After the transition to democracy in 1994, South Africa reached out to perpetrators of violence from all conflicting parties by giving amnesty to those who fully disclosed their politically motivated crimes. This volume provides the first comprehensive analysis of South Africa’s amnesty scheme in its practical and normative dimensions. Through empirical analysis of over 1000 amnesty decisions made by the Amnesty Committee of the Truth and Reconciliation Commission, the study measures the scheme against its stated goals of truth recovery, victim empowerment and perpetrator accountability. It also explores normative questions raised by the absence of punishment. Highlighting the distinctive nature of South Africa’s conditional amnesty as an exceptional ‘rite of passage’ into the new, post-conflict society, it argues that the amnesty scheme is best viewed as an attempt to construct a new ‘justice script’ for a society in transition, in which a legacy of politically motivated violence is being addressed.

Antje du Bois-Pedain is a lecturer in law at the University of Cambridge.
TRANSITIONAL AMNESTY
IN SOUTH AFRICA

by

ANTJE DU BOIS-PEDAIN
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CCB Hearing, Day  Amnesty Hearing, Cape Town: 13–17 March 2000 (Early Learning Centre bombing)


CITED AMNESTY COMMITTEE HEARING TRANSCRIPTS

Lesotho Raid Hearing, Day

London Bomb Hearing

McBride Hearing, Day

‘Pebco Three’ Argument

Schoon Hearing

Transvaal Urban Machinery Hearing

Tzaneen Hearing
FREQUENTLY CITED AMNESTY COMMITTEE DECISIONS

AC/1996/002 (Applicants Hendrik Gerber and Johan van Eyk)  
(Fidelity Guards case)
AC/1996/005 (Applicant Jean Prieur du Plessis)  
(activities of the National Socialist Partisans)
AC/1996/008 (Applicant Cornelius Johannes van Wyk)  
(activities of the National Socialist Partisans)
AC/1996/011 (Applicant Brian Mitchell)  
(Trust Feed Massacre)
AC/1997/020 (Applicant M.R. Ngwendu and six others)  
(killing of local politician by activist ANC youths)
AC/1997/038 (Applicants P. Maxam, T. Madoda and C.S. Ndinisa)  
(robbery at Vlakkeland Farm)
AC/1997/041 (Applicants Dirk Coetzee, David Tshikalange and Butana Almond Nofomela)  
(police killing of Griffiths Mxenge)
AC/1997/053 (Applicants David Petrus Botha, Eugene Marais and Adriaan Smuts)  
(revenge attack on a minibus full of black passengers) (see also AC/2001/281)
AC/1997/068 (Applicant Gerhardus Johannes (Gideon) Nieuwoudt)  
(policeman torture of Mkhuseli Jack)
AC/1998/006 (Applicant Bhekumndeni Qedusizi Penuel Simelane)  
(attorney steals money from client to fund APLA)
AC/1998/025 (Applicant Cornelius Johannes Lottering)  
(‘Orde van die Dood’ initiation killing)
AC/1998/026 (Applicants Humphrey Luyanda Gqomfa, Vuyisile Brian Madasi and Zola Prince Mabala)  
(Heidelberg Tavern attack)
(killing of Amy Biehl)
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AC/1998/032  (Applicants James Wheeler and Cornelius Rudolph Pyper)
(drive-by shooting of black car driver during expected election day
A Wildebeest uprising)

AC/1998/048  (Applicants Joseph Elias Makhura, Frans Ting Ting Masango, Obed
Masina and Neo Potsane)
(MK killing of Brigadier Molope)

AC/1998/049  (Applicant Robin Houston Holmes)
(printing of anti-apartheid T-shirts)

AC/1998/050  (Applicant Phila Martin Dolo)
(various APLA attacks)

AC/1998/114  (Applicant Gideon Nieuwoudt)
(assault during interrogation on Peter Jones and police killing of
Steve Biko)

AC/1999/020  (Applicants Harold Snyman, Daniel Petrus Siebert, Jacobus
Johannes Oosthuysen Beneke and Ruben Marx)
(police killing of Steve Biko)

