Articles

Archives, Truth, and Reconciliation*

ALBIE SACHS

RÉSUMÉ Cet exposé du juge Albie Sachs de la Cour constitutionnelle de l'Afrique du Sud (*South African Constitutional Court*) évoque sa « fièvre des archives ». *Archivaria* a demandé à Verne Harris de la Fondation Nelson Mandela de préparer une brève introduction.

ABSTRACT This lecture by Justice Albie Sachs of the South African Constitutional Court recounts his "archive fever." *Archivaria* asked Verne Harris of the Nelson Mandela Foundation to prepare a short introduction.

Justice Albie Sachs is an extraordinary human being. And the 2005 lecture by him reproduced here is an extraordinary reflection on the societal space we name "archive."

I first became aware of Albie Sachs in the 1980s. At that time he was a member of the African National Congress (ANC) in exile, a former human rights lawyer who had left South Africa after being detained twice by the Security Police. I knew of, but had not read, his The Jail Diary of Albie Sachs. *Then, in 1988, Albie was in the headlines when he was very badly injured in a car bomb explosion in Maputo. The bomb had been planted by an agent of the South African security establishment. Over the next two years, not only did Albie recover from his wounds, he also made unique and compelling contributions to public discourses in and about South Africa. His 1989 ANC discussion paper "Preparing Ourselves for Freedom" was published in South Africa the following year, stimulating widespread debate in South Africa's "arts"*

* This paper was originally read as the first National Archives Lecture on 24 October 2005 in Beveridge Hall, Senate House (University of London). It was sponsored by The National Archives (TNA), London; and the School of Advanced Study at the University of London. This lecture was a joint endeavour of the TNA and the School with the support of the Arts and Humanities Research Council (AHRC) in the United Kingdom. Only Justice Sachs' text is reproduced here. The complete transcript of the event, including opening remarks and the questions and answers that followed the paper, are available through the School of Advanced Study. *Archivaria* is grateful to Justice Sachs for his kind permission to publish his lecture.

and "culture" sectors. Some of the debate was represented in the 1990 book Spring is Rebellious. *Also in 1990 appeared Albie's* The Soft Vengeance of a Freedom Fighter, *a searing account of the bomb attack and the personal journey it inaugurated.*

In the period 1990–1994, as South Africans negotiated a transition to democracy, the voice of Albie Sachs was prominent. Even archivists caught up in the debates around memory institutions and memorialization heard his voice insisting that South Africans must imagine a future beyond resistance to apartheid. During this period Albie was a member of the ANC leadership, engaged in the treacherous business of securing a settlement, which would enable that future to be made. A future made on the foundation vouchsafed *by a democratically adopted Constitution. It was fitting, then, that Albie was later appointed as a judge in the country's new Constitutional Court. In this position he has served South Africa well. And has continued to offer wise contributions to the discourses informing endeavours to make a future with the past.*

An extraordinary person. With extraordinary stories to tell, and ideas to share.

The fulcrum of Albie's 2005 lecture, in my view, is his account of "the worst moment of my life." It is not the moment defined by the bomb. It is the moment his Security Police interrogators finally broke him down when he was a young detainee. Years later, Albie recalls, he discovers an archival record of that moment. The discovery at once affirms his experience, validates it, and demonstrates how utterly incapable the record – any record – is of "capturing" the rich complexity of experience. And the discovery also reveals how "the record" always offers both healing and the preservation of pain.

So, the fulcrum is an "archival" moment. Around this fulcrum Albie hangs interfolding layers of narrative and analysis: the nature of "truth"; South Africa's Truth and Reconciliation Commission; his finally meeting the man who attempted to take his life with the car bomb; the play of history with memory, knowledge with acknowledgement; and South Africa's Constitution as archive. He ends by suggesting the need for all memory work to embrace paradox. And for archivists to be the custodians of uncertainty. He is, by the end, clearly suffering from the dizziness of fever.

Archive fever. Jacques Derrida's "archive fever." The fever Albie declares as he opens the lecture.

