Azanian People's Liberation Army (APLA), an armed wing of the Pan Africanist Congress of Azania (PAC). These complications emanated from policies and politics of the mother-body (PAC) and APLA, which made it difficult to distinguish between acts with a political objective committed by bona fide APLA members and purely criminal acts committed for personal gain. Such policies were expressed in: 1) The APLA slogan "One Settler, One Bullet"; and 2) The policy regarding "Repossession of property" by Azanians. The position of APLA needs to be understood against the fundamental politics of the PAC that the presence of white settlers in South Africa (occupied Azania) is an act of occupation, dispossession and colonisation. Thus, all white people in South Africa are regarded as settlers and targets for APLA. This position contends that, as a result of the settler status of all white people in South Africa, everything that they purportedly own belongs to Azanians and must be repossessed. Another complication—according to the TRC—was for some applicants to meet at least one of the requirements for amnesty, since any incident committed had to constitute an act associated with a political objective. Other challenges were lack of documentation to prove membership of APLA, and the autonomy or independence of the mother body (PAC) and its armed wing (APLA).

Keywords: Truth and Reconciliation Committee (TRC); Azanian People's Liberation Army (APLA); Pan Africanist Congress of Azania (PAC); amnesty; Azania; negotiations; impunity; gross human rights violations; perpetrator; victim; justice



Introduction

The Truth and Reconciliation Commission of South Africa (hereafter TRC), which was chaired by Archbishop Desmond Tutu¹ and its amnesty committee were a product of a political compromise reached at both the informal and formal negotiations, whose terms both made possible the commission and set the limits within which it would work (Lephakga 2015, 95–148; Mamdani 2002, 33; Terreblanche 2002, 124–132). This commission gave birth to the amnesty committee as per the Promotion of National Unity and Reconciliation Act 34 of 1995, which was in line with the claim of the TRC that it would be different from its predecessors in Uganda in 1974 (Quinn 2003), Argentina in 1983 (Crenzel 2008), Chile in 1991 (Ensalaco 1994), and Chad in 1992 (Stevens, Franchi and Swart 2006). This commission, which was initially supposed to be called the “Truth Commission”—until F.W. de Klerk on behalf of the National Party (NP) indicated that he and his constituency would be comfortable if a theological word “reconciliation” would be added to make it the South African Truth and Reconciliation Commission (Boesak and DeYoung 2012, 9)—was mandated to establish “as complete a picture as possible of causes, nature and extent of the gross human rights violations which were committed during the period 1 March 1960 to 10 May 1994” (Lephakga 2015, 95–148; Terreblanche 2002, 124–132). This commission claimed that it would practise neither impunity nor vengeance. Consequently, it was determined to avoid two pitfalls, namely that: on the one hand, it would avoid impunity of making reconciliation an unprincipled embrace of political evil; and on the other hand, pursuing justice so relentlessly as to turn into revenge (Lephakga 2015, 95–148; Mamdani 2002, 33; Terreblanche 2002, 124–132). Therefore, to do this, this commission was determined to identify and address both individual “victims” and “perpetrators” of gross human rights violations which occurred between 1 March 1960 to 10 May 1994 (Lephakga 2015, 95–148; Mamdani 2002, 33; Terreblanche 2002, 124–132). This approach of individualising the “victims” and “perpetrators” of gross violations of human rights which occurred during the said period, distorted and compromised the truth this commission was established to seek or a picture of the causes, nature and extent of the gross human rights violations which were committed during the period 1 March 1960 to 10 May 1994 (Lephakga 2015, 95–148; Mamdani 2002, 33–59; Terreblanche 2002, 124–132). This is because, on the one hand, the TRC obscured what was distinctive about apartheid, namely that the gross human rights violations that occurred during the said period were against communities and were also systematic (Lephakga 2015, 33–59; Mamdani 1996; Terreblanche 2002, 124–132).

The double determination of this commission and its amnesty committee—that is, of not practising impunity or vengeance—was first written into the interim constitution (agreed upon during the informal and formal negotiations) which paved the way for legislation which set up the TRC and its amnesty committee (Lephakga 2015, 95–148; Mamdani 2002, 33; Terreblanche 2002, 124–132). The TRC amnesty committee, in its mandate of establishing as clear as possible a picture of the gross human rights violations, was committed to give amnesty as outlined in the Act that established it. However, this commission promised that there would

1 See Lephakga, T. 2016. “Radical Reconciliation: The TRC should have allowed Zacchaeus to testify?” *HTS Theologiese Studies/Theological Studies* 72 (1): a3120. <http://dx.doi.org/10.4102/hts.v72i1.3120>.

be no blanket amnesty. For them amnesty (like the biblical *salach*) would be conditional, that is, amnesty would be given to all those who met the requirements for amnesty as outlined in the Act that established the TRC and its amnesty committee. This amnesty would not be a group amnesty but would be individual amnesty (Lephakga 2015, 95–148; Mamdani 2002, 33; Terreblanche 2002, 124–132). This commission and its amnesty committee promised that every perpetrator would have to come forth or be identified individually and every perpetrator would have to own up to their individual guilt-truth, before receiving amnesty from legal prosecution (Lephakga 2015, 95–148; Mamdani 2002, 33; Terreblanche 2002, 124–132). This commission and its amnesty committee demanded from “victims” that they would have to give up the right to prosecute perpetrators in the courts of law (Lephakga 2015, 95–148; Mamdani 2002, 33; Terreblanche 2002, 124–132). This commission and its amnesty committee—in its objective of promoting national unity and reconciliation in a spirit of understanding, which transcends the conflicts and divisions of the past—opted for restorative justice instead of criminal justice (Lephakga 2015, 95–148; Mamdani 2002, 33; Terreblanche 2002, 124–132). The logic of the amnesty principle, as envisioned by the TRC and its amnesty committee which was similar to the biblical *salach*, was: individual amnesty for the perpetrator; truth for the society; and acknowledgment and reparations for the victim (Lephakga 2015, 95–148; Mamdani 2002, 33; Terreblanche 2002, 124–132).

