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How do Truth Commissions try to reconcile a divided Nation?

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Comparison between the work of Truth Commissions and the way they try to reconcile the society in South Africa after Apartheid and in Colombia after the Peace Agreement with FARC-EP

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I. Abstract

This comparative analysis examines the methodologies and outcomes of Truth Commissions in two distinct contexts: The Truth and Reconciliation Commission in South Africa (TRC) and the Commission for the Clarification of Truth in Colombia (CEV). The research investigates how these Commissions sought to achieve reconciliation or *convivencia* through Truth Encounters, a pivotal component of their respective procedures. The TRC in South Africa embarked on the monumental task of pursuing national reconciliation, addressing historical injustices, and fostering understanding among diverse racial groups. Because of challenges stemming from limited time and mandate constraints, Truth Encounters happened only occasionally but proved emotionally profound. Victims confronted perpetrators directly, and the TRC's power to grant amnesty potentially encouraged openness. However, instances lacking perpetrator remorse may have impeded reconciliation. Conversely, the Commission in Colombia aimed for *convivencia*, recognizing its potential attainability. Encounters featured representatives, not direct perpetrators, and testimonies did not determine amnesty eligibility. Post-encounter reviews indicated highly individual-dependent outcomes. Its approach allowed victims time to heal, supported ongoing projects after the encounters, and incorporated innovative strategies, such as planting cedar trees, using photographs, and allowing virtual participation. While it is early to conclusively evaluate *convivencia*, these efforts present a promising start. The analysis culminates in key recommendations for future Truth Commissions. These include ensuring comprehensive mandates, humanizing perpetrators, maintaining an active regional presence, skillful encounter moderation, rigorous post-encounter evaluations, and sensitivity to diverse and subjective victim demands. By integrating these insights, future Truth Commissions can foster more meaningful reconciliation or *convivencia*, acknowledging the complexity and individuality of the truth-seeking process.

Keywords: Truth Commissions, Reconciliation, *Convivencia*, Comparative Analysis, Truth Encounters, Colombia, South Africa

II. Resumen

Este análisis comparativo examina las metodologías y resultados de las Comisiones de la Verdad en dos contextos distintos: La Comisión de la Verdad y Reconciliación en Sudáfrica (TRC) y la Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición en Colombia (CEV). La investigación indaga cómo estas comisiones buscaron lograr la reconciliación o convivencia a través de los Encuentros de la Verdad, un componente esencial de sus respectivos procedimientos. La Comisión en Sudáfrica emprendió la monumental tarea de perseguir la reconciliación nacional, abordando injusticias históricas y fomentando la comprensión entre diversos grupos raciales. Debido a desafíos derivados de limitaciones de tiempo y mandato, los encuentros de la verdad ocurrieron solo ocasionalmente, pero resultaron emocionalmente profundos. Las víctimas enfrentaron a los perpetradores directamente, y el poder de la TRC para otorgar amnistía potencialmente fomentó la apertura. Sin embargo, casos sin remordimiento de los perpetradores pueden haber obstaculizado la reconciliación. Por otro lado, la CEV en Colombia buscó la convivencia, reconociendo su potencial alcanzabilidad. Los encuentros contaron con representantes, no perpetradores directos, y los testimonios no determinaron la elegibilidad para la amnistía. Las revisiones post-encuentro indicaron resultados altamente dependientes del individuo. El enfoque de la CEV permitió a las víctimas tiempo para sanar, apoyó proyectos en curso después de los encuentros e incorporó estrategias innovadoras, como la siembra de árboles de cedro, el uso de fotografías y la participación virtual. Aunque es temprano para evaluar concluyentemente la convivencia, estos esfuerzos representan un inicio prometedor. El análisis culmina en recomendaciones clave para futuras Comisiones de la Verdad. Estas incluyen garantizar mandatos integrales, humanizar a los perpetradores, mantener una presencia regional activa, una hábil moderación de los encuentros, rigurosas evaluaciones post-encuentro y sensibilidad a las diversas y subjetivas demandas de las víctimas. Al integrar estos conocimientos, las futuras Comisiones de la Verdad pueden fomentar una reconciliación o convivencia más significativa, reconociendo la complejidad y singularidad del proceso de búsqueda de la verdad.

Palabras clave: Comisiones de la Verdad, Reconciliación, Convivencia, Análisis Comparativo, Encuentros de la Verdad, Colombia, Sudáfrica

III. List of abbreviations

ANC *African National Congress*

APLA *Azanian People's Liberation Army*

CEV *Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición*

ELN *Ejército de Liberación Nacional*

FARC-EP *Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo*

JEP *Jurisdicción Especial para la Paz*

PAC *Pan Africanist Congress of Azania*

TC *Truth Commission*

TCR *Truth and Reconciliation Commission*

1. Problem Statement and Research Question

TCs serve as a crucial mechanism for societies to establish after a period of, for instance, totalitarianism or civil war. For almost four decades TCs have been used as an instrument to listen to the victims, do justice to them and through that recover their dignity and set a common basis for the democratization of societies (Cardozo Ruidiaz et al. 2022, P. 192).

TCs face major social responsibilities, challenges, and expectations, especially in a context where the transition can help to leave the terror of the past behind. Their adoption increased significantly in recent years to address human rights violations; in 2016 around three dozen TCs were established around the world and are proving to be one of the most popular transitional justice mechanisms (Wiebelhaus-Brahm 2018, P. 599). Although their mandates and purposes vary greatly, it is believed that the publication and distribution of a final report are highly important for the implementation of the TCs recommendations and the promotion of a public debate. The report details the reasons behind past severe violations of human rights, as well as the patterns and effects of violence and/or repression that existed in the state during an explicit period of conflict (Wiebelhaus-Brahm 2010, P. 3-4).

Apartheid officially ended almost thirty years ago after the first democratic elections in South Africa in 1994, and the transfer of power to the ANC (Gibson 2004, P. 32). The conflict between the government of Colombia and the guerilla movement FARC-EP, which lasted for over fifty years ended just recently with the Final Peace Agreement of 2016. The conflict itself has not come to an end yet; confrontations and negotiations between other armed groups, like the guerrilla group ELN and the Colombian government are still ongoing (Nichols 2019, P. 93-94).

In South Africa, the TRC was founded in 1995 and worked for five years on the task of addressing atrocities that were committed during Apartheid (Gibson 2006, P. 1-2). The establishment of the CEV in April 2017 was implemented in the Peace Agreement of 2016, which was the result of the negotiations between the guerilla group FARC-EP and the government of Juan Manuel Santos. The TC started its work in 2018 with the primary focus on research on the causes of victimization (Nichols 2019, P. 92, 96). It published its final report in June 2022 and finished its work two months later (Comisión de la Verdad 2022c).

The mandate of the TRC in South Africa was the most complex to date and had far reaching competencies, having a budget of \$18 million each year with three interconnected committees, the power to grant amnesty for individuals that conducted politically motivated crimes between 1960 and 1994, and subpoena witnesses as well as running a witness-protection program (Hayner 2010, P.27-29). In addition, the Commission established a series of mechanisms, like a research and corroboration process, which aspired to locate and list human rights violations during Apartheid, to present a picture of the past as throughout as possible (Castillejo-Cuéllar 2007, P. 16).

The TC of Colombia on the other side is perceived as having one of the most comprehensive approaches emphasizing that all sides, the state, the guerillas, and the paramilitaries committed atrocities against civilians. It does not have the power to appoint penalties or give information to the court (Nichols 2019, P. 92, 93, 96), which may have significant restrictions on the results and impact, but may facilitate testifies (Ortiz Acosta 2016, P. 19).

Colombia's TC could explore all events related to the conflict, even if they happened before its beginning. Never before a TC has been tasked with investigating such an extensive time frame, spanning from 1958 to 2016. (Cardozo Ruidiaz et al. 2022, P. 189). Also, the transparency was very high due to numerous campaigns to inform the population, the possibility of holding public hearings, and publishing a report every six months. In addition, private meetings were offered between victims and perpetrators (Nichols 2019, P. 97-98). Due to its characteristics, the Commission offers good conditions to have a high social outreach, and as an autonomous and independent body to meet the expectations of Colombia's society (Kalach Torres 2016, P. 120).

The TRC of South Africa did not use its strong powers that often and was criticized for holding the goal of reaching reconciliation much higher than finding the truth. (Hayner 2010, P. 27-32). For instance, to avoid a violent reaction in the KwaZulu-Natal state the subpoena for the controversial politician Mangosuthu Buthelezi was not used (Wilson 2001, P. 95). The threat of prosecution was not always strong enough to ensure the cooperation of many senior-level perpetrators in the amnesty process; especially political leaders of the Apartheid government and senior officers of the army did not take part (Hayner 2010, P. 28-31). Around 90% of the amnesty applicants were already in prison and mostly black, while white applicants were generally foot soldiers who already were punished or had a high probability of being prosecuted (Jenkins 2002, P. 245). Alex Boraine, the deputy chair of the TRC, criticized the ambiguous apologies by F.W. de Klerk and the National Party leadership that hindered further forgiveness

from survivors and victims' (Boraine 2000, P. 441). The granting of amnesty to 37 ANC leaders who applied together with no hearing and no further prosecution was seen as very controversial. Many decisions of the TRC were challenged in a court of law, like former president F. W. de Klerk who blocked his name temporarily from the report. The ANC had several reservations about the TCs process and final report, so no commitments to implement its recommendations were made. Of 7.115 applications for amnesty in total, the TC denied around 4.500 of them mostly because they lacked a political objective (Hayner 2010, P. 29-32). Facing these critics, it nevertheless seems like the work of the TRC was widely independent due to the high resistance to its findings from all political forces.

Colombia's TC was confronted with several obstacles in its work. At the end of the civil war, the government remained unchanged. Although Iván Duque was elected as president after the Peace Agreement and was therefore technically a new leader, the regime that ruled during the conflict is the same as the one that rules now (Nichols 2019, P. 98). Ex-president Duque was criticized for underfunding the TC of Colombia and the JEP, the legal arm of the comprehensive system, as well as for changing it by creating a new tribunal for military and police agents so that judicial processes against state officials are delayed (Reith 2021, P. 96-97; Nichols 2019, P. 99). Due to the pandemic, the CEV was also confronted with the problems of getting firsthand information. That caused a change in the dynamics of listening to victims, witnesses, experts, perpetrators, and other actors of the conflict who are key to building a plural truth and a collective narrative. As a result of this, difficulties arose such as technical problems, a lack of connectivity in the territories as well as a lack of intimate and safe spaces (Comisión de la Verdad 2020c). As a consequence of the pandemic, the former Commissioner Ángela Salazar died in 2020 and had to be replaced by a new one (Comisión de la Verdad 2020b). In the meantime, Commissioner Alfredo Molano Bravo also died in 2019 (Comisión de la Verdad 2019) and needed to be replaced, which caused a big delay in the TCs work, as both Commissioners already worked for the CEV for several years and with their death their experience and knowledge disappeared. Another obstacle for the TC of Colombia was the difficult access to information. Among others there was a lack of congruence between the information requested and the information finally delivered, a non-compliance with archive management standards, which means that there were delays by several institutions in responding to requests for access to information filed by the Commission, the assertion of non-existence of information due to destruction of human rights archives and due to the lack of digital copies, non-existence of consultations tools and documentary inventories the delivery of information was delayed,

which was even more aggravated since the pandemic, as information was delivered primarily through virtual channels (Comisión de la Verdad 2020c).

This research aspires to compare the Truth and Reconciliation Commission of South Africa, one of the most celebrated Commissions worldwide (Gibson 2006, P. 82-83), with the Commission for the Clarification of Truth, Coexistence, and Non-Repetition of Colombia, which pursues a comprehensive approach and just recently finished its work (Nichols 2019, P. 92). As outlined before, the TCs of South Africa and Colombia had unique qualities, and therefore it is highly interesting to look at them in detail.

After introducing the structural development of TCs and facing the fact that their activities are almost two decades apart, as well as both TCs having special characteristics, the focus of this work will be the examination of Truth Encounters between former perpetrators and victims.

Truth Encounters play a pivotal role in mending relationships within communities by providing a platform for victims and perpetrators of human rights violations to directly engage and exchange their narratives and experiences. These encounters are instrumental in establishing trust among participants (Uribe 2021, P. 4). On an emotional level, Truth Encounters carry significant weight as they grant victims the space to articulate their emotions and assert their needs, while allowing perpetrators to express remorse and recognize their accountability for the events (Tabachnick 2014, P. 16). In doing so, this process serves to humanize both perpetrators and victims once more. This pedagogical approach contributes significantly to the progress in constructing truth, facilitating reparations, and fostering reconciliation (Uribe 2021, P. 7). To clarify, Truth Encounters are aimed at achieving restorative justice, which involves repairing harm and charting a positive path forward (Restorative Justice Council 2023). It is suggested that a key condition for these processes to be genuinely restorative is ensuring that former wrongdoers have the necessary minimum security conditions for their continued existence. Moreover, it is crucial that victims believe in the transformation of these individuals, and forming close connections with them can have a profoundly restorative effect on the perpetrators. Given that TCs are designed to be implemented in post-conflict contexts, Colombia faced a unique challenge, as the CEV operated amid an ongoing armed conflict. This underscores the utmost importance of ensuring the physical security of ex-combatants. This requirement is essential for their meaningful participation in transitional mechanisms and for these mechanisms to truly facilitate restoration (Cardozo Ruidiaz et al. 2022, P. 212-213).

Because this investigation seeks to focus on the reconciliation/*convivencia* on the micro-level, Truth Encounters on both sides will be analyzed, to answer the following research question:

How did the Truth Commissions of South Africa and Colombia try to reach reconciliation/convivencia of the actors in confrontation?

Through the analysis of these encounters and ultimately answering the research questions special aspects could become apparent, that support or impede reconciliation/*convivencia* on the macro-level. As both TCs had a very different approach it could become visible what conditions facilitate or hamper their work.

The analysis will focus on the following questions:

- How did the meetings between victims and perpetrators take place?
- Can these meetings be considered as progress in reconciliation/*convivencia*?
- Do these meetings materialize what the respective TC understood as reconciliation/*convivencia*?
- Why did the TC of South Africa use the term reconciliation in their name, while the TC of Colombia used the wording *convivencia*?

Especially interesting in this examination will be the place of the perpetrators in these two different concepts. How did the TRC of South Africa deal with the perpetrators to reach reconciliation in the respective cases, especially because of their power to grant amnesty? How did the TC of Colombia try to reach a *convivencia* with the former perpetrators and in what way did they integrate them into their work in the selected cases? Studying the various cases can provide valuable insights into the perspectives of both TCs regarding their specific terms and how they positioned the wrongdoers to the victims. Of particular interest are the dynamics between past victims and perpetrators in each case.

Once these cases are investigated more deeply, statements could be made about the differences and similarities between the working methods of the two TCs as well as if these encounters can be considered as an attempt to reach reconciliation/*convivencia*.

As TCs are an important instrument for reaching a sustainable peace and therefore an essential part of Peace and Conflict studies, the results gained from the comparison could be valuable not only for this academic field but also for the society of South Africa, Colombia, and future post-conflict societies.

The comparison is particularly interesting not only because both TCs had unique qualities, but also because the concepts of TCs changed radically in the times of the work of the TRC of South Africa and the TC of Colombia (Bakiner 2016, P. 34) and therefore their strategies and focuses differ significantly.

First and foremost, the theoretical framework, which will involve explaining the key terms and the state/trait concept as the overarching framework for this study will be introduced. Following this, the methodology will be outlined, providing a detailed account of the procedures involved. Upon a concise overview of the cases themselves, an in-depth examination of the respective truth-seeking processes will ensue. Given that, on the Colombian side, all cases were addressed within the same sessions, the analysis will be segmented into chapters corresponding to the distinct meetings organized by the CEV for preparation and reflection. Conversely, on the South African side, the analysis will be partitioned into chapters for each case, as they were individually addressed by the TRC. Subsequently, the findings from the analysis will be deliberated to address the specific sub-questions and, ultimately, to respond to the overarching research question. These outcomes will be summarized as the final step in the conclusion.

Attached, an overview of Apartheid and the Conflict in Colombia for reference and further information as well as a presentation of the respective regions in South Africa and Colombia in which the cases occurred can be found.

2. Theoretical Framework

The following chapter will provide a clarification of the terms Truth Commission, Reconciliation, Coexistence, and Transitional Justice which are essential concepts of this research paper. They, therefore, need to be specified for getting a clearer overview.

2.1. Truth Commission

The idea of TCs is to reach transitional justice and to establish formal and informal processes to address past human rights violations within a specific time frame (Wiebelhaus-Brahm 2018, P. 599). A TC has several specific characteristics; it is ad hoc, victim-centered, authorized by a state to investigate and report on consequences and causes of patterns of violence or repression, and gives recommendations to evade a future repetition (Wiebelhaus-Brahm 2010, P. 3-4).

The majority of TCs are established after a political transition to contribute to promoting change. Their work highly depends on the Commissioners, who should be representatives of broad sections of society to achieve high credibility. Their mandate determines how long the Commission will operate, has time to investigate, and what type of violations can be addressed. A typical feature of TCs is public hearings, where perpetrators and victims give their testimonies in public, which are reported by the media. While in some cases the collection of evidence by TCs is used as a precursor for trials, they can be also used as alternatives to trials. In general, they avoid individual blame and focus on institutional factors that allowed human rights abuses to reach a reform of the military, police, and judiciary. The final report which consists of a summary of the key findings and recommendations for rebuilding the society can have wide consequences for the future pursuit of justice. The report must be public and widely spread to enhance the national conversation about what should be done to address the past and ensure non-repetition. As every TC has a different mandate with different structural conditions and circumstances its success or degree of impact should be judged individually (Wiebelhaus-Brahm 2018, P. 601-615).

Whether and to what degree a TC promoted reconciliation/*convivencia* it needs to be examined how the past is dealt with in the public sphere, how the relationships are between former opponents, and if there are one or many versions of the past (Hayner 2002, P. 161-163).

TCs are typically established for a limited duration, typically lasting from one to three years on average, with more recent cases trending to be longer. They often employ a large number of staff members to carry out various tasks such as gathering individual testimonies, organizing public hearings, conducting case investigations, and conducting thematic research (Hayner 2006, P. 295-296; Wiebelhaus-Brahm 2018, P. 601-602). Some TCs are granted subpoena

powers or the authority to access official offices and documents without prior notice. Others must rely on voluntary cooperation, not only from high-ranking officials but also from direct perpetrators, sometimes in exchange for assurances of confidentiality. Victims, survivors, and other witnesses usually provide extensive and detailed information to TCs, resulting in the collection of thousands of detailed statements. Some of these statements may be presented in public hearings, allowing the public to participate in the process well before the final report is published (Hayner 2006, P. 295-296; Wiebelhaus-Brahm 2018, P. 601-602).

It is important to note that TCs do not possess the power to prosecute individuals. However, many of them have recommended prosecutions, and some have shared their archives with prosecuting authorities. Additionally, some TCs have chosen to publicly identify individuals they have determined to be responsible for specific violations. This approach raises complex questions regarding due process. The general practice is to provide individuals with an opportunity to respond to the allegations made against them, either in writing or during private meetings, before their names are publicly disclosed by the Commission (Hayner 2006, P. 295-296; Wiebelhaus-Brahm 2018, P. 601-602).

The following sub-chapter will provide an overview of the concept development of TCs from their emergence until today.

2.1.1. Concept Development of Truth Commissions

The concept of TCs has evolved and transformed over time, adapting to different historical contexts and responding to specific needs and challenges.

Three identifiable types of TCs have emerged: first-generation transitional, second-generation transitional, and non-transitional Commissions (Bakiner 2016, P. 34).

First-generation transitional Commissions emerged in response to human rights violations under military dictatorships. These Commissions were primarily established by presidents through decrees, but civil society also played a crucial role in advocating for truth through unofficial projects. However, many of these first-generation Commissions faced frustrations and remained incomplete, leading to the emergence of alternative truth-seeking initiatives. The challenges faced by the first-generation Commissions were multifaceted. One key challenge was the conflicting expectations and views regarding the purpose and goals of TCs. Democratic

governments were interested in holding the outgoing military dictatorship accountable while ensuring the stability of the newly established democracy. Balancing transitional justice objectives and democratic consolidation posed a delicate task (Bakiner 2016, P. 34; González and Varney 2013, P. 316-317). Methodologically, the first-generation Commissions adopted a modest approach. Their immediate priority was to establish a factual record of deaths and disappearances, focusing on uncovering the truth about gross human rights violations. Other serious human rights violations, such as torture, illegal imprisonment, sexual violence, and forced exile, were either not addressed or discussed in general terms. Compared to later TCs, the first-generation ones lacked performative elements such as public hearings, extensive victim testimonies, and televised sessions (González 2011, P. 318-319; Bakiner 2016, P. 35). Furthermore, the potential for rewriting the nation's history was not fully realized during this period. Explanations provided for the causes and consequences of political violence were often brief and lacked in-depth analysis. The first-generation Commissions primarily focused on factual truth rather than historical truth. Their methodologies were limited, and they emphasized technical aspects rather than performative elements (Bakiner 2016, P. 35).

The second-generation transitional Commissions emerged during the mid-1990s and primarily focused on addressing civil wars and armed conflicts involving government forces and insurgent groups. The second-generation Commissions expanded the scope of investigation beyond deaths and disappearances to encompass a broader range of human rights violations. Unlike the first generation, they sought to delve into the complexities of the conflicts, examining the underlying causes, systemic issues, and structural roots of violence. These Commissions aimed to provide comprehensive historical narratives that analyzed the complexities of political violence, including factors such as class and ethnic divisions that perpetuated inequality, marginalization, and exclusion (Bakiner 2016, P. 35-37). The mid-1990s marked a significant turning point for TCs globally. The South African truth and reconciliation process garnered substantial attention from the international community and the media. This attention accelerated the transformation of TCs from domestic projects to international or even transnational endeavors. Advocates of TCs published books, organized conferences, engaged in governmental lobbying, and provided training to civil society groups, further promoting the institutional form of TCs across different regions. The increasing popularity and acceptance of TCs led to the emergence of a diverse range of hopes, expectations, grievances, social movements, cultural sensitivities, and artistic approaches associated with TCs. Different countries and regions developed their variations of TCs, tailored to their unique historical, political, and cultural contexts (González

2011, P. 319-321). In the Latin American context, the differences between TCs in El Salvador, Guatemala, and Peru exemplify this transformation. El Salvador's 1992 Commission on the Truth, the first directed by international actors, played a significant role in the internationalization and transnationalization of TCs. However, its mandate was limited to investigating the most severe human rights violations, and it missed the opportunity to provide a comprehensive historical narrative. In contrast, Guatemala's 1998 Commission for Historical Clarification and Peru's 2001 Truth and Reconciliation Commission aimed to produce comprehensive histories of their national tragedies. They faced the daunting task of explaining the historical and structural roots of political violence, including class and ethnic divisions that perpetuated inequality and exclusion. Recognizing the need to bridge geographical, social, and emotional gaps, these Commissions embarked on ambitious projects of rewriting their nation's history with inclusivity in mind (Bakiner 2016, P. 35-37).

