

**TRCREPORT**

**All the latest**

Today The Star begins a new weekly feature to keep you up to date with the Truth and Reconciliation Commission. The feature, produced by our team of specialist TRC reporters and published every Friday, will provide all the background, the news and the insights you need to keep you in the picture as the dramatic story of our past unfolds.

# The invisible hand at his throat

THEMBA HADEBE

The Truth Commission is a mirror of our soul, but at times it fails to convey the suffering and horror of some of apartheid's victims: Dr Kantilal Naik, an Indian schoolteacher, was one



By ROBERT BRAND

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One of those names was Naik's, and police needed no further reason to swoop. He was arrested the next day and taken to John Vorster Square, where he was detained under the Terrorism Act. About 160 other people were also detained in the days that followed.

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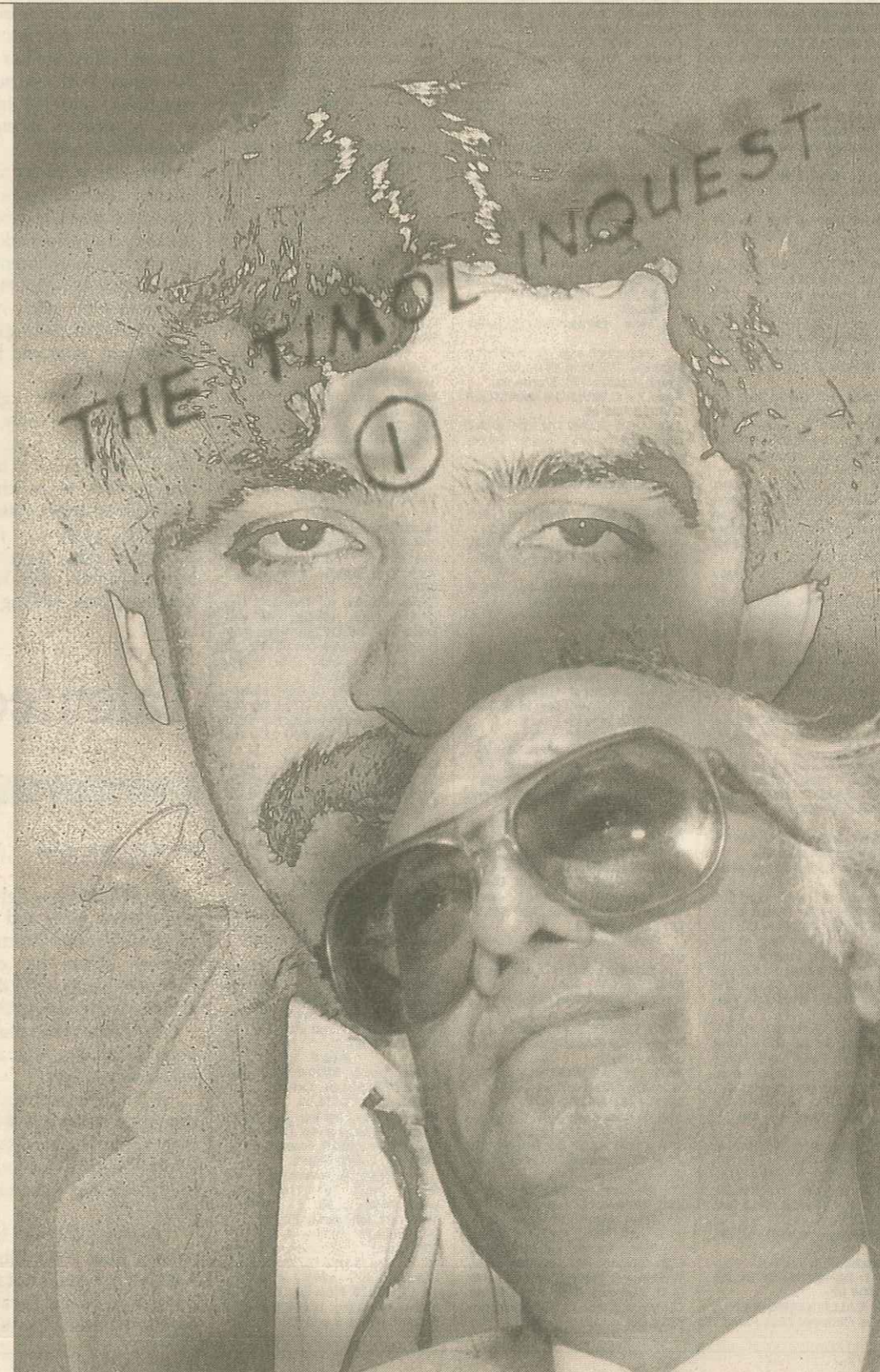
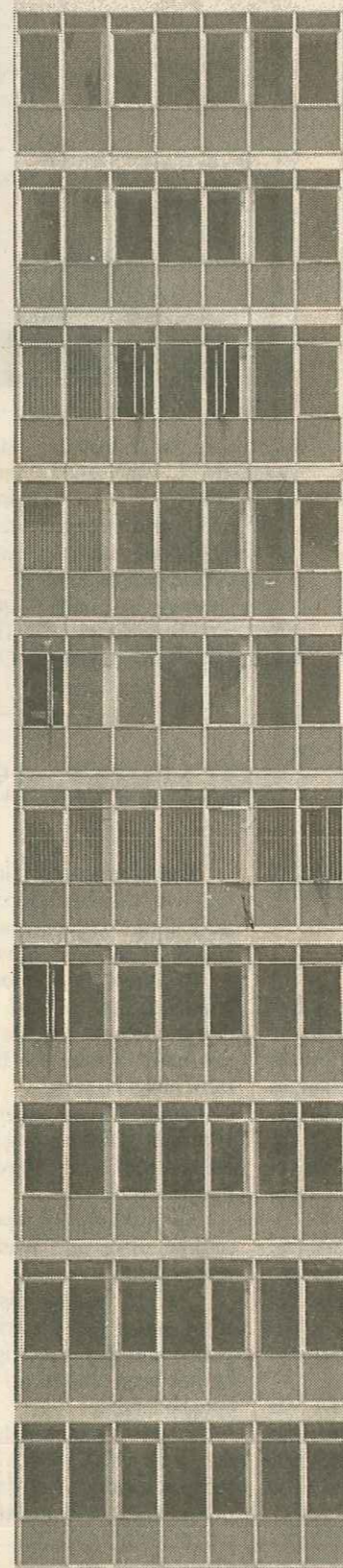
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JOHN VORSTER