The amnesty committee was a statutory body which was established in terms of the Promotion of National Unity and Reconciliation Act no 34 of 1995. This committee derived all its powers, function and responsibilities from this Act (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.5). This committee had administrative powers. Section 18 of the Act that established this committee provided that any natural person could apply for amnesty on the prescribed form, and institutions or organisations could apply (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.5). The applications for amnesty firstly needed to comply with the formal requirements of the Act before they could be considered. The requirements were as follows: 1) The applicant was required to submit a written application on the prescribed form. 2) This application had to be made under oath and attested to by a commissioner of oaths (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.5). 3) The Act required that the incident to which the applicant was applying for amnesty had to have been associated with a political objective (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.5–9). In this respect, the Act relied on the principles of extradition law and the concomitant definition of a political offence within the international context.

The committee subsequently considered the following, which were deemed to have made an incident have a political objective: the motive of the perpetrator; the context in which the incident occurred; the nature and gravity of the incident; the object or objective of the conduct and, in particular, whether it was directed against political enemies or innocent parties; the existence of any orders or approval of the conduct by a political organisation; and finally, the issue of proportionality (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.9). The Act also required that the incident must have occurred

within the prescribed time, that is, 1 March 1960 (that month in which the Sharpeville massacre took place) and 10 May 1994. The Act also required that the applicant should fall within one of a number of prescribed categories. These categories encompassed supporters, members or employees of the contending parties involved in the past political conflict in the country (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.5–9). The Act also required the applicant to make full disclosure. In this respect it must be mentioned that the Act mandated the TRC and its amnesty committee to play a role in helping establish the fullest possible picture of the political conflict in South Africa. Consequently, the applicants were legally required to give a full and truthful account of the incidents in respect of which they were seeking amnesty (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.10).

The amnesty committee was presented with complications regarding some of the applications for amnesty—particularly those of supporters and/or members of the Azanian People’s Liberation Army (hereafter APLA)—that is, the armed wing of the Pan Africanist Congress of Azania (hereafter PAC). These complications emanated, among other things, from the policies of the PAC and/or APLA which, according to the TRC report were acknowledged by the leaders of the PAC and/or APLA. These policies, according to the amnesty committee, made it difficult to distinguish between acts (incidents) associated with a political objective committed by bona fide APLA supporters and/or members and purely criminal acts committed for personal gain, often coupled with severe assault and murder (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.45). The first such policy is expressed in the APLA slogan “One Settler, One Bullet.” This position policy of APLA needs to be understood against the fundamental politics of the PAC, namely that the presence of white settlers in South Africa (that is, occupied Azania)² is an act of occupation, dispossession and colonisation—and as such all-white people in South Africa (occupied Azania) are regarded as settlers and became targets for APLA. The second position of APLA (“repossession of property”), which is linked to the first one, said that as a result of the settler status of all white people in South Africa (that is, Azania) everything that they purportedly own belongs to Azanians and therefore must be reposessed (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.45). As a result of these two policy positions of the PAC and/or APLA and colonial apartheid (Lephakga 2017, 1–15), all white people who settled in South Africa became legitimate targets for all APLA missions. This paper seeks to examine the role of the TRC and its amnesty committee against the amnesty applications of supporters and/or members of APLA whose applications presented this committee with problems, which led to some supporters and/or members of APLA being

2 The name “Azania” refers to the land of the blacks and the inhabitants of this land are called Azanians (Pheko 1986, 107; Wauchope in *Frank Talk* 1984, 7–8). The PAC, in their 1964 conference, renamed South Africa “Azania” and argued that South Africa remains “occupied Azania” (Pheko 1986, 107). The Black Consciousness adherents also called South Africa “Azania” and this is because they were calling upon the black people’s conscience, hearts and minds to rise up, to recreate and relieve the life that was created by the Azanian civilisation. They also called on black people to realise their importance in the continent of Africa and see their value and to recognise the contribution they made to the world in general (Wauchope in *Frank Talk* 1984, 7–8).

denied amnesty.³ Therefore, this paper will be divided into two sections: the first section will deal with the history of APLA and its operations; and the second section will deal with the history, work and recommendations of the TRC amnesty committee with regard to the amnesty applications of APLA supporters and/or members.

The History of APLA and its Operations

The Azanian People's Liberation Army (APLA) also known as POQO⁴ was an armed wing of the PAC (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). The emergence of the PAC's military wing, POQO (APLA), can be directly linked to the evolving discontentment in South Africa (occupied Azania)⁵ that followed the Sharpeville massacre and the banning of the PAC and other major political parties in South Africa (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). The banning of the PAC, in particular, did not stop the legitimate aspiration and struggle of African people, that is, of liberation and the return of sovereignty (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). The PAC diverted attention from itself (as a banned organisation) and operated through cell groups in order to divert the attention of the secret police (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). Some of these cell groups posed as football clubs, others as dance and music schools (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). Some of these cell groups operated under the name POQO. Members of these cell groups could not be persecuted for pursuing the aims and objectives of the banned PAC because of these operative names of cells (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). One cell group in all these cell groups that became popular is POQO, which meant “genuine” or “pure” African patriots (Pheko 1986, 102). This is because members of this cell group were the most militant and were armed with pangas, home-made bombs, pistols and guns (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). This cell group, that is POQO, was also popular mainly in the Western Cape. This is because the conditions which many young people and mostly migrant workers found themselves in, led them to buy into the radical rhetoric and anti-white settler sentiments of the PAC (Lodge 1979, 137–147;

3 This article was substantially influenced by my PhD, titled “Dealing lightly with the Wounds of my People: A Theological Ethical Critique of the South African Truth and Reconciliation Commission.”