In the 2000s, non-transitional Commissions emerged in countries with consolidated democracies or in contexts where the period under investigation had ended more than a decade earlier. These Commissions focused on addressing human rights violations from the past, signifying the shift of TCs from transitional justice tools to post-transitional institutions. They broadened the scope of TCs beyond transitional regimes and expanded from developing to developed countries. Non-transitional Commissions engaged politically conservative sectors and involved a broader spectrum of political actors and ideologies. They reflected a diverse range of political leadership in establishing TCs, indicating a broader acceptance of the importance of truth, justice, and reconciliation across the political spectrum (González 2011, P. 327-330; Bakiner 2016, P. 37-38). Furthermore, non-transitional Commissions, differ in their objectives and scope compared to transitional TCs. First, their primary goal is reconciliation rather than achieving broader societal aims like peace-building or strengthening democratic institutions. Second, these Commissions specifically address historical repression, occurring long before their establishment, and may involve ongoing grievances related to settler colonialism. Their mandate covers a wider period than transitional Commissions, although they do not require a political transition. Examples of post-transitional justice include Brazil's Truth and Reconciliation Commission and ongoing mega-trials in Argentina (Skaar 2023, P. 128-129). Third, non-transitional Commissions have focused on violations against indigenous or minority populations, distinguishing them from Commissions examining violations within internal conflicts or military dictatorships. The nature of violations suffered by indigenous people in these contexts varies. Finally, non-transitional Commissions investigate human rights violations carried out

by state bureaucrats or employees in established democratic countries, rather than military, police, or armed opposition groups. Their focus lies in exposing repressive structures and policies implemented by the state over prolonged periods, rather than facilitating prosecutions (Skaar 2023, P. 130).

2.2. Reconciliation

Reconciliation is often mentioned as a goal for TCs and even implemented in the name of the TC for South Africa. It is, however, a very broad term, that needs to be specified to make it empirically manageable.

The Cambridge Dictionary defines reconciliation as the following: “The process of making two people or groups of people friendly again after they have argued seriously or fought and kept apart from each other [...]” (Cambridge Dictionary 2023b).

To be able to research reconciliation it must be explicit about who is being reconciled with whom. Two groups can be distinguished: The micro-truth of what happened to specific loved ones and the macro-truth, which refers to the structures of violence and its impact on the respective society (Gibson 2006, P. 86).

At the macro-level, a TC process seeks to advance reconciliation on a political or national level. An official and public open debate that leads to a conclusion and accounting of facts from highly conflictive events can allow opposing parties to live together without latent conflicts or feelings of bitterness about past events. Especially in a post-conflict society, this is of importance, as the former opponents quickly changed their stage from the battlefield to the political scenery (Hayner 2001, P. 155).

At the micro-level, the focus lies on the reconciliation of the actors in confrontation. “When applied to victims and perpetrators, reconciliation typically means acceptance of blame, apology, and forgiveness” (Gibson 2006, P.86).

The TRC understood micro-level reconciliation as the process of addressing and reconciling the effects of human rights violations at the community and interpersonal levels. This includes addressing the internal divisions that occurred between different groups within communities and promoting healing and reconciliation between individuals who were directly or indirectly

affected by the violations. At this level, the Commission aimed to facilitate dialogues between victims and perpetrators, promote community-building initiatives and address issues of social and economic inequality that were often at the root of conflicts. The Commission recognized that reconciliation at the micro-level was crucial for building a foundation for national reconciliation and healing the wounds of the past (Truth & Reconciliation Commission, P. 103-110). Due to external conditions such as time frame, resources and mandate the TRC had just a limited contribution to reconciliation between specific victims and perpetrators, but in some cases they tried to lay the foundation for it. The TRC understands that truth is often a step towards reconciliation, although it does not necessarily lead to healing. On this individual level, reconciliation is much more complex and difficult to achieve by a Commission. It is a personal process where each person may have different needs to reconcile and forgive. Also for the perpetrators, it can be challenging to come to terms with their shame and guilt (Hayner 2001, P. 155; Truth & Reconciliation Commission, P. 103-110).

The TRC understood macro-level reconciliation as the broader process of addressing the effects of human rights violations at the national level and promoting national healing and unity. At this level, the Commission aimed to promote understanding and reconciliation between different racial and ethnic groups in South Africa, including the black majority and the former white-dominated state. The Commission recognized that addressing the historical injustices of the past and promoting social and economic transformation were necessary for achieving national reconciliation. Therefore, it recommended reparations for victims of human rights violations, constitutional and legal reforms, and initiatives to promote social and economic equality. The Commission also recognized that macro-level reconciliation required the participation and cooperation of all sectors of society, including government, civil society, and religious and cultural groups. The TRC is using the quote from an unidentified thirty-nine-year-old man from Bongolethu, Oudtshoorn to describe reconciliation on the macro level: “Reconciliation means people forgiving each other and working together as one nation.” To reach reconciliation it is necessary to offer better chances for the underprivileged, like education, development, and employment (Truth & Reconciliation Commission, P. 103-110). In the case of South Africa macro-level reconciliation seeks to reconcile those who profited from the Apartheid and those that were exploited (Gibson 2006, P. 86).

2.3. Coexistence

While the TC of South Africa used the term reconciliation, the TC of Colombia used the wording “coexistence“ (*convivencia*).

The Cambridge Dictionary simply defines coexistence as “the fact of living or existing together at the same time or in the same place“ (Cambridge Dictionary 2023a).

In English, the word *convivencia* simply does not exist. In English historiography the word has been kept in Spanish, while in the educational field, the concept is usually translated as coexistence (Carbajal 2013, P. 14). It is important to point out that the two terms coexistence and *convivencia* have different meanings.

Coexistence means the right to exist peacefully with another group and to accept others as equal and legitimate partners where disagreements have to be resolved without violence (Bartal 2004, P. 256). The recognition of coexistence however does not imply a constant interaction, it just means to cohabit a common space without the pretension of antagonism (Sampson 2003, P. 182).

“Convivencia” on the other side has a greater focus on social relations, which leads to cooperative relationships with constant interaction. It means to recognize each other not only on the legitimate right to exist but also with elements of mutual trust (Haider 2008). It involves the recognition of each other’s values, the cohabitation of multiple identities, and the establishment of respect for social differences in a community (Kasbarian 2016, P. 229). Taking into account the heterogeneity of many contemporary societies, it implies the necessity of tolerance to reach a *convivencia* (Mesa-Mejía 2015, P. 138). The challenge of *convivencia* is the challenge of tolerance for diversity, which shows its most obvious expression in the absence of violence (Mockus 2002, P. 20).

For the CEV, the term *convivencia* means the sharing of social and political space and creating an environment that allows for the peaceful resolution of conflicts as well as the construction of a broad culture of respect and tolerance in democracy (Comisión de la Verdad 2023). The fastest way to improve a violent situation is to listen and forgive. Recognizing and promoting strategies for *convivencia* among victim groups that have remained on the margins becomes a fundamental process for cleaning up and renewing information about why and when these regional problems were generated during the conflict (Comisión de la Verdad 2020a).

The TC is part of the victims' reparation system based on three fundamental objectives, which are: to contribute to the clarification of what happened; to promote the recognition of

responsibilities in the framework of the armed conflict, and, finally, to promote *convivencia* and a culture of peace in terms of inclusion and democratic tolerance. To promote *convivencia* in the territories, it is essential to build spaces between groups and individuals who have maintained deep differences, to find routes for the peaceful resolution of disputes. The Commission had the goal to recognize the already existing efforts to contribute to enhancing them to the extent that they serve to increase collective trust, healthy public debate, pluralism, solidarity, social equity, and good living, among other values (Comisión de la Verdad 2020a).

On the micro level, the Colombian TC understood *convivencia* as the capacity of individuals, families, and communities to live in harmony and peacefully resolve interpersonal conflicts and tensions. The Commission recognized that violence and armed conflict had a great impact on interpersonal and community relations. In this sense, the Colombian TC promoted the active participation of communities and victims in the processes of truth, justice, reparation, and guarantees of non-repetition, and emphasized the importance of inclusion and diversity as fundamental elements for the construction of *convivencia* (Comisión de la Verdad 2021b, 2023).

On the macro level, the CEV understood *convivencia* as the process of building a more just, equitable, and peaceful society at the national level. At this level, the Commission recognized that *convivencia* implies addressing the structural causes of the armed conflict and the social inequalities that have historically affected the country. The Colombian TC promoted the need for profound political, economic, and social transformations to achieve sustainable and lasting *convivencia* in the country. This included the need to guarantee access to land, education, health, and basic services for all people, especially those who have been historically marginalized and excluded. In addition, the CEV called for the implementation of political and legal reforms that guarantee the active and meaningful participation of communities and victims in decision-making processes, and the promotion of a culture of dialogue and consensus building (Comisión de la Verdad 2021b, 2023). In this sense, *convivencia*, as an objective, responds to the need to create a transforming environment in the territories, where, through dialogue, it is possible to recognize and dignify the other, as well as to promote agreements for *convivencia* between communities or sectors that have been affected by the armed conflict (Comisión de la Verdad 2022b, P. 4-7).

The Commission also presented the “Great Agreement for *convivencia*” (*Gran acuerdo por la Convivencia*), a social pact that seeks to commit all sectors to the fulfillment of the recommendations of the TC to guarantee *convivencia*. The agreement is based on four principles:

recognizing what happened as part of the history; recognizing the victims as central subjects of the peace process; recognizing individual and collective responsibilities for what happened; and recognizing that it is necessary to transform the conditions that generated the conflict (Comisión de la Verdad 2021a).

As this work advances to enhance readability, the term "coexistence" will be employed instead of "convivencia.", but the Spanish understanding of coexistence will hold sway.

2.4. Transitional Justice

The development of transitional justice, which encompasses the questions of accountability, righting wrongs, and rebuilding after conflicts, has a long history dating back to at least 500 BC. By addressing past atrocities, transitional justice seeks to build a foundation for sustainable peace and uphold the principles of justice, truth, and accountability. In the modern era, the end of the Cold War and the liberalization of the international community created an environment conducive to the growth of transitional justice. With the decline of Cold War tensions, attention shifted to human rights, and the international community began to turn to existing human rights instruments to hold repressive leaders accountable for past violations. The establishment of international criminal tribunals, like the one for the former Yugoslavia, became possible as the threat to international peace and security became evident (Lawther et al. 2019, P. 12-13). Additionally, the third wave of democratization played a significant role in shaping transitional justice. The expansion of democracy created opportunities for institutional reform and a willingness to seek accountability for past abuses. Instruments such as trials, TCs, reparations, and amnesties emerged as means to address the legacy of human rights abuses and violations of international humanitarian law (Greiff 2014, P. 8-9).

However, it is important to note that transitional justice is not a unified field. Different approaches and philosophies exist within the realm of transitional justice, resulting in diverse practices and outcomes. Scholars and practitioners may prioritize different instruments based on their disciplinary backgrounds and beliefs about the origins and goals of transitional justice (Lawther et al. 2019, P. 15). Among the key pillars of transitional justice are criminal accountability, reparations, amnesty, and truth-seeking. The foundations for criminal accountability were established immediately after World War II with international tribunals in Germany and Japan. These tribunals aimed to expand international law, establish new jurisprudence, and

serve as models of the rule of law (Greiff 2014, P. 9). However, it took almost 50 years for the international community to establish similar institutions, such as the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, which played crucial roles in prosecuting crimes committed during the conflicts in those regions. These ad hoc tribunals were followed by hybrid courts that emerged as a response to the lack of resources and expertise in local judiciaries. These courts, jointly managed by the international community and the affected country, sought to ensure relevance and local involvement in the pursuit of justice (Lawther et al. 2019, P. 17). Additionally to criminal accountability, TCs finally emerged as a vital component of transitional justice (Lawther et al. 2019, P. 21-22).

3. State of Art

As the CEV just recently finished its work in August 2022, no comparison between these two TCs can be found yet.

The expert on TCs and Transitional Justice, Priscilla Hayner, published literature that examined the work of numerous TCs and their processes of reconciliation (Hayner 1994; 2001; 2006; 2010). In 1994, she published a comparative study of 15 TCs, where she compared their structural conditions and gave recommendations for the work of TCs in the future. To ensure a reconciliation process Hayner concluded that the recommendations by the Commission should be obligatory, there should be enough but not open-ended time to publish the final report, the government should be obliged to improve human rights and the Commission should be working independently. In addition, the TC needs to have free access to information for a full investigation, enough resources, and should be implemented as soon as possible after the conflict with a limited time (Hayner 1994, P. 652-655). To enhance the likelihood of achieving reconciliation, Hayner emphasizes the necessity for victims to gain insight into the factual events surrounding the past. The ability of individuals to come to terms with and assimilate this information plays a pivotal role in reconciliation. Notably, there have been noteworthy occurrences of profound forgiveness and reconciliation stemming directly from the efforts of TCs. These instances were more prevalent when precise details were divulged, and wrongdoers displayed authentic remorse. Therefore, TCs must also facilitate an environment wherein people can

engage in discussions and contemplations regarding reconciliation. They should offer opportunities for sharing personal stories, uncovering the truth, holding perpetrators accountable, and pursuing reparative actions. (Hayner 2001, P. 154-158).

Numerous scientific writings can be found that concentrate on the work of the TRC and their seek for reconciliation. The evaluation of the TRC by Elizabeth Stanley concludes little influence from the Commission on the reconciliation of South Africa's population. The TRC may have led to individual reconciliation in specific cases, but it could not be dissolved by years of conflicts and power struggles (Stanley 2001, P. 543). According to Hayner, on the individual or community level, the Commission played a role in fostering reconciliation through interactions between amnesty applicants and victims, resulting in a direct outcome of the formal truth-seeking process (Hayner 2010, P. 185-186). Analyst James L. Gibson undertook a study of the question of whether the TRC contributed to nationwide reconciliation and concluded that although South Africa is far from being reconciled the TRC gave an initial impetus for the process and thus helped to reconcile the country (Gibson 2004, 2006) and Lyn Graybill states that the TRC may not have led to reconciliation but at least to coexistence (Graybill 2002, P. 177-178). She also emphasizes in her book "Truth and Reconciliation in South Africa - Miracle or Model" the importance of storytelling by individuals in the process of reconciliation. The sheer number of testimonies in front of the TRC ensured the impossibility of denying the atrocities committed during Apartheid and led to a common memory (Graybill 2002, P. 86-87), which is an essential prerequisite for achieving reconciliation, as it limits the presence of multiple and conflicting versions of the past, allowing for the harmonization of facts and narratives (Hayner 2006, P. 162). Catherine Jenkins underlines the mistake of the government's decision to reject reparations for victims, which was highly recommended by the TRC and hampered the reconciliation process (Jenkins 2002, P. 246).

In the case of the TC in Colombia, the literature concentrates more on the working conditions, possible outcomes, and restrictions as they just recently finished their work. Authors like Angela Nichols and Gina Kalach Torres speak of the comprehensive approach and the favorable conditions, which could lead to a great social impact (Nichols 2019, P. 92; Kalach Torres 2016, P. 15). Ingrid Ortiz Acosta outlines the possible weakness that the results of the CEV cannot be used in trials and is therefore subject to a strong restriction (Ortiz Acosta 2016, P. 28). According to Reith, the biggest threat to the work of the Commission is the ongoing killings of social leaders and demobilized FARC-EP guerrillas, which requires a new approach to guarantee their security and protection (Reith 2021, P. 89-90). The TCs are designed to be

implemented in a context where the armed conflict has ended; however, in Colombia, the CEV operated amid an ongoing armed conflict; therefore, the physical security of the signatories was a requirement for their participation in transitional mechanisms to become restorative. This guarantee is a prerequisite to ensure their participation in the truth-seeking process and the provision of genuine testimony. If their safety is at risk, it is highly improbable that they would disclose their complete truth, as it could jeopardize both themselves and their families. This would greatly impede the reconciliation process within the CEV (Cardozo Ruidiaz et al. 2022, P. 212-214).

The examination by Mike Kay on the TCs of Honduras and El Salvador concluded that both Commissions prioritized national reconciliation over punitive action against perpetrators is aimed at avoiding potential escalation of conflicts and preventing deeper divisions within an already polarized society. Both Commissions aimed to facilitate national reconciliation by proposing measures to address the victims' demands for justice and to acknowledge the crimes committed during the war. These recommendations included the creation of a compensation fund for victims, allocating a percentage of international aid for this purpose, constructing a national monument with the names of all victims, and establishing a National Day of Remembrance. However, none of these measures had been put into effect by the Salvadorean government, despite their obligation to do so. The level of implementation in Honduras on the other hand was far higher. This suggests a significant gap between the Commission's recommendations and the actual implementation of measures to promote reconciliation and address the injustices of the past (Kaye 1997, P. 696, 706-707)

To support reconciliation for a TC, the Handbook “Reconciliation after Violent Conflict” by David Bloomfield, Teresa Barnes, and Luc Huyse emphasizes the importance of comprehending the key individuals involved, namely the victims and offenders. Equally essential are the necessary steps to be taken, including healing, pursuing justice, seeking truth, and facilitating reparation. Furthermore, it is crucial to dismantle the entrenched habits and patterns of the past. These ingrained attitudes and behaviors have contributed to the emergence and perpetuation of violence. Should they persist without alteration, they will inevitably yield the same undesirable results in the future (Bloomfield et al. 2003, P. 167-169).

The publication “The Politics of Memory: Truth, Healing, and Social Justice” by Ifi Amadiume and Abdullahi An-Na'im examines the role of memory, truth, and justice in post-conflict societies. It explores how TCs can contribute to reconciliation by addressing historical injustices,

fostering dialogue, and challenging dominant narratives. TCs need to provide a platform for individuals to share their experiences and narratives related to the conflict or human rights abuses. This truth-telling process serves multiple purposes, including acknowledging the suffering of victims, revealing the truth about past atrocities, and challenging denial or distortion of historical events (Amadiume and An-Na'im 2000, P. 27-36, 195-200). In his analysis, David Crocker acknowledges the potential of TCs in fostering mutual forgiveness and eliciting confessions. However, he also highlights the ethical dilemma of legally mandating these actions, as it would undermine the moral autonomy of both victims and perpetrators and could result in insincere expressions of guilt and remorse. Imposing such requirements on individuals through a TC or any governmental body would not only be morally objectionable but also impractical. It is essential to respect individuals' freedom to form their own opinions about the past and decide whether to forgive the committed transgressions (Crocker 2000, P. 14-15). The same counts for the process of reconciliation itself within a TC. As the Commission of Sierra Leone highlights reconciliation is recognized as a long-term endeavor that needs to occur at various levels: national, community, and individual. Therefore, specific conditions or prerequisites for reconciliation should not be imposed. This implies that reconciliation should be pursued without expecting immediate or specific outcomes, allowing organic progress (Truth & Reconciliation Commission Sierra Leone 2004).

In their publication "Truth Seeking: Elements of Establishing a Productive Truth Commission," Eduardo González and Howard Varney underscore the significance of the East Timorese Commission on Reception Truth and Reconciliation. This Commission successfully collaborated with indigenous communities and traditional authorities to organize community reconciliation proceedings. During these events, individuals who had committed offenses of lesser severity and did not amount to serious human rights violations openly acknowledged their wrongdoings, expressed remorse, and sought reintegration into their communities (González and Varney 2013, P. 12). These community reconciliation proceedings played a crucial role in maintaining peace and stability, particularly in local settings where individual cases might otherwise have led to retaliatory violence. The Commission believed that they lead to the restoration of dignity to victims, which reduces residual anger and enables victims to move towards acceptance and forgiveness (Commission for Reception, Truth and Reconciliation in East Timor 2005, P. 32-33).

Overall, this state of art demonstrates the diverse approaches and challenges faced by TCs in their pursuit of national reconciliation. It underscores the importance of factors like victim participation, storytelling, acknowledgment of wrongdoing, and addressing the broader societal context in achieving successful reconciliation outcomes. Truth Encounters between victims and perpetrators consist of all these elements, so detailed analyses of Truth Encounters of specific cases in South Africa and Colombia will highlight how both Commissions tried to reach reconciliation/coexistence.

4. State/Trait Concept

As this paper aims to analyze Truth Encounters to answer the research question of how TCs tried to reach reconciliation/coexistence the state and trait concept will serve as the foundational framework for elucidating the obtained results.

The state/trait concept constitutes a fundamental framework in personality theory, distinguishing enduring traits from transient states. Traits encompass consistent patterns of thinking, feeling, and behaving that endure across various situations and over time. States, on the other hand, represent moment-specific patterns observed in distinct contexts, influenced by the situations individuals encounter (Chaplin et al. 1988, P. 1-3).

The trait concept has been a guiding force in modern personality theory, measurement, and research since its inception (Allport 1937; Carr and Kingsbury 1938; Thurstone and Chave 1929). It has led to influential personality taxonomies like the five-factor model (Costa and McCrae 1989; Digman 1989). In contrast, states were integrated into personality theories several decades after trait models were firmly established (Cattell and Schleier; Nesselroade and Bartsch 1977; Spielberger 1972).

Considerable attention has been given to distinguishing between states and traits and understanding their functional relationship. Both issues are closely tied to how an individual and their situation jointly influence thoughts, feelings, and behavior. This inquiry has engaged psychology for many decades, sparking heated debates (Epstein and O'Brien 1985; Kenrick and Funder 1988). Modern interactionism posits that behavioral variance can be broken down into

three sources: individual differences (person main effects), situational differences (situation main effects), and person-situation interactions (Endler and Hunt 1966).

The state and trait concepts offer two distinct categorizations of human characteristics. Trait concepts refer to relatively stable and enduring dispositions intrinsic to the individual. Traits are enduring attributes that remain relatively consistent across time and diverse situations. For instance, an individual who is consistently honest, trustworthy, and reliable is said to possess the trait of conscientiousness (Chaplin et al., 1988, P. 1). State concepts, conversely, pertain to more transient and situational characteristics primarily influenced by external conditions. States are temporary attributes that exhibit greater variability across time and situations. For example, an individual experiencing anxiety or anger is said to be in a state of anxiety or anger. These concepts are complementary, serving different purposes in understanding psychological causality. Trait concepts facilitate predictions of present behavior based on past patterns, while state concepts identify behaviors that can be influenced by manipulating the situation (Chaplin et al., 1988, P. 1-2).

As mentioned earlier, individual reconciliation at a micro-level is a personal journey influenced by each person's unique traits. The state/trait concept can be theoretically applied within TCs to acknowledge the potential for influencing emotional states. By recognizing the adaptability of temporary emotional states through careful preparation and conduct, TCs can establish an environment that fosters reconciliation and coexistence between victims and perpetrators. This understanding is rooted in the notion that emotional states are responsive to external factors, including the facilitation and setting provided by the Commission. This recognition provides an opportunity to shape the Truth Encounter, which serves as the backdrop for victims and perpetrators, in a manner that can promote healing and understanding. In this context, "state" can be influenced by the situation or the space of the Truth Encounter, while "trait" pertains to the individual and their distinctive characteristics.

5. Methodology

As this work seeks to compare the work of the TCs in South Africa and Colombia and specifically how they dealt with cases of violations of human rights, the Comparative Method shall

be used. While the TC of Colombia has only recently completed its work and is therefore a study of current events, the research on the TC of South Africa is a historical one.

The Comparative Research method can be described as a method where aspects are compared and examined across different countries or cultures to elucidate similarities and differences between different entities. Comparative research can include quantitative and qualitative methods. In this research, only qualitative methods shall be used to compare the TCs (Motjaba Miri and Dehdashti Shahrokh 2019, P. 1-5).

Quantitative methods will not be used since it might be difficult to execute those to compare the work of both TCs. Not only the conflicts and their contexts are completely distinct, but also the fact that the work of the two Commissions lies almost twenty years apart, the mandates, approaches, and working structures were different. If comparing masses of cases to each other, without considering looking in detail at the respective case with all its important aspects, the results could become blurry.

The Qualitative Comparative Analysis, in contrast, focuses on individual cases. As previously mentioned, there are cases on both sides where meetings between victims and perpetrators occurred. In this analysis, three cases from each side will be thoroughly examined. In the Colombian context, all three instances took place in the village of San Adolfo, where the Colombian TC actively engaged with the local community from 2019 to 2022 (Comisión de la Verdad 2022a). The researcher was fortunate to have access to internal documents from the CEV regarding their work in this region, including transcripts of the Truth Encounters themselves. One case involves the FARC-EP's attacks on the police station in San Adolfo in 1987 and 2001, while the other two cases center on the assassinations of social leaders/representatives. All cases were addressed during the encounters, with both perpetrators and victims present.