AC/1999/026  (Applicant Mphithizeli Nelson Ngo)
(various activities by low-ranking police agent)

AC/1999/027  (Applicant Jeffrey Theodore Benzien)
(police torture of Gary Kruser and others)

AC/1999/030  (Applicant Jacques Hechter)
(police killing of Irene Motasi and other Security Branch activities)

AC/1999/031  (Applicant Jan Hattingh Cronje)
(leading decision on various Security Branch activities)

AC/1999/032  (Applicant Paul Jacobus Janse van Vuuren)
(police killing of Irene Motasi and other Security Branch activities)

AC/1999/037  (Applicants Nicolaas Janse van Rensburg, Hermanus Barend du
Plessis, Johannes Gottfried Raath and Gerrit Nicholas Erasmus)
(police killing of Gcinisizwe Kondile)

AC/1999/045  (Applicant Andre Francois Visser and eight others)
(killing of persons stopped at an AWB road block)

AC/1999/046  (Applicant Sathy Andranath Ragunan Maharaj and
twenty-six others)
(ANC leadership application based on political responsibility)

AC/1999/058  (Applicant Tom Wiltshire Robbins)
(End Conscription Campaign activities)

AC/1999/086  (various applicants)
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AC/1999/046)

AC/1999/172  (Applicants Clive Derby-Lewis and Janusz Walus)
(killing of Chris Hani)
AC/1999/176  (Applicant Maropeng Matthews Sehlwana and thirteen others)  
(Breslau Road police ambush of infiltrated MK cadres)

AC/1999/188  (Applicant Abraham Johannes Mouton Joubert)  
(killings of Dr Fabian and Frances Ribeiro and other joint police and SADF Special Forces activities)

AC/1999/223  (Applicant Harold Snyman and seven others)  
(abductions and killings of anti-apartheid activists Sipho Charles Hashe, Qaqawuli Godolozi and Champion Galela – ‘Pebco Three’ incident)

AC/1999/239  (Applicant Ontlametse Bernstein Menyatsoe)  
(police shooting of AWB members after failed AWB coup attempt)

AC/1999/242  (Applicant Adriaan Johannes Vlok and eighteen others)  
(Security Branch bombing of Khotso House)

AC/1999/243  (Applicant Glen Vilakazi and fifty-nine others)  
(SDU activities in Thokoza)

AC/1999/248  (Applicants Jacob Jan Henrik van Jaarsveld, Deon Gouws and Stephanus Adriaan Oosthuizen)  
(police killings of youth activists referred to as the ‘Kwandebele Nine’)

AC/1999/249  (Applicant Pumelele Civilian Hermanus and three others)  
(killings of Alistair Weakly and Glen Weakly)

AC/1999/257  (Applicant Obed Masina and four others)  
(killing of a policeman and other MK activities)

AC/1999/274  (Applicant Wikus Johannes Loots and seven others)  
(botched arrest of MK cadres at ‘Silent Valley’)  

AC/1999/292  (Applicant Johannes P. Coetzee and eight others)  
(Security Branch bombing of ANC offices in London)

AC/1999/295  (Applicant Dennis Lucas Nthodi Kgatitsoe)  
(‘accidental’ killing of apprehended political opponent)

AC/1999/332  (Applicants Daluxolo Wordsworth Luthuli, Bhekisisa Alex Khumalo, David Zwezi Dlamini, Berthewl Bheki Ndlovu, Romeo Mbuso Mbambo, Brian Gcina Mkhize and Israel Nyoni Hlongwane)  
(IFP hit squad activities – Caprivi trainees case)

AC/1999/345  (Applicant Eugene Alexander de Kock and eight others)  
(killings of Warrant Officer Mbalala Glen Mgoduka, Sergeant Amos Temba Faku, Sergeant Desmond Daliwonga Mpipa and Xolile Shepherd Sakati alias Charles Jack – ‘Motherwell Four’ incident)

AC/2000/005  (Applicant Michael Phillip Luff)  
(killing of police suspect during alleged attempted arrest)
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AC/2000/019 (Applicant John Itumeleng Dube and four others)
(killing of suspected police informer Sicelo Dlomo)