4 The acronym POQO emerged for the first time in the Cape Region (see Plaatjie in SADET, 2006, 678). Mqxashe, in an interview gave the following account of how this acronym emerged: “The word Poqo emerged for the first time in February 1960 at a PAC rally addressed by Sobukwe and some of his colleagues at Bhunga Square, in Langa, Cape Town, during their tour of the Cape. Sobukwe had asked people attending the rally to translate Pan Africanist Congress into Xhosa. Several translations were produced and amongst them were: *Umbutho wama Afrika Geqe*, which meant the organisation of Africans who stand alone; and some suggested *Umbutho wama Afrika Nqo*, the organisation of Africans who do not beat about the bush. Sobukwe, who [had] taught in the Department of African Languages at Wits University in Johannesburg, was not happy with the two proposals and the riddle went on. The most appropriate translation was suggested by Mr Allan Bula, an illiterate man from the PAC Branch in Kessington outside Langa. This was *Umbutho wama Afrika Poqo* (meaning ‘genuine’ or ‘pure’ African patriots). Sobukwe gave his nod and wrote back to the PAC Western regional executive and called Bula an educated man” (Plaatjie in SADET, 2006, 678).

5 The PAC held a conference in 1964 following its banning and in this conference the PAC underground cells were re-organised. Immediately after this conference South Africa was renamed Azania, that is, the land of the blacks (Pheko 2004, 107). For members of the PAC, the name of the country South Africa, which came about as a result of the union of the oppressive forces of the British and the Boers, remained “occupied Azania.”

Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). In this respect, it is imperative to mention that the majority of POQO recruits in the Western Cape were migrant labourers and were subjected to the most stringent application of the influx control in South Africa because of the Western Cape Coloured Labour preference policy, which gave first choice in employment to “coloureds” (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). The other reason POQO had migrant labourers in the Western Cape as recruits was the inhumane conditions in the same-sex hostels which accommodated these labourers. This became a source of discontent and thus constituted the basis for radical political organisation and mobilisation (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701).

APLA, also known as POQO, in its agenda of “liberation and the return of sovereignty” clashed with police, army and/or supporters of pro-apartheid government chiefs (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). In this respect it is imperative to note that during the 1960s, POQO—which operated in the reserves, that is, land reserved for Africans following the dispossession of Africans of all productive land (Biko 2004, 88–97; Lephakga 2015; Pheko 1986)—led revolts and operations which came as a result of the deep-rooted antagonism to government institutions and administrative measures as well as towards the Bantustan authorities which implemented them (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). It is also important to mention that in the 1960s POQO operated in the Transkei, which had an average of 92 people per square mile and an overall total of 1 400 000 inhabitants. Of these, approximately 160 000 were recruited annually to work on the mines, in industry and in agriculture (Lodge 1979, 138). Transkei was governed through a conciliar system which depended on a degree of popular participation until 1955. This system, which came into effect as a result of the Glen Grey Act, had set up what Lodge calls the *Bunga* system in which 26 district councils sent representatives to a general council in Umtata (Lodge 1979, 138). Most of the *Bunga* members were chiefs or headmen but over half of them were elected. Chiefs under the *Bunga* system derived some of their authority from popular support (Lodge 1979, 138). The abolition of the *Bunga* system in 1955, which was replaced by the Bantu authorities, created problems. This is because the Bantu authorities reduced the importance of the elected element in the tribal, district, regional and territorial authorities, and increased the powers of the chiefs within the authorities as well as adding to their administrative functions (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). The chiefs’ duties included maintaining law and order and implementing the government’s measures. The chiefs were also given increased judicial responsibilities and were allowed to keep part of the revenue raised in fines and fees (Lodge 1979, 138). Furthermore, the chiefs were placed in opposition to their people by being made responsible for establishing land rehabilitation measures. These involved the fencing of land, the consolidation and confiscation of farming plots, contour ploughing, leaving land fallow and stock culling (Lodge 1979, 138). In this respect, it must be emphasised that the people opposed these chiefs (who were seen as tools of the oppressive government) since 1945 and were blamed for the creation of the landless peasantry and rural poverty (Lodge 1979, 138). With the rise of the landless peasantry in Transkei in the 1960s, some were forced to be migrant labourers in the Western Cape, which was the closest for these landless peasants. It is for this reason that, following the Sharpeville

massacre, these landless peasants who had now become migrant labourers led a general strike which lasted for weeks. Lodge notes that during this strike the PAC provided some political direction through its influence on the workers in hostels and zones (Lodge 1979, 140). Lodge (1979, 140) further notes that when PAC and other political parties were banned, a violent insurrectionary movement, namely POQO emerged.