In contrast to Colombia, direct interactions within the South African TC were not a regular occurrence (Picker 2005, P. 12-13). Instead, they occurred as needed, particularly when both victims and perpetrators expressed a desire for such encounters. The selected cases unfolded in the Western Cape province, near Cape Town, during the final years of Apartheid, spanning from 1986 to 1993. These cases involve the torture of several anti-Apartheid activists by a police inspector, the St. James massacre where numerous people died from an attack by anti-Apartheid activists, and the killing of the Gugulethu seven by the South African police. For South Africa, the sources consist of transcripts of the amnesty hearings and decisions by the TRC for all these cases, as well as video material of the direct encounters between victims (Truth & Reconciliation Commission 2000). Additionally, the documentary "Long Night's

Journey into Day," about the TRC in South Africa, will be utilized as it provides insight into an encounter in the case of the Gugulethu seven.

This analysis will scrutinize the organization of the encounters, hearings, and interviews arranged by the TCs, in which the conflicting parties participated. It aims to assess how the respective TCs orchestrated these meetings and whether the individuals involved demonstrated a more positive attitude towards reconciliation by the end of the encounter.

6. Case introduction Colombia & South Africa

The following chapter will describe three cases on both sides where encounters between victims and perpetrators took place, before delving into the analysis of the meetings.

In the attachment a concise introduction of the regions where the cases took place can be found; The San Adolfo region and the events that transpired during the Colombian Conflict as well as the events in the Western Cape region during the last years of Apartheid.

6.1. Cases in San Adolfo – Colombia

First Case – Attacks on the police Station in 1986 & 2001

On August 6, 1987, the guerrilla group FARC-EP attacked the police station in San Adolfo, Colombia, and took over the town. It is said that two guerrillas passed by the police station with bombs hidden under their ponchos, intending to attack the inspection. They threw a bomb at the police officer standing guard nearby, initiating the armed attack that affected the police station, the library, and nearby houses. In this violent action, Carlos Guerrero, a civilian residing in the area, was killed while resting in his home as well as some policemen (Comisión de la Verdad 2021g, P. 4-5). According to the police archives it is reported that the guerrillas attacked ten police officers with 280 subversives, engaging in a seven-hour and forty-minute confrontation that resulted in the death of one police officer, one civilian, and several subversives (Association of Victims Fighting for Progress and Universidad Surcolombiana 2021, p. 14-18).

After this takeover, recruitment, threats, extortions, and the complete domination of the armed groups over the region began as there was no longer any police presence (Comisión de la Verdad 2021g, P. 4-5). The attack is seen as the reason why the police left San Adolfo, leaving the community to the guerrillas, who imposed their law with mandatory compliance and death threats, especially to those who opposed or were "against the cause." As a result, many people were forced to leave, abandoning their properties (Association of Victims Fighting for Progress and Universidad Surcolombiana 2021, p. 12-14).

The second guerrilla attack on San Adolfo's police station occurred on September 2, 2001. The FARC-EP arrived in cars and within a few minutes, they surrounded San Adolfo's central park and blocked all access roads. During this attack, the FARC-EP used allegedly chemical weapons against the police station, forcing the officers to seek refuge in a tunnel that served as a trench and emergency exit. According to some residents, the FARC-EP had around 300 members during the attack, significantly outnumbering the eleven police officers present. After the alleged use of the toxic gases, the officers appeared disoriented and suffered from respiratory difficulties (Comisión de la Verdad 2021g, P. 4-5). The officers who survived the initial attack died the following day, and police investigations reported that the cause of death was indeed the inhalation of toxic gases. However, the exact substance used in the attack remains unknown. The incident received substantial media coverage, as it stated the guerrilla's use of illegal and inhumane warfare tactics, classifying it as a war crime (Asociación de víctimas luchando por un progreso and Universidad Surcolombiana 2021, P. 24). In the aftermath, the police station and nearby houses were destroyed. Communication equipment was also damaged, leaving the entire town without electricity and communication services. The attack resulted in more than just physical damage. The power outage lasted for over two months without a complete solution, and the local telephone network was never restored. News access was restricted, and the guerrilla declared numerous individuals as military targets, including municipal administration employees, community leaders, and candidates for council, mayoral, gubernatorial, and presidential positions. The incident left the community feeling abandoned by the State, as it did not promptly respond to retake control of the territory. Residents were subjected to forced meetings and summonses by the FARC-EP, emphasizing the impact of the attack on the community's well-being and sense of security (Asociación de víctimas luchando por un progreso and Universidad Surcolombiana 2021, P. 25-26).

Second Case – Assassination of Maria del Socorro– Police Inspector

On October 25 and 26, 2003 elections were scheduled in San Adolfo, and Maria del Socorro, in her role as police inspector, appealed to the mayor of Acevedo to deploy military forces to ensure the elections' security. She asserted that the presence of the army was essential to safeguard the electoral process. Consequently, San Adolfo awoke to a militarized presence on that Sunday morning. However, after the elections concluded that night, the military presence was withdrawn from the area. Following the elections, the FARC-EP expressed their dissatisfaction with both the militarization and the victory of a candidate they did not support. On October 30, 2003, Socorro was going about her regular duties as an inspector. Around 5:15 pm, while she was at home, three unidentified men entered her residence. They informed Socorro that a commander wished to speak with her. In a defiant tone, she retorted, "If you intend to kill me, do it right here and now." At that moment, her father arrived, and she clung to him. Nevertheless, the men forcibly dragged her into a car and later murdered her on the outskirts of San Adolfo (Comisión de la Verdad 2021g, P. 6-7).

The murder of María del Socorro was a shocking and unexpected event, considering the selective assassinations being carried out by both the guerrilla and the paramilitary during that period. No one had believed that the guerrilla would be capable of killing her (Asociación de víctimas luchando por un progreso and Universidad Surcolombiana 2021, P. 32).

Third Case – Assassination of Jesús Maria Silva Rojas – Mayor candidate

Jesús María Silva Rojas, a mayoral candidate for Acevedo and the president of the departmental federation of communal action boards, fell victim to an assassination orchestrated by the FARC-EP on September 21, 2003. The incident occurred while he was engaged in campaign activities, departing from the district of San Adolfo. Jesús had launched his mayoral candidacy for Acevedo in 2003, representing the National Communal and Community Party. He was assassinated by the FARC-EP on September 21, 2003, around 11:00 am. They forced him out of his vehicle, identified him, and then killed him (Comisión de la Verdad 2021g, P. 7-8). Reports suggest that his assassination stemmed from the political interests of his rivals who perceived him as a threat due to his strong leadership and longstanding disputes between him and his brother, who also wielded influence in the region. His brother had received threats, and certain political factions alleged that a member of the FARC-EP had indeed executed the murder. The FARC-EP claimed that they had been paid to assassinate Jesús María as part of a broader political maneuver (Comisión de la Verdad 2021g, P. 7-8).

The assassination of Jesús left the population of San Adolfo perplexed and with fear, nobody wanted to leave their homes as there was great uncertainty about who could be the next victim (Asociación de víctimas luchando por un progreso and Universidad Surcolombiana 2021, P. 31).

6.2. Cases in the Western Cape – South Africa

First Case – Warrant Officer Jeffrey Benzien – Several cases of torture

Mr. Geoffrey Benzien had a successful career as a detective with a strong record of solving criminal cases. Due to his expertise and achievements in solving crimes, he was recruited to a position within the security branch and was later assigned to the Terrorism Tracking Unit (Truth & Reconciliation Commission 1997b). Seeking amnesty at the TRC, on July 14, 1997, he faced his former victims during the hearing (Truth and Reconciliation Commission 1998, P. 442). During the proceedings, Benzien openly admitted to his involvement in numerous acts of torture, employed to extract information related to potential acts of terror and the whereabouts of resistance fighters. His methods included the use of the wet bag technique, where a wet bag is placed over the suspect's head to disorient and induce a feeling of suffocation. Physical assault was limited to open-handed actions to avoid leaving visible marks. Benzien asserted that all victims provided the necessary information within a single session, which rarely exceeded half an hour. The victims later accused Benzien in court that they had been assaulted and/or tortured, which Benzien denied under oath, as it was instructed by the Security Branch (Truth and Reconciliation Commission 1997).

In the following, some of his torture victims will be briefly described. Benzien also applied for amnesty regarding the death of anti-Apartheid activist Ashley Kriel. However, since there was no direct interaction between him and Kriel's relatives, his case will not undergo further examination. More information about his case and the statements from Benzien and his family can be found in the attachment.

Mr. Tony Yengeni played a significant role in the ANC and its military wing, Umkhonto weSizwe, during the Apartheid era in South Africa. According to Benzien, Yengeni's arrest and the alleged mistreatment were necessary to get important information to prevent carrying out explosive attacks on the public. In Yengeni's case, the wet bag method was employed (Truth and Reconciliation Commission 1997).

Ashley Forbes was apprehended under Section 29 of the South African Security Act, a provision that permitted the detention of individuals without the need for a trial. Forbes remained in custody for six months, during which he endured various forms of interrogation and ill-treatment. Benzien would take him out for meals at restaurants and on overnight trips. These outings served the dual purpose of building trust and allowing injuries sustained during interrogations to heal without arousing suspicion from medical professionals. Forbes attempted suicide while in custody, a result of the severe interrogation and mistreatment he endured (Truth and Reconciliation Commission 1997).

Mr. Gary Kruse was a member of Umkhonto weSizwe, in September 1987, he was apprehended by the Security Branch and subjected to interrogation and torture at the hands of Benzien. The motive behind Kruse's arrest was to gather intelligence and potentially disrupt the activities of MK members (Truth and Reconciliation Commission 1997).

Mr. Peter Anthony Jacobs also experienced arrest and subsequent torture at the hands of Benzien while in custody. To extract information during the interrogation, Benzien resorted to using electric shocks on Jacobs, as the wet bag method had failed to produce the desired results in terms of obtaining the needed information. Jacobs maintains that he sought to "buy time," likely believing that disclosing the whereabouts or activities of his associates to the interrogators could jeopardize their safety (Truth and Reconciliation Commission 1997).

Second Case – St. James Church Attack 1993

Between December 1992 and December 1993, Cape Town experienced a surge in activities conducted by the APLA, the military branch of an African nationalist movement. This period saw a series of attacks on both civilians and security personnel. One of the most devastating of these incidents was the St. James' Church Massacre on July 25, 1993. During an evening service at St. James' Church in Kenilworth, two APLA operatives entered and unleashed a barrage of machine gun fire and grenades upon the congregation, which numbered over a thousand people. Tragically, eleven individuals lost their lives, and fifty-six others sustained injuries. The assassins managed to escape in a commandeered vehicle. Initially, both anti-Apartheid groups, PAC and APLA, disavowed responsibility for the attack. However, it later came to light that local commanders were involved rather than it being a planned operation by the High Command. Subsequently, four APLA operatives were apprehended and charged in connection with the attack, and three of them sought amnesty. The church's reaction to the attack was characterized by a supernatural calmness and a sense of reconciliation (Truth & Reconciliation

Commission 1998b). The three APLA operatives that sought Amnesty — Geinikhaya Makoma, Bassie Mkhumbuzi, and Thobela Mlambisa — maintained that their actions in the attack were carried out in obedience to orders; they had no prior knowledge that their target would be a church. It was their commander, Sichumiso Nonxuba, the fourth APLA operative arrested, who selected the target. While Makoma and Nonxuba entered the church armed and started to fire at the people present, Mkhumbuzi and Mlambisa remained in the car. Following gunshots and a grenade explosion, Mkhumbuzi threw a petrol bomb at a car blocking their escape route. Makoma and Nonxuba then re-entered the car, and they fled the scene (Truth & Reconciliation Commission 1997a).

Third Case – The Gugulethu 7

The Gugulethu Seven were a group of seven young men who were tragically killed by South African police on March 3, 1986, in Gugulethu, a township near Cape Town, during the oppressive Apartheid era. The incident unfolded during a security force operation targeting individuals suspected of being activists or associated with the ANC. The police officers involved were heavily armed, and eyewitness accounts and subsequent evidence revealed that the young men were subjected to multiple gunshot wounds. Every victim suffered a gunshot wound to the head, indicating a clear and deliberate use of lethal force by the police. Although the police asserted that the operation was a lawful counter-terrorism action, this explanation was met with skepticism and outrage from both the community and activists. The incident triggered widespread public outrage and drew international attention to the brutal and repressive methods employed by the Apartheid regime against its citizens, particularly those engaged in anti-apartheid endeavors (Truth and Reconciliation Commission 1998, P. 451-453). Following the incident, an inquest and trial were conducted. However, the official findings favored the police version of events, leading to significant anger and distrust within the community (Truth & Reconciliation Commission 1998c).

Only two of the police officers involved in the incident sought amnesty.

Mbelo, a member of the South African Police, specifically the security branch, was part of a covert government unit known as C10 or "Vlakplaas." This secret squad undertook various activities, including surveillance, infiltration, and the capture of political opponents of the Apartheid government, who were either converted or executed. During the operation, shots were fired, and Mbelo witnessed individuals being executed. He testified that he had to shoot one person who was already surrendering, following orders from his superior (Truth &

Reconciliation Commission 1997d).

W Riaan Bellingan joined Vlakplaas at its inception in 1981 and was involved in sensitive covert operations. He was tasked with infiltrating and gathering intelligence from various areas, including Guguletu. He worked closely with other police units to share information and coordinate efforts to track and apprehend individuals considered as terrorists. During the Guguletu Seven operation, Mr. Bellingan describes shooting one individual in self-defense, as he believed his life was in imminent danger. He emphasizes that the operation did not go as planned, leading to chaos and efforts to regain control of the situation. He asserts that the operation was not an ambush or an attempt to eliminate the individuals (Truth & Reconciliation Commission 1997c).

7. Encounters between Victims & perpetrators

This chapter will now delve into the interactions between perpetrators and victims in the specific cases addressed by the TCs of South Africa and Colombia. The aim is to understand how both TCs sought to foster reconciliation/coexistence and to identify parallels or distinctions in their approaches.

7.1. Encounters Victims & Perpetrators CEV Colombia

The CEV has established specific spaces designed for listening, to create a safe environment for both victims and perpetrators. These spaces facilitate their meetings and dialogues. During these encounters, victims voice their demands and share their painful experiences, while perpetrators listen, offer explanations, and express remorse. Commissioners are present on one side of the stage in the shadows, serving as witnesses, and maintaining silent observance. The Truth Encounters combines an intimate atmosphere, represented by the Commissioners' attentive listening, with a public disclosure accompanied by requests for forgiveness from former guerrillas, some ex-paramilitaries, and retired military personnel (Uribe 2021, P. 6-7).

Between September and December 2020, the six most significant cases of violence in the San Adolfo community were selected through a participatory process. The signatories expressed

their willingness and clear determination to respond to the truth demands of the victims, even though they had no specific knowledge of the cases. They acknowledged the collective responsibility and determined that it weighed more heavily than individual responsibility. While not all former combatants were direct perpetrators, their affiliation with the FARC-EP made them collectively responsible for those criminal acts (Cardozo Ruidiaz et al. 2022, P. 209-210). Since they were not directly involved, contributing to the truth required a collective effort in remembering and researching past events. The CEV facilitated internal meetings with different perpetrators to reconstruct the history. Veterans collaborated in piecing together details such as commanders, arrival dates, recruitment information, and details about the victims. These meetings triggered a process of recollection and information gathering, helping to form a cohesive team in search of the truth. The willingness and commitment of the signatories were instrumental in overcoming the challenges of this reconstruction process (Cardozo Ruidiaz et al. 2022, P. 210).

Between January 2021 and June 2022, the first virtual and private encounter occurred between victims and those responsible, where the perpetrators presented their progress in clarifying the selected cases. Spokespersons were chosen to present the findings to the victims, with each selected case having a designated representative. Legal advisors provided guidance and support in legal matters, while psychosocial support prepared participants for the emotional implications of encounters with victims, and equipped them with the necessary language skills. The linguistic forms used during the war were deemed inappropriate in the transitional setting; thus, participants needed to adopt a grammar of reconciliation, using terms like "horrors" instead of "errors," and "kidnappings" instead of "detentions" (Cardozo Ruidiaz et al. 2022, P. 211).

In the case of Acevedo, the three perpetrators who took responsibility for presenting the selected cases read pre-written texts, which had been supervised by accompanying professionals. This was a way to alleviate the uncertainty and nervousness of the moment. Amidst the challenges and uncertainties of reconstructing truth and the anxiety of the public event, it is worth noting the conditions and moments that allowed these recognition spaces to have a restorative dimension for the signatories (Cardozo Ruidiaz et al. 2022, P. 211-212).

7.1.1. Preparation for the first encounter

To prepare for the first encounter the CEV conducted several preparatory meetings, for example where victims convened to formulate questions aimed at the perpetrators to uncover the truth of what happened (Comisión de la Verdad 2020d). In addition, in a subsequent gathering, the psychosocial team of the CEV was called upon to conduct a workshop with the families of victims. The aim was to discern their anticipations for a face-to-face encounter with FARC-EP representatives. This would help determine if they were emotionally prepared for such a meeting, or if alternative strategies for support and accompaniment should be implemented beforehand (Comisión de la Verdad 2021c).

During another meeting, members of the Commission along with the families of the victims outlined specific questions for the upcoming encounter between victims and perpetrators. For instance, they discussed questions like "What would be the public message from the Acevedo community so that these things do not happen again?"

Furthermore, they established criteria for fostering a constructive dialogue between the parties. They also agreed upon an agenda for the Truth Encounter:

- Introduction of the participants.
- Two representatives present the collective affectations of the victims of Acevedo.
- FARC-EP spokespersons respond to the demands for collective truth.
- FARC-EP response to the truth demands of the individual cases.
- Closing ritual. Planting of trees (Comisión de la Verdad 2021d).

As evident from the description above, the CEV in Colombia took meticulous care in preparing the encounters with the victims. This thorough planning ensured not only that the victims' questions would be addressed and that they would not face any unexpected or distressing situations, but also that no traumatic wounds would be reopened.

All further information to conduct this analysis is based on the internal documents by the CEV, for better reading, the sources of these documents will be provided at the beginning of the respective chapter.

7.1.2. Private encounter between victims and perpetrators

In this private encounter, victims and representatives of the perpetrators came face to face for the first time, providing testimonies regarding specific cases (Comisión de la Verdad 2021e). Since only select cases are pertinent to this study, only these will be thematized.

During this particular meeting, four distinct parties were in attendance: the victims, representatives for the perpetrators, the defense team of the representatives, and members of the CEV.

The meeting commenced with a brief introduction by the CEV, highlighting that the encounters mark an initial stride toward coexistence. They outlined three pivotal objectives: firstly, the dignification of the victims; secondly, through acknowledging the truth, the accountable parties partake in self-critique, profound contemplation, and reaffirmation of their ethical commitment; and thirdly, what transpires in that meeting will be regarded as confidentially shared truths. They underscored the potential of this encounter to contribute to peace and to serve as a model for the nation, demonstrating a commitment to upholding the agreement, as well as the bravery and compassion of the victims.

7.1.2.1. Police takeover 1987 & 2001

The encounter itself began with the former priest Jairo Motta of San Adolfo giving his testimony. Motta revealed a complex range of emotions and conflicting sentiments regarding the intervention and the necessity to revisit memories of the armed conflict in the region. He recalled first hearing guerrilla slogans in the 1970s, which instilled fear in the local population. Motta emphasized a pivotal moment when the FARC-EP transformed, empowering mid-level commanders who resorted to violence. The 1987 police station takeover was identified as a significant turning point. He underscored the emotional significance of the damaged library, a communal space that represented unity. His tone reflected his deep emotional connection to the community's suffering. Motta's role as a priest became evident as he recounted his interactions with FARC-EP members, listening to their perspectives and subsequently guiding community reflections. This demonstrates his commitment to maintaining a balanced perspective. He candidly shared his struggle, likening himself to a "a thorn in the shoe" (una piedra en el zapato), as he confronted misinformation. This ultimately led to his escape from the

municipality due to his resistance against false narratives. Expanding his reflection beyond the FARC-EP, Motta encompassed the entire community, emphasizing collective responsibility and shared suffering. The testimony concluded with Motta expressing his love for his hometown and his hope to continue working together.

Before the representatives of the former FARC-EP gave their testimony on specific cases, one of them, Fabián Ramírez, underscored their collective acceptance of guilt, assumption of responsibility, acknowledgment of the harm they caused, and their readiness for reconciliation. He also pointed out that the truth would be incomplete as some individuals involved were no longer alive.

Subsequently, representatives of the former FARC-EP, Martin Corena and Omar Olaya, provided their testimonies regarding the 1987 police attack. Noteworthy is their articulate narration, demonstrating a degree of coherence and organization in their accounts. They delved into the historical context, motivations for their actions, and the planning process, indicating a calculated approach to their involvement. Both sought to rationalize their actions based on their interpretation of the historical circumstances and the perceived necessity for rearming and establishing control in the area. They argued that their actions were part of a broader campaign and were in response to events like the genocide of the “Unión Patriótica”.

Additionally, they stated that certain negative outcomes were unintended consequences of military operations, and they did not intend to cause specific damages or casualties, like the burned library. Olaya and Corena expressed remorse for the damage inflicted, acknowledging the irreparable harm and lives lost. They conveyed regret for the impact on the community and the town of San Adolfo, underscoring their shame and recognizing the imperative for reconciliation. Olaya acknowledged the pain inflicted on the community, while Corena deeply apologized for the consequences, expressing their shame and embarrassment for the harm caused. Both demonstrated an understanding of the human toll their actions took, acknowledging the psychological damage, injuries, deaths, and pain experienced by victims and their families. Furthermore, they directly accepted responsibility for their involvement in the events and acknowledged the suffering caused by the victims and their families. They implied that they operated within a larger organizational structure and may have felt compelled to comply with directives regarding targets and operations. Despite their past actions, both of them expressed a genuine desire for reconciliation and a commitment to working towards a peaceful resolution. They affirmed their dedication to upholding agreements and actively participating in the

reconciliation process. Corena specifically addressed the victims, acknowledging the challenges they faced in processing the events. Their testimonies carry emotional weight, particularly when discussing the aftermath of the events.

Subsequently, Fabián Ramírez contextualized the happenings around the second attack on the police station in 2001. He justified certain choices, such as the day of the attack. By referring to orders from superiors, he possibly aims to shift responsibility to higher-ranking individuals. Of note is Ramírez's denial of the use of chemical weapons in the police station attack in 2001, clarifying that the combination of household gases with gunpowder produced toxic gases but not chemical bombs.

Franklin, unable to participate in person, provided an audio testimony. He started by identifying himself as a commander. He explicitly took responsibility for the 2001 guerrilla takeover, recognizing that his position and choices influenced the actions of his subordinates. His apology extended to the victims and their families who suffered due to the deeds committed by those under his command. This act of contrition demonstrates his accountability for the pain inflicted. He displayed a profound understanding of the severe consequences stemming from the takeover, acknowledging that the caused damage cannot be undone, and lives cannot be restored. Franklin asserted his commitment to preventing the recurrence of such events, showing his willingness to contribute positively to the reconciliation process and to promote a more peaceful future.

Nur Callazo, one of the victims, reacted afterward to the former testimonies. Her reaction was a nuanced blend of appreciation and skepticism. She acknowledged the limited time for the FARC-EP to present their perspective but expressed gratitude for their willingness to do so. However, her uncertainty about certain details, such as the gases used in San Adolfo, highlighted a major concern for her. She also alluded to past efforts to engage with the FARC-EP for reconciliation, which she believed were hindered by local authorities. She criticized the perceived lack of support and resources provided by the FARC-EP, especially considering their use of the region for their activities. Nur's tragedy is evident as she recounted the painful loss of her husband, her struggles as a widow, and the challenges her children faced. She expressed her frustration with both military and guerrilla authorities for their actions that left her community in chaos. She described the difficult position her community was placed in – caught between the demands and suspicions of both sides, with no communication and a constant sense of vulnerability. Her emotional eruption underscored the deep scars left by the conflict. She

conveyed a mix of anger, sadness, and frustration, highlighting the enduring impact on her community's well-being and socioeconomic status. Despite these challenges, she remained determined to see her community thrive through investment and development, mentioning their potential resources.

