“Meeting the Man who Organised a Bomb in My Car”

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Introduction

It was about 15 years ago; I’m sitting at the Constitutional Court in Johannesburg in my chambers – most people have offices, we judges have chambers. The phone rings, and a voice says, “it’s reception here, there’s a man called Henri who says he has an appointment to meet you.” I said to send him through. And as I walk down the corridor to the security gate, my heart’s going boom, boom, boom. Henri had telephoned me a week before to say that he was the security officer who had organized the placing of the bomb in my car, which blew up when I was in exile in Mozambique, and cost me my right arm and the sight of an eye. He was now going to the Truth Commission; was I willing to speak to him before he went there. And I had said yes. I opened the door, and I see this man; he’s tall and thin like myself. Bit younger. He’s looking at me, and I’m looking at him. And I see in his eyes, ‘so this is the man I tried to kill’; and he sees in my eyes, ‘so this is the man who tried to kill me.’ We’d never met, we’d never fought, we’d never argued over love, money, power, passion… But he was on that side, and I was on this side. And he’d tried to kill me, and now he was going to the truth commission. As we walked to my chambers he was striding like a soldier, and I did my best to use my judge’s ambulation to slow him down. We come to my office, and we talk, we talk, we talk, we talk, and eventually I say, “Henri, I have to get on with my work.” I stand up, and I say, “normally, when I say goodbye to somebody, I shake that person’s hand. I can’t shake your hand. But, go to the Truth Commission. Tell them what you know, and maybe, maybe, maybe, we will meet one day.” And when we walk back to the security gate, I notice he was shuffling along, without that firm stride he’d had when he’d come in. He went out. Bye bye Henri.

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Now what was this truth commission to which he was going to go? The story goes back to six months before the first democratic elections, which I’m sure many of you would have seen on television in the programmes marking the death of Nelson Mandela. It was the first time black and white were voting
together as equals in South Africa. About 6 months before that, the National Executive Committee of the ANC, of which I was a member (there were four of us from the Constitutional Committee of the ANC who were members), was having a meeting near Johannesburg. About 80 of us at a very very very impassioned meeting. The issue was what to do about a report that had been transmitted to the National Executive prepared by what we called the Moutse- nyane Commission. We had set it up to examine claims that the ANC had used torture during the liberation struggle; that we had held captured enemy agents in camps in Angola, where the ANC guerillas were, and that the captives had been subjected to very very rough, abusive physical treatment. And the report said that *prima facie* evidence established that indeed this had happened. And it recommended in no uncertain terms that the ANC follow up against those responsible. The events would have happened in 1981–83. We are now speaking about it in 1993, discussing the recommendation that we must take steps to deal with the use of torture by the ANC in exile ten years before.

In one of my other presentations here in Colombo, I might refer to how the ANC dealt with the issue of torture during the course of the struggle. But now I'm dealing with the issue that arose concerning the period where some of our members had in fact used torture. The ANC’s position was to condemn torture unconditionally. We were freedom fighters fighting for life – how could we be against life? But what to do now ten years later when we had got back home? Some of us stand up and we ask for the Moutsenyane report to be implement- ed. ‘They've reported, we must follow through.' And others say, ‘no you've got to understand the circumstances. Our guards were young, they were untrained. They'd given up their studies to go and fight for freedom. They did what they thought was what you had to do in the situation, because that's what had happened to them when they'd been captured by the South African police. And, it would be unfair to take action against them now.' And I remember, Pallo Jordan, one of the leading intellectuals in the movement, standing up and say- ing, “comrades, I've learned something very interesting today, there's a thing called ‘regime torture’ and that's bad, and there's 'ANC torture' and that's okay. Thank you for enlightening me!” And then somebody rose up and said, “what would my mother say?” Now ‘my mother’ was a figure we often used in our dis- course in the ANC. ‘My mother’ would be an African woman with maybe four years schooling, not much knowledge about the world, but with a very strong sense of right and wrong. “What would my mother say?” And he answered: “my mother would say there's something very strange about this organization. It's quite correctly examining its own failures, but what about what racists govern- ment has been doing to us for decades, for centuries? Where is the balance, where is the fairness in simply picking on our people who misbehaved and