AC/2000/034 (Applicants Nicolaas Jacobus Janse van Rensburg,
Hermanus Jacobus du Plessis, Gerrit Nicholas Erasmus and
Gideon Johannes Nieuwoudt)
(police killing of Sipiwo Mtinkulu and Topsy Madaka)

AC/2000/039 (Applicant Andrew Russell Cavill Taylor and six others)
(Security Branch abduction from Swaziland and killing of MK
cadre Mbova Mzimela alias Dion Cele)

AC/2000/042 (Applicants Aaron Tyani and Phumelele Gumengu)
(fatal shooting of suspected MK cadre by homeland policemen)

AC/2000/055 (Applicants Philip Makwale Nyalunga and John Itumeleng Dube)
(bombing of Witbank police station and Ellis Park Stadion bomb)

AC/2000/059 (Applicants Adriaan Pieter van Niekerk and nine others)
(Death-in-custody during police interrogation and torture of
Stanza Bopape)

AC/2000/082 (Applicants Craig Michael Williamson and Roger Howard Leslie
Raven)
(police letter-bomb killings of Ruth First and Jeannette and Katryn
Schoon)

AC/2000/089 (Applicant Eugene Alexander de Kock and seven others)
(police attack on Chand family home)

AC/2000/090 (Applicant Eugene Alexander de Kock and six others)
(police abduction and killing of ‘askari’ Moses Sikhakhane)

AC/2000/093 (Applicant Eugene Alexander de Kock and others)
(procedural decision concerning compellability of implicated
person as witness)

AC/2000/100 (Applicant Michael Belligan)
(killing of his wife and cheque fraud)

AC/2000/101 (APLA High Command)
(anonymous group application for APLA activities)

AC/2000/102 (Applicants Jerome Joseph Maake, Piet Mohlamme Mathebe,
Chakie Edison Mathebe and Charles Doctor Mathebe)
(various MK activities)

AC/2000/111 (Applicants Sphiwe Nyanda, Solly Zacharia Shoke and Dick
Mkhonto)
(ANC landmine campaign – Operation Chetswayo)

AC/2000/120 (Applicants Hendrik Johannes Petrus Botha, Marius Greyling, Karl
Durr and Frans Stephanus Bothma)
(interrogation and torture of Operation Vula suspects)
FREQUENTLY CITED AMNESTY COMMITTEE DECISIONS

AC/2000/121  (Applicants Daniel Benjamin Snyders, Jan Petrus Kruger and Marthinus Christoffel Ras)  
(Conservative Party resort to violence – ‘Toekomsgesprek’)

AC/2000/122  (Applicants Vakele Archibald Mkosana and Mzamine Thomas Gonya)  
(Bisho Massacre: shooting by homeland defence force at unarmed protesters)

AC/2000/135  (Applicants Johannes Albertus Steyn, Laurance Gerald Wasserman and Mathys Cornelius Botha)  
(police killing of three suspected MK cadres during attempted arrest)

AC/2000/137  (Applicants Nzimeni Danster, Monwabisi Eric Khundulu and Lollie Kwakwari)  
(robbery at Leeukloof Farm and brutal killings of elderly owners)

AC/2000/141  (Applicants Eric Goosen, Willem Johannes Momberg, Jacques Hechter and Jan Hattingh Cronjé)  
(recruitment by force of a police informer)

AC/2000/142  (Applicants Gary John Kruser and ten others)  
(Shell House Shooting)

AC/2000/144  (Applicants Zamokuhle Gregory Sithole, Sitembiso Rodney Tembe and others)  
(random stabbing of whites on the Durban beach front)

AC/2000/146  (Applicants Ronald Kasrils, Damian Michael de Lange, Ian Hugh Robertson and Susan Catherine de Lange)  
(various MK activities)

AC/2000/149  (Applicant Kabelo Nimrod Matlaletsa and fifteen others)  
(torture in ANC camps)

AC/2000/193  (Applicants Mthethelezi Zephania Mncube, Mzondeleli Euclid Nondula and Jabulani Sydney Mbuli)  
(procedural decision on evidence concerning ANC landmine campaign)