7.1.2.2. María Socorro Alzate & Jesús María Silva

Following this, the FARC-EP representatives addressed three cases of individuals where the ones of María Socorro Alzate and Jesús María Silva will be presented.

In the case of María Socorro Alzate, Willington Quiroz as a representative for the perpetrators, gave his testimony, which consists of a mix of acknowledgment, regret, and an attempt to provide context for the actions of the FARC-EP. He began by recognizing the gravity of taking someone's life and provided detailed context by depicting the period of intense armed conflict the region was experiencing, along with the factors that culminated in the assassination of Socorro. He noted that Socorro's murder was not due to her personally, but rather due to the role she represented. In analyzing Quiroz's statement, it becomes clear that he is alluding to a shift in perspective, away from the previous exclusive focus on the pursuit of their ideology to their current understanding of the human toll their actions have taken.

Afterwards, Cacica as the representative for the case of Jesús María Silva gave her testimony. She acknowledged FARC-EP's responsibility for the assassination of candidate Jesús María Silva. The decision to kill Silva was made due to his refusal to adhere to the campaign limitations set by FARC-EP. Another representative, Federico Montes, provided additional context by explaining that the decision to target candidates like Jesús María Silva was driven by the belief that any candidate from a traditional party was a military target. She also acknowledged the lack of clarity regarding the decision-making process among higher-ranking members and the material authors.

In these testimonies, there is a palpable sense of dealing with the moral complexities of their actions. The speakers acknowledged their past actions, expressed remorse and attempted to explain the decision-making processes and circumstances surrounding the incidents. They acknowledged the pain caused to families and communities and underscored the challenge of understanding the broader impact of their actions during a time of conflict.

Karen Alzate reacted in disappointment regarding the testimony of her mother's case, expecting a more detailed and forceful account. She emphasized her mother's role as a community leader and shared her wish for more than just an acknowledgment of responsibility. Federico Montes reacted directly to Karen's statement and underlined the challenges in gathering information and finding out the truth as the most relevant persons to the case were already dead. He acknowledged the importance of further exploration and uncovering the truth.

Zuleima Papamija, representing the family of Jesús María, raised questions about the political motivations behind his assassination, expressing the family's curiosity about potential additional factors contributing to his death and underlining their demand for more truth.

These reactions show a range of emotions from gratitude to disappointment, as well as a continued desire for deeper, more comprehensive truth-telling and accountability. The victims highlighted the importance of clarifying all aspects of the incidents and the larger context to reach a more thorough understanding of what happened.

7.1.2.3. Closing of the encounter

The encounter ended with some final words by Martínez from the CEV, where deep appreciation for the dedication and diligence in the investigative process was expressed. He acknowledged the families' courage in revisiting painful memories, recognizing the emotional weight attached to this endeavor. He emphasized that this process was a crucial step towards forging new paths and opportunities, particularly for the community of San Adolfo. While understanding the desire for more definitive answers, Martínez humbly acknowledged the current limitations in the available information. He reiterated that the discussions had yielded the knowledge gathered thus far, acknowledging the community's desire for clearer and more conclusive insights.

In addressing the difficulty faced by those responsible for past actions in confronting the victims, Martínez commended the participants for their willingness to engage in this process. He applauded their commitment to facing the past, seeking understanding, and working towards progress, showcasing their resilience and dedication to reconciliation. Martínez concluded by highlighting the pivotal role played by the TC as a bridge for these essential conversations. He underscored that this process transcended the immediate discussions, contributing significantly to the larger tapestry of Colombia's future, which frames the dialogue as a vital component of the nation's healing and reconciliation journey.

Finally, it is worth noting that logistical challenges due to the pandemic resulted in a mix of in-person and virtual participation; three families were physically present, while two families participated via Zoom.

One of the remarkable aspects of this session was the respectful nature of the space. Both victims and responsible parties demonstrated a willingness to listen and engage in a constructive dialogue. The overall environment was characterized by dignity and solemnity, contributing to a productive and meaningful exchange.

7.1.3. Evaluation of the private encounter

During this meeting, each participant shared their reflections on their first encounter with the perpetrators (Comisión de la Verdad 2021f). These reflections varied widely; some regarded it as a positive step towards forgiveness and healing, while others expressed disappointment, perceiving the provided truth as insufficient and the perpetrators' effort as lacking. This diversity of responses highlights that the process of reconciliation is deeply personal, with individuals holding distinct expectations for these encounters, making it challenging to meet everyone's needs. Despite this, the majority of participants expressed a positive outlook, signaling a readiness to progress.

Following the assessment, the CEV members proposed organizing a public gathering involving the victims' families and FARC-EP representatives. This event, to be promoted through social media, would include external participants and convey a message of reparation to the entire nation. It would also disseminate crucial information to the community and aid in overseeing the FARC-EP's commitments. The public encounter is viewed as a moment of significant dignity for the victims, offering an opportunity to communicate a message of resilience to the wider community, society, and the global audience, demonstrating that, despite the sensitive nature of the issues, progress, and healing is possible. It is emphasized that this public encounter should not be regarded as a concluding moment, but rather as a commencement, integrating other vital components into the reconciliation process for long-term sustainability. While some victims harbored mixed feelings about a public encounter, acknowledging its potential to involve the broader community and convey a message of non-repetition, concerns persist regarding the incompleteness of the truth, health precautions due to the pandemic, and the potential emotional impact on certain individuals. The CEV underlined the significance and importance

of conducting a public encounter and possible dates, when the encounter could be held were discussed.

7.1.4. Public encounter between victims and perpetrators

The public meeting opened with an introductory speech from the TC emphasizing the paramount importance of recognizing and commemorating the victims of the conflict (Comisión de la Verdad 2021h). They underscored that victims are the cornerstone of the peace-building endeavor.

The psychosocial team encouraged representatives from each victim's family to present an object symbolizing their departed loved ones. As an example, Eunicia Alzate, the sister of María Socorro Alzate, presented a flower, embroidery supplies, and a book. These items symbolize different aspects of María's life. The flower, ever-present in her apartment, the embroidery supplies, utilized in her leisure time, and a book, held dear like a treasure by her. This endeavor aims to humanize the victims and spotlight the individual lives that were touched by the conflict. The Commission also acknowledged the strength and resilience exhibited by the families who had endured loss and injustice.

External guests, including the coordinator of the Andean macro-territorial area, the mayor of Acevedo, and representatives from the Embassy of Sweden, participated in the meeting. Their presence signified broad support for truth and reconciliation. It reinforced the event's significance and encouraged participants. Additionally, their speeches contextualized the event, emphasizing cooperation, shared values, and a commitment to the process.

During this encounter, photographs of the victims alongside narratives were shown. These images serve as compelling visual documentation. Beyond documentation, they forge an emotional connection, enabling the audience to empathize and relate on a personal level. Additionally, the presence of photographs lends credibility, substantiating the experiences shared. They serve as historical artifacts, preserving visual records for posterity and ensuring the enduring resonance of these stories. Engaging and breaking up text, photographs maintain audience attention and enhance overall impact. Lastly, they offer a unique visual perspective, capturing nuances that words may struggle to convey (Currie 1999, P. 288-289, P. 296). In essence, the

integration of photographs augments the emotional resonance, credibility, and contextual depth of the narratives, rendering them more impactful and engaging for the audience.

7.1.4.1. Police takeover 1987 & 2001

Much like during the private encounter, both Nur Callazo and Father Jaime Motta recounted the tragic events of 1987 and 2001.

Nur Collazo's testimony poignantly portrayed the tragic events of 1987 when her husband, Luis Heriberto Parra, lost his life in a guerrilla attack. Her emotional narrative vividly describes the chaos and devastation caused by the explosion. Despite the profound pain and challenges faced by victims, she emphasized the unity of the community and the importance of commemorating the past for a better future.

Father Jaime Motta shared his own harrowing experience, narrowly escaping an ambush attempt by guerrillas. His testimony is emotionally charged, highlighting the struggle to convey the intensity of his emotions during the ambush. He speaks of the subsequent fragmentation and stigmatization faced by his community, while also emphasizing their resilience and determination. Motta underlined the need for unity, progress, and remembrance to heal the wounds of the past and build a stronger community.

Both testimonies demonstrate emotional depth, personal connection, and a strong desire for remembrance and progress. Nur Collazo Silva focused on her loss and its impact on her community, while Father Jaime Motta reflected on his journey, advocating for unity and resilience in the face of adversity.

Fabián Ramírez, as the representative for the FARC-EP, gave afterward his testimony. He acknowledged responsibility for the attack in San Adolfo, expressing remorse for the loss of innocent lives, including that of Luis Heriberto Parra. Ramírez condemned violence and affirmed a commitment to search for missing persons. He explained that the takeover of San Adolfo was driven by military strategies set by higher-ranking FARC-EP leaders. Ramírez expressed regret for the destruction caused to the town's infrastructure, economy, and society. He clarified that chemical weapons were not used, but rather their arsenal of explosives. Fabián Ramírez's testimony reflects a complex interplay of acknowledgment, remorse, and responsibility as a representative of the perpetrators. Ramírez expressed sincere recognition of the victims' suffering. Notably, he directly mentioned the victim Luis Heriberto Parra, and his wife Nur Collazo. The fact that he is referring to Nur Collazo only in the third person, although she

is present, could be an attempt to acknowledge her pain without engaging in direct dialogue. Ramírez acknowledged that the guerrilla takeovers in San Adolfo should not have occurred and that the FARC-EP failed to properly analyze the impact on the civilian population. He condemned the act of taking any human life, regardless of affiliation, and emphasized that war brings only victims, not victories. Comparatively, Ramírez's speech differed significantly from the victims' testimonies. The victims' accounts were deeply personal and emotionally charged, focusing on their experiences of pain, loss, and trauma. Ramírez took a more detached approach, discussing broader strategic considerations and offering apologies on behalf of the group. This contrast underscores the general asymmetry between the experiences of the perpetrators and the victims, highlighting the challenges of reconciling these perspectives.

7.1.4.2. **María Socorro Alzate & Jesús María Silva**

Karen Viviana Álzate, daughter of María del Socorro Álzate, delivered a poignant testimony, recounting her mother's life and the tragic events leading to her assassination by the FARC-EP. Karen's narrative highlighted the multifaceted consequences of Colombia's armed conflict and the intricate path to healing. Karen shared cherished memories while expressing the heart-wrenching pain of her mother's loss to violence. What distinguishes Karen's testimony is her capacity for forgiveness. While acknowledging the profound pain inflicted by the FARC-EP, she implored them to genuinely fathom the extent of the irreparable harm caused to countless lives. She passionately called upon them to unequivocally assume responsibility for their actions, underscoring the pivotal significance of authentic remorse, comprehensive reparations, and an unwavering commitment to prevent any recurrence of such devastating events. Amidst the palpable tragedy, Karen's testimony underscored the resilience of her community. Her steadfast belief in the community's potential for renewal and advancement is evident as she expressed her ardent hope for a future liberated from the shackles of violence and conflict. By directly addressing the FARC-EP members, Karen extended an exceptional form of reconciliation, concurrently acknowledging their historical actions while urging them to embrace peace and meaningfully contribute to the constructive evolution of Colombia's future.

Subsequently, Luis Silva gave his testimony about the case of Jesús María. Through vivid language Silva painted a clear picture of Jesús María's character, emphasizing his big heart and strong sense of social responsibility. The testimony contrasts Jesús María's noble intentions

with the betrayal he faced, highlighting the tragic injustice of the situation. Luis Silva expressed deep sorrow for the loss of Jesús María, acknowledging the vacuum left in the community and Jesús' unfulfilled dreams. He underscored the importance of recognizing contributions made for peace and emphasized the multidimensional nature of peace-building efforts. Throughout the testimony, Luis Silva conveyed a strong desire for progress, justice, and accountability, as well as the strength of the community's bond in the face of tragedy and loss.

Finally, Willington Quiroz, a former member of FARC-EP, gave his testimony about the assassination of Jesús and Maria. He expressed genuine remorse, acknowledging the profound impact on families and communities. Quiroz directly addressed Karen as a victim, demonstrating his recognition of the pain caused by their actions. It also indicates his understanding of the personal impact on her life, and a way of acknowledging the specific individuals and families affected by their actions, showing a willingness to confront the human impact of their past deeds. This recognition aligns with the broader process of reconciliation and understanding, where acknowledging and addressing the experiences of victims is a crucial step. While Quiroz acknowledged the suffering caused, he also emphasized the challenging context of the armed conflict. He suggested that broader political circumstances contributed to the violence, providing some context without justifying their actions. Quiroz showed empathy and apologized to the victims' families, expressing genuine sorrow for their pain. He reflected on the consequences of their actions, admitting they may have misunderstood the victims' roles in their communities at the time. Quiroz's willingness to engage in dialogue and share information demonstrates a commitment to revealing the truth and preventing such events in the future. In explaining the killings, he placed them within the broader context of the escalating armed conflict. Quiroz ended his testimony with a message to future generations not to make the same mistakes that they made, because violence and conflict only leave destruction and death.

Gerson Iván Arias, representing the CEV, concluded the ceremony with an acknowledgment of the emotional burden borne by both victims and those responsible. He extended his gratitude to all participants, recognizing their pivotal roles in this momentous event. Gerson emphasized the significance of taking responsibility and acknowledged that the journey of seeking truth is a lengthy one. He underscored the ongoing need for unwavering support for victims and expressed profound thanks for everyone's generosity in contributing to this crucial moment of reconciliation and peace-building. Gerson's acknowledgment of the emotional challenges faced by both victims and those who took part in the conflict helped to create an atmosphere of

profound respect and understanding. This inclusive approach, where he expressed gratitude to all parties involved, highlighted that victims, those responsible, and various organizations all played indispensable roles. It emphasized the collective responsibility to achieve reconciliation and lasting peace. Furthermore, Gerson made a special effort to directly thank the victims and representatives of FARC-EP by mentioning their names. This act of recognition and appreciation has enormous symbolic significance, affirming the validity of their experiences and the courage it took to engage in this extraordinarily difficult process. Acknowledging the vital role played by international entities such as the United Nations and Sweden, Gerson highlighted the global significance of Colombia's endeavors towards peace-building. This acknowledgment demonstrates a comprehensive understanding of the broader context and international support that underpins Colombia's path to reconciliation. Gerson also emphasized the pivotal role of acknowledging responsibilities as a crucial step toward healing and reconciliation. This recognition helps to acknowledge the suffering endured by victims and offers a way forward for both victims and those who were involved in perpetrating violence. Recognizing the complexity of the truth-finding process, Gerson expressed his understanding that victims need time to fully engage with it. This demonstrates a nuanced understanding of the complicated challenges involved and provides victims with space for their healing process.

The event ended with a symbolic exercise: the planting of a black cedar tree in the main park of San Adolfo. This act carries profound significance within the context of the region's tumultuous history, and the collective aspiration for unity and reconciliation. The choice of a black cedar tree for this symbolic gesture is carefully considered as it stands as a potent symbol of life, resilience, and growth. With its deep-seated roots, it mirrors the enduring strength of the victims in the face of adversity. Its sturdy trunk represents steadfastness, while its branches, flowers, and fruits symbolize the attainment of peace and reconciliation. Crucially, the act of planting the tree together with diverse members of the community—victim families, representatives of the FARC-EP, and local institutions—underscores the themes of unity and shared commitment. It signifies that everyone is playing a role in restoring harmony and peace to the region. This symbolic act carries even deeper implications; It marks the transition from a history scarred by violence and conflict to a future characterized by growth and hope. It signifies the community's determination to leave the past behind and embrace a new era of understanding and coexistence. The metaphor of planting a tree is a powerful representation of the sustainable growth of peace. Just as a tree necessitates nurturing and care to flourish, the process

of peace-building demands ongoing effort, collaboration, and dedication from all stakeholders.

7.1.5. Evaluation of the public encounter

In a subsequent evaluation, the CEV asked the participants specific questions to get feedback about the public encounter (Comisión de la Verdad 2021i).

The relatives of Maria Alzate, Karen, and Eunice, generally gave very positive reviews.

Karen Alzate's statement stands out as a testament to a profound emotional transformation. She expressed heartfelt gratitude towards the TC, emphasizing that this event marked the first time she actively engaged in a gathering centered around her mother's passing. Describing it as a "healing" process, she indicated that the experience proved to be deeply therapeutic and healing. Notably, Karen mentioned a departure from her customary sorrow every year in October, signifying improved coping mechanisms. Her rekindled connection with her community and the Facundo family further reinforces the positive impact of the process, resonating with a sense of emotional liberation.

Eunice Alzate's response is succinct yet reflective. She expressed a newfound tranquility after the event, mirroring Karen's state of mind. Her gratitude for the CEV's support and care is apparent. The unity she described within her family, particularly her alignment with Karen's emotional state, suggests a positive outcome from the process. Eunice's perspective indicates contentment and an overall improvement in emotional well-being.

Especially interesting are the statements by Luis Silva, Eunice Alzate, and Nur Callazo, who gave their feedback in both evaluation meetings.

In the instance of Luis Silva, during his initial statement following the private meeting, he exhibited a more cautious and skeptical outlook regarding the potential for fully unveiling certain truths. He acknowledged barriers, such as the pandemic and individuals' reluctance to confront painful memories. In his second statement after the public encounter, Luis Silva's tone shifted to a more positive and appreciative one. He expressed satisfaction with the Commission's progress and was glad to hear that they will have more time to continue their work. He highlighted the value of the event in bringing forgotten stories to light and its significance for future generations. He also extended praise to specific individuals involved in the process. Eunice expressed some dissatisfaction after the private encounter. She felt that the ex-combatants did not provide new information and believed there could have been more depth in the

investigation. After the second encounter, Eunice's tone was notably more positive. She expressed increased tranquility and gratitude towards the TC for their support. She emphasized the sense of unity and family that emerged from the public meeting and extended appreciation to Nur Collazos. Overall, she appeared more content and appreciative.

Nur Collazo expressed some dissatisfaction with the first encounter. She felt that the ex-combatants speeches were too political and that certain important issues, like the use of poisonous gases, were not adequately addressed. She also raised questions about how the damage caused by the ex-combatants will be repaired. After the second encounter, Nur Collazos provided a more reflective and personal account. She expressed joy at reconnecting with individuals from her past, like Karen Alzate or Luis Silva, and shared positive memories associated with them. She also offered constructive feedback on the event, suggesting ways in which it could have been more inclusive and impactful. She ended on a positive note, expressing contentment at having been present. Overall, her opinion evolved from a critical assessment of the initial encounter to a more positive perspective after the second encounter.

In general, it is notable that the reviews on the second evaluation are generally more positive.

7.2. Amnesty Hearings and Encounters TRC South Africa

The Truth and Reconciliation Commission held two primary types of public hearings: the Human Rights Violation Committee hearings, where victims shared their personal experiences and "narrative truths," and the Amnesty Committee hearings, where perpetrators sought amnesty for their actions and occasionally encountered former victims or their relatives (Cole 2007, P. 173).

The Amnesty Committee hearings adhered very strictly to courtroom protocol, with lawyers and advocates presenting cases to the judges on behalf of the perpetrators seeking amnesty. Each session would commence with commissioners establishing ground rules to promote rational discussions and deliberations on the subject matter of the hearings (Cole 2007, P. 184). The process of handling amnesty applications in the TRC involved several well-defined stages. Upon receiving an application, the Committee assessed whether it met the criteria for amnesty, such as being associated with a political objective and constituting a gross violation of human rights. If the application seemed to meet these conditions, it was scheduled for a public hearing,

but further investigation was necessary to gather more information. The subsequent stage involved completing the requisite investigations, which often proved to be challenging and time-consuming (Truth & Reconciliation Commission 1998a, P. 23-26).

Once the investigations were concluded, the application was ready for submission to the Committee, either for consideration in chambers or at a public hearing. The Committee found that clustering applications into political groupings and geographical regions streamlined the process and allowed them to hear multiple applicants related to the same incident. Scheduling hearings was a complex task that involved considering the location of the incidents, the availability of applicants and victims, and logistical arrangements (Truth & Reconciliation Commission 1998a, P. 27-28).

The actual hearings were the most visible part of the process, taking place in public and extensively covered by the media. The guidelines for the hearings were flexible, allowing for oral evidence in any of South Africa's official languages, cross-examinations, and the use of relevant documents during the proceedings (Truth & Reconciliation Commission 1998a, P. 30-31). After all the evidence was presented and thoroughly reviewed, the Committee deliberated on each case, sometimes delivering *ex tempore* decisions immediately after the hearing, but often taking some time to reach a final verdict. Once the decision was made, the Committee promptly notified all parties concerned, including the applicants, victims, implicated persons, relevant authorities, and the Commission (Truth & Reconciliation Commission 1998a, P. 32-33).

In the selected cases of South Africa, both Amnesty Hearings and victims' hearings were conducted, but only during the Amnesty hearings, direct encounters between victims and perpetrators took place. In the cases of St. James and the Gugulethu seven, encounters after the hearing on the wish of both perpetrators and victims took place (SABC 1997a, 1997b, 1997d, 1997e, 1997f; Hoffmann and Reid 2000).

7.2.1. Amnesty Hearing Jeffrey Benzien

At the beginning of the Amnesty Hearing Benzien made a statement where he offered an apology to the family of Ashley Kriel and all those he harmed. This apology serves as a final gesture of recognizing the pain he has caused and his intention to reconcile. With this introduction Benzien tried to convince the TRC of his deep regrets, his consistent will to cooperate and the will to reconcile (Truth and Reconciliation Commission 1997).

7.2.1.1. Tony Yengeni

The initial individual who stepped forward to question Benzien as one of his former torture victims was Tony Sitembiso Yengeni. The following part of their conversation should be looked at in detail:

MR YENGENI: What kind of man that uses a method like this one of the wet bag, to people, to other human beings, repeatedly and listening to those moans and cries and groans and taking each of those people very near to their deaths, what kind of man are you? What kind of man is that that can do that kind of, what kind of human being is that Mr Benzien?

I want to understand really why, what happened? I am not talking about now the politics or your family, I am talking about the man behind the wet bag? When you do those things, what happens to you as a human being? What goes through your head, your mind? You know, what effect does that torture activity done to you as a human being?

MR BENZIEN: Mr Yengeni, not only you have asked me that question. I, I, Jeff Benzien, have asked myself that question to such an extent that I voluntarily, and it is not easy for me to say this in a full court with a lot of people who do not know me, approached Psychiatrists to have myself evaluated, to find out what type of person am I.

There was a stage when this whole scene was going on, that I thought I was losing my mind. I have subsequently been, and I am now still, under treatment, where I have to take tablets on a regular basis (Truth and Reconciliation Commission 1997).

In this excerpt, Mr. Yengeni confronts Mr. Benzien about the nature of his methods, particularly the use of the wet bag, which caused immense suffering to victims. He seeks to understand what kind of person is capable of inflicting such pain on others, and what effect it has on the perpetrator's psyche.

In response, Mr. Benzien acknowledges the gravity of his actions. He reveals that he has grappled with the same questions, to the point where he voluntarily sought psychiatric evaluation. This admission provides insight into the internal tumult and self-reflection that Mr. Benzien has experienced. His pursuit of professional evaluation and ongoing treatment with medication highlights the profound psychological impact that his actions had on him. In the video of this conversation, it can be seen that Benzien is emotionally deeply touched as he holds his hand in front of his face and closes his eyes when Yengeni confronts him (SABC 2011b, 4: 50min).

