

**TRANSCRIPTION OF SPEECH BY ARCHBISHOP DESMOND TUTU
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ARCHIVES AND HUMAN RIGHTS

In 1995 I had the privilege of being part of a BBC panel discussion on the Legacy of Nuremberg 50 years later. We met in the courtroom where the trial had been held. That is another story. We then had the opportunity of visiting Dachau, the former Nazi concentration camp. Near its entrance was a museum and over the entrance to this were Santana's haunting words – "Those who forget the past are doomed to repeat it". Some of the exhibits were quite incredible. The Germans have always been precise and meticulous and methodical. You could not accuse them of being slipshod. They had captured some material in photographs and these were quite something. One set of pictures recorded some of the experiments that Nazi doctors and scientists performed on the Jewish inmates such as determining what depths or altitudes humans could tolerate. The victims were depicted with contorted faces as they were exposed to the very limits they could stand either in depth or height. There just would have been no way of denying such damning evidence of the gross violations of the rights of these detainees.

But I cannot easily forget another set of pictures. It is grossly macabre. You see whenever an inmate was going to be hanged, then his fellow inmates led the unfortunate one to the gallows in a kind of music parade where they played on various musical instruments and had to prance around for the world as if they were participating in a fun jamboree. And all this was caught on film providing incontrovertible evidence of our horrendous capacity to be so awfully inhumane to one another.

Then you walked around the grounds and saw the dormitories in which the inmates were usually packed as tight as sardines, you then walked past the ovens where so many were cremated. What left a chill going down my spine was entering what looked so utterly innocuous. It seemed like a communal shower room until one saw the vents in the wall. Yes, this was a gas chamber. Germans would never again be able to say they did not know. The evidence was there for all to see and the German nation was preserving these records for posterity, hoping that those future generations would declare, "Never again should we allow such atrocities to happen. They did take place but they will never recur". Such records clearly have proven indispensable in the process of a people taking responsibility, in being accountable and thus in making impunity virtually impossible. In a very

important manner they can be said to be a crucial deterrent against future such violations of the rights of others.

The South African Setup

We have emerged only fairly recently from a vicious and repressive dispensation that as public policy blatantly denied the vast majority of the inhabitants of this land of their fundamental and inalienable rights. It seems too bizarre to be true and yet we know that it was so. Nelson Mandela, acknowledged to be a colossus on the international stage, had to wait until he was 76 years old before voting for the first time in the land of his birth. He was denied the fundamental right of adult suffrage. The Race Classification Act split up the South African population into frequently hostile, certainly rigidly segregated and alienated race groups and the tests used to determine an individual's race were often crude and unscientific, for example sticking a pin suddenly into someone and on the basis of his yelp of pain stamp a classification that determined whether one belonged to the privileged few, the whites, or to the rest, the ones in the outer darkness, the Coloureds, the Indians and the blacks variously called non-white, non-European, Bantu, Native or Plural. For South African society was constructed like a pyramid of power, privilege and advantage. The base was formed by the blacks, then the coloureds, Indians and at the top were the ruling elite of whites.

There was residential segregation – the whites lived in salubrious, leafy suburbs with street lighting, paved roads, running water, libraries, arenas, swimming pools and beautiful homes and well appointed schools and hospitals. The blacks particularly lived in what were called locations, centres of poverty, squalor and deprivation with a few street taps to supply water to the oppressed majority, hardly any waterborne sewerage, poorly equipped schools and under paid teachers. The Government spent as much as 8 times per annum on a white child for education what it spent on a black child. It provided free school feeding for white children and only for a short time for black children and then it was stopped altogether.