## Timol death still haunts his family and friends

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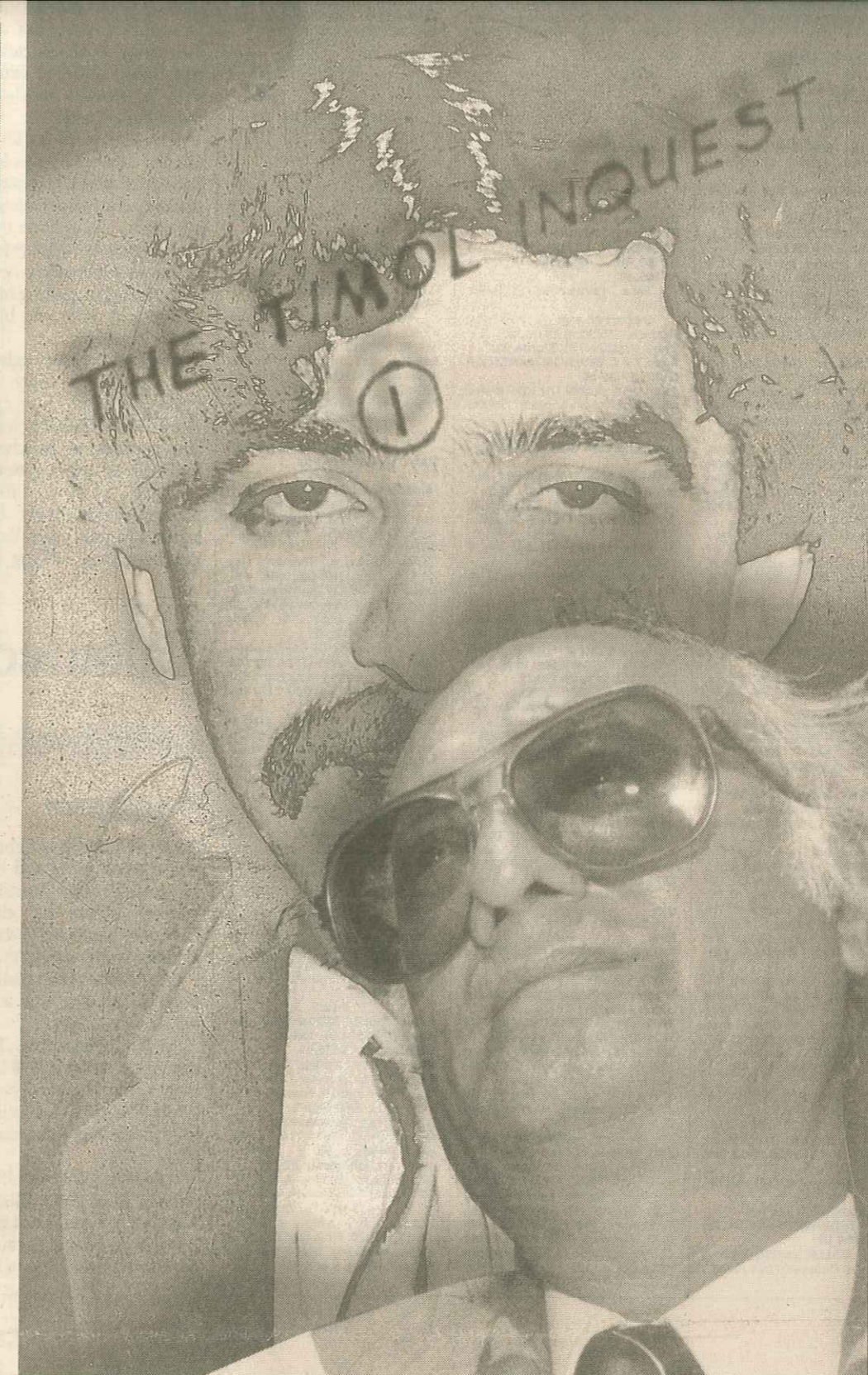
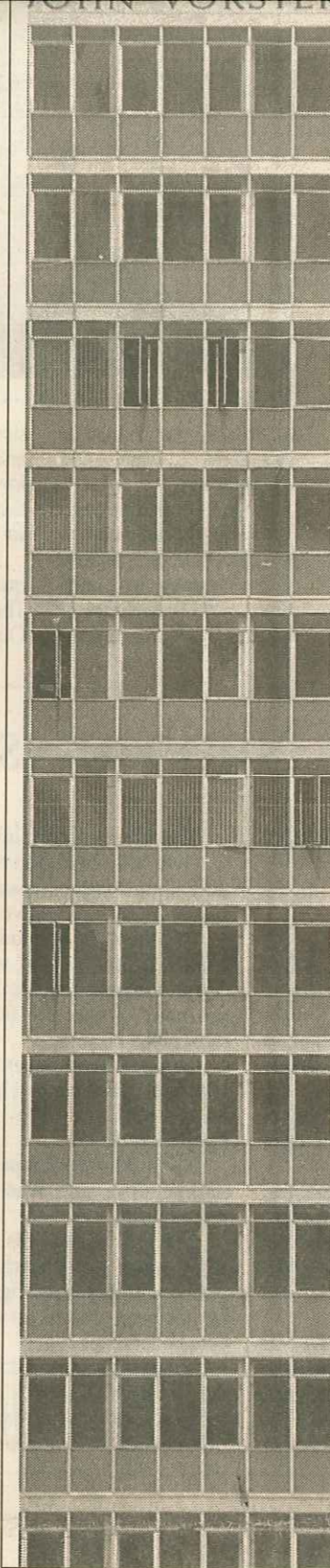
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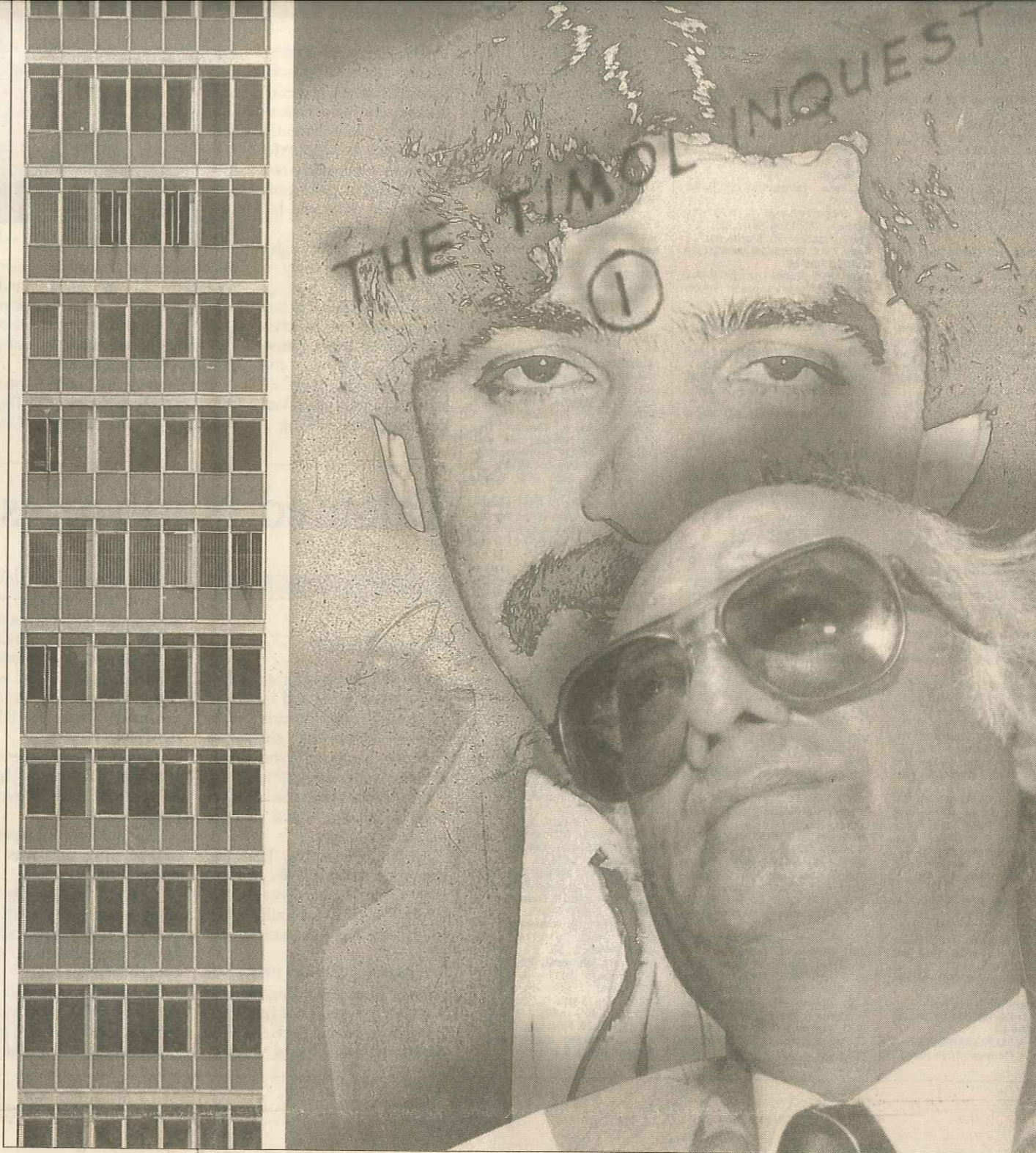
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The TRC has become, and, as of last Tuesday, is finally being represented as powerful. It can no longer be called the bumbling child of hateful witch-hunters or bleeding heart liberals.