The POQO (APLA) operations in the Transkei in the 1960s came as a result of discontentment in Transkei following the Bantu Authorities Act. Some chiefs, especially amongst the Tembus in Transkei, supported this Act while others rejected it. Those who rejected this Act were often arrested or exiled, while those who supported this Act received government support, protection and some were even made paramount chiefs. This led POQO to target some headmen and chiefs who supported this Act (Lodge 1979, 137–147; Pheko 1986, 101–111; Plaatjie in SADET 2006, 669–701). Lodge is correct to note that, during the 1960s, the murder of headmen and chiefs was a fairly frequent occurrence (Lodge 1979, 141). One of the chiefs, who as a result of his support for this Act became a paramount chief, was Kaizer Matanzima. Lodge (1979, 141) notes that late in 1962 there were three attempts on Matanzima's life and all three were POQO inspired. The first attack was on 14 October 1962, and in the weeks before the attack there were reports that POQO was “preaching race hate” to the peasantry in the Tembuland. Following this attack, 48 men were imprisoned for POQO activities and in one instance, Chief Nkosana Mtirara (member of the Tembu royal family) was found guilty of leading a POQO cell of 35 men (Lodge 1979, 141). The POQO activities in this respect included an attack which took place on 4 February of 1963 at Mbashe. This attack was an attack on a white family and it was reported that the attackers used petrol bombs and firearms as well as pangas (Lodge 1979, 141). In 1963 the Engcobo and Umtata districts were said to be the most violent districts in the Transkei. This was because of the POQQ-led opposition and operations against the government and Mantanzima who had become the chairman of the Transkei Territorial Authority and who was also campaigning to be elected as Chief Minister (Lodge 1979, 142).

The activities and operations of APLA/POQO were also prominent in the former Transvaal, mainly in Pretoria (and its surrounding townships) and the Vaal (Maaba in SADET 2006, 257–298; Mathabatha in SADET 2006, 299–318; Pheko 1986; Plaatjie in SADET 2006, 669–701). The prominence of POQO, which operated as cells in the former Transvaal, reached a peak around 1962. This is because of the disgruntlement of young people within townships as a result of the ANC's failure to fight against a number of the government policies, including forced removals and the entrenchment of pass laws (Maaba in SADET 2006, 257–298; Mathabatha in SADET 2006, 299–318; Pheko 1986; Plaatjie in SADET 2006, 669–701). The PAC and POQO cells in the former Transvaal also operated through the recruitment of illiterate people and *tsotsis* (which was in contradiction of the policy of the PAC and Sobukwe's stance that members of the PAC should at least hold a standard 6) (Maaba in SADET 2006, 257–298; Mathabatha in SADET 2006, 299–318; Pheko 1986; Plaatjie in SADET 2006, 669–701). The POQO cells in the former Transvaal were very militant. This is because of the influence of Potlako Kitchner Leballo—the Secretary General of the PAC. Leballo was very militant and, following the incarceration of Robert Sobukwe, he took the leading role. Leballo instructed

members of the of PAC and POQO cells to recruit and make sure by 1963 that every PAC branch had at least 1 000 men. He instructed members of the PAC and POQO cells that the time to take up arms had arrived and he identified 1963 as the “year of war.” He also instructed members of the PAC and POQO cells to take an oath and swear that they accepted the death penalty for being from the PAC if they were found to be snitches. Leballo further instructed the members of the PAC and POQO cells that they had to administer amongst their branches the following oath: “As PAC members we shall Serve, Suffer and Sacrifice.” He informed members of the PAC and POQO cells that the time for war had arrived and the war that they were going to fight was not a war from which members of the PAC and POQO cells could retire or back out. Leballo told members of the PAC and POQO cells that the war the PAC was going to be involved in, was a matter of life or death (Maaba in SADET 2006, 257–298; Mathabatha in SADET 2006, 299–318; Pheko 1986; Plaatjie in SADET 2006, 669–701). PAC and POQO cells, under the influence of Leballo, operated through codes: weapons, missions, people and places were referred to in a manner of a code. Leballo instructed the members of the PAC and POQO cells that he would teach them these codes and they were never to write down anything. He taught the members of the PAC and POQO cells the following codes: guitars would mean revolvers; flutes would mean pangas and bullets; dancers or twisters would mean fighting people-soldiers; saxophones would mean bombs; go-go would mean hideouts; a picnic would be training fields or grounds; and nightclub would be the headquarters of the PAC at Maseru⁶ (Maaba in SADET 2006, 257–298; Mathabatha in SADET 2006, 299–318; Pheko 1986; Plaatjie in SADET 2006, 669–701).

The APLA/POQO operations during 1962 around the former Transvaal—particularly in Pretoria—took a radical and a militant turn to violence (Maaba in SADET 2006, 257–298; Mathabatha in SADET 2006, 299–318; Pheko 1986; Plaatjie in SADET 2006, 669–701). In one of the townships of Pretoria, that is, Mamelodi, the POQO cells through the influence of Leballo formed the Mamelodi Task Force. This task force planned to storm the Baviaanspoort prison to release members of the PAC incarcerated there. This attack was influenced by the French Revolution and the storming of the Bastille (Maaba in SADET 2006, 257–298; Mathabatha in SADET 2006, 299–318; Pheko 1986; Plaatjie in SADET 2006, 669–701). The reason for this attack was to release the prisoners in order to reinforce POQO. The idea was that common law criminals were to be useful in the planned 1963 insurrection because they were brave and accustomed to killing. This plan of storming the Baviaanspoort prison was to be carried out with the help of some wardens (Maaba in SADET 2006, 257–298; Mathabatha in SADET 2006, 299–318; Pheko 1986; Plaatjie in SADET 2006, 669–701). It is also imperative to note that in 1962 the Mamelodi Task Force made an attempt to attack a truck