AC/2000/195  (Applicants Sphiwe Nyanda, Solly Zacharia Shoke and Malekolle Johannes Rasegatla)  
(various activities of MK’s Transvaal Urban Machinery units)

AC/2000/198  (Applicant Nicholas Zweli Chamane and others)  
(killing of political leader’s business competitor)

AC/2000/199  (Applicant Rodney Abraham Moeketsi Toka and seven others)  
(hand-grenade attack on the house of officer Bangiwe Charles Ndala and other matters)

AC/2000/201  (Applicant Josias Seemise)  
(various IFP-linked activities)
xvi  FREQUENTLY CITED AMNESTY COMMITTEE DECISIONS

AC/2000/209  (Applicant Mqambeleni Buthelezi and seventeen others)  (Boipatong Massacre)
AC/2000/212  (Applicant Emmanuel Nkosinathi Mavuso)  (killing of political leader’s business competitor)
AC/2000/214  (Applicant Willem Johannes Momberg and four others)  (McKenzie car bomb incident)
AC/2000/215  (Applicant Eugene Alexander de Kock and eighteen others)  (Security Branch arson attack on Khanya house)
AC/2000/217  (Applicant Clarence Mbogeni Majola)  (necklace killing of two township residents by mob)
AC/2000/224  (Applicant André Cloete)  (KwaMakutha Massacre)
AC/2001/003  (Applicants Aboobaker Ismail, Johannes Mnisi, Mohamed Iqbal Shaik and Mohamed Abdulhai Ismail)  (Church Street bomb and other MK matters)
AC/2001/010  (Applicant Phillipus Johannes Cornelius Loots)  (police killings of Richard and Irene Motasi)
AC/2001/034  (Applicant Sean Mark Callaghan)  (SADF operations against SWAPO forces in Namibia)
AC/2001/058  (Applicant Eugene Alexander de Kock and twelve others)  (‘Zero-zero hand-grenades’: ‘pre-emptive’ supply of zero-timed weaponry by police undercover agent to various activists)
AC/2001/089  (Applicants P. N. Shangase, P. Kweyama and M. M. Mkhize)  (robbery of a shop to obtain weapons for SDU activities)
AC/2001/093  (Applicants Ronald Kasrils (withdrawn), Mthetheleni Zephania Mncube, Mzondeleni Euclid Nondula and Jabulani Sydney Mbuli)  (ANC landmine campaign – Messina district)
AC/2001/094  (Applicant Almond Butana Nofomela and eight others)  (Security Branch abduction from Swaziland and subsequent interrogation of MK cadre Glory Sedibe alias ‘September’)
AC/2001/100  (Applicant Hendrik Johannes Prinsloo)  (police killing of unknown activist)
AC/2001/108  (Applicant Eugene Alexander de Kock and eight others)  (Botswana Raid)
AC/2001/112  (Applicant Frank McCarter and ten others)  (police abduction and killing of ANC activist Phila Portia Ndwandwe and other matters)
AC/2001/124  (Applicant Hendrick Johannes Petrus Botha and six others)  (police abduction of Ntombi Khubeka)
AC/2001/128  (Applicant Aboobaker Ismail, Robert McBride and others)  (Magoo’s Bar bomb and other MK matters)
<table>
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<th>Reference Code</th>
<th>Applicants and Details</th>
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</table>
| AC/2001/185    | Applicant W. H. Coetzee and seven others  
|                | (police abduction of Nokuthula Aurella Simelane) |
| AC/2001/191    | Applicant Wikus Johannes Loots and others  
|                | (cross-border attack on premises where MK cadres Aaron Mkwanazi alias 'Take Five' and Sadie Pule were believed to be staying) |
| AC/2001/225    | Applicant Eugene Alexander de Kock  
|                | (clandestine supply of weapons to the IFP) |
| AC/2001/229    | Applicant Phillip Rudolf Crause  
|                | (Gaborone Raid) |
| AC/2001/231    | Applicant Almond Butana Nofomela and six others  
|                | (Lesotho Raid) |