The Group Areas Act designated most of South Africa (87 %) for white occupancy whilst the vast majority would have to do with the remaining 13 % of the land. It fuelled the harsh policy of forced population removals when nearly 3 million people were uprooted from their homes and dumped as if they were rubbish in poverty stricken, and Bantustan homelands. A vibrant cosmopolitan community in District Six, Cape Town was destroyed and there is a gash on the landscape like a running sore. People were removed from there to be dumped on the inhospitable Cape Flats. Black men were forced to leave their families in the rural areas, seeking out a miserable existence while they came to work in the white man's town as migrant workers, living unnatural lives in single-sex hostels,

undermining black family life through the migratory labour system, the backbone of South Africa's cheap labour that made investment in South Africa so lucrative.

The Mixed Marriages and Immorality Acts prohibited sex relations between whites and people of other races, they turned something beautiful, love between persons, into something sordid and shameful. People sometimes committed suicide when charged under these laws. The shame was too great. The movement of blacks was severely restricted by the pass laws which helped to trample black dignity under foot by their humiliation. The Job Reservations Act designated certain categories of work as to be done only by whites and even when black and white had the same qualifications say as doctors and were working in the same government hospital, the white doctor was paid more than his black colleague by law.

And more are recorded for posterity in Hansard and the records of Parliament and form part of our memory, of our history, of our identity. It cannot be denied and the fact that the apartheid Government in its death throes rescinded and abolished these iniquitous laws can be taken as accepting that they were reprehensible and thus their action is a form of accountability. The records should serve to remind us of our capacity to be so horribly inhuman to one another and to the records, the archives are absolutely indispensable for this task.

The Truth and Reconciliation Commission

The TRC helped to give substance to our suspicions that the apartheid government had systematically used the torture of activists and assassinations of so-called "enemies of the State", meaning virtually anyone who had the temerity to oppose apartheid. Despite the fact that the apartheid government went about destroying considerable volumes of incriminating evidence and even though the language used in the Minutes of the State Security Council is remarkable for its ambiguity making denial plausible, enough has remained providing sufficient evidence for us to say they created the atmosphere which made it possible for gross violations of human rights to occur. They might claim that when they said government enemies should be eliminated or permanently taken out, that they meant they should be detained or banned. Most of those who carried out these strangely worded orders almost unanimously understood them to mean that the targets should be killed. It is odd in the extreme that they should not have used perfectly straightforward words readily available to them such as "detain" or "imprison". Perhaps they did not in their wildest nightmares imagine that their surreptitious machinations would see the light of day. Their subterfuge was testimony to the potency of records to deter the commission of violations.

The only apartheid Cabinet Minister to apply for amnesty confirmed that it was the State that had destroyed the headquarters of the South African Council of Churches through bombing it. When it happened this Minister had quite blatantly lied when he accused the ANC of this act of terrorism and they even detained someone linked to the ANC as being implicated.

It all confirmed what we had always suspected, that a vicious and evil system could ultimately only be maintained by equally vicious and evil methods. The ANC quite unusually had set up commissions of inquiry to investigate allegations of human rights violations especially in its camps. The provided the TRC with a remarkably frank and detailed account showing, on the basis of their submission, that fighting a just cause as they certainly had done was no guarantee that the movement would not use unjust methods. I was quite flabbergasted when the ANC sought an interdict against the publication of the TRC Report when this was so warm in commending the ANC for fighting a just war but pointing to the fact that it had committed sore human rights violations as their submission indicated.

All of this and more is now part of our national archives. It is part of our history. No one can say they never knew. Every South African knows that apartheid was evil, oppressive and unjust and that it used foul and underhand methods to maintain itself. They know that the oppressed and their allies within the white community wonderfully carried out a just war against this evil system, sometimes becoming guilty of some human rights violations but by and large carrying out this just war justly. No one mercifully can be found who ever supported apartheid. Wonderful. We are ashamed of that part of our history, but it is our history none the less. And it stands there recorded in our National Archives to remind us of the awfulnesses we survived and of which we were capable.

The records are crucial to hold us accountable. They are indispensable as deterrents against a repetition of this ghastliness and they are a powerful incentive for us to say, "Never again". They are a potent bulwark against human rights violations.

We must remember our past so that we do not repeat it.