Finally it has emerged, in terms of its public image, as an independent body with the power to mete out a kind of justice - even if it does not involve pounding gavels.

It was moving on the morning of the commission's press conference in PE to see a front-page headline on the Sowetan which read: "Nail Biko's Killers".

Tuesday's news, seen in the light of the Sowetan's headline, underscored the fact that if the killers of the 10 men are granted amnesty - and they probably will be - it doesn't mean they will walk FREE.

Forever the country will asso-



## My View

By Daisy Jones

ciate these men with their deeds, thanks to the TRC's investigative unit, witness protection programme and the pressure placed by the commission as a whole on perpetrators to apply for amnesty.

By their own confession, these security policemen were perpetrators. The Eastern Cape ac-

tivists were the victims.

Some people will be furious if the men are "let off". But they probably will be granted amnesty, because it will be so easy to prove that the murders were political.

Of course they were. The activists' bravery, morality and commitment posed a serious threat to the apartheid regime.

Concerted human forces of pressure and dedication within the commission, which led to the perpetrators signing amnesty application forms, constitute a tribute to the 10 dead men and their families.

The commission's efforts have rescued it from confusion and offered clarity.

An infinite number of nightmare possibilities in the minds of the mourners has been reduced to one.

Truth - one of only two primary goals of the commission - is the key to resolution and personal peace.

Although the process of etching the reality of the past on to the nation's consciousness is necessarily a painful one, it is wonderful to imagine the families of

the activists at the gravesides of their beloveds, laying them to rest.

On a personal level, last Tuesday's events have restored an enthusiasm which was beginning to wane.

For all of us who are involved on a day-to-day basis with the activities of the commission, this opening of wounds has taken its toll.

One often wonders if the regularly clogging throat and the perpetually suppressed rage are worth it. But on Tuesday I felt proud.

Standing tall, our commission drew breath and said: This is what we are doing. This is what we are here for.

We are bringing the public the truth. We are bringing together the loose strands of history. We are putting people under pressure to apply for amnesty, and we will grant it.

We are giving aggrieved relatives - survivors - the information they asked for.

The TRC's achievement on the public stage last week encouraged me to remember our country and the people whose lives necessitate the commission's existence.

According to the police, Timol was being questioned by two security branch officers, Captain Johannes Gloy and Captain JZ van Niekerk. Up to that point he had been treated fairly and had not been assaulted, police said.

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Rodriguez testified that he was sitting with his back to the window, with Timol on the opposite side of a table. Timol - Rodriguez referred to him throughout his testimony as "the Indian" - asked permission to go to the toilet. They both stood up, Rodriguez said, and the next moment "the Indian" was rushing around the table in the direction of the window. Before Rodriguez could get to him, he had opened the window and "dived through it".

Apart from the unlikely scenario of two senior officers leaving an important prisoner in the charge of a salary clerk, Timol's injuries appeared inconsistent with this story. He suffered a broken neck, fractured skull and a broken elbow and leg - injuries he could have been expected to sustain in a fall of more than 30m but his body was covered in bruises, scabs and scratches, and his left eye was swollen shut and gouged under the lid.

Some of these injuries, independent pathologist Dr Jonathan Gluckman found, were days old, sustained long before the fall. State pathologists agreed, but found that these injuries could have been sustained before Timol was arrested, and Magistrate de Villiers accepted their opinion.

Did Timol commit suicide? Was he deliberately thrown out of the window to hide the visible evidence of serious assaults?

Or, as has been claimed, did policemen accidentally drop him while holding him by his feet out of the window to scare him into talking?

We may never know, but some of the policemen who were there that day, including Gloy, are still alive. Johann Coetzee, who headed the Timol investigation and later became commissioner of police, is still alive.