| AC/2001/232    | Applicant Carl Casteling Botha and seven others  
|                | (various CCB activities) |
| AC/2001/241    | Applicant Eugene Alexander de Kock and nine others  
|                | (police abduction from Swaziland and subsequent killing of alleged MK infiltrator Jameson Ngoloyi Mngomezulu) |
| AC/2001/242    | Applicant Andries Johannes van Heerden  
|                | (various assaults during police interrogations of MK suspects) |
| AC/2001/248    | Applicant Hendrik Johannes Prinsloo and nine others  
|                | (police abduction and killing of Justice Mbizana) |
| AC/2001/252    | Applicant Eugene Alexander de Kock and two others  
|                | (police killing of ex-informer Adriaano Louis Bambo) |
| AC/2001/260    | Applicant Johan Frederich Verster  
|                | (Kassinga Raid) |
| AC/2001/272    | Applicant Johan Hendrik le Roux and seven others  
|                | (police killing of Japie Maponya) |
| AC/2001/273    | Applicant Eugene Alexander de Kock and fourteen others  
|                | (police ambush on group of infiltrated MK cadres) |
| AC/2001/279    | Applicant Dirk Johannes Coetze, Butana Almond Nofomela and Natshavheni David Tshikalanga  
|                | (various security police matters) |
| AC/2001/281    | Applicant David Petrus Botha  
|                | (follow-up decision to AC/1997/053) |
### ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ANC</td>
<td>African National Congress</td>
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<tr>
<td>APLA</td>
<td>Azanian People’s Liberation Army (armed wing of the PAC)</td>
</tr>
<tr>
<td>askari</td>
<td>former member of a liberation movement forced to work for the state Security Branch</td>
</tr>
<tr>
<td>AWB</td>
<td>Afrikaner Weerstandsbeweging</td>
</tr>
<tr>
<td>AZAPO</td>
<td>Azanian People’s Organisation</td>
</tr>
<tr>
<td>CCB</td>
<td>Civil Co-operation Bureau (an undercover unit of the SADF)</td>
</tr>
<tr>
<td>CIC</td>
<td>Co-ordinating Intelligence Committee (a state structure)</td>
</tr>
<tr>
<td>CP</td>
<td>Conservative Party</td>
</tr>
<tr>
<td>CPA</td>
<td>Criminal Procedure Act 51 of 1977</td>
</tr>
<tr>
<td>CSVR</td>
<td>Centre for the Study of Violence and Reconciliation</td>
</tr>
<tr>
<td>ECHR</td>
<td>Convention on Human Rights and Fundamental Freedoms (European Convention of Human Rights)</td>
</tr>
<tr>
<td>Eu. Comm. H.R.</td>
<td>European Commission of Human Rights</td>
</tr>
<tr>
<td>ECTHR</td>
<td>European Court of Human Rights</td>
</tr>
<tr>
<td>FF</td>
<td>Freedom Front</td>
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<tr>
<td>homeland</td>
<td>erstwhile self-governing district allotted to black population group in apartheid South Africa</td>
</tr>
<tr>
<td>ICC</td>
<td>International Criminal Court</td>
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<tr>
<td>ICTY</td>
<td>International Criminal Tribunal for the Former Yugoslavia</td>
</tr>
<tr>
<td>IFP</td>
<td>Inkatha Freedom Party</td>
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<tr>
<td>Inter-Am. Comm. H.R.</td>
<td>Inter-American Commission of Human Rights</td>
</tr>
<tr>
<td>Inter-Am. Ct.H.R.</td>
<td>Inter-American Court of Human Rights</td>
</tr>
<tr>
<td>MK</td>
<td>Umkhonto we Sizwe (armed wing of the ANC)</td>
</tr>
<tr>
<td>NP</td>
<td>National Party</td>
</tr>
<tr>
<td>PAC</td>
<td>Pan-Africanist Congress</td>
</tr>
<tr>
<td>PASO</td>
<td>Pan-Africanist Students’ Organisation</td>
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### Abbreviations