6 PK Leballo once sent the following coded message: “Situations throughout the cinemas and halls are becoming extremely serious, and graver and graver every day as a result of deliberate provocation by the forces of darkness and the informers. Already five halls have been wiped out by the forces of darkness, and other cinemas. Therefore I am directing you the final warning, for every cinema, every hall, every proprietor, every hall-usher, hall-keepers, and all the diggers and dancers, that the date of the jive session has now been chosen and it can no longer be postponed. Unless the dancers are ready within three weeks of receipt of this order you will be guilty of serious crime of betrayal. Time is running out. The property received by the halls from the nightclubs is still safe. Thanks for that. This is a very grave situation indeed. The acting director and RC are left with no alternative, namely to shorten the days before the session” (Maaba in SADET 2006, 316).

carrying explosives to the Premier Diamond Mine. These explosives were going to be used for the 1963 war. The POQO cells tried to break into a Garankuwa Bantu Administration Board construction site with the intention of stealing some dynamite. A number of the members of the POQO cells in the former Transvaal were not trained to use firearms, bombs and other related weapons. The only training they had was on how to use petrol bombs or Molotov cocktails (Maaba in SADET 2006, 257–298; Mathabatha in SADET 2006, 299–318; Pheko 1986; Plaatjie in SADET 2006, 669–701). The POQO cells in Atteridgeville started a group known as the Bomb Squad. The duty of this group was to go to the neighbouring South African Defence training camp and collect unused ammunition and bombs to be used for the 1963 insurrection. The first target of this group, following the collection of ammunitions and bombs, was to hit the Shell petrol depot near Iscor. The Shell petrol depot was selected because the expected blaze and explosives would draw massive police attention, allowing POQO cadres to attack whites in the suburbs (Maaba in SADET 2006, 257–298; Mathabatha in SADET 2006, 299–318; Pheko 1986; Plaatjie in SADET 2006, 669–701). This unit of POQO cadres was arrested the night before the mission was scheduled to take place.

The APLA/POQO operations and/or attacks during the 1990s increased, following the declaration of 1993 as “The Year of the Great Storm” by APLA’s Chief Commander, Sabelo Phama. These operations and/or attacks were twofold: firstly, these attacks were aimed at white farmers with the aim among other things of seizing weapons; secondly, these attacks were aimed at public places which were frequented by white civilians (TRC 1998a, vol 2, p.685). These attacks must be understood against the backdrop of the following policy position of APLA: firstly, APLA’s policy stance or slogan “One Settler, One Bullet”; and secondly APLA’s policy stance on the whole notion of “repossession of property” (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.45). The first policy stance or slogan of APLA came as a result of the political understanding that the presence and/or existence of white people in South Africa was as a result of colonisation and their commitment to forced occupation, dispossession and the conquering of the indigenous Africans/blacks. As a result of this, APLA took a stance that all white people are settlers and are responsible for the subjugation of the indigenous Africans/blacks—therefore all white people are targets of APLA’s attacks. The second policy stance of APLA stated that, as a result of the settler status of all white people in South Africa, all the property that white people supposedly own was as a result of the dispossession and ultimate subjugation of the indigenous Africans/blacks, and therefore APLA took a stance of taking everything back from white people of South Africa. For APLA, this was an act of repossession, that is, APLA was repossessing everything that belonged to the indigenous Africans/blacks. The act of repossessing was also used to fund the struggle for liberation and the return of sovereignty (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998d, vol 6, p.45). During this period, Sabelo Phama appeared on an interview with the SABC television declaring that “he would aim his guns at children to hurt whites where it hurts most” (TRC 1998a, vol 2, p.685). By this time, the APLA operatives had struck at the King Williams Town Golf Club on 28 November 1992, killing four people. Following Phama’s interview, further attacks followed. These include the attack on the High-gate Hotel in East London on 1

May 1993, the Saint James Church in Kenilworth on 25 July 1993, and the Heidelberg Tavern in Observatory on 31 December 1993 (TRC 1998a, vol 2, p.685–686).

The APLA/POQO operations and/or attacks in the 1990s shifted from the 1980s strategy of targeting security structures to targeting civilians within the white community (TRC 1998a, vol 2, p.685–686; TRC 1998b, vol 3, p.145–149). APLA operated on confidentiality, that is, the details of their operations were kept secret. As a result of this, the target selection in their operations was left to the local commanders (TRC 1998a, vol 2, p.685–686; TRC 1998b, vol 3, p.145–149). The following operations or attacks occurred during the period of “The Year of the Great Storm”:

