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**Bester, Rory**

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## I. INTRODUCTION

On the afternoon of the 14th July 1997, after an adjournment for lunch, the Truth and Reconciliation Commission (TRC) resumed its hearing of the amnesty application of Captain Jeffrey Benzien, a former investigator with the Terrorist Tracing Unit of the South African Police's Security Branch.[1] Tony Yengeni, one of the victims of Benzien's interrogation and torture in the late 1980s, continued his cross-examination of the amnesty applicant. Following on a series of questions regarding the use of the wet bag method, Yengeni asked the Commission to have Benzien demonstrate the use of this particular form of interrogation and torture.[2] After much deliberation and commotion over the suddenness of the request, as well as uncertainty over the availability of a suitable bag, handcuffs, and volunteer to play the part of the 'victim', Benzien proceeded to re-enact the wet bag method to a frenzied audience and media.[3]

With this demonstration, Benzien's testimony was catapulted into the media spotlight and became of the most remembered contributions of any of the amnesty applicants to the TRC's archive of apartheid-era violence.[4] His demonstration, if anything, is evidence of a particular kind of return to the spectacle of trauma, in a way that powerfully

inverted the relationship between torturer and tortured.[5] Effected by the ideological space of the TRC, this inversion raises a number of issues regarding the role of the media in narratives of individual performance, public spectacle and the archival construction of the memory of violence.

Two of the outstanding features of South Africa's TRC process are, firstly, that the Commission's hearings were held in public and, secondly, that by establishing particular conditions for amnesty, responsibility for human rights violations was individualised. By allowing the public and the media to stand witness to the telling of a history, and making the implicated individuals account for that history, the TRC effectively became, as Sander Gilman suggests, "the memory of the past made real in the present".[6] While these features are the basis of the TRC's strength, they are also a threat to its meaningfulness as a sustainable post-mortem narrative. The threat comes not so much from the TRC itself, as from the way in which the meaning of the TRC's narrative re-presentation of the memory of the past is negotiated within the public domain.

This negotiation of the memory of the past, for the most part, has been driven and filtered through the eyes of the print and electronic media's spotlighting of particular victims and perpetrators of apartheid-era violence. In generating its own visual narratives around performance and spectacle, the media's archive has certain implications for the representational politics of the memory of violence. The body of media-derived visual narratives is but one of many unofficial archives of the TRC process that stand in the face of the Commission's own archive and 5-volume Report. As such, the relationship between victim and perpetrator has been fundamentally

informed by the construction of the media's visual archive of this history. The generation of post-apartheid identities in South Africa, specifically the attempt to move beyond the edges of apartheid memory, is partly dependent on the construction and interpretation of these archival spaces.

The visual representation of Jeffrey Benzien's demonstration of the wet bag method of interrogation and torture is an archival moment that has become iconic of the TRC process. The performative enactment of what has remained in so many testimonies mere words focused particular attention on the actions that inform the hidden spaces of interrogation and torture in apartheid-era South Africa. The spectacular representation of this performance framed Benzien in an admission of guilt that stands in the face of him being granted amnesty. The nature and extent of this particular archival slippage, between Benzien's self-incriminating confession of guilt and the effective de-criminalisation of his actions (through being granted amnesty by the TRC), forms the kernel of this particular paper.

## II. WITNESSING A SPECTACLE

The TRC process, as a re-telling and re-enactment of narratives of apartheid-era violence, is driven by the performances of individual witnesses.[7] The testimonies of these witnesses, defending and decrying apartheid, awkwardly traversed the lopsided space between victimisation and vindication. Witnessing, by victims and perpetrators of violence, involves, as Shoshana Felman suggests, "different performances of the act of seeing".[8] The testimonial weight and authenticity of the performance, in being so much about a search for missing details, is carried by the fact that it is the unique story of an

individual that cannot be told by anyone else.[9] The TRC's prioritisation of these unique stories, over and above institutional accountability, was meant to encompass the circumstances of a 'everyday' history.

This particular history is a narrative of the body as the performative site of violence. The body, as Allen Feldman suggests, narrates certain histories of violence: "The very act of violence invests the body with agency. The body, altered by violence, re-enacts other altered bodies dispersed in time and space; it also re-enacts political discourse and even the movement of history itself".[10] But the physically marked body became not only a site but also a sight of the discursive re-enactment of violence in that the photographic record of these performances honed in on the body as a primary narrative agent. The photographic record of the TRC process became an archive of the body (as archive), a visualisation of the physical traces of the performative body as a site of trauma (both past and present).