This conversation brings to the forefront the intricate dynamics between victims and perpetrators in the aftermath of violence. It provides a window into the internal conflicts and psychological challenges that perpetrators may grapple with as they come face-to-face with their actions. Additionally, it illuminates the profound emotional turmoil experienced by Mr. Benzien as he endeavored to reconcile his deeds with his sense of self. This discussion also offers valuable insights into the intricate journeys of individuals entangled in such somber chapters of history and their quest for self-understanding in retrospect. Furthermore, it underscores the

imperative of prioritizing the mental well-being of both victims and perpetrators within the broader framework of truth and reconciliation.

A psychologist's report later during the Amnesty process also stated that Mr. Benzien suffered from post-traumatic stress disorder. The report stated that he experienced nightmares related to his work in the security branch, particularly the interrogation of people. It also mentioned that Mr. Benzien had difficulty recalling important details about events, which is called "tunneled memories," where some memories are vivid while others are blocked due to the traumatic nature of the incidents. Furthermore, the report noted that Mr. Benzien also suffered from major depression, which was likely caused by the events he experienced during his duties (Truth & Reconciliation Commission 1997b).

Subsequently, at the wish of Yengeni, Benzien showed the wet bag method in front of everybody during the hearing (SABC 2011b, 04:31 min).

In demanding that from Benzien Yengeni might have been seeking a form of closure, healing, and reconciliation by directly confronting Benzien about his actions. Seeing Benzien acknowledge the harm he caused and explaining the method in detail could have provided some level of closure for Yengeni and other victims who suffered similar treatment. Witnessing Benzien demonstrate the method might have given Yengeni a sense of agency and control, as he watched the perpetrator take responsibility for his actions. This empowerment could have contributed to Yengeni's journey towards healing.

At the end of their conversation, Mr. Benzien expressed his perspective on seeking amnesty and reconciliation. He acknowledged his past actions, including torture, assault, and lying. He expressed remorse for the pain he caused and also admitted that he was used by the Security Branch of the police and that he carried out their orders, believing he was serving the country's interests. Mr. Benzien acknowledged that he was wrong and that the Apartheid system was evil and misguided. He emphasized his willingness to take responsibility for his actions and to reconcile with those he harmed (Truth and Reconciliation Commission 1997).

Yengeni was expressing his reservations about supporting Benzien's application for amnesty. He indicated that for him and his colleagues to consider supporting the application, they need to be convinced that Benzien is speaking the truth and providing full disclosure about the events that took place (Truth and Reconciliation Commission 1997).

7.2.1.2. Ashley Forbes

Following Yengeni's testimony, Ashley Forbes stepped in front of the Committee to present his account and confront Benzien. The subsequent portion of the transcript will be scrutinized thoroughly.

MR FORBES: Can I also ask that when I was arrested, do you remember saying to me that you can treat me like an animal or like a human being and that how you treated me, depended on whether I cooperated or not?

MR BENZIEN: I can not remember it correctly Sir, but I will concede, I may have said it.

MR FORBES: Do you remember that when the wet bag method was used, people are also undressed? That I was undressed, that my pants were pulled towards my ankles and that in that way, and thereafter the wet bag was pulled over my head and suffocated?

MR BENZIEN: I cannot remember it specifically, but I am willing to concede. If you can remember that aspect, I may concede, yes.

[...]

MR BENZIEN: I concede on the Saturday I assaulted you. I then assaulted you I think it was on the Monday evening, that was after that we went for the steak, am I correct?

After that, I took you on investigation to the Eastern Cape. Whereas to refresh your memory, and I am not saying it flippantly, as you said it was the most Kentucky Fried chicken you have ever eaten. Either after that or prior to that, we attempted to go to the Western Transvaal where you were going to do some pointing out.

Could you remember the time that you had seen snow for the first time? Can you remember what happened in the snow? The husband and the wife and the two children who were taking photo's of you playing in the snow along the N1? (SABC 2011b, 05.25 min, 1997c; Truth and Reconciliation Commission 1997)

The relationship between Captain Benzien and Ashley Forbes appears complex and multifaceted. On one hand, there seemed to be a degree of rapport and even camaraderie between them, as evidenced by the discussions about books, cigarettes, and outings. On the other hand, there's a clear acknowledgment of the severe mistreatment and abuse that Forbes underwent at the hands of Benzien. Forbes accuses Benzien of using various torture methods on him, including the wet bag method, physical assaults, and threats. Also, the excerpt underlines their complex relationship, as Benzien first assaulted Forbes before they had a steak together, went to the Eastern Cape and Forbes played in the snow. The claim by Benzien that he could treat Forbes like an animal or like a human being, shows the power imbalance between Forbes, as the detainee, and Benzien, as the interrogator and authority figure, that is to say between victim and perpetrator. Benzien's statement implies that he held control over Forbes' treatment and well-being, positioning himself as the one who could decide whether Forbes would be treated with dignity or subjected to harsh treatment. His statement suggests a manipulative tactic to induce cooperation from Forbes. By implying that Forbes' treatment depended on his willingness to

cooperate, Benzien aimed to make Forbes feel responsible for his treatment and to influence his actions through fear and uncertainty. The quote reflects a form of psychological coercion used in interrogations to extract information or confessions. Benzien's message implied that if Forbes did not cooperate, he might be subjected to dehumanizing treatment akin to an "animal." Forbes' choice of sharing this quote suggests that he perceives it as an example of the ethical dilemma he faced during his detention. Benzien's words potentially forced Forbes to grapple with the decision of whether to cooperate under duress or face potentially harsher treatment.

7.2.1.3. Gary Kruse

Following Forbes' testimony, former victim Gary Kruse confronted Jeffrey Benzien. During the proceeding, Mr. Kruse questioned Mr. Benzien about his actions during the arrest and interrogation. Mr. Kruse's emotional state seemed to be a mixture of anger, frustration, and a desire for truth and justice. He was emotionally very strongly affected as seen in the video (SABC 2011b, 10:06 min), and at one point he could not continue his interrogation for a while ("While Mr Kruse is still putting himself together"). Following an intermission, he returned belatedly, having engaged in a discussion with members of the TRC who endeavored to pacify him (Truth and Reconciliation Commission 1997). He challenged Mr. Benzien's account and memory of the events, seeking answers and explanations for the treatment he endured. Mr. Kruse questioned Mr. Benzien about the details of his arrest, the methods of torture used during his interrogation, and Mr. Benzien's involvement in the process. He accused Mr. Benzien of lying, selectively forgetting certain events, and expressing his anger about it. He challenged Mr. Benzien's assertion that he cannot remember certain incidents, implying that such lapses in memory are convenient for avoiding accountability (Truth and Reconciliation Commission 1997).

Mr. Benzien's responses were marked by uncertainty and an apparent struggle to recall specific details. He acknowledged some actions but claims to have forgotten others. He conceded that he may have used certain methods on Mr. Kruse but asserted that he could not remember the exact circumstances. He apologized for any actions he may have taken and tried to explain his memory lapses (Truth and Reconciliation Commission 1997).

After the first day of the hearing, an incident of humiliating treatment occurred. The incident involved members of the audience subjecting Mr. Benzien and his lawyer (Truth and Reconciliation Commission 1997). What exactly happened is unclear. The Chairperson

acknowledged that the distressing evidence presented during the proceedings might have caused anger and annoyance among the audience, particularly among those who were victims of the events under discussion. The Chairperson emphasized that the purpose of the committee is to ensure a fair hearing for Mr. Benzien and others who appear before the committee to apply for amnesty. He stated that respect must be shown to the counsel who appears before the committee, as they play a vital role in assisting the committee in its task. The Chairperson appealed to those involved in the proceedings and their associates to refrain from any unpleasant conduct directed at counsel, attorneys, applicants, and witnesses who appear before the committee. Following this, Mr. Kruse offered an apology to Mr. Benzien and his lawyer for the behavior of their supporters, acknowledging that such behavior is unnecessary. Mr. Kruse also assured that they would speak to their supporters to prevent such incidents from occurring again in the future (Truth and Reconciliation Commission 1997).

The hearings dealt with highly traumatic and distressing accounts of past atrocities. As a result, emotions were likely running high among both the victims and their supporters in the audience. The supporters' emotional outbursts may have been driven by a mix of anger, grief, frustration, and a desire for justice.

7.2.1.4. Peter Jacobs

Peter Jacobs subsequently stepped forward to give his testimony and to confront Benzien. During the encounter, Mr. Jacobs cross-examined Captain Benzien about the events of his arrest and detention. Jacobs accused Benzien of not telling the whole truth about what had transpired during his arrest and torture. Jacobs suffered from a stutter and noted that the experience was highly traumatic for him. He insisted that Benzien provides a clear account of the torture that he experienced. Jacobs also challenged Benzien's memory, stating that he seems to remember certain aspects but forgets others, especially the details that would incriminate him more directly. He insinuated that Benzien might be serving as a fall guy to protect higher-ranking officials who may have been involved or aware of the torture methods used by the unit (Truth and Reconciliation Commission 1997).

The following part of the conversation between them will be examined in detail:

MR JACOBS: [...] I think it is about the fourth time when I thought I was dying, you woke me up and you said, Peter, I will take you to the verge of death as many times as I want to. But here you are going to talk and if it means that, then you will die, that is okay. Do you remember that?

MR BENZIEN: I concede I may have said that, Sir.

MR JACOBS: I want you to know, I want you to tell me because this is important for me. The Truth Commission can amnesty, but this is important for me, did you say that?

MR BENZIEN: Yes, I did say that (Truth and Reconciliation Commission 1997).

This excerpt highlights the power dynamics, psychological manipulation, and trauma that can characterize the relationship between a victim and a perpetrator, especially in situations involving torture and abuse. Benzien held a position of power and control over the victim, as evidenced by the statement, "I will take you to the verge of death as many times as I want to." This demonstrates the extent to which the victim's life and well-being are in the hands of the perpetrator. Benzien used psychological manipulation to frighten and subjugate the victim. By telling Peter that he is willing to bring him to the brink of death, Benzien exerts psychological pressure and creates a sense of helplessness in the victim. The statement "if it means that, then you will die, that is okay" is a direct threat to the victim's life. Benzien is essentially saying that he is prepared to let Peter die if he does not comply with the demands to talk. During the encounter, he stated that this was part of his interrogation tactics and he would have never let Mr. Jacobs die, but it was necessary to imply this possibility to get the information needed. Benzien's willingness to treat the victim's life as expendable dehumanized Mr. Jacobs reducing their worth to merely a means to an end. This portion of the conversation also underscores how crucial it is for Mr. Jacobs to receive a confirmation from Mr. Benzien regarding the things he said to him during his torture. On one hand, this confirmation would validate Mr. Jacobs' memories and experiences, providing a necessary sense of validation and understanding. On the other hand, it could facilitate a sense of closure, enabling Mr. Jacobs to gain a deeper understanding and acceptance of the events that took place. This step is pivotal in his journey towards progress and healing (Truth and Reconciliation Commission 1997).

In summary, the interaction underscores the severe emotional and physical trauma experienced by Mr. Jacobs. The exposure to the threat of death and the manipulation tactics employed by Benzien can leave lasting psychological scars.

7.2.1.5. Statements after the Hearing

After the Amnesty Hearing, some of the former torture victims were brought by the TRC to the island where they had been imprisoned. In that place, Forbes gave a review of the encounter

with Benzien. He initially felt sorry for Benzien, as he had to go through this process all by himself without any support from his family or colleagues from the Security Branch. He also expressed frustration that Benzien could not remember many details, which would be very important for him as victims usually need acknowledgment of the atrocities committed against them. He mentioned again the unusual relationship he had with Benzien between torture and taking him out to do nice things. To cope with the incidents that happened to him, he started to block them out and not think about them and he thinks that Benzien might have used the same strategy to not think about the atrocities he committed. This shows that Forbes kind of aligns with Benzien. He tries to understand him and sees him as a human being (SABC 1997d, 2011b, 12:50 min).

Additionally, Kruse gave a statement where he expressed a strong desire for truth and transparency. They, the victims, want to know what happened, indicating a need for closure and acknowledgment of the past. He also stated that they do not wish for the perpetrator to be punished which suggests a remarkable level of forgiveness or at least a desire to move forward without seeking retribution. Instead, their primary focus is on understanding and preventing the recurrence of such abuses. Kruse also highlighted the importance of revealing the systems and methods used, to prevent future generations from experiencing similar traumas (SABC 1997e, 2011b, 14:57 min).

Yasmina Pandya, a former Umkhonto weSizwe comrade, who was not giving a testimony in the Amnesty Hearing, emphasized the need for Benzien to tell the truth, so they can grant him amnesty. She saw the potential for reconciliation, indicating a willingness to move toward forgiveness and closure. She even affirmed Benzien's claim of not being able to remember certain details. She also noted that they are currently in a healing process, implying that dealing with the past is an important step in this process, but also that the truth is emerging now and that they have to face it, which can be painful and challenging. In addition, Pandya claimed that she spoke to Benzien again that morning, which implied that they had repeatedly contact during the process of the Amnesty Hearing (SABC 1997f, 2011b, 15:22min)

Benzién was later granted amnesty in all accusations, as it took place within the political and operational context of the time. Certain actions occurred in the course of a larger struggle and unconventional methods were often employed by security forces to extract information in the context of political conflicts. It was an unwritten rule to commit perjury if asked in trial of

torture, part of the system and Benzien was part of the system and followed their rules (Truth & Reconciliation Commission 1999).

7.2.2. St. James Church Attack

During the Amnesty Hearing the three applicants, Bassie Mkhumbuzi, Thobela Mlambisa, and Gcinikhaya Makoma, expressed their regret for the loss of life and injuries that resulted from their involvement in the St. James Church operation. They apologized to the victims and their families, acknowledging the pain and suffering caused by their involvement. They explained that their commander Nonxuba chose the church because he believed that the Apartheid government was using churches to oppress black individuals. According to their interpretation, their studies indicated that white individuals had exploited the church and the Bible to dispossess black people of their land. Therefore, they argued that targeting white individuals was a means of pressuring the white government to restore black people's land. They viewed white individuals as legitimate targets due to their complicity in the policies of the Apartheid government (Truth & Reconciliation Commission 1997a).

7.2.2.1. Dawie Ackerman

At the hearing, Mr. Dawie Ackerman stepped forward to share his testimony. Mr. Ackerman is a survivor of the St. James attack, wherein his wife lost her life. He vividly described the harrowing scene, recounting the injuries and casualties he encountered. The assault left Mr. Ackerman utterly shattered, grappling with a profound sense of depression, anxiety, and emotional turmoil in the aftermath. This inner turmoil permeated every facet of his life, affecting his work, emotions, and relationships. Ultimately, it led to the loss of his job due to the overwhelming emotional toll. The reverberations of the attack extended deeply into his family, straining his relationships with his children (Truth & Reconciliation Commission 1997a).

In his testimony, he states the following:

MR ACKERMAN: While Mr Makoma was testifying and he talked about his tortures and that he was suicidal, I could identify with that. I thought to myself and I wrote you a note to bring your cross-examination to an end, because what are we doing here? The truth yes, but I looked at the way in which he answered you and his anger. How on earth are we going to be reconciled? May I add one thing? I am sorry, while it is in my mind now. I went on record after the event to say that I hold no personal grudge, that I do not hate them and I stand by that. I also held out reconciliation to them, and I believe with all my heart because I've experienced reconciliation with God [...]" (Truth & Reconciliation Commission 1997a)

Mr. Ackerman's statement "I could identify with that" demonstrates his ability to empathize with Mr. Makoma's experiences. By "identifying" with Mr. Makoma's feelings of torture and suicidal thoughts, Mr. Ackerman recognizes a shared emotional pain that transcends the roles of victim and perpetrator. This moment highlights the shared humanity that underlies the experience of suffering. Despite being on opposite sides of the traumatic event, both Mr. Ackerman and Mr. Makoma have experienced intense emotional pain and despair. This shared experience of vulnerability and suffering bridges the gap between victim and perpetrator, revealing their common humanity. The passage underscores the complex emotional landscape that victims and perpetrators navigate. It reveals that perpetrators can also experience deep emotional turmoil and anguish, potentially leading to feelings of remorse, guilt, and even self-destructive thoughts. The passage challenges the rigid binary roles of "victim" and "perpetrator" by demonstrating that individuals on both sides of the event can suffer in profound ways. It showcases the multifaceted nature of human experiences within the context of violence and trauma. Mr. Ackerman's ability to identify with Mr. Makoma's pain suggests a potential for understanding and reconciliation. This moment shows that empathy and recognition of shared emotional struggles can contribute to building bridges between individuals who were previously viewed solely as victims or perpetrators.

Mr. Ackerman's statement, "What are we doing here?" reflects his frustration and perhaps a sense of helplessness in the face of the profound divide between victims and perpetrators. He might be questioning the purpose of their interaction and the feasibility of achieving genuine reconciliation given the stark contrast in their experiences and emotions. When Mr. Ackerman mentions "how he answered you and his anger," he is referring to the emotional response from Makoma. This observation highlights the emotional complexity involved in reconciliation. The presence of anger from the perpetrators might make Mr. Ackerman wonder if true reconciliation is possible when such strong emotions are present.

In addition, the question "How on earth are we going to be reconciled?" reveals Mr. Ackerman's awareness of the immense challenges in bridging the gap between victims and perpetrators. He might be grappling with the idea of finding common ground and understanding between parties who have experienced such different perspectives and pain. Despite his doubts, Mr. Ackerman's subsequent statements reflect his unwavering commitment to reconciliation. He acknowledges his previous efforts to extend forgiveness and reconciliation to the perpetrators. His faith in his own experience of reconciliation with God serves as a foundation for his belief that reconciliation is possible for everyone, including the perpetrators. Mr. Ackerman's willingness to extend reconciliation and his belief in its availability for all demonstrates his

recognition of the shared humanity between victims and perpetrators. He sees reconciliation as a means of healing and moving forward for both parties, acknowledging the potential for transformation and growth.

Later on in his testimony, Mr. Ackerman asked the perpetrators to face him directly and apologize for what they had done (Truth & Reconciliation Commission 1997a; SABC 2011a, 5:06 min). This moment showcases his strong desire for closure, healing, and reconciliation, while also revealing the complex dynamics of forgiveness and justice in the aftermath of a traumatic event. Mr. Ackerman's decision to address the perpetrators directly indicates his need for closure and understanding. He wants to know the truth behind what happened, seeking some sense of closure to cope with the trauma. By asking the perpetrators to turn around and face him, Mr. Ackerman humanizes them. He wants to confront them as individuals rather than anonymous figures responsible for the attack. This gesture recognizes their humanity and emphasizes the shared impact of the event on both the victims and the perpetrators. Mr. Ackerman's request may stem from a desire to understand their motivations and emotions at the time of the attack. He wants to bridge the gap between victims and perpetrators, fostering empathy and understanding. Facing the perpetrators could also be an empowering moment for Mr. Ackerman, allowing him to confront the source of his pain and loss. It demonstrates his strength in the face of adversity. As seen in the video, Ackerman's profound emotion is evident as his voice trembles and he struggles to hold back tears while addressing the perpetrators (SABC 2011a, 5:49 min).

The perpetrators reacted to Ackerman by apologizing and acknowledging the pain and suffering caused by the attack. They also referred to the political context of the time, suggesting that they were acting under orders and in a broader struggle against the Apartheid government. They acknowledged the impact of their actions not only on the victims but also on the country as a whole. They expressed a desire for forgiveness and reconciliation and indicated that they hoped to be forgiven by both the victims and society at large (Truth & Reconciliation Commission 1997a). As seen in the video, Makoma maintained direct eye contact with Mr. Ackerman as he responded and offered his apology (SABC 2011a, 7:57min). This unwavering gaze, coupled with his manner of speaking, radiates sincerity and openness. It appears that Makoma is making a concerted effort to demonstrate his grasp of the delicate nature of the subject matter, showing empathy toward Mr. Ackerman's emotions. The moment when Mr. Ackerman faced the perpetrators highlights the complex interplay of emotions, accountability, forgiveness, and the pursuit of reconciliation. It is a testament to the intricate process of healing and moving

forward in the aftermath of a tragic event. In the video, the moderator brought it to the point when she said: “Dawie Ackerman’s direct appeal to the three young men brought to the fore all of the elements that this process is about, a shared guilt, anger, forgiveness and the raw pain of the sins of the past“ (SABC 1997a, 2011a, 6:03 min).

Toward the end of Mr. Ackerman's testimony, he is asked the following question:

ADV ARENDSE: From what you've heard here today, are you personally satisfied that you've heard all the relevant facts that relate to what happened that day?

MR ACKERMAN: Mr. Arendse, that is not my call. I cannot, I am too subjective, I can tell you what my subjective answer is and my subjective answer is no, I do not think that I've heard everything. I think there might yet be something more, but is that because I want them to tell more, or is that because there is more? I am too subjective Mr Arendse. That is why we have a Committee. That is why we have people like you and Mr. Bembridge, to get to the bottom of the truth. It is not me. (Truth & Reconciliation Commission 1997a)

The answer from Mr. Ackerman is especially interesting because he acknowledges that his response is subjective and his subjective response would be no. Mr. Ackerman raises the possibility that there might be more to the story that he has not heard yet. He questions whether his desire for more information is influenced by his yearning for closure or whether there are genuinely missing details. This reaction differs significantly from the responses of other victims' reviews that were looked at before in this work. Mr. Ackerman underlines his non-neutral position and doubts whether his desire for more answers is based on facts. Like the other victims, he is unsatisfied with the answers so far and wants the full truth, but he is aware that there might be no more answers. This shows his self-awareness that his desire for more information might be influenced by his emotional need for closure rather than a concrete existence of more details. Mr. Ackerman's words capture the complexity of emotions often experienced by victims of traumatic events. While he wants to fill the gaps in his understanding, he is also grappling with the realization that memory can be fallible, and there may not be a definitive answer to every question. Mr. Ackerman's statement "I do not think that I've heard everything" underscores his yearning for a complete and accurate understanding of the events that transpired during the attack. This desire for the full truth that the other victims were expressing could be a natural response to a traumatic experience for seeking clarity and closure.

7.2.2.2. Statements after the Hearing

After the Amnesty Hearing, some of the victims met with the perpetrators behind closed doors and reported on it the previous day (SABC 1997b):

Dawid Jacobus Ackerman: „As imperfect as human attempts are to bring people together it was nevertheless an attempt and for me it was a very significant moment. I feel also that I can now carry on with my life. For the first time, yesterday after the meetings with them in the boardroom, I felt a release that I've not felt before. Something has lifted from my heart“ (SABC 2011a, 11:11min).

The feeling of relief and lightness in his heart indicates that the encounter had a positive effect on his emotional state. His subsequent reflection emphasizes the significant progress Mr. Ackerman made through this experience. Confronting the wrongdoers, offering forgiveness, and finding the strength to move forward in life proved to be profoundly beneficial for him. The other victims' reactions range from expressions of forgiveness to reflections on the transformative power of meeting the perpetrators face-to-face. Paul Williams for example states that he forgave the person who shot him and the meeting with his former perpetrator allowed him to do so. The meeting seems to have provided him with a sense of closure and relief (SABC 2011a, 08:52 min). Marietjie Bauers shows empathy for the perpetrators' mothers, which demonstrates her capacity to empathize with them and her ability to see beyond the act itself reflects a deeper understanding of the complexities involved (SABC 2011a, 10:38 min). While the perpetrators' responses are not being shown, the victims' reactions suggest a positive impact of the encounter. The encounter likely allowed the victims to confront the humanity of the perpetrators, contributing to the potential for healing and reconciliation.