- 1) The King William’s Town golf club. This operation and attack was executed with hand grenades and automatic rifles on the night of 28 November 1992. During this attack, there was a Christmas social function for a “wine club.” Four people were killed during this operation. This operation was executed because the function at the golf club was going to be attended by security force personnel and senior citizens (TRC 1998a, vol 2, p.685–688; TRC 1998b, vol 3, p.145–149).
- 2) The Yellowwood Hotel. This operation and/or attack happened on 22 March 1993 at Fort Beaufort and one white student was killed.
- 3) The Highgate Hotel in East London. The attack on the Highgate Hotel in East London on 1 May 1993 claimed five people who were killed and others were injured. This attack was executed because the Highgate Hotel was full on 1 May 1993 and APLA cadres wanted to make an impact (TRC 1998a, vol 2, p.685–690; TRC 1998b, vol 3, p.145–149).
- 4) The limpet mine explosion in a bus. On 30 November 1993, a limpet mine exploded on a bus in Durban, resulting in the death of one person and with 11 people injured (TRC 1998a, vol 2, p.685–691; TRC 1998b, vol 3, p.145–149).
- 5) The attacks on white farmers. These attacks were part of the strategy of APLA following the declaration of 1993 as “The Year of the Great Storm.” The strategy was to drive white farmers off the land so that it could be reclaimed by the African people. During these attacks a number of farmers were killed and weapons and cars were seized (TRC 1998a, vol 2, p.685–691; TRC 1998b, vol 3, p.145–149).
- 6) The Heidelberg Tavern. The attack at the Heidelberg Tavern in Observatory occurred on 30 December 1993. APLA cadres sprayed those at the tavern with gunfire; four died and three were injured. This tavern was targeted because it was said that it was frequented by members of the security forces (TRC 1998a, vol 2, p.685–686 ;TRC 1998b, vol 3, p.145–149).
- 7) The Saint James Church. The attack on the Saint James Church in Kenilworth, Cape Town was executed on 25 July 1993. In this attack, 11 people were killed and 55 wounded. This operation and/or attacked was executed with machine guns and two hand grenades (TRC 1998a, vol 2, p.685–687; TRC 1998b, vol 3, p.145–149).

The TRC Amnesty Committee and Complications of APLA Applications

The Truth and Reconciliation Commission of South Africa and its amnesty committee were established following a negotiated settlement reached at formal and informal negotiations (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). It is imperative to distinguish between informal negotiations on economic issues (where those who were negotiating were dined and wined), and formal negotiations on political issues (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). This is mentioned because it is necessary to understand that “the balance of forces” in the formal negotiations favoured the democratic movement, while the informal negotiations favoured the then authoritarian regime (National Party) and the corporate sector (Cronin 1994, 1–39; Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). Therefore, as a result of the balance of forces, it was agreed that systematic exploitation would be ignored (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). This negotiated settlement created the terms that made it possible for this commission to be established and also set the limits within which this commission could work (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). In this respect, it must be emphasised that truth commissions are official agencies that are sponsored by governments and/or international organisations to formally investigate and report on human rights violations that occur in specific countries or regions, that have endured a period of social conflict (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). The idea behind these truth commissions is to provide a forum for victims, relatives and even perpetrators to give testimony and evidence of human rights abuses (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). These commissions are also intended to provide closure in these tragedies, to account for past abuses, to provide recommendations to prevent similar acts from recurring in the future, and to stimulate national reconciliation (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). Although a great deal of international attention has focused on the South African TRC and its successes and/or failures, the actual concept of truth commissions emerged in the 1970s in Uganda and later gained prominence in Latin America in the 1980s (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). The TRC was initially supposed to have been called the Truth Commission, until F.W de Klerk requested on behalf of the National Party (NP) and its constituency that a theological term, “reconciliation” be added; hence it was called the Truth and Reconciliation Commission (Boesak and DeYoung 2012, 9; Lephakga 2016, 1–10). This commission was established by the Promotion of National Unity and Reconciliation Act no 34 of 1995, and it was mandated to “promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture as possible of the causes, nature and extent of the gross human rights violations which were committed during the period 1 March 1960 to 10 My 1994” (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998a, vol 2, p.2–149). The TRC was given a wide mandate and the definition of “gross human rights violations” was left vague. This is mentioned to point out that, although its mandate was

wide, the TRC decided to interpret its mandate far more narrowly, that is, it defined “gross human rights violations” as “killing, abduction, torture or severe ill treatment and the attempt, conspiracy, incitement, instigation, command or procurement to commit such acts” (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998a, vol 2).

The TRC claimed to be different from its predecessors, namely the truth commission in Uganda in 1974 (Quinn 2003), the National Commission on the Disappeared in Argentina in 1983 (Crenzel 2008), the National Commission for Truth and Reconciliation in Chile in 1991 (Ensalaco 1994), and the Commission of Inquiry in Chad in 1992 (Stevens et al. 2006, 296–297; Terreblanche 2002). The pursuit of justice was central to these commissions. However, this justice was pursued in a form of revenge (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). Therefore, the TRC was determined to practise neither impunity nor vengeance, which was in line with the mandate that was given to this commission⁷ and it was determined to avoid two pitfalls: on the one hand, reconciliation becoming an unprincipled embrace of political evil; and, on the other hand, a pursuit of justice so relentless as to turn into revenge (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). Therefore, this commission was determined to identify and address both the “victims” and “perpetrators” of gross human rights violations which occurred between 1 March 1960 and 10 May 1994 (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). The Act that established the TRC and the amnesty committee did not clearly define “victim” and “perpetrator” and therefore the task of defining the “victim” and “perpetrator” was left to the commission. This task was the single most important decision that determined the scope and depth of the commission’s work (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). As a result the TRC—in spite of acknowledging that apartheid was a crime against humanity which targeted entire communities for ethnic and racial policing and cleansing—decided to individualise the “victims” and “perpetrators” of gross human rights violations. As a result of this, the TRC wrote the vast majority of apartheid’s wrongdoings out of its version of history and also ignored the gross human rights violations perpetrated collectively and systematically against millions of black people under the white political domination and racial capitalism (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). Mamdani identifies three points which—as a result of the TRC’s definition of “victim” and “perpetrator”—led the TRC to ignore the gross human rights violations perpetrated collectively and systematically against millions of black people under white political [and economic] domination and racial capitalism:

7 This commission was mandated to “promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period 1 March 1960 to 10 My 1994” (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Terreblanche 2002, 124–132; TRC 1998a, vol 2, p.2–149).