In addition to what has been collected, ordered and preserved by the TRC in an 'official' archive, then, there is a vast archive of media images of the TRC process. Along with television coverage, press photographs constitute one of the dominant visual records of the Commission's work.[11] This archive is a watchful visual record of the performances of individual witnesses (whether as victims or perpetrators) to acts of violence. In standing 'witness' to a process of witnessing, this photographic archive is also instrumental in generating a public spectacle out of these performances.

Public perceptions of Benzien's amnesty application, more than any other testimonial before the Commission, have been mediated by photographic and television images, mostly because of the uniqueness

of his animated demonstration of the wet bag method.[12] But these representations mutilated Benzien's performance of violence, castrating the original narrative in a spectacle of mediated vision that establishes the conditions for a slippage between the archived vision and the amnesty verdict.

Through an appeal to a notion of politically motivated action, the TRC's reconstitution of the violated body (as archive) attempted to distinguish between overlapping narratives of criminalisation and decriminalisation.[13] TRC photography is a re-presentation of this narrative reconstruction of criminalised and decriminalised violence. But like surveillance photography, this re-presentation is a vigilant observation that searches out and frames the moment of the incrimination of the performative body. Benzien's demonstration of the wet bag method is one such moment. In making the act of incrimination the focus of the re-presentation, TRC photography establishes a narrative of the expectation of decriminalisation that stands in the face of the prospect of amnesty.

This slippage of expectations, between the refusal and granting of amnesty, is irritated by the spectacle of the violated body. Activated by the media's particular coverage of the process, this is a spectacle of the mediation of social relationships through images. Spectacle, as Guy Debord suggests, "is not a collection of images; rather, it is a social relationship between people that is mediated by images.[...]All that was once directly lived has become mere representation".[14] The memory that is the future of the archive is blunted by the mediation of disparate expectations by means of photographic images.

In outlining a history of the production and re-production of the power to discipline and punish, Foucault suggests that punishment, as spectacle, declined in the wake of the cessation of the "theatrical representation of pain" in public torture and executions: "Our society is not one of spectacle, but of surveillance".[15] South Africa's TRC process, in being so much about the *public* surveillance of victims and perpetrators (through the media and media technology), reflects anything but the decline of spectacle. The TRC process, quite emphatically, is a theatrical re-presentation of pain suffered and inflicted by victims and perpetrators of apartheid-era violence.

One of the most overt examples of the theatrical re-presentation of pain is Benzien's testimonial of the wet bag method of interrogation and torture. It is the act of seeing Benzien demonstrate something that was, until then, hidden from view, which turned this vision into an iconic image of the TRC's work, and as a consequence of this invoked a situation of spectacle. From Yengeni's desire to see what happened to himself, to the sitting Commissioner Khampepe's comment, "We can't see Mr Benzien" when the latter sat down on top of the volunteer (to which the Chairperson responded, "We will just have to stand and have a look"), the politics of looking is not only fundamental to the narrative at hand, but it also becomes an act of surveillance, of capturing Benzien in the act of his own complicity.

Within the performative space of a process that is so often gripped by a sense of theatricality and drama, the trauma of the private space of individual witnesses is transformed into the public spectacle of the violated body. Effected, in part, through the role played by the print and electronic media, this spectacle is reduced to a cultural traffic in body parts. The dismembered identities of trauma are traded as the

currency for different cultural psychoses. Jeffrey Benzien's demonstration of the wet bag method of interrogation and torture, in being a narrative confirmation of the trauma of apartheid-era interrogation and torture, is one of the most overt examples of the threat of the spectacle of performance to dismember the body from its narrative. Castrated and frozen by the frame of the camera, the body is made available for seditious judgements.

## III. ARCHIVING PERFORMANCE

The space of interrogation, so intimate to the construction of power, shifted from a police station to a TRC Hearings venue. If "[t]he prisoner's confession is the interrogator's violence reaudited and redoubled as truth",[15] as Allen Feldman suggests, then Benzien's confession, in the context of an amnesty application before the TRC, is his own violence reaudited and redoubled as a narrative of remembering and forgetting, of conceding to the accusations of his victims without necessarily remembering the particular acts of violence, of apologising for what he remembers (as a 'different' past) and forgetting for the sake of a shared future.