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<tr>
<th>Abbreviation</th>
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<tbody>
<tr>
<td>PAYCO</td>
<td>Paarl Youth Congress</td>
</tr>
<tr>
<td>Pebco</td>
<td>Port Elizabeth Black Civics Organisation</td>
</tr>
<tr>
<td>SACP</td>
<td>South African Communist Party</td>
</tr>
<tr>
<td>SADF</td>
<td>South African Defence Force</td>
</tr>
<tr>
<td>SAP</td>
<td>South African Police</td>
</tr>
<tr>
<td>SDU</td>
<td>Self Defence Unit (unofficial local policing structure)</td>
</tr>
<tr>
<td>SSC</td>
<td>State Security Council</td>
</tr>
<tr>
<td>StGB</td>
<td>Strafgesetzbuch (German Criminal Code)</td>
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<tr>
<td>StPO</td>
<td>Strafprozessordnung (German Code of Criminal Procedure)</td>
</tr>
<tr>
<td>SWAPO</td>
<td>South-West African People’s Organisation</td>
</tr>
<tr>
<td>TRC</td>
<td>South African Truth and Reconciliation Commission</td>
</tr>
<tr>
<td>TRC Act</td>
<td>Promotion of National Unity and Reconciliation Act 34 of 1995</td>
</tr>
<tr>
<td>UDF</td>
<td>United Democratic Front</td>
</tr>
<tr>
<td>Umkhonto we Sizwe</td>
<td>Armed wing of the ANC</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
</tbody>
</table>
ABBREVIATED CASES

ANC 37 case: The Truth and Reconciliation Commission v. Colin Cecil Coleman and 36 others and The Chairperson of the Committee on Amnesty, case no. 3729/98, and The National Party of South Africa and James Marren Simpson v. The Chairperson of the Committee on Amnesty, the Truth and Reconciliation Commission and 37 others, case no. 3626/98, High Court of South Africa (Cape of Good Hope Provincial Division).

AZAPO case (Constitutional Court): Azanian People's Organisation (AZAPO) and others v. President of the Republic of South Africa and others 1996 (4) SA 671 (CC).

AZAPO case (High Court): Azanian People's Organisation (AZAPO) and others v. Truth and Reconciliation Commission and others 1996 (4) SA 562 (C).

D.P. Botha case: David Petrus Botha v. Die Voorsitter: Komitee oor Amnestie van die Kommissie vir Waarheid en Versoening, case no. 17395/99, High Court of South Africa (Transvaal Provincial Division), unreported judgment of 22 March 2000 by Smit J. The judgment is in Afrikaans.

Derby-Lewis case: Derby-Lewis and another v. Chairman, Amnesty Committee of the Truth and Reconciliation Commission, and others 2001 (3) SA 1033 (C).

Gerber case (High Court): Gerber v. Voorsitter: Komitee oor Amnestie van die Kommissie vir Waarheid en Versoening 1998 (2) SA 559 (T). The judgment is in Afrikaans.

Gerber case (Supreme Court of Appeal): Gerber v. Voorsitter: Komitee oor Amnestie van die Kommissie vir Waarheid en Versoening 2001 (3) SA 1221 (SCA). The judgment is in Afrikaans.


Rapholo case: Rapholo v. State President and others 1993 (1) SA 680 (T).

Simelane case: Bhekumndeni Qedusizi Penuel Simelane v. The Minister of Justice and Constitutional Development, case no. 2938/01, High Court of South Africa (Cape of Good Hope Provincial Division), unreported judgment of 13 April 2006 by Ndita J.
ABBREVIATED CASES

Slovo case: Claire Sherry McLean, N.O.; Shawn Slovo, Gillian Slovo, Robyn Jean Slovo v. Amnesty Committee of the Truth and Reconciliation Commission, Judge Andrew Wilson, N.O.; Craig Michael Williamson and Roger Howard Leslie Raven, case no. 8272/2000, High Court of South Africa (Cape of Good Hope Provincial Division), unreported judgment of 9 April 2002 by Blignault J and Van Reenen J.

Van Wyk and Du Plessis case: Cornelius Johannes van Wyk and Jean Prieur du Plessis v. Komitee oor Amnestie, case no. 16602/99, High Court of South Africa (Transvaal Provincial Division), unreported judgment of 24 August 1999 by Van der Walt J.