7.2.2.3. Meeting with Makoma in Prison

In the aftermath of the Amnesty Hearing Liezl Ackerman, the daughter of Dawie Ackerman, and Gillian Schermbrucker, who was injured during the attack, went to Pollsmoor Prison to meet one of the perpetrators Mr. Makoma. During the encounter, they sat together on chairs at eye-level (SABC 2011c). Liezl and Gillian expressed a deep desire to understand the motives and perspectives behind the St. James attack. They questioned Makoma about the motives, the country's trajectory, and whether he believed in the necessity of the attack. Makoma shared his struggle and emotions, acknowledging that his actions were brutal and acknowledging the horror of his deeds. His admission that what he did was "very brutal" and "horrible" demonstrates a willingness to confront his actions and emotions. Makoma explained his involvement from the perspective of being a soldier following orders. Liezl and Gillian revealed the profound impact of the attack on their lives. They expressed anger, and hatred towards the act itself, but simultaneously conveyed that they do not hold personal hatred towards Makoma as an

individual (SABC 2011c, 04:27min, 05:00 min). Makoma's participation in the meeting and willingness to engage in a dialogue indicates a sense of seeking redemption or understanding. He acknowledged that he often thinks about the survivors' stories and the lives that were forever changed by the attack. Makoma described a sense of emotional relief resulting from the encounter (SABC 2011c, 06:42 min). The Encounter seemed to help humanize the perpetrator, as Liezl Ackerman stated in the end that she can relate to Makoma now as a human and not a figure (SABC 2011c, 06:28 min). For both sides, meeting and conversing allows for a certain degree of emotional healing and closure. Liezl and Gillian's questions also reflect a desire for accountability. They want to know if the perpetrator truly comprehends the consequences of their actions and whether he cares about the lives he has affected. This encounter underscores the intricate nature of reconciliation. It does not necessarily mean instant forgiveness or a complete absolution of actions; rather, it involves humanizing one another, seeking to understand the context and motives, and finding ways to process the trauma.

In the end, amnesty was granted to all three perpetrators of the St. James attack. The committee found that their actions were associated with a political objective and met the requirements for amnesty under Section 20(1) of the Act. The decision highlights the importance of considering the political context of the time when evaluating the actions of the applicants. It acknowledges that political parties might have denied involvement in incidents for strategic reasons, but the acknowledgment by the PAC was significant in this case (Truth & Reconciliation Commission 1998d).

7.2.3. The Guguletu Seven

Before the Amnesty Hearings took place the mothers of the Guguletu Seven were shown a video, taken by the police just after the killing of their sons (Truth & Reconciliation Commission 1996b). A description and analysis of this meeting can be found in the attachment.

7.2.3.1. Amnesty Hearing Bellingan

Toward the end of the Amnesty Hearing of Bellingan, some of the victims of the Guguletu Seven had space to ask questions to Bellingan (Truth & Reconciliation Commission 1997e).

Mrs. Konile for example, expressed her anger and sorrow, stating that she will never forgive Bellingan for his actions. She questioned his request for amnesty, particularly when he claimed he was just doing his job. Her statement conveys the depth of her grief and her inability to find forgiveness. Andile Mjobo questioned Bellingan's intentions, asking whether he had come to ask for forgiveness or to cause further emotional distress. She implied that Bellingan's presence is destabilizing the process and causing harm. What is very noticeable is that Bellingan's reaction was very emotionless as he mostly did not react to the victim's comments or questions and was just focused on explaining the facts. He did not show any empathy or remorse.

The following excerpt shows a statement of Bellingan and the reaction of one of the commissioners of the TRC in the documentary “Long Night’s Journey Into Day” (Hoffmann and Reid 2000, 79 min; California Newsreel 2000):

MR BELLINGAN: But I do make it clear in my amnesty application, if, I say I am sorry that I took a life and I am asking for amnesty for it, where I did take a life. It has happened and it is past and I think one should just try and prevent this kind of thing happening again.

PUMLA: The challenge for me now is that I’m a member of the Commission. And whatever the findings of the Commission are I’m supposed to embrace them. But really, at a personal level, I would not appreciate it if Bellingan was granted amnesty. It is that element of humanity, is not it? You want to see that they’re not monsters after all. Then once they show in a genuine way that they truly look back and regret and they’re full of remorse and then you feel that at least there is hope with humanity. But when you do not see that, it pulls your heart just so low that you really get worried about these people being granted amnesty

This statement from one of the commissioners illustrates the challenge they may encounter when trying to harmonize their professional duties with their personal, human responses. It is essential to grasp the dynamics of the TRC proceedings, especially when handling cases like Bellingan's, where genuine remorse may not be readily apparent. It proves that their professional responsibility to maintain impartiality is not always easy, as they are not immune to their own human emotions. Bearing witness to the pain and suffering of victims, listening to tales of loss and atrocities, and encountering perpetrators who may not exhibit genuine remorse can evoke powerful emotions like anger, sadness, and frustration. In the case of Bellingan, where substantial regret does not appear evident, commissioner Pumla's reaction serves as an illustration of the internal conflict they may confront.

As members of the Commission, commissioners confront the dilemma of balancing their obligation to uphold principles of justice, truth-seeking, and reconciliation. Their role entails providing a platform for victims to share their stories, holding perpetrators accountable, and contributing to national healing (González and Varney 2013, P. 23-26). The dual role of commissioners as professionals and human beings underscores the complexity of the reconciliation process. While the Commission aimed to promote understanding and forgiveness, it also laid bare the challenge of reconciling personal emotions with the broader objectives of justice and

reconciliation. The commissioners' struggle highlights the delicate equilibrium they had to maintain, bridging the gap between objectively facilitating the hearings and processing their emotional responses.

7.2.3.2. Amnesty Hearing MBelo and meeting with victims

During his testimony, Mbelo acknowledged that his actions have caused a lot of pain and hurt to the families of the deceased individuals. He expressed remorse and requested forgiveness from the parents and family members who lost their loved ones during the incident. In addition, Mbelo expressed a willingness to meet with them individually to seek their forgiveness if they are open to it (Truth & Reconciliation Commission 1997d).

After his Amnesty Hearing, MBelo faced the mothers of the Guguletu seven. Before the meeting, the mothers gathered together with the TRC Commissioner Pumla, who prepared them for the meeting (Hoffmann and Reid 2000, 80 min; California Newsreel 2000). The Commission, represented by Pumla, plays a crucial role in facilitating the meeting. Pumla helped the mothers by preparing them emotionally and mentally for the encounter with Mbelo. She acknowledged that facing Mbelo will not be easy and helped the mothers understand the significance of the moment. The choice to meet in a chair circle on eye level likely symbolizes equality and openness. This arrangement eliminates hierarchy and creates an environment where both parties can communicate directly and candidly, fostering a sense of honesty and mutual acknowledgment. After that preparation, they gathered together with MBelo in a circle of chairs (California Newsreel 2000; Hoffmann and Reid 2000, 82 min).

The mothers were understandably filled with grief, anger, and pain over the loss of their children. Their emotions were raw and intense, evident in their statements and questions. They were looking for answers, seeking accountability, and expressing their frustration over the tragedy. Their anger was palpable, and they confronted Mbelo directly about his role in the incident. Their reactions ranged from bitterness and indignation to sorrow and heartbreak. Cynthia forgave Mbelo, which is a pivotal moment in the encounter. She acknowledged the pain she carries for her lost child and, despite that, extended forgiveness to Mbelo. She related her decision to the teachings of Jesus about forgiveness and emphasized that holding onto anger and hatred will not bring her child back. Her forgiveness is a powerful act of empathy and

compassion that resonates with the idea of releasing the burden of anger. Mrs. Mjobo was full of anger and confronted Mbelo directly about the way her child was killed, demanding to know how he felt about his actions and the impact on the parents. Mrs. Konile's reaction was marked by her deep anger and disdain for Mbelo. She expressed that she will never forget his face, linking it to the memory of her son's death. Her anger stemmed from the belief that Mbelo's actions were a betrayal of his people, that he sold out for money. Her emotions were intense and rooted in the pain of losing her child.

Mbelo acknowledged his guilt and expressed remorse for his actions. He acknowledged the pain he had caused the mothers and recognized that forgiveness may not be easy to come by. He took responsibility for his role but also attempted to explain that he was under pressure and forced into the situation due to external factors. He showed signs of vulnerability and shame, particularly when he admitted that he was ashamed to look the mothers in the face. At the end of the encounter, Mbelo hugged some of the mothers and/or shook their hands. Mbelo's willingness to engage with the mothers through physical contact shows his yearning for some form of closure and understanding. At the same time, the reactions of the individual mothers may differ. Some may be open to the gesture as a step towards healing, while others may find it difficult to accept or feel that it is insufficient given the gravity of the situation. Mbelo's act of physical contact with some of the mothers is laden with symbolism. It reflects his recognition of accountability, a seeking of forgiveness, and a desire to create a humanizing connection. However, it is important to remember that this gesture is just a small part of the larger journey toward reconciliation, and the complex emotions surrounding the encounter will continue to linger.

In conclusion, the encounter was filled with complex emotions, ranging from anger and bitterness to forgiveness and empathy. The mothers reacted differently to Mbelo's presence, each reflecting their unique experiences and pain. Cynthia's forgiveness stood out as a moment of grace, while Mrs. Konile's anger underscored the depth of betrayal felt. The Commission's role in preparing the mothers and creating an open environment contributed to the raw and emotional nature of the encounter. While it is a step towards reconciliation, the wounds run deep, and true healing and reconciliation will likely require more than a single meeting.

In the end, both, Bellingan and Mbelo, were granted amnesty. That decision was wildly debated as they killed people who already surrendered. The TRC argued that they did everything for full disclosure of all relevant facts concerning human rights violations committed with a political motivation under Apartheid (Amnesty for 'Gugs Seven' cops stuns ANC 2002).

8. Discussion

After the detailed examination of the cases on both sides, it becomes clear how the encounters took place and how the respective TC tried to reach reconciliation/coexistence.

8.1. Conduct of meetings between victims and perpetrators

Encounters between victims and perpetrators during the work of the CEV followed a customary and organized protocol. After a participatory process to select the most significant cases for San Adolfo, victims were carefully prepared with the assistance of a psychological team to ensure their readiness for such a meeting. They actively engaged in formulating the questions they wished to pose and the information they sought from the perpetrators. Similarly, the perpetrators were thoroughly primed for the encounter. Alongside their legal counsel, they rehearsed how to convey themselves with empathy and choose their words carefully. Furthermore, the testimonies they provided were not individual truths akin to those in South Africa. Instead, they were a constructed narrative, as the wrongdoers convened before the encounter to compile information, aiming to present as comprehensive a portrayal as feasible of the events that transpired. The encounters themselves adhered to a structured format. Following the presentation of a specific case by one group, such as the victims, the other group would respond. Unlike in South Africa, where each case was handled separately, all cases of the region were addressed in a single session.

The CEV also employed various strategies to foster coexistence. This included the symbolic presentation of an object by the victim's family and the sharing of photographs of the victims alongside their narratives. This approach aimed to establish an emotional connection, humanizing the victims and eliciting empathy towards them. It provided the victim's family with a sense of their loved one's profound significance in the process, emphasizing that they were not merely a statistic. The notion of planting a cedar tree strongly reinforces the notion of coexistence as it is not only due to the symbolic significance associated with the cedar tree, but also because both victims and perpetrators plant it collectively, signifying the inception of a new era marked by mutual dedication, harmony, and peace in the region. The inclusion and active involvement of external guests represent another tactic aimed at emphasizing the significance of the event and bolstering the overall process.

The CEV itself underscores their presence during the encounters through speeches that acknowledge the victims, emphasize the importance of the process, and highlight their unwavering commitment to coexistence.

The TRC dealt with each case separately, a necessity for their authority to grant amnesty. Moreover, the perpetrators were always the individuals directly responsible for the specific case. Consequently, during these encounters the victims found themselves facing their former tormentors or the individuals who had taken the lives of their loved ones. As these meetings were not an official part of the truth-seeking process, they occurred either during the Amnesty Hearings, where victims confronted the perpetrators directly, or afterward if both parties desired it. The Amnesty Hearings themselves resembled court proceedings, and when it came to direct encounters, the role of the Commissioners was more passive. They only intervened for clarification of discrepancies during the testimonies or when victims needed a moment to compose themselves, as seen in the case of Gary Cruse, who struggled to continue speaking during the hearing. Later during a break members of the Commission also intervened and tried to sooth his distress.

The decision to widely publicize these hearings and allow public attendance aimed to create transparency in the process. The TRC may have viewed this as a strategy to promote reconciliation. When everyone witnesses the process, especially the encounters with the perpetrators, and sees their remorse, they may come to realize the depth of their regret and understand that these actions occurred within the confines of the Apartheid system, where many felt they had no alternative course of action. However, incidents like the one of humiliating treatment following Benzien's first day of amnesty hearings illustrate the potential consequences of this approach. This incident serves as a reminder that transitional justice processes, such as the TRC, are intricate and necessitate ongoing adjustments. The Commission must continuously assess its procedures and protocols to ensure that emotional moments are handled delicately and that the hearings remain focused on their core objectives. Permitting uncontrolled emotional outbursts from the audience poses the risk of escalation. In a charged atmosphere, such outbursts could potentially lead to confrontations, disruptions, or even violence, undermining the TRC's aims of reconciliation and healing and potentially turning the hearings into platforms for further conflict rather than resolution. Indeed, the same principle applies to the CEV, as their encounters were also conducted in public. However, since the victims were not directly confronted with their perpetrators, it may have reduced the likelihood of an intense emotional outburst.

During the private encounters outside of the Amnesty hearing the TRC had a more direct role as seen in the case of the Guguletu Seven. As documented, one of the Commissioners initially met with the victims to provide emotional and mental preparation for the encounter. The meeting itself was arranged in a circle of chairs set at eye level, symbolizing equality, fostering respect, and enabling open communication. Similarly, in the case of St. James, two of the victims met with Makoma in prison, and during this encounter, all participants sat facing each other at eye level. The case of the Guguletu Seven also highlights the dual role of the commissioners as human beings and professionals, where it can be difficult to remain impartial if the perpetrators show no remorse.

8.2. Progress in reconciliation/coexistence?

As previously mentioned, achieving reconciliation on a personal level is a highly individualized process that poses challenges for a TC. The in-depth examination of the respective encounters reveals that the trait/state concept is applicable when assessing the reactions of the victim's post-encounter. These responses vary from one victim to another, given their unique characteristics and individual needs for forgiveness and healing. Their unchangeable traits play a pivotal role in determining their readiness for forgiveness, as seen in several cases, like Cynthia from the Gugulethu Seven who openly forgives Mbelo, while Mrs. Konile expresses nothing but disdain for him. However, TCs possess the capacity to enhance the likelihood of initiating healing, reconciliation, and coexistence through the encounter. By providing a supportive environment for the two groups to convene and engage with one another, they can lay the initial groundwork for reconciliation and influence their emotional state. This could make victims more inclined to forgive or encourage perpetrators to express remorse and the desire for disclosure. In the following individuals from the specific cases of the TRC and the CEV will be looked at to examine a possible progress in reconciliation or coexistence.

In the case of the CEV, it is evident that some instances undeniably contributed to coexistence, while in others, the impact is more uncertain. For instance, Maria Alzate's daughter, Karen, found the encounter to be deeply therapeutic and healing. She had the opportunity to improve her coping mechanisms as she did not have to grieve this October as she usually does every year. Similarly, Nur Callazo, Eunice Alzate, and Luis Silva all expressed positive feedback after their second encounter, undoubtedly advancing their journeys toward healing and

forgiveness. In contrast, their initial private encounters yielded mixed and less positive reactions, underscoring the time-intensive nature of the reconciliation process.

Luis Silva initially approached the encounter with caution and skepticism, citing obstacles like the pandemic and reluctance to confront painful memories. However, the second encounter led to a more positive and appreciative outlook, where he praised the Commission's progress and emphasized the value of bringing forgotten stories to light. Beyond that, he welcomed the fact that the Commission had been given more time for its work, suggesting the importance of having enough time for the healing process. Eunice's disposition shifted from dissatisfaction after the private encounter to increased tranquility and gratitude following the public meeting. She lauded the sense of unity and family that emerged, expressing gratitude for the TCs' support. Nur Collazo initially critiqued the first encounter for its political tone and failure to address crucial issues. After a second meeting, she provided a more personal and reflective account, expressing joy at reconnecting with individuals from her past and offering constructive feedback for future events. Despite her initial concerns, she ultimately ended on a positive note, feeling content about being present.

However, not all participants in San Adolfo responded positively, with some expressing disappointment, feeling that the truth provided was insufficient, and the perpetrators' efforts were lacking. The feedback from the second evaluation is considerably more positive than that of the first. This underscores the fact that individuals require time to reconcile and forgive. It is not achievable in a single meeting, and the prospects for healing are greater in a lengthier, accompanied process over time.

The reviews by victims of the TRC cases also vary. In the case of Jeffrey Benzien his former victim, Mr. Yengeni, remains cautious and stresses the importance of full disclosure and truth. However, his willingness to engage in this conversation suggests a readiness to explore the possibility of reconciliation. The former victims, Mr. Forbes and Mr. Kruse express dissatisfaction with the level of disclosure and details provided by Benzien. While they express a willingness to grant amnesty, they reiterate their demand for the complete truth.

In the St. James attack, the dynamic is markedly different. Liezl Ackerman and Gilian Schermbrucker express no personal hatred towards Makoma, but towards the act itself and show deep interest in the perpetrators' perspective on the attack. The Encounter helped them to humanize the perpetrator. Dawie Ackerman's forgiveness and his willingness to face the perpetrators signifies a readiness to release anger and resentment. Both Mr. Ackerman and the perpetrators express a desire for reconciliation. Mr. Ackerman extends an offer of reconciliation, and the

perpetrators also convey a hope for forgiveness. After the hearing and a private meeting with the perpetrators, he emphasizes the sense of release he feels now, allowing him to move forward with his life. It is important to note that Mr. Ackerman's case is exceptional as his reaction differs significantly from the other victims in the chosen cases. He acknowledges that his desire for closure may influence his subjective assessment of whether he is satisfied with the answers. This highlights the complexity of the healing and truth-seeking process, emphasizing that closure does not always hinge on every detail being uncovered, but rather on navigating the emotional landscape, accepting uncertainty, and finding a way to move forward. Also, it underscores the universal human need for closure and understanding. As Dr. Laly Catalina Peralta mentions in her recent article about the working method of the CEV, published in the interdisciplinary magazine *Iberoamericana*, victims frequently yearn for explanations in an attempt to comprehend the unfathomable, despite their awareness of the constraints imposed by memory and available information. In essence, the Truth Encounters aimed to imbue a restorative aspect for participants through the ex-combatants contributions of truth and acceptance of responsibility. Nevertheless, this objective encounters substantial hurdles: the victims' thirst for truth knows no bounds, and no account or rationale can entirely address all their inquiries. Consequently, the details provided by the perpetrators are perpetually deficient and fall short of complete satisfaction (Cardozo Ruidiaz et al. 2022, P. 214).

In the case of the Guguletu Seven Mbelo's gesture of hugging and shaking hands with some of the mothers at the end of the encounter carries significant symbolic weight, encapsulating the nuanced emotions and potential for reconciliation within the complex dynamics of the situation. This physical contact establishes a humanizing connection between Mbelo and the mothers, bridging the initial gap filled with anger, bitterness, and resentment. It serves as a reminder that, despite the pain and anger, everybody present is a human being, who is capable of empathy and compassion. Mbelo's act of hugging and shaking hands can be interpreted as an implicit plea for forgiveness. Through this action, he seeks a form of absolution, however symbolic it may be, for the profound wrong he has committed. However, it is crucial to recognize that Mbelo's actions do not represent a miraculous solution to reconciliation. While the gesture holds meaning and potential, it does not erase the past or automatically heal the wounds. Reconciliation is a deeply intricate process, and a simple gesture cannot undo the pain and trauma that the mothers have endured.

In conclusion, the examination of TCs, as illustrated by the cases of the CEV and TRC, underscores the intricate nature of reconciliation processes. Reconciliation on a personal level is

inherently individualized, influenced by unchangeable traits and unique needs for forgiveness and healing. The encounters facilitated by TCs serve as crucial milestones in the complex journey toward reconciliation/coexistence. While they may not yield immediate or universal positive outcomes, these encounters lay the groundwork for healing by providing a supportive environment for victims and perpetrators to engage. The analysis of specific cases, such as those from the CEV, demonstrates that the impact of encounters varies, with some instances significantly contributing to coexistence and others requiring a more extended, accompanied process. The TRC cases, too, reveal diverse reactions among victims, ranging from a cautious willingness to explore reconciliation to dissatisfaction with the level of disclosure. Mr. Ackerman's case emphasizes that closure doesn't always hinge on exhaustive details but rather on navigating the emotional landscape, accepting uncertainty, and finding a way to move forward. Moreover, the symbolic weight of gestures, such as Mbelo's act of hugging and shaking hands with the mothers in the Guguletu Seven case, encapsulates the nuanced emotions and potential for reconciliation within the complex dynamics of these encounters. While such gestures hold meaning and potential, they do not provide a miraculous solution to reconciliation, recognizing that the process is deeply intricate, requiring time, understanding, and empathy. Ultimately, the cases examined highlight the ongoing challenges and possibilities within the reconciliation processes. Truth Commissions play a vital role in fostering dialogue, empathy, and understanding, but their effectiveness hinges on continuous adaptation and sensitivity to the diverse needs of victims and perpetrators alike. As we reflect on these encounters, it becomes clear that the path to reconciliation is neither linear nor uniform but a deeply human journey marked by complexities and, at times, unexpected moments of grace.

8.3. Do they materialize what was understood as reconciliation/coexistence?

The TRC recognized that achieving reconciliation on an individual level required fostering dialogues between conflicting parties and promoting understanding among different ethnic groups. In this regard, the encounters exemplified the TRC's conception of micro-level reconciliation. Throughout these encounters, it became evident that the perpetrators' actions were influenced by the prevailing circumstances of their time. Benzien operated within the framework of the existing laws and unspoken rules of the Apartheid regime, believing he was

preventing terrorist attacks. Similarly, Makoma, Mkhumbuzi, and Mlambisa carried out the massacre in the belief that they were combating white oppression, while the Guguletu Seven were victims of police action ordered by higher-ranking officials, under the prevailing laws and with the belief they were averting a terrorist attack. The hearings and encounters provided an opportunity for different parties to gain an understanding of the circumstances that shaped the perpetrators' actions and the challenges they faced. Undoubtedly, these encounters facilitated dialogue among the conflicting parties, aligning with the intended purpose of such interactions. Additionally, the TRC's understanding of truth as a step towards reconciliation did not always align with the victims' need for complete truth during the Truth Encounters. Victims of both the Benzien- and the Guguletu Seven cases expressed dissatisfaction with the answers provided, insisting on obtaining the complete truth for full disclosure. However, the TRC recognizes that reconciliation is a profoundly personal journey, with unique conditions for each individual to be willing to forgive. Achieving reconciliation through a Commission is challenging, as it involves meeting diverse and individualized prerequisites, making it potentially impossible to satisfy everyone.

In the case of the CEV, the encounters can generally be viewed as a manifestation of their understanding of coexistence. Creating spaces between conflicting parties is crucial for promoting coexistence, and the Commission's initiative to plant a cedar tree with both victims and perpetrators surely contributed to this goal. Additionally, following the public encounter, a gathering took place in 2022 where working groups were formed to plan the continuation of community efforts in San Adolfo (Comisión de la Verdad 2022d). Notably, one group included both a perpetrator, Frederico Montes, and a victim, Nur Callazo. This not only demonstrates cooperation but also serves as an example of how they could potentially coexist in the future. The collaboration between these two individuals is evidence that, at least in their case, the CEV was successful in its mission to foster coexistence through their encounters (a more detailed description/analysis of this meeting can be found in the attachment). Furthermore, the CEV interpreted coexistence on a micro-level as the ability of individuals, families, and communities to live in harmony and peacefully resolve interpersonal conflicts and tensions. The encounters, which carefully sought to unveil the truth and promote understanding and remorse, can be seen as a reflection of the Commission's concept of coexistence. Moreover, these encounters embody the four principles outlined in the "Great agreement for coexistence." They shed light on what transpired, acknowledge and accept individual and collective responsibilities, prioritize the involvement of victims in the process by allowing them to participate in evaluating the

encounters, and provide them with a platform to share their testimonies and make decisions regarding the questions to be addressed or the cases to be examined. Ultimately, the encounters serve as the groundwork for future projects where all groups collaborate to bring about changes in the conditions that led to the conflict.