- 1) Firstly, the TRC individualised the victims of apartheid and where entire communities were victims of gross violations of rights, the TRC acknowledged only individual victim(s). Therefore, if apartheid was a “crime against humanity” which involved the targeting of entire communities for racial and ethnic cleansing and policing, then individualising the victim obliterated this particular central characteristic of apartheid.
- 2) Secondly, by focusing on individuals and obscuring the victimisation of communities, the TRC was unable to highlight the bifurcated nature of apartheid as a form of power that governed natives differently from non-natives.
- 3) Thirdly, the TRC extended impunity to most perpetrators of apartheid and this because in the absence of a full acknowledgement of victims of apartheid, there could not be complete identification of its perpetrators (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132).

The TRC upheld its commitment of a double determination—that of not practising impunity or vengeance—when it established an amnesty committee. The TRC maintained that there would be no blanket amnesty. Amnesty would be conditional and it would not be a group amnesty (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). The TRC maintained that every perpetrator would have to be identified individually and would have to own up to his or her guilt (the truth) before receiving amnesty from legal prosecution. Victim(s) of gross human rights violations would have to give up their constitutional right to prosecute perpetrators in the courts of law (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). The TRC also maintained that the kind of justice which they would be pursuing would be restorative justice instead of criminal justice. The perpetrator would receive amnesty, the society and victim(s) would receive the truth and reparations (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132). The amnesty committee was established following the original provisions which were recorded in the postscript (also known as postamble) to the Constitution of the Republic of South Africa Act no 200 of 1993 (the Interim Constitution). These provisions were preserved in schedule 6, section 22 of the Constitution of the Republic of South Africa (the new constitution). These constitutional provisions formed the basis of the enactment of the Promotion of National Unity and Reconciliation Act no 34 of 1995 (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91). The amnesty committee was a statutory body in terms of the Promotion of National Unity and Reconciliation Act no 34 of 1995, from which it derived all its powers, functions and responsibilities. Section 18 of the Act provided the following as formal requirements for the consideration of the application(s):

- The applicant was required to submit a written application on the prescribed amnesty application form. This application had to be made under oath and attested to by a commissioner of oaths. The application had to be submitted to the committee before the closing date for applications (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91).

- The Act required that the incident forming the subject matter of the amnesty application had to have been associated with a political objective. In this respect, the Act relied heavily on the principles of extradition law and the concomitant definition of a political offence within the international context (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC, 1998d vol 6, p.1–91). The criteria stipulated in the Act contained important guidelines for assessing whether an applicant’s conduct would qualify as being politically motivated within the broad context of political offences. Firstly, the committee had to assess the motive of the perpetrator; the context in which the incident occurred (for example whether it occurred in the course of a political uprising); the nature and gravity of the incident; the object or objective of the conduct and, in particular, whether it was directed against political enemies or innocent parties; the existence of any orders or approval of the conduct by a political organisation, and finally, issue of proportionality (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91).
- The Act further provided that, where the perpetrator had acted for personal gain (except in the case of informers) or out of personal malice, ill-will or spite towards the victim, the conduct in question would not qualify as an act associated with a political objective (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91).
- The incident must have occurred within the prescribed time period. The time period set by the Act was between 1 March 1960 and 10 May 1994 (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91).
- The Act also provided that the application should fall within the following categories: supporters, members or employees of the contending parties involved in the past political conflict in the country (South Africa).
- The applicant had to make a full disclosure of all the relevant facts relating to the offence for which amnesty was being sought. The amnesty process had a critical role to play in helping to establish the fullest possible picture of the past political conflict in the country. To this end, amnesty applicants were legally required to give a full and truthful account of the incidents in respect of which they were seeking amnesty (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91). The obligation to make full disclosure related only to relevant facts. The obligation in question related solely to the particular incident forming the subject matter of the application and did not extend to any incidents not raised in the amnesty application (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91).

The TRC and its amnesty committee clearly stipulated that requirements for amnesty were faced with complications regarding the applications of supporters and/or members of APLA and the PAC (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91). The complications of the applications regarding members and/or supporters of APLA came as a result of some of the policies of the organisation, which were acknowledged by the leaders of APLA and the PAC. These policies made it difficult for the amnesty committee to distinguish between acts associated with a political objective committed by bona fide APLA members, and purely criminal acts committed for personal gain; often coupled with severe assault and murder (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91).

The first such policy was the APLA slogan “One Settler, One Bullet.” This slogan came as a result of the PAC and APLA’s political stance which regarded all white people in South Africa as settlers. This is because, according to the PAC and APLA, the presence of white people in South Africa was as a result of their migration from Europe to Africa—particularly South Africa in order to colonise. Therefore, this slogan translated into “One White Person, One Bullet.” Thus individuals (white individual people) became legitimate targets of the operations of APLA (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91). All white people were targets, however, in terms of the operations, local APLA cells operating in the country were given the tasks of choosing individual targets (TRC 1998a, vol 2, p.685–687; TRC 1998b, vol 3, p.145–149). Thus APLA in their operations targeted the Heidelberg Tavern, the King William’s Town Golf Club, the Yellowwood Hotel, Highgate Hotel, Saint James Church and the killing of a white American exchange student Ms Amy Biehl (who was killed by members of the Pan Africanist Student Organisation [PASO]) (TRC 1998a, vol 2, p.685–687; TRC 1998b, vol 3, p.145–149).