Van Zyl case: Abram van Zyl v. Amnesty Committee of the Truth and Reconciliation Commission, Judge S. Miller N.O.; Peter Williams, Minister Dullah Omar, Gavin Evans and The Early Learning Centre, case no. 8183/2001, High Court of South Africa (Cape of Good Hope Provincial Division).
FIGURES

Figure 2.1: The main political players’ shares of applicants and incidents
Figure 2.2: Proportion of applicants of different hierarchical positions
Figure 2.3: Proportion of participation-acts according to perpetrator group and applicant’s hierarchical position
Figure 2.4: Proportion of participation-acts in incidents involving human rights violations, in relation to type of authorisation received by applicant
Figure 2.5: Proportion of participation-acts in incidents involving human rights violations according to perpetrator group and type of authorisation received by applicant
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Figure 2.7: Success rates of amnesty applications in relation to the applicant’s hierarchical position
Figure 2.8: Success rates of amnesty applications for gross human rights violations, in relation to type of mandate relied on by applicant
Figure 2.9: Success rates of amnesty applications according to perpetrator group
Figure 2.10: Proportion of amnesty applications by bona fide political perpetrators rejected for given reasons
The topic of this book has held my interest for almost a decade. Transitional amnesties – a term coined by Ruti Teitel in her seminal 2000 book on Transitional Justice – generally have a bad name. They are perceived as trade-offs of justice which send the wrong message to a society struggling to rebuild respect for the rule of law. The South African amnesty is special because it makes amnesty conditional upon the full disclosure of a politically motivated offence – not a threat to justice, it is claimed, but an integral part of an ethically justifiable response to an unjust past.

I first began work on this book as a full-time researcher in a project on transitional justice based at the Humboldt-Universität zu Berlin, and continued with it on and off since my appointment at the University of Cambridge in 2001. Over the years I have incurred debts to many people and many institutions. First and foremost, I want to thank my PhD supervisor, Professor Gerhard Werle, who inspired this study and could not have been more patient, and more supportive, throughout the years it took to complete it. I also want to thank my external examiner, Professor Andrew von Hirsch, and Sir Derek Oulton, who read large parts of the manuscript and gave me excellent advice on how to improve it. The Deutsche Volkswagenstiftung in Berlin provided me with generous funding from September 1998 to April 2001.

Many people in South Africa took time out of their busy lives to help me get access to sources. Some of them invited me to stay in their homes. They all helped me enormously to find a footing in an unfamiliar place, and I am very grateful to them. The members of the Law Faculty of the University of Cape Town hosted me during a sabbatical term in the spring and summer of 2005, and during many shorter research visits. They were ever generous with office space and provided a peaceful and supportive work environment. I also thank my colleagues in Berlin and in Cambridge for their interest, intellectual stimulation, and moral support, and the staff of the
Squire Law Library in Cambridge for their frequent assistance in finding and ordering material for this book.

I want to acknowledge the indispensable assistance received in calculating the data presented in Chapter 2 from Birger Dölling, who did the calculations for the 1999 sample, and from Matthias Raphael Prause, who did the final calculations from the completed data compilation. Some of the data presented in Chapter 2 were published in 2004 in the *South African Law Journal* (at 785–828). I thank the editors of the journal for their permission to use parts of my 2004 article here.

Many friends, colleagues and relatives were essential for the success of this project. At my peril, I name some (and ask those I have undoubtedly forgotten to bear with me). Chia, thanks for your help with the database in the early days, for your encouragement and support and for your comments on Chapter 8. Christoph and Markus, thanks for all your help with the database, too. Sabreena and Rob, thanks for putting up with me and for putting me up in late 2000 and early 2001. Pat, thanks for everything. You are a fantastic friend. Mia, thanks for more than everything. Always the most critical, but also the most supportive! Thanks also to my husband François, indefatigable proofreader, supporter, discussant and best husband of all!

I dedicate this book to my parents, without whose help and support over many years it would never have seen the light of the day.

Antje du Bois-Pedain  
Cambridge, 11 August 2007