8.4. Role of the perpetrators

Examining the position of perpetrators in the TRC case, it becomes evident that they occupy a central position in the process. This is particularly significant because the TRC possessed the authority to grant amnesty, thus making the Amnesty hearings akin to court proceedings where perpetrators were required to defend themselves, provide comprehensive accounts, and demonstrate remorse to be eligible for amnesty. Moreover, in the private encounters that followed, the perpetrators continued to be the focal point of attention as victims posed questions regarding the motivations behind their heinous acts.

Taking Benzien as an example, his role as a perpetrator underscores the complexities inherent in this role and the blurred boundaries between victims and perpetrators. As indicated in both Benzien's account and his psychological evaluation, he grappled with severe psychological issues, underscoring that some perpetrators may undergo a range of emotions, including guilt, remorse, and even trauma, as they come to terms with the gravity of their actions. This humanizes them by acknowledging their capacity to experience intricate emotions and inner turmoil. Regarding categorization, it is crucial to acknowledge that an individual can simultaneously inhabit multiple roles. Some perpetrators may have themselves been subjected to various forms of trauma or manipulation that influenced their actions. In Benzien's case, he was recruited into the Security Branch due to his exceptional skills, and the Apartheid system coerced him to some extent into committing these atrocities. While he could have chosen to end his career and refuse to engage in torture, it is evident that he too must contend with the repercussions of his actions. This challenges the rigid dichotomy of "victim" and "perpetrator," demonstrating that individuals on both sides of the event can undergo profound suffering. It illustrates the multi-faceted nature of human experiences within the context of violence and trauma.

In the case of the CEV, the perpetrators played a more integrated role in the process, without being the primary focus. As seen in the examination of the cases in San Adolfo, not the same individuals give their testimony on the side of the perpetrators in the private and public

encounters, which underlines that they as individuals are not the main focus of the process. Given that they were not the direct culprits in the respective cases, and the CEV lacked the authority to grant amnesty, their responsibility lay in contributing to the truth, expressing remorse and guilt, thereby aiding in the processes of healing, forgiveness, and ultimately, coexistence. Their role was more of a representative nature; it was not crucial who spoke on behalf of the group of perpetrators during the encounters, but rather that they represented the collective of Ex-FARC-EP and the victims perceived their method of conveying their testimony as genuine. It is not the individual that is important, but the whole group of perpetrators, that create the Truth together, and some of them as representatives symbolize their collective guilt.

On the one side, this approach may help prevent traumatic experiences for victims, as they would not be directly confronted with the individuals responsible for the atrocities. In addition, it is ensured that the representatives of the perpetrators convey their message as appropriately as possible, as they get legal advice before and are not emotionally too attached to the specific cases. On the other side, it might also lead to less personal and emotionally charged accounts, but it would prevent testimonies by perpetrators that do not show any remorse, like in the case of Bellingan in South Africa. In general, the perpetrators endeavored to convey remorse, and regret, and acknowledge their responsibility. However, in cases such as Fabián Ramírez's testimony, there is a certain detachment, as he refers to Nur Collazo in the third person and focuses more on the circumstances that led to the committed atrocities.

It is important to note, that the reactions of the victims after the encounters do not significantly differ from those on the South African side. This suggests that this approach does not necessarily lead to less success in fostering coexistence.

8.5. Using the wording reconciliation/coexistence

Initially, the TRC set out to achieve reconciliation by addressing historical injustices, fostering understanding among diverse racial groups, and promoting social and economic change. They proposed reparations for victims of human rights violations, advocated for constitutional and legal reforms, and implemented measures to advance social and economic equality.

In contrast, the CEV aimed to establish coexistence, which entails the sharing of social and political space and the creation of an environment conducive to peacefully resolving conflicts.

This also involved cultivating a culture of respect and tolerance within a democratic framework. To achieve this on a national scale, the Commission emphasized the need for profound political, economic, and social transformations.

The choice of these different terms may be attributed to the specific historical, cultural, and social contexts of each country. The TRC was established in the aftermath of Apartheid, a system marked by extreme racial segregation and oppression. Reconciliation held significant weight in this context, representing the imperative to mend deep racial divides and heal a deeply wounded nation. Conversely, Colombia grappled with a prolonged internal armed conflict involving various armed groups, government forces, and civilians. The term coexistence could have been chosen to underscore the necessity of creating an environment where diverse groups could coexist peacefully and construct a new social and political order.

Furthermore, the linguistic and cultural aspects played a role in the choice of terminology. "Reconciliation" is an English term, while "Convivencia" is Spanish, reflecting the dominant language and cultural context of each country. Additionally, reconciliation was a central theme in post-Apartheid South Africa, symbolizing the transition from a deeply divided society to one that aspired to be inclusive and just. "Convivencia" might have been selected to emphasize the goal of creating a diverse, broad culture of tolerance, and respect within a democratic Colombian society.

Ultimately, the exact reasons for the choice of terminology emerged from discussions and consultations with key stakeholders, including survivors, civil society organizations, and government officials, to ensure that the terminology resonated with the affected communities. Coexistence could also be seen as the preliminary stage or precursor to reconciliation, setting the foundation for trust, understanding, and respect among diverse groups. This phase creates an environment conducive to deeper levels of healing, forgiveness, and conflict resolution, ultimately paving the way for the more profound process of reconciliation, where acknowledgment of past wrongs, expression of remorse, and the restoration of relationships and unity are central. The CEV may have learned from the monumental task faced by the TRC in South Africa and therefore prioritized the goal of achieving coexistence first.

In conclusion, the choice of terminology reflects a thoughtful consideration of the specific needs, historical context, and aspirations of each country, with both reconciliation and coexistence representing a deep yearning for healing, justice, and societal transformation in their respective contexts.

9. Conclusion

The research question regarding how both TCs attempted to achieve reconciliation/coexistence cannot be summarized succinctly. Through Truth Encounters, they aimed to bring the involved parties face-to-face, encouraging interaction and a step towards reconciliation or coexistence.

The concept of TCs has developed and evolved, adapting to different contexts and responding to changing needs and challenges. The experiences of different generations of TCs have contributed to the transformation and global adoption of this important mechanism for addressing human rights violations, promoting truth, justice, and reconciliation, and uncovering historical narratives of political violence.

The TRC, which emerged during the time of second-generation transitional Commissions, pursued the ambitious goal of national reconciliation, despite facing challenges due to limited time and mandate constraints. While they held Truth Encounters sporadically, when they did occur, they were profoundly emotional. Victims confronted the individuals directly responsible for their suffering or the loss of loved ones. The TRC's power to grant amnesty potentially contributed to perpetrator openness, as full disclosure was a requirement for amnesty. However, instances like Bellingan, who received amnesty without showing remorse, may have hindered rather than facilitated reconciliation.

The CEV, created during the concept of non-transitional Commissions, aimed for coexistence, which may have been a more attainable objective. Encounters were a standard part of their procedure, but they differed significantly from those of the TRC. Perpetrators consisted of representatives rather than direct perpetrators, and their testimonies did not determine amnesty eligibility. Whether this fact hindered or facilitated the process is a matter of speculation. Reviews from victims from both TCs after the encounters suggest that it may not be a crucial factor, as many sought more truth and were dissatisfied with the perpetrators' testimonies. Some instances led to moments of healing and forgiveness, but these outcomes are highly individual-dependent on each person's unique traits. Nevertheless, Truth Encounters are a crucial method to support the reconciliation/coexistence process. When prepared and facilitated by experts, they bring both groups closer, enabling them to listen, understand both perspectives and eventually move towards reconciliation/coexistence.

The CEV appears to have learned from the South African experience, recognizing that victims need time to heal. They support ongoing projects after the encounters to further bring both groups together. One of their main challenges is ensuring the safety of perpetrators, especially since the conflict in Colombia is ongoing. This could deter them from providing testimonies initially. Additionally, their work coincided with the pandemic, and the unfortunate loss of two Commissioners during their engagement further complicated their efforts. On the positive side, the digital age allowed for easier interviews and virtual participation, a luxury not available to the TRC in its time. Their approaches, such as planting cedar trees, displaying photographs, and conducting group work with both parties in confrontation, were undoubtedly strategies to achieve coexistence and may prove instrumental. It is too early to conclusively say if they have achieved coexistence, but it is a promising start.

Based on the analysis, several key recommendations emerge to enhance the effectiveness of future TCs: First and foremost, future Commissions must be equipped with a comprehensive mandate and a diverse array of projects. This will enable a thorough exploration of the motivations behind atrocities, taking into account the contextual constraints that may have influenced decision-making. Understanding the "why" behind the atrocities is crucial for victims seeking greater comprehension. Furthermore, it is imperative to humanize perpetrators. Understanding the complex circumstances they faced can provide a more nuanced perspective on their actions and for the victims the chance to forgive. To effectively execute their mission, TCs should maintain an active presence in the respective regions. This includes ensuring they have sufficient resources at their disposal. Skillful moderation during encounters is pivotal, as it fosters a safe and conducive environment for open dialogue between victims and perpetrators. The evaluation process following encounters holds significant importance. Additionally, supporting further projects in the respective area can contribute to reconciliation/coexistence, as encounters serve just as the initial step toward healing. Lastly, it is crucial to recognize that not every victim will articulate their need for truth in the same manner as Dawie Ackerman. Future Commissions should be attuned to the diverse and subjective demands for truth from victims. This sensitivity to individual experiences will be key to achieving meaningful reconciliation or coexistence.

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I. History of Apartheid

Racial discrimination in South Africa has a long history that can be traced back to the arrival of the Dutch at the Cape of Good Hope in 1652 and the subsequent colonization. The establishment of the Boer (descendants of the Dutch) republics from 1836 on as a consequence of the arrival of the British in 1820 further contributed to the discriminatory landscape and tension (Sonneborn 2010, P 18-23).

The formation of the Union of South Africa after the Second Boer War (1899-1902) marked a turning point. It was during this time that the country officially committed to racial segregation and institutionalizing white supremacy on a national level. In the years following the Union in 1910 and before the official implementation of Apartheid in 1948, racial discrimination in South Africa was enforced through a policy of segregation. Though the extent of segregation varied across the country, it generally favored individuals of European descent while disadvantaging those of African descent. Africans faced restrictions on land ownership, freedom of movement, and job security. While not as comprehensive as Apartheid, segregation was a formal system of discrimination, enforced through harsh laws passed in the first half of the twentieth century (Clark 2011, P. 20-21). In response to segregation, an African opposition emerged. The drafting of the Natives' Land Bill in 1911 led to the formation of the South African Native National Congress (SANNC) in 1912, later renamed the African National Congress (ANC) in 1923 (Clark 2011, P. 24).

In 1948, after World War II, white South African voters elected a government that embraced the ideology of Apartheid. This system, rooted in deep historical, cultural, economic, and racial divisions, was then implemented by the National Party. The intensifying wave of African nationalism across the continent further fuelled concerns among white supremacists, strengthening their resolve to maintain racial separation and territorial divisions (Cottrell 2005, P. 83).

In 1950, two significant Apartheid laws were passed by the South African Parliament. The first was the Population Registration Act, which categorized all South Africans based on their race. Initially, there were three recognized categories: White, Coloured, and Native. Natives referred to black South Africans, while Coloureds denoted individuals of mixed black and white ancestry. Later, a fourth category for Asians, encompassing immigrants from India and their descendants, was added. Every individual was assigned a racial classification and given an ID

card accordingly (Sonneborn 2010, P. 46-47; Clark 2011, P. 49-50). The second law was the Group Areas Act, which divided the country into segregated geographical areas, each designated for a specific racial category. To regulate the movement of people within these areas, the government enacted the Native Laws Amendment Act in 1952. Black South Africans were issued "reference books" containing personal information and photographs. Failure to carry this book while entering a white area could lead to imprisonment (Clark 2011, P. 50-51; Sonneborn 2010, P. 47).

In an attempt to prevent the growth of the mixed-race population, laws were passed prohibiting inter-racial marriages and any sexual contact between individuals of different races. The Reservation of Separate Amenities Act of 1953 had a broad impact on everyday life, mandating segregation in public facilities. Separate buses, movie theatres, restaurants, sports arenas, and public restrooms were designated for Whites, Natives, and Coloureds (Cottrell 2005, P. 87). One of the laws that inflicted long-term damage on black South Africans was the Bantu Education Act of 1953. It compelled black children to attend government-run schools with inadequate facilities and an inferior quality of education. These schools aimed to turn black children into compliant, productive workers who would not question or demand rights from their white employers (Sonneborn 2010, P. 48-49).

Apartheid had devastating consequences for black South Africans, plunging them into a profound catastrophe. The discriminatory Apartheid laws trapped them in poverty, deprived them of quality education, and exposed them to an oppressive government that sought complete control over their lives. Additionally, they became victims of a violent police state that targeted and imprisoned anyone who defied the country's racist legislation (Sonneborn 2010, P. 49). In response to suppression and banning, the ANC recognized the need to unite with other anti-Apartheid groups. They believed that a larger presence of activists in their protests would have a greater impact. However, by the late 1950s, some activists within the anti-Apartheid movement became disillusioned with the ANC. Despite their efforts, the ANC had achieved limited success in challenging the South African government. Instead of reconsidering Apartheid, the government responded to protests by escalating its suppression of all forms of criticism (Clark 2011, P. 60-62).

The turning point in the struggle against Apartheid came with the Sharpeville Massacre, where 69 peaceful anti-Apartheid protesters were killed by the police (Cottrell 2005, P.2). In the aftermath of the massacre, all anti-Apartheid leaders were forced into hiding and began to question the effectiveness of nonviolent protest. The brutal response from the government made

nonviolence appear inadequate in confronting the regime. The Sharpeville Massacre also intensified international criticism of Apartheid and led to discussions of imposing economic sanctions on South Africa by the United Nations (Sonneborn 2010, P. 56-57).

Confronted with violence and detainment, the ANC leaders felt compelled to adopt new tactics in their struggle against Apartheid. Previously committed to nonviolent protests, they realized they had to respond to increased police brutality with force. With the ANC banned and Nelson Mandela living in hiding, he assumed the role of commander in chief of Umkhonto we Sizwe, the armed wing of the ANC (Cottrell 2005, P. 96-97). Umkhonto we Sizwe carried out bombings targeting police stations, power plants, and government buildings, taking precautions to avoid casualties. In 1963, Mandela and other leaders of Umkhonto we Sizwe were arrested and sentenced to life imprisonment. By the mid-1960s, most anti-Apartheid leaders had either been incarcerated or driven underground (Sonneborn 2010, P. 59-60). Simultaneously, the implementation of grand Apartheid by the government had a detrimental impact on the movement. The goal of grand Apartheid was to separate the races to such an extent that whites rarely encountered blacks, except as laborers. This policy resulted in forced mass relocations of the black population to designated "Homelands" outside the cities where white communities resided. These Homelands offered abysmal living conditions with limited access to clean water and electricity. Men were often required to travel over 160 km daily for work, leaving their families behind (Clark 2011, P. 63-64, 69). The Homelands policy effectively undermined organized resistance, as black South Africans were consumed with the struggles of their daily lives and had little capacity to fight against Apartheid (Sonneborn 2010, P. 61-62).

South Africa's education policies had unintended consequences. Black students saw through the government's attempts to indoctrinate them with notions of inferiority compared to whites. Instead of producing passive laborers, the education system created a new generation of passionate and defiant activists who stood up against the government's patronizing dismissal of their intelligence and talents (Clark 2011, P. 67). The news of black activism in the United States served as a source of inspiration for students in South Africa. During the late 1960s and early 1970s, the Black Power movement emerged in the United States to instill a renewed sense of racial pride among African Americans who had long endured legal discrimination. The movement also advocated for the establishment of cultural and political institutions that would advance the interests of African Americans and their fight for equal rights (Sonneborn 2010, P. 63). These ideas resonated on black college campuses in South Africa, giving rise to a new

ideology known as Black Consciousness. Stephen Biko, the main advocate, founded the South African Students' Organization (SASO) in 1969, becoming a prominent figure in the movement (Clark 2011, P. 69, 80). Tensions escalated in 1974 when the Ministry of Bantu Education enforced a requirement that Afrikaans had to be used in schools. This decision triggered anger among school administrators who lacked Afrikaans textbooks and teachers. Black students, particularly those involved in the Black Consciousness movement, viewed Afrikaans as the language of their oppressors and were offended by the ministry's demand (Morris 2012, P. 78). In response, the SASO organized a protest in Soweto, a township outside Johannesburg. Students boycotted classes and peacefully marched to a soccer stadium for a mass demonstration on June 16, 1976. When the police arrived, they resorted to tear gas and opened fire, resulting in the deaths of many students, including 13-year-old Hector Pieterse. A globally circulated photograph of his lifeless body being carried by a friend shocked the world (Sonneborn 2010, P. 67-70). The Soweto massacre triggered a wave of violence, with angry students burning down government buildings and beer halls, leading to further clashes with the police. By the end of 1976, nearly 600 protesters had been killed, and tens of thousands were detained, often subjected to torture (Sonneborn 2010, P. 71). Among those arrested was Stephen Biko, who died from severe head injuries while in police custody on September 12, 1977. Biko's killing only strengthened the determination of a new generation of South Africans to continue the fight against Apartheid at any cost (Morris 2012, P. 83).

As a consequence of social chaos, hostile neighboring nations, and unstable economic conditions, Prime Minister P.W. Botha introduced the Total Strategy. While some minor restrictions imposed by Apartheid legislation were lifted, such as regulations against interracial marriages and desegregation of certain public facilities, Botha's most significant reforms focused on workers' rights, like the freedom to choose where to work (Morris 2012, P. 90). Botha also emphasized the use of force, relying on the military in addition to the police to suppress the anti-Apartheid movement (Clark 2011, P. 88). However, by the early 1980s, it became evident that Botha's Total Strategy had failed. Token reforms offered by the government only fuelled demands for the complete dismantling of Apartheid (Sonneborn 2010, P. 77).

The government's crackdown on protesters had unintended consequences. Instead of silencing government critics, it intensified their determination to resist Apartheid, leading to a cycle of violence. Despite the government's attempts to censor reports and images of police brutality, the global community became aware of the violence. Foreign investors and banks withdrew

investments due to concerns about social and political instability, while many artists, writers, and performers joined the fight against Apartheid. Governments also imposed sanctions on South Africa, increasing pressure on Botha's government (Cottrell 2005, P. 109).

By the late 1980s, the impact of sanctions was taking its toll on South Africa. However, the deteriorating situation pushed both sides to harden their positions. The stalemate was broken in 1989 when President Botha suffered a mild stroke and resigned, making way for F.W. de Klerk to become the new president (Sonneborn 2010, P. 84-85). De Klerk signalled a departure from past policies and, in his parliamentary address on February 2, 1990, announced the lifting of bans on political organizations, including the ANC and the PAC. He also pledged to release political prisoners, including Nelson Mandela (Clark 2011, P. 111).

On April 27, 1994, South Africa held its first truly democratic election, which was largely peaceful despite a few isolated incidents. The ANC won by a significant margin, and Nelson Mandela was elected as the nation's president on May 9, 1994 (Morris 2012, P. 119-121). The new parliament then drafted a progressive constitution, completed in 1996, which outlined democratic principles, equality, and freedom similar to the United States Constitution. It also included provisions for higher education, decent housing, workers' rights, equal rights for women and homosexuals, and protection of the environment and children from abuse (Sonneborn 2010, P. 94). To address the legacy of Apartheid, the Promotion of National Unity and Reconciliation Act was passed in 1995, establishing the TRC led by Desmond Tutu to investigate human rights violations that occurred between 1960 and 1994 (Cottrell 2005, P. 114-115).

II. Western Cape during the last years of Apartheid

Today, the Western Cape is bordered by the Northern Cape and Eastern Cape provinces, with coastlines along the Indian Ocean to the south and the Atlantic Ocean to the west. However, during the Truth and Reconciliation Commission's investigation, the region referred to as the "western" encompassed the western portion of the former Cape Province. This included the areas now constituting the Western Cape and Northern Cape provinces. Historically, the northern regions of this area contained significant portions of the 'independent state' of

Bophuthatswana. Moreover, the region shared international borders with Namibia and Botswana. It's important to note that the term 'western Cape' is used in this context to encompass what is currently the Northern Cape, as they were a single province at that time (Truth and Reconciliation Commission 1998, P. 390).

In 1995, the Western Cape boasted a population of approximately 3.7 million people, accounting for 9 percent of South Africa's total population at that time. The primary languages spoken in the region were Afrikaans (62.5 percent as a home language), English (20 percent), and Xhosa (15.3 percent). The predominant population group in the area consisted of the colored community, constituting 57.1 percent, followed by the white population at 23.8 percent and the African population at 18.2 percent. Despite having the highest Human Development Index (HDI) in the country, the region was marked by significant social and economic inequalities (Truth and Reconciliation Commission 1998, P. 390).

Of all the submissions received by the Commission from victims alleging gross human rights violations, only 8.4 percent came from the Western Cape. The incidence of gross human rights violations in the Western Cape during the Commission's mandate exhibited two distinct peaks in 1976 and 1985/86, with a relatively stable level of violations in the 1990s (Truth and Reconciliation Commission 1998, P. 392-393).

The majority of victims with known political affiliations were members or supporters of the ANC. The South African Police SAP was identified as the perpetrator in the majority of violations, including killings, severe ill-treatment, and torture, throughout the entire period. While supporters of the United Democratic Front (UDF) and the PAC were also identified as perpetrators of killings, their actions accounted for a smaller portion of the violations compared to the police. UDF-related killings were concentrated between 1984 and 1986, while PAC-related killings occurred primarily between 1992 and 1994 (Truth and Reconciliation Commission 1998, P. 395).

The political unrest that swept through the rest of the country in the 1980s reached the Western Cape in 1985. The Cape province was reported to have accounted for 52 percent of all fatalities in 1985. Political activity and conflict in the region were notably influenced by two demographic factors. First, there was a high level of colored militancy and participation in both public and underground resistance activities. Second, informal settlements in and around Cape Town's formal black townships became focal points of conflict, resulting in approximately 120 deaths between 1985 and 1989. The recurrent conflicts in the squatter areas of Cape Town

stemmed from the strict controls imposed on Africans in the Western Cape. State policy in the Cape aimed to maintain the region as the exclusive home of whites and colored's (Truth and Reconciliation Commission 1998, P. 418). The nationwide state of emergency declared in June 1986 led to widespread detentions in both rural and urban areas. Violations in 1987 and 1988 were largely associated with the activities of "special constables," detentions and torture, killings of underground operatives, and ongoing skirmishes between pro- and anti-government squatter leaders (Truth and Reconciliation Commission 1998, P. 419).

The 1990s witnessed a notable increase in violations in the region, although not reaching the levels of violence seen in other areas. Estimates from newspapers and Commission sources indicated approximately 200 politically related deaths in the Western Cape. It is noteworthy that violence was predominantly confined to the African townships. Rural areas also experienced struggles and conflicts with local authorities and the police. The liberation movements themselves were involved in violations to varying degrees. Within the ANC, violations primarily revolved around internal conflicts and renegade Self-Defense Units. The PAC engaged in several military attacks targeting both civilian and security objectives, resulting in numerous casualties. The Western Cape was one of the main operational areas for the APLA during this period (Truth and Reconciliation Commission 1998, P. 486).