History thus becomes visualised in Benzien's performance, with the perpetrator – as the 'knowing' performer - the narrator of his story. Benzien's demonstrative testimony invoked the double performance of violence, the original act and its re-enactment in performance. Similarly, victim-ness is doubled by the participation of a surrogate 'victim' who is nameless-ness, faceless-ness and codified by race.[17] But the spectacle of vision, created by media, silenced the narrative of interrogation that overlays and encompasses the visualisation of Benzien's demonstration of violence.[18]

Benzien confession was an act of disempowerment, a narrative of inversion, a shift from the position of torturer to that of 'tortured'. In the same way that the torturer marked the tortured, so too has the torturer become marked by the tortured. The physical act of Benzien's confession about the use of the wet bag method, captured by waiting photojournalists and television crews, visually marked Benzien's body at the moment of material complicity. Benzien is marked by a violence effected by the photographic image: "The Photograph is violent: not because it shows violent things, but because on each occasion *it fills the sight by force*, and because in it nothing can be refused or transformed".[19] Not only does this visual image refuse the context Benzien's amnesty application, but so too does the space of spectacle.

Just as media images position violence in a particular way, so too does the archive play an important role in positioning experiences of violence. Importantly, Benzien's representation by the media has a number of implications for the construction of an amnesty archive, in terms of the concept of amnesty (as framed by the TRC), and the generation of an archive out of the testimonies of violence.

South Africa's TRC has granted amnesty to applicants who fulfil the following basic requirements: a politically motivated act, committed between 1st March 1960 and 10th May 1994, for which the applicant makes a full disclosure.[20] Indirectly, amnesty legitimises certain forms of violence, setting up hierarchies of acts of violence that are condoned and condemned.[21] As such, the amnesty archive is driven by questions of what gets criminalised and what gets politicised. The last of the three requirements - a full disclosure - also has

implications for the archive, most notably the idea of the 'fullness' of the archive.

Both amnesty and the archive are intimately linked to memory. But where amnesty applications have so often been characterised by appeal to the failure of memory, the archive is an important mechanism that sustains memory. In that an archive has to be constructed out of the narratives of the amnesty applicants, there is a need to critically engage the practices and discourses of archives and archiving. This has to be done in a way that accounts for the failure of memory, both on the part of applicants themselves and of their visual representation in the media. Fundamentally, what role is the TRC archive, if any, going to play in neutralising the spectacle imagined in Benzien's demonstration of the wet bag method of interrogation and torture?

There are two important archival features of the TRC process. The first is the relationship between accessing the archive and the development of a culture of transparency and the second is the TRC's potential to be a truly participatory archive. Verne Harris and Christopher Merrett, in writing about South African archival practice, suggest that the right of access to official records is crucial to the development of a culture of transparency.[22] The TRC process is fundamentally about generating a culture of historical transparency that will ensure the public's right of access to a past that has been, until recently, unacknowledged and hidden from view.

For Jacques Derrida, writing in *Archive Fever*, "[e]ffective democratisation can always be measured by this essential criterion: the participation in and access to the archive, its constitution, and its

interpretation".[23] The second important archival feature of the TRC process is its potential to be a truly participatory archive. The way in which the TRC was established has allowed each and everyone in South Africa the potential to contribute to the TRC archive. The statements and testimonies of victims and perpetrators of violence constitute an important oral archive of memories of apartheid-era history.

But the participation in the constitution of the archive is not sufficient for effective democratisation of the South African nation to take place. Access to, and interpretation of archival material is equally important. What the TRC has to think about, in providing access to its archive and offering interpretations of its archival material, are mechanism to reconcile the image and vision of Benzien's demonstration of the wet bag method interrogation and torture, and the fact that he was granted amnesty. In TRC photography, the performative body becomes a vehicle for spectacle. In the construction of an archive of violence, where material so easily takes on the authority of 'truth', will the Benzien narrative eternally remain one of spectacle?