The second problematic policy of APLA was their policy position related to “repossession of property.” This policy position arose from the PAC and APLA’s stance that, all property—particularly land that white people purportedly own (white people whom PAC and APLA defined as settlers) was stolen property. Therefore, APLA in their operatives targeted farms and other properties for two reasons: one was to reclaim stolen land; and the other was to repossess these properties in order to use them as subsistence for the operatives. Thus the amnesty committee received applications from members and/or supporters of APLA operatives who were involved in robbery or theft of a variety of goods and valuables, including cash and vehicles (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91). In these applications, these members and/or supporters of APLA alleged that some of the proceeds of these operations were used as subsistence for the operatives. They claimed that the proceeds provided their means of survival so that they could continue with their political work. Where goods other than cash were “repossessed,” it was mentioned that these were sold to raise funds for the liberation struggle (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–

91). APLA commanders who testified at the TRC and amnesty hearings pointed out that these acts of theft and robbery were legitimate repossession of goods to which African people of South Africa were rightfully entitled, in line with APLA policy (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91).

The TRC and amnesty committee faced another complication with the applications of some of the members and/or supporters of APLA, namely the *locus standi* of the applicants. The amnesty committee had to resolve whether the applicants were bona fide members of APLA or supporters. Therefore, the amnesty committee adopted an approach that amnesty would be refused if the applicants were unable to satisfy the committee that the property involved (repossessed property) had either been handed over to APLA or used in accordance with APLA policy in furtherance of the liberation struggle (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91). In this respect, it is imperative to mention that, given the open-ended nature of this “repossession” policy, a large number of prison inmates attempted to obtain amnesty under the flag of the PAC or APLA.

Another complication with the applications of APLA members and/or supporters came as result of the loose structure of the APLA units that operated inside the country, in particular the “task force” or “township trainees” recruited by trained APLA commanders to assist in operations. These “task force(s)” or “township trainees” were made up of recruits from the ranks of known criminals—both in and outside prison. This was because people with criminal records or criminals in general were best suited to the task of “repossession” by means of theft and robbery (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91).

An additional complication with the applications of members and/or supporters of APLA was the difficulty of ascertaining the true identity of individual amnesty applicants. This was a result of APLA’s use of code names and the unavailability of APLA records. According to the testimony of APLA commanders, the records of the organisation had been confiscated by the police during their raids in their offices and these records were never returned to the organisation (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91).

A complication regarding the applications of members and/or supporters of APLA arose from the fact that the PAC and APLA maintained independent organisational structures. This is illustrated by the fact that, in the early 1990s, the PAC leadership (which represented the political wing of the organisation) under Clarence Makwetu suspended the armed struggle, while APLA (the military wing of the organisation) under Sabelo Phama continued with the armed struggle (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91). This presented the amnesty committee with complications when it came to apply the amnesty criteria of the Act, such as the provision that the act under consideration had to be “associated

with a political objective” (Lephakga 2015, 95–148; Mamdani 2002, 32–59; Stevens et al. 2006, 293–312; Terreblanche 2002, 124–132; TRC 1998c, vol 5, p.108–124; TRC 1998d, vol 6, p.1–91).

Conclusion

This article has examined the role of the Truth and Reconciliation Commission of South Africa—particularly its amnesty committee in relation to the amnesty applications of the members and/or supporters of APLA and the PAC. This was done specifically because the applications of the members and/or supporters of APLA presented the amnesty committee of the TRC with complications. These complications emanated from the politics, the policies and position of both the PAC and APLA. The PAC and APLA both took the following stance, which was informed by their politics that viewed all white people as settlers who had migrated to the continent—particularly South Africa (occupied Azania) for the sole purpose of colonising Azania and conquering the Azanians. Hence the PAC and APLA argued that all white people in South Africa (occupied Azania) are settlers and everything they supposedly own was as a result of the dispossession of African/black people. Henceforth the PAC and APLA embarked on a struggle for liberation and the return of sovereignty. APLA took a political stance of saying (under the famous slogan) “One Settler, One Bullet” that, APLA in its operations saw all white people as targets for their struggle for liberation and sovereignty. APLA also took a stance of “repossession” of property, which was used on the one hand for bankrolling the struggle for liberation and sovereignty and on the other hand, for the return of stolen property of Africans/black people of South Africa (occupied Azania). These complications were further convoluted by the following: the PAC and APLA operated as independent bodies with the PAC as a political body and APLA as a military body; APLA operated from exile and within the country, with structural targets being chosen by APLA in exile (and headquarters) and individual targets chosen by APLA inside the country; APLA used covert code names for their troops and all their documentation was seized by the police during their raids. Given all these complications, the amnesty committee had a huge task, because the Act that established the TRC and the amnesty committee prescribed the following requirements: 1) The act for which amnesty was required should have happened between 1 March 1960 and 10 May 1994; 2) The act must have been politically motivated; 3) the applicant had to make full disclosure of all the relevant facts relating to the offence for which amnesty was being sought. In view of the above, the amnesty committee had to decide with regard to the amnesty applications of members and/or supporters of APLA whether applicants were *bona fide* members or just supporters of APLA, as APLA operated with group cells and operators from exile and inside the country. The amnesty committee had to decide whether the acts—particularly those of repossession of property committed by members and/or supporters of APLA—were politically motivated or not. After a rigorous and very challenging process, the amnesty committee granted amnesty to some members and/or supporters of APLA, and denied amnesty to others.

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