III. Kriel Case

Benzi also sought amnesty for his involvement in the killing of anti-Apartheid activist Ashley Kriel. Kriel was actively involved in the ANC and its armed wing, Umkhonto we Sizwe, which was dedicated to armed resistance against the Apartheid regime (Klatzow and Walker 2010, P. 48). On July 9, 1987, at the age of 20, Ashley Kriel was fatally shot in a house in Athlone, a suburb of Cape Town, where he was in hiding. The circumstances surrounding his death have been a source of dispute and discussion. The Apartheid government and Benzi asserted that he was killed in a gunfire exchange, with the intention being to apprehend him, not to cause his death. However, some activists and witnesses have contended that he was unlawfully executed and posed no threat at the time of his demise (Truth and Reconciliation Commission 1998, P. 456).

Kriel's passing triggered widespread indignation and heightened resistance against the Apartheid regime. He became a symbol of the ongoing quest for justice and equality in South Africa.

His legacy endures as that of a youthful activist who sacrificed his life in the struggle against Apartheid, and he was honored by Nelson Mandela as a hero and martyr in the fight for freedom and democracy in South Africa (Jaffer 2020).

During his Amnesty Hearing, Benzien expresses an apology and acknowledges his involvement in the events surrounding Ashley Kriel's death. He opens with a formal apology to anyone they, as the security branch, might have harmed, with a specific mention of apologizing to Ashley Kriel's family for his death. While he denies unlawfully and wrongfully killing Ashley Kriel, he acknowledges that he died due to his actions. He notes that a formal judicial inquest was held, and his version was accepted. He underscores his belief in the truth and correctness of his version. Benzien reflects on the preciousness of life and notes that, in hindsight, Ashley Kriel's death was unnecessary. He extends his apology to several individuals who were allegedly assaulted during interrogation.

While Benzien is being questioned about the happenings around the death of Ashley Kriel he ends his statement with the following words:

„If I may mention it once again, I would like to say to the family of Mr. Kriel, now that I am older and perhaps know a bit more about the politics of those years, I believe that Mr. Kriel acted very courageously. My purpose was to arrest him and not to kill him. Although his death was a tragedy for his family, I am very, very sorry that he had to die, but the tables could very easily have been turned on that day, the outcome could have easily been very different and it could have left myself and Sergeant Abels being wounded or killed. And once again, I apologise to the family for his death and I thank God that I, who also have children, also a daughter who is 22 years old, that I was not the person who was killed on that day (Truth and Reconciliation Commission 1997).“

Benzien starts by recognizing Mr. Kriel's remarkable courage. This genuine recognition is especially remarkable, as during the incident Kriel was seen by Benzien as a terrorist and great danger to the Apartheid regime, while now after the regime change, he acknowledges his bravery to fight against the system Benzien once represented and defended. Benzien emphasizes that their initial intention was to arrest Mr. Kriel, not to cause him harm and expresses profound regret and sorrow for Mr. Kriel's untimely passing, revealing a sense of empathy towards the family's devastating loss. He demonstrates a keen awareness of the gravity of the tragedy and its extensive impact on Mr. Kriel's loved ones. By underscoring the precarious nature of the situation, Benzien suggests that the outcome could have easily taken a different turn. This acknowledgment serves to spotlight the inherent unpredictability and risks associated with their line of duty, emphasizing the potential danger. Benzien introduces a personal dimension to his apology by mentioning his children. He expresses gratitude towards a higher power for their survival on that fateful day, conveying a sense of humility and an acute awareness of the fragility of life.

While the sisters of Ashley Kriel are present during the hearing and statements of Benzien, which could be seen as an encounter between them, there is no direct conversation between them, so it is unknown how their reaction to this statement might have been.

During the Amnesty Hearing, when Ms. Ashua, one of Ashley's sisters, was questioned, she expressed her disappointment with the process. Despite her initial optimism about uncovering the truth, she still feels uninformed about her brother's fate. The Kriel family also expressed their willingness to engage in a conversation with Jeffrey Benzien after the proceedings, but this interaction never occurred (Truth and Reconciliation Commission 1997). The exact reason for this remains unclear.

During the victims' hearing held approximately a year before Benzien's amnesty hearing, both sisters also voiced their frustration regarding the absence of answers from the police following their brother's killing. They emphasize the importance of knowing the truth before being able to forgive, suggesting that forgiveness is more meaningful when it's based on a full understanding of the events. They express a sense of sadness and frustration that, as victims, they are often expected to explain the details of the cases. They question why the responsibility falls on the victims to recount the events when the perpetrators hold the answers (Truth & Reconciliation Commission 1996a). This highlights the asymmetry in power dynamics between victims and perpetrators, and the additional burden placed on victims to seek justice and truth.

Additionally in an interview, Ashley's sister, Michelle Kriel, states that her mother, who already passed away, always wished Benzien might come forward and tell her how her son died (Truth Commission Special Report 1997). Once more, this assertion underscores how crucial it is for numerous victims to uncover the truth or gain additional insights into the circumstances surrounding the incident they experienced.

IV. Showing of video

The TRC process unveiled that a covert police unit known as "Vlakplaas" was responsible for luring and orchestrating the execution of seven young men. They even filmed and edited a video at the crime scene, initially for propaganda purposes to showcase their effectiveness against perceived communist threats. A decade later, this same video served as compelling evidence during the TRC hearings, evoking intense emotions in the audience. Cynthia Ngewu,

one of the mothers of the Guguletu Seven insisted that the perpetrators face the Commission. In November 1996, police officers suspected of involvement in the Guguletu Seven's deaths were summoned to testify before the Human Rights Violation Committee of the TRC. In this hearing, both victims and perpetrators gave testimony in the same venue. The public, commissioners, and the victims' mothers witnessed a video created for police propaganda, displaying graphic images of the deceased, including detailed shots of their faces. This video was part of the Apartheid government's attempt to rationalize their oppressive actions (Cole 2007, P. 182-183)

The TRC had taken meticulous steps to prepare the mothers for the emotional impact of the video, even offering them the option not to view it. However, the mothers insisted on witnessing and understanding the truth about their loved ones' fates (Cole 2007, P. 184). As the mothers watched the video, their emotions surged, leading to tears, screams, and the need to be escorted outside, prompting a pause (Hoffmann and Reid 2000, 68 min). This unexpected turn of events unfolded when one of the mothers threw a shoe at the police officers, disrupting the proceedings. This act shifted attention from the video's content and the demeanor of the perpetrators to the grieving mothers, who became active participants in the spectacle (Truth & Reconciliation Commission 1996b; Cole 2007, P. 183).

The mothers' emotional outburst upon seeing the video of their sons' corpses is a natural and deeply felt reaction. This visual reminder reawakens the pain, sorrow, and anger they have carried since losing their loved ones. Their response underscores the profound impact of visual evidence in evoking emotions and resurrecting traumatic memories. The footage featuring police officers giving interviews with the victims' bodies in view highlights a stark contrast between the perspectives of the perpetrators and the victims' families. This disparity in narratives emphasizes the difficulty in reconciling differing accounts of events and arriving at a shared truth. The act of hurling a shoe at the witnesses, symbolizing protest, conveys the mothers' frustration and anger in a bold and public manner. The shoe becomes a tangible symbol of their outrage, directed at those representing the injustice their families endured. It accentuates the emotional intensity of the moment and serves as a nonverbal expression of their pain and indignation. This incident underscores the intricate nature of forgiveness and reconciliation. While the TRC aims to foster understanding and forgiveness, this event underscores that forgiveness is a deeply personal and arduous journey, particularly when faced with the perpetrators directly. Throwing the shoe signifies a refusal to absolve or forget the actions of the

perpetrators. These emotional instances bring to light the ethical considerations inherent in the TRC process. Striking a balance between the imperative to uncover the truth and facilitate reconciliation while safeguarding the emotional well-being of those involved is a delicate endeavor. Providing support and acknowledging the victims' pain becomes pivotal in upholding the ethical integrity of the proceedings.

Despite this disruptive moment, the Commission resumed the hearing once the women were escorted out. Advocate Dumisa Ntsebeza expressed regret over the dramatic turn, as the Commission had been mindful of the potential emotional impact of screening the video (Truth & Reconciliation Commission 1996b).

Although the TRC was criticized heavily by the media that they let the mothers watch the video, one of the Commissioners, Mary Burton, reports in the documentary “Long Night’s Journey Into Day” that she had met one of the mothers after the incident, that told her that she felt much better after seeing the video, because now she knows so much more (California Newsreel 2000; Hoffmann and Reid 2000, 70 min).

That the mother felt better after seeing the video implies that witnessing the truth about past atrocities can lead to a shift in perspective. This shift arises from gaining a deeper understanding of events and the motivations behind them. The knowledge acquired through the TRC process can lead to a sense of closure and healing, even amid the pain. It highlights the intricate interplay between pain, understanding, and healing potential. This complexity underscores that reconciliation is not a linear path, but rather a process that can involve conflicting emotions. The mother's comment, that she knows so much more now, highlights the duality of the reconciliation process. While acknowledging the pain and trauma, gaining knowledge has also the potential to contribute to personal healing and broader societal reconciliation.

V. Colombian armed Conflict

The history of the Colombian armed conflict is complex and spans over two centuries, shaped by political rivalries, social inequalities, and the influence of external actors. The conflict traces its roots back to the dissolution of Gran Colombia in 1830 after the death of its visionary leader, Simón Bolívar. With the disintegration of Gran Colombia, various factions emerged, vying for power and dominance in Colombian politics and society (LaRosa et al. 2017, P. 82).

In Colombia, on July 16, 1848, the Liberal Party was founded, followed by the emergence of the Conservative Party on October 4, 1849. The rivalry between these two parties led to civil wars and coups, such as the Civil War of 1860, the conflict of 1884, and the Thousand Days' War (Delgado-Álvarez et al. 2020, P. 2).

Both parties were established during the mid-nineteenth century to represent ideological positions amid the conflicts prevailing at the time. They grappled with the challenge of deciding on the most efficient state model for the complex and largely uncontrolled territory they inhabited. As tensions escalated with the approaching 1849 elections, the initial political platforms of both parties were published, leading to a solution that would cause further violent confrontations. For the next 130 years, these two parties remained the only dominant political forces in Colombia, controlling the state and its institutions (La Rosa and Mejía 2012, P. 74). Therefore, Colombia's history is characterized by the alternating power of the liberal and conservative parties.

The first phase, known as the Liberal Republic, spanned from 1930 to 1946. The second phase saw conservative rule from 1946 to 1953 and marked the beginning of the phenomenon known as "la Violencia," which has continued to define the country. In 1953, General Gustavo Rojas Pinilla took political and military control, a period viewed as a third phase lasting until 1957 and Colombia's only military dictatorship. Throughout these three periods, national leaders from both parties, along with regional and local oligarchies, engaged in internal conflicts while social conflicts were obscured by the bipartisan struggle (Rodríguez Baquero 2006, P. 227).

Jorge Eliécer Gaitán, a young and charismatic lawyer from Bogotá's lower classes, emerged as Colombia's populist leader. Gaitán deeply connected with the working poor due to his humble origins. He held several significant political positions, including membership in the Bogotá city council, minister of education and labor, and mayor of Bogotá. Although he ran for president in 1946 and won key cities, the official Liberal establishment did not support him, as they ran their candidate that year, Gabriel Turbay. This resulted in a split within the Liberal Party so the Conservative candidate, Mariano Ospina Pérez, could secure the presidency, thus ending sixteen years of Liberal political rule (LaRosa et al. 2017, P. 92). Gaitán was the favored candidate for the presidency in 1950, but he was assassinated in the center of Bogotá on April 9, 1948. This day, known as "9 de Abril" in Colombia and "the Bogotazo" elsewhere, forever changed the nation's history. The marginalized working class, who saw hope for a better future tied to Gaitán's presidency, were shocked as their aspirations vanished with four shots from a revolver.

The ensuing riot left downtown Bogotá in ruins, with looted and burned buildings, damaged infrastructure, and businesses targeted, especially those perceived to align with the Conservative political agenda (Arias 2011, P. 103-104). This marked the beginning of "La Violencia," one of the darkest periods in Colombia's history. „La Violencia“ erupted into a wave of brutal violence between supporters of the Liberal and Conservative parties, leading to thousands of deaths and displacements (LaRosa et al. 2017, P. 93).

In 1953, General Gustavo Rojas Pinilla took control through a military dictatorship, which lasted until 1957. Despite this, the armed conflicts and social unrest persisted (Rodríguez Baquero 2006, P. 14). In 1957, as the violence persisted, the elites from both parties signed a coexistence pact, leading to the era of the "Frente Nacional." This power-sharing agreement between the Liberal and Conservative parties aimed to bring peace and stability, but it also led to the further exclusion of alternative political voices (Arias 2011, P. 118-120).

The origins of "La Violencia" and the subsequent emergence of leftist guerrilla insurgencies, such as the ELN and the FARC, are difficult to pinpoint precisely. However, the ideological tensions, social inequalities, and political exclusion that had been brewing for decades provided fertile ground for armed groups to gain traction (LaRosa et al. 2017, P. 95-96).

The FARC, one of the oldest and most significant guerrilla groups in Colombia, originated in 1964 as a response to social and political grievances, including land reform, rural poverty, and government neglect of marginalized regions. It was founded by disaffected university students and communist militants who sought to emulate Fidel Castro's path to power in Cuba. The FARC operated as a rural-based agrarian movement, engaging in armed struggle against the Colombian state. At its peak, the FARC had up to 45.000 armed fighters (Brittain 2010, P. 9, 19, 45).

The ELN, another leftist guerrilla group, was founded in the early 1960s in the department of Santander and operates until today. Like the FARC, the ELN emerged from a combination of communist ideologies and grievances against the government. It sought to create a revolutionary movement to address social and economic inequalities and challenge the Colombian state (Rodríguez Baquero 2006, P. 284).

In the 1980s, the conflict took a new turn with the rise of powerful drug cartels, particularly the notorious Medellín cartel led by Pablo Escobar. The drug cartels engaged in violent confrontations with the government and rival cartels, further complicating the conflict landscape. As a consequence, the United Self-Defense Forces of Colombia (AUC), a right-wing

paramilitary group, was formed in the 1990s to counter the leftist guerrilla groups and protect the interests of wealthy landowners, drug traffickers, and other powerful actors. The AUC was responsible for numerous atrocities, including massacres and human rights violations, and engaged in a deadly conflict with both the FARC and the ELN (LaRosa et al. 2017, P. 98-100).

In the late 1990s, a complex web of conflicts emerged in Colombia. The FARC and ELN engaged in confrontations with the military, while the AUC battled against the leftist guerillas. The military found itself caught in the midst of conflicts with the AUC, the FARC, and the ELN. Additionally, drug barons took part in a multifaceted struggle, fighting against the government while also collaborating with guerilla forces. This intricate and overlapping series of conflicts further complicated Colombia's already tumultuous situation during that period (LaRosa et al. 2017, P. 100).

The government's efforts to negotiate peace, such as the implementation of "safe zones" under President Pastrana and the assistance of "Plan Colombia" from the United States, were met with mixed results and challenges (Arias 2011, P. 165, 185).

Álvaro Uribe Vélez, a former governor of Antioquia, assumed the Colombian presidency in August 2002. His presidency was marked by a tough stance against leftist guerrilla groups, particularly the FARC and the ELN. For Uribe, violence was only the result of "terrorist" actions carried out by criminal groups seeking to put an end to Colombian democracy. In this context, the Uribe government launched the most ambitious counter-offensive in a long time to defeat the guerrillas militarily (Rodríguez Baquero 2006, P. 303-304). Searching for some sort of solution to this situation, the government of Uribe initiated a discussion and approved, through Congress, "Ley 975" of 2005, which is now known as the "Law of Justice and Peace." The objective of this law was to allow all extra-official combatants—guerilla and paramilitary forces—the opportunity to voluntarily demobilize in exchange for freedom from prosecution and sentencing. The law sought to facilitate the reinsertion of armed actors into society provided these individuals turned in their weapons, confessed to the crimes they committed, and promised never again to join an armed group outside of the official military forces of the nation. The paramilitary forces took advantage of this "deal" and about 50,000 fighters disbanded (Forer and Guerrero Torres 2010, P. 164-165).

In 2012, President Juan Manuel Santos initiated a peace process with the FARC in Havana, Cuba. After extensive negotiations, a peace agreement was signed in 2016, addressing key

issues such as land reform, political participation for the FARC, and transitional justice provisions. Despite facing some opposition, the agreement represented a significant step towards peace and reintegration. An essential component of the peace process was the establishment of institutions like the JEP, the CEV, and the Special Unit for Searching for Missing Persons (UBPD). These institutions aim to achieve justice, truth, reparations, and non-recurrence, facilitating the reintegration of demobilized fighters and providing closure to families of missing persons (Tellez 2019, P. 832-833).

After the signing of the peace agreement between the Colombian government and the FARC in 2016, around 13,500 FARC fighters, including more than 3,000 women, demobilized and laid down their arms. As part of the reintegration process, ex-FARC members were offered support and opportunities to transition to civilian life. This support included assistance in accessing education, job training, and economic opportunities to help them reintegrate into society as productive citizens. While challenges remain, the process of reintegrating former combatants into society represents a crucial aspect of Colombia's journey toward sustainable peace and reconciliation (Reith 2021, P. 94).

VI. San Adolfo during the Colombian Conflict

The territory of San Adolfo, located within the municipality of Acevedo in the department of Huila, lies in the southeastern part of Colombia (Association of Victims Fighting for Progress and Universidad Surcolombiana 2021, p. 5). Due to its strategic location, specifically in the San Adolfo district of Acevedo, it serves as a crucial corridor connecting the departments of Cauca, Caquetá, Huila, and Putumayo. This strategic significance has consistently attracted armed groups to the region. These armed groups were keen on maintaining a presence in Acevedo because it allowed them to control this corridor, facilitating the transportation of weapons, troops, and narcotics. This is why the FARC-EP made efforts to establish a foothold in Acevedo, particularly in San Adolfo (Association of Victims Fighting for Progress and Universidad Surcolombiana 2021, p. 9).

In the 1980s, San Adolfo thrived as the primary population center in Huila. It was on the path to becoming a new municipality, thanks to its productive activities, population growth, cultural development, and significant contributions to the regional economy, particularly in coffee

production. However, as the conflict escalated and the FARC gained territorial control, what was once a prosperous and flourishing district turned into a place marked by fear and insecurity. Merchants could no longer conduct their trade, and families engaged in farming and commerce were forced to abandon their lands due to the constant threat of recruitment or violence by the FARC-EP (Cardozo Ruidiaz et al. 2022, p. 209).

In the early 1980s, the conflict in San Adolfo had not yet reached a point where it seriously affected the local community. There were no recorded instances of attacks against community members' lives and well-being at that time. The presence of armed groups was primarily focused on disseminating their political ideologies and highlighting the government's neglect of farmers. However, starting in 1985, the community of San Adolfo began to experience various forms of violence as part of the armed conflict. In 1987, the community faced significant events, such as the FARC-EP's attack on the Police Station. This happened despite previous peace negotiations between the State and the guerrilla, which had agreed to a ceasefire that was broken due to this attack (Association of Victims Fighting for Progress and Universidad Surcolombiana 2021, p. 12-14).

During the 1990s, the FARC-EP guerrilla underwent substantial expansion, evident both nationally and in San Adolfo, where the Southern Bloc maintained a presence through the 13th and 61st Fronts. Some communities in the region became involved in illicit crops like poppy and coca, though the impact of these activities varied, according to some residents. Starting in 1997, the FARC-EP committed several acts of violence, including the November 28, 1997 massacre in which seven alleged members of a criminal gang engaged in theft or extortion were killed (Asociación de víctimas luchando por un progreso and Universidad Surcolombiana 2021, P. 18-22).

The third and final phase of violence in San Adolfo and Acevedo, spanning from 2002 to 2010, commenced amidst a nationwide escalation of violence. In the early 2000s, San Adolfo bore witness to a surge in control and oppression by the FARC-EP insurgency. The insurgents employed various tactics, such as extorting arbitrary contributions, maintaining permanent patrols in rural and urban areas, enforcing social norms through violence and forced labour, and deploying homemade explosives to control roads and bridges (Asociación de víctimas luchando por un progreso and Universidad Surcolombiana 2021, P. 23).

One particularly memorable moment etched in the collective memory was the FARC-EP's second attack on the Police Station in 2001.

Additionally, in 2002, the paramilitary group "Bloque Calima Los Libertadores," arrived in San Adolfo. They engaged in recruiting minors and left a trail of violence and fear (Asociación de víctimas luchando por un progreso and Universidad Surcolombiana 2021, P. 23, 28). Despite hopes that the government of President Álvaro Uribe Vélez would quell the insurgency, the guerrilla continued to target political leaders and instill fear among civilians, even threatening teachers who promoted education. Both guerrilla and paramilitary forces committed heinous acts, targeting anyone suspected of collaborating with the opposing side (Asociación de víctimas luchando por un progreso and Universidad Surcolombiana 2021, P. 30-31). In the mid-2000s, the presence of the army increased in San Adolfo as part of the democratic security policy. This led to armed confrontations with the insurgents, resulting in reduced murders but not an end to violence. Illegal armed groups shifted their presence, with paramilitary groups entering the territory as the FARC's influence waned (Asociación de víctimas luchando por un progreso and Universidad Surcolombiana 2021, P. 33-34).

San Adolfo became the first territory in the department of Huila to be declared a Subject of Collective Reparation. This declaration generated significant interest among the local communities, organizations, institutions, and the responsible parties within the FARC, who responded to the community's call to initiate a process of reconciliation and acknowledgment of responsibilities (Commission of Truth 2022, p. 2).

VII. Meeting about achievements and future goals

During the meeting, the CEV underlines the milestones achieved in San Adolfo so far (Comisión de la Verdad 2022d). These include the recognition and organization of victims, institutional collaboration, and the reconstruction of community memory. Notably, September second is officially designated as Victims Day. Trust-building and reconciliation efforts, along with infrastructure development projects are ongoing. Looking ahead, there are several plans for the community. These encompass ongoing psychosocial support, securing recognition, and a comprehensive three-year plan for collective reparation. Community engagement, trail recovery, educational campaigns, economic empowerment, cultural restoration, and tourism development are also key focal points. The overarching goal is to lead San Adolfo into a future characterized by growth and resilience.

These achievements and future goals were presented by groups, where one consisted of both victims and perpetrators, including Nur Callazo and Frederico Montes.

The fact that the groups presenting the results and plans for the future include not only victims but also perpetrators, represented by members of the FARC, signifies a crucial aspect of the reconciliation and post-conflict process. This approach is grounded in the principles of restorative justice and the recognition that both victims and perpetrators play a role in rebuilding and healing a community after a period of conflict or violence.

Inclusivity is a key benefit of involving representatives of the perpetrators. This makes the process more comprehensive and representative of the diverse perspectives and experiences within the community, acknowledging that true reconciliation involves all stakeholders. Moreover, including both victims and perpetrators in the same process acknowledges the shared trauma and suffering experienced by the entire community. It opens avenues for dialogue, understanding, and empathy, promoting collective healing. Reconciliation requires rebuilding trust between different segments of the community. The presence of perpetrators in the process, willing to listen, understand, and take steps towards making amends, contributes to rebuilding trust. Involving former perpetrators in future plans and initiatives can help prevent the recurrence of violence by fostering a sense of responsibility and ownership over the community's well-being. This approach aligns with the principles of restorative justice, which focuses on repairing harm and rebuilding relationships, rather than just punitive measures. It aims to restore the sense of justice for victims while allowing perpetrators to take steps towards making things right. Collaboration between victims and perpetrators in planning future initiatives shows that both groups are invested in building a better future for the community. It demonstrates a shared commitment to move beyond the past and work together for positive change. Furthermore, their involvement in community initiatives shifts their role from perpetrators to participants in a process of healing and rebuilding, contributing to changing the narrative of their involvement in the conflict.

Declaration of Authorship

I hereby declare that this thesis has been composed by me and is based on my own work unless stated otherwise. All references have been quoted, and all sources of information, including graphs and data sets, have been specifically acknowledged.

I am aware that an untrue statement will have legal consequences.


Signature

Hamburg, 14th of December

Date