To what extent will the TRC archive produce and embody the performance of spectacle? What do the photographs of Benzien do to a sense of the visibility and invisibility of his amnesty narrative? What does this visibility and invisibility mark? What is absent, in terms of the violence that is represented in photographs such as those of Benzien demonstrating the wet bag method of interrogation and torture? These are just a few of the questions that need to be asked of the makers of the TRC archive. They are important questions because, as Allen Sekula suggests, the archive not only authenticates the truth

claims of the photographs, but is also embedded in the photograph itself.[24]

## IV. CONCLUSION

Between the disbelief and grief, the TRC, as a mechanism of self-scrutiny, had to not only wrestle with the heavy questions of forgiveness and responsibility, but also to grapple with the extent to which reconciliation was dependent upon offering forgiveness and acknowledging responsibility. The emotional cost associated with each of these acts and gestures, the shame, humiliation and betrayal, the benign disacknowledgement and open dismissal, have all made the TRC one of the most contested sites of post-apartheid identity in South Africa.

As the TRC's payoff line – 'Truth, the Road to Reconciliation' – quite rightly suggests, the generation of a narrative 'truth' (in whatever form) is but the first step in a long journey towards reconciliation. What is going to take these testimonial performances beyond their 'truth', towards a proper sense of healing, is the construction of an archive that engages the problems and limitations of the 'unofficial' archives in ways that negate the spectacle that has been so much a part of the TRC process. In the media's spectacular commodification of body and performance, meaning becomes overpowered by silence. In the construction of its archive, the TRC has to guard against this silence. This particular vigilance of archivability is crucial in ensuring that the 'road' to reconciliation, to healing, remains unobstructed.

There is a need for vigilance against what the Benzien press photographs are bending towards. In the representation of violence,

the recuperation of memories of violence (whether overt or covert), there is a precarious relationship between history, memory and representation, where a number of slippages occur between the original act, its embodiment in performance, and its re-presentation in photographs. What do slippages do to a sense of culpability, responsibility, and complicity?

This essay is an attempt to understand the moments of public disaffection with the TRC through a discussion of visual images as representation and narrative. When Archbishop Desmond Tutu, the Chairperson of the TRC, thanked "the electronic and print media for helping to tell[...]the stories", little did he realise the narrative implications of this statement.[25] The complicity of media spectacle in the creation of a space of disaffection for the TRC process needs to be addressed in the construction of the TRC's archive.

In the space between memory and amnesia, between the trauma of memory and the comfort of forgetting, how do we re-represent the TRC without turning it into spectacle? It is imperative that the complicity of contemporary practice in the past is interrogated, especially the extent to which the invocation of a contemporary is a negation of the past (or vice versa). Linked to this is a critical urgency to theorise the archive not only as an assumed space of uncontested memory, but also as a site of retribution. And not forgetting, of course, who speaks in the name of archival recuperation.

**NOTES**

[1] South Africa's TRC, a government commission established in terms of the Promotion of National Unity and Reconciliation Act (1995), is but one of a number of

examples of transitional justice in post-WWII global politics. Intended to be restorative rather than retributive in nature, South Africa's TRC solicited oral testimonies from perpetrators and survivors of apartheid-era political injustice in order to generate a series of archival moments in South Africa's post-1960 history.

[2] The cloth bag used in this method of interrogation and torture was a prisoner's property bag, normally used at police stations to hold the prisoner's loose articles of property for the duration of his/her arrest. For the purposes of the interrogation, the bag was submerged in water to make in thoroughly wet. It was then placed over the head of the handcuffed victim who was lying facedown on the ground. The bag was twisted closed to cut off the air supply to the victim. The bag was released when the victim was prepared to answer the interrogator's questions. Benzien claimed that, using the wet bag, it seldom took longer than 30 minutes to extract information from victims.

[3] Full transcription of TRC amnesty applications can be found at the following website: http://www.truth.org.za/amnesty.htm

[4] Benzien is currently a captain in the South African Police Services' air wing in Cape Town. He was granted amnesty by the TRC in February 1999.

[5] Antjie Krog describes Benzien's demonstration as "one of the most loaded and disturbing images in the life of the Truth Commission". See Krog, *ibid.*, p.73.

[6] Sander Gilman, 1995, 'Truth seeking, memory and art: comments following four weeks of life in the new South Africa', in Allan Boyer and Candice Breitz (eds.), *Africus Johannesburg Biennale* catalogue, Johannesburg: Transitional Metropolitan Council, p.36.

