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# Amnesty Means Never Having To Say You're Sorry

*Michael Simpson*

In South Africa, we have created a society in which good deeds are very often *punished and bad ones are generally rewarded*. We have become a *morally bizarre* society, in which to call murder murder, and to call torture torture, is seen to be bad manners. This situation will be enshrined when the government introduces its amnesty law - a Bill of Wrongs is preceding the proposed Bill of Rights.

Those who committed crimes against humanity in the name of apartheid are forgiving themselves, so that they can not be held accountable for the actions of which they were once so proud. Under the amnesty law, the vast numbers of survivors of apartheid repression will be required to remain forever deprived of any *justice, redress, or clear public acknowledgement of what happened to them*. Those who damaged their victims deliberately will avoid even slight inconvenience, let alone any form of punishment or reparation. Moreover, torturers will retire on fat pensions, to be paid, in perpetuity, by their victims.

## **Hasty Amnesty Intensifies Suffering**

The excuse of "national reconciliation" has frequently been used to justify amnesty, but the granting of hasty amnesty in other countries has never promoted true reconciliation. Rather, it is recognised that this intensifies the suffering of the victims and their families and that it significantly increases the likelihood of continuing strife and violence.

Helplessness and powerlessness are the essential insults of trauma and amnesty imposes perpetual helplessness and powerlessness on the victims. There is a temptation to respond to atrocities by banishing them from awareness, to demand that the unspeakable remains unspoken. But there is a conflict between *denial and testimony* and this is central to psychological and social trauma. The folklore of all peoples insists that ghosts will not rest in premature graves until the story has been told. Healing of individual and social trauma requires remembrance, truth and revelation. There is a need to reconstruct the story and recognise exactly what happened, after which appropriate mourning can take place.

When a regime imposes amnesty on the country and prevents healing from taking place, individuals and their societies are seriously damaged. We have



The well known f\*\*\* you all approach of the government. *Weekly Mail*

learned that this is so from long-term follow-up of the survivors of the Holocaust and related repression during the Second World War and, more recently, from the experiences of our colleagues in South American countries emerging from periods of state repression. In these countries, the damage resulting from the immunities imposed by departing dictatorships now has to be undone.

## The Need for Public Acknowledgement

In South America, many victims have been left with no source of police assistance other than the officers who tortured them, and no source of medical help other than the doctors who assisted in torture. This is especially true in rural areas. Survivors in our country tell us of torturers who taunted them with this very fact: "I can do what I wish to you, and nothing will ever happen to me. If you ever get out of here no-one will ever believe what you say; you'll never be able to prove that anything happened to you, and it'll be dismissed as mere political propaganda. By the time you get out of prison, if ever, you'll be a nobody and I'll be a brigadier".

Survivors of political violence clearly need to be able to know that the facts of their suffering have been officially recognised and acknowledged, before they can complete their healing. Families whose members have disappeared, or a

dead, may never be able to complete the labour of their grief, unless they can discover exactly what happened.

Recent literature on trauma, including feminist literature, also makes it clear that forcing the victim to comply with an unattainable demand that she forgive and forget constitutes further abusive damage. This pseudo-reconciliation, for the sake of the comfort of the victimiser, is clearly unacceptable.

There is another dimension which must not be forgotten: the expectation that amnesty and impunity will be provided encourages further abuses of human rights and further acts of political violence; it is almost a pre-requisite for the widespread use of deliberate trauma as a political method. Far from being a means of promoting reconciliation, establishing amnesty for crimes against humanity is one of the surest methods available of increasing the likelihood that these offences will recur in the future.

## **Clemency as the Democratic Alternative**

No democratic South African government should feel bound to continuing an amnesty imposed on the majority by the perpetrators. The current law should be repealed and everyone who applied for amnesty under it should be investigated and, if appropriate, prosecuted.

A democratic government might provide clemency. Clemency is a very different and more wholesome proposal. It does not reward wrong-doing. It requires full investigation and exposure of what happened, and the full due process of law. This process should encourage serious consideration of mitigating factors, if any, and decide on sentences with due regard to punishment or clemency. However, only a fully democratic government which adequately represents victims of apartheid violence should have the authority to grant clemency.

## **The Role of Health Workers**

Health workers and their representative organisations should strongly oppose the amnesty legislation and press all democratic political bodies in this country to work for annulment and reversal of this law. We must push for the adoption of means of preventing future occurrences of torture, human rights abuses and political violence. We should also strive to assist the survivors of previous trauma. No responsible health worker should be associated with proposals which amount to pseudo-reconciliation for the benefit of the torturers.

*Michael Simpson is a psychiatrist who has been involved in a number of cases involving the torture of detainees.*