They, and only they, can tell the true story.

## TRC DIARY

### NEXT WEEK

1. The Truth and Reconciliation Commission's human rights violations committee moves to Cradock, where it will take evidence from victims of the apartheid conflict. Among those testifying will be relatives of the "Cradock Four" - Matthews Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhahle - who were murdered by the security forces in 1985. The Star will cover this hearing,

which starts on Monday and continues until Wednesday. 2. The amnesty committee will consider amnesty applications from eight convicted prisoners serving long-term sentences for what they claim were political murders. They are two former policemen, three ANC supporters and three IFP supporters. The hearings start on Monday in Pietermaritzburg. We'll keep you posted. The reparations and

rehabilitation committee, charged with recommending steps to compensate the victims of the apartheid conflict, is planning a workshop in Oudtshoorn. The workshop, the first of its kind, will give residents of this southern Cape town a chance to suggest ways in which they could be compensated for past injustices. It is scheduled for February 19.

### LATER THIS MONTH

Amnesty applications by five former security policemen in Pretoria, and a human rights violations hearing on the death of the "Guguletu Seven" in Cape Town. A number of policemen have been subpoenaed to testify at the latter hearing.

# Cambodia urged to follow the example of South Africa

REUTERS  
Phnom Penh

Cambodia should set up some form of truth commission to ensure that the lessons of its brutal recent past are not lost on future generations, United Nations human rights officials believe.

The United Nations' special representative on human rights for Cambodia, Thomas Hammarberg, said last year's amnesty of former top Khmer Rouge cadre Leng Sary raised fears that the horrors of the 1975-79 Khmer

Rouge regime and those responsible would be forgotten.

Hammarberg, contacted in his Stockholm office late on Wednesday, said truth commissions in South Africa and Latin America had helped clarify the past and start a real healing process.

"My suggestion was that the Cambodian authorities would consider studying some examples in other countries to see how they have dealt with it.

"Chile and South Africa would be two cases of specific interest," he told Reuters.

"I don't want to recommend

one specific model, but I do want to recommend that the issue is not just brushed under the carpet.

"If this does happen it will come back and that would be a very bad message when it comes to human rights for future generations."

South Africa's Truth and Reconciliation Commission was set up last year to probe human rights violations during 30 years of race conflict.

Hammarberg said something new and specific for Cambodia might have to be created.

But Hammarberg added that

any entity would have to be independent and might need the help of overseas advisers and lawyers.

Hammarberg is expected to present his recommendation formally in a report to the annual meeting of the UN Commission on Human Rights in Geneva next month.

The partial amnesty granted in September 1996 through the medium of a royal decree should not exclude the possibility of establishing a truth commission to clarify facts and assign responsibility," said a draft of the report, seen by Reuters.

Co-Premiers Prince Norodom Ranariddh and Hun Sen persuaded King Norodom Sihanouk to pardon Leng Sary, who had stalled peace talks after splitting with Khmer Rouge hardliners in August.

Leng Sary was pardoned from a 1979 death sentence handed down in absentia for his role in the deaths of more than one million people during the brutal regime of Pol Pot.

Thousands of guerrillas have since defected to the government,

although he is the only top leader to do so.

The government has said it would accept others but never Pol Pot, whose whereabouts are unknown.

The American-funded Cambodia Genocide Programme said last month that it had enough new evidence gathered over the past two years to implicate clearly the Khmer Rouge leaders in crimes against humanity.

"I don't think there will ever be a trial of the Khmer Rouge leadership," said a UN human rights worker in Cambodia, but

added: "If something is feasible, it is a truth commission."

Justice ministry officials, however, could not be reached for comment.

Information Minister Leng Mouly said on Thursday he supported a truth commission in principle but would still like to see top Khmer Rouge leaders brought to trial one day.

"I think any action, any decision to find the evidence of the genocide is welcome," said parliamentary human rights commission chief Kem Sokha, who also favoured a later trial.