[7] The TRC solicited some 20'000 statements of human rights violations and a little more than 7'000 applications for amnesty. While only ten percent of the statements of human rights violations were heard at public hearings, all of the applicants who met the requirements for amnesty were made to appear before the Commission. Over half of the amnesty applications received by the TRC were refused administratively for the following reasons: the applicant denied any guilt, the act for which the applicant sought amnesty was not politically motivated, the act was outside the jurisdiction of the TRC, and/or the act was outside the stipulated cut-off date (1st March 1960 to 10th May 1994).

[8] Shoshana Felman, 1992, 'The Return of the Voice: Claude Lanzmann's *Shoah*', in Shoshana Felman and Dori Laub, *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History*, New York: Routledge, p.208.

[9] Felman, *ibid.*, p.206.

[10] Allen Feldman, 1991, Formations of Violence: The Narrative of the Body and *Political Terror in Northern Ireland, Chicago: University of Chicago Press, p.7.*

[11] According to Antjie Krog, over 200 journalists from 16 countries, more than 20 foreign television crews, and 100 news agencies worldwide have been accredited by the Truth Commission. See Antjie Krog, 1998, *Country of My Skull*, Johannesburg: Random House, p.243.

[12] In the representation of the TRC process in the media, the common image of amnesty applicants was that of the passive, stone-faced individual listening to the accusations being made against him.

[13] The narratives of criminalisation and decriminalisation established by the TRC operate differently in the various hearing. One of the strengths of the TRC's human rights violations hearings is that the apartheid victim's once criminalised body undergoes a process of decriminalisation through the performative reconstruction of violence and violation, a return of 'citizenship' (in the sense of 'officially' belonging) to the once-criminalised victim. The amnesty hearings, while more contested,

invoke a similar process in that the TRC decides whether the criminal acts of agents of the State - 'criminal' at a fundamental level in the sense of apartheid being characterised as a crime against humanity - should be decriminalised (and the perpetrators granted amnesty) by virtue of them being politically motivated.

[14] Guy Debord, 1994(1967), *The Society of the Spectacle*, New York: Zone Books, pp.12, and 14.

[15] Michel Foucault, 1991(1975), *Discipline and Punish: The Birth of the Prison*, London: Penguin Books, pp.10-14, 217.

[16] Feldman, *ibid.*, p.136.

[17] The volunteer who played the part of the 'victim' in Benzien's demonstration of the wet bag method of interrogation and torture was Mncebisi Sikhwatsha, an ANC Youth League leader.

[18] An example of this narrative is Yengeni's often-repeated question: "[...]I want to ask, just as he is in that position [demonstrating the wet bag method], at what point does he release the bag for more air?" Both this and the Chairperson's response - "Will you just show how you release it? Put it on again. Yes, and now you must show how you release it" - are indicative of the extent to which Benzien's demonstration became an obsession with visualisation. Another example of the narrative is Yengeni, a short while later asking "if we are under that kind of wet bag and we are being choked by that bag, how do we react at that point?" Benzien, through an interaction with Yengeni and the Chairperson, described the muffled physical reaction to choking and suffocation.

[19] Roland Barthes, 1994(1981), *Camera Lucida: Reflections on Photography*, New York: Hill and Wang, p.91.

[20] While the TRC released its five-volume report in late 1998, the work of the Amnesty Committee of the TRC will only be completed by mid-1999.

[21] Amnesty, in distinguishing criminal from political acts, associates criminality with individual, personal motives and political acts with institutional or state sponsorship. There is a certain irony to this in that the TRC, preoccupied as it is with personal experience, attempted to individualise what is in essence an institutionally driven history.

[22] Verne Harris and Christopher Merrett, 1994, 'Towards a Culture of Transparency: Public Rights of Access to Official Records in South Africa', *American Archivist* 57 (Fall), pp.680-692.

[23] Jacques Derrida, 1996, *Archive Fever: A Freudian Impression*, Chicago: University of Chicago Press, p.4.

[24] Allen Sekula, 1989, 'The Body and the Archive', in Richard Bolton (ed.), *The Contest of Meaning: Critical Histories of Photography*, Cambridge, Mass: The MIT Press, p.374.

[25] Human Rights Violations Committee Hearing, East London, 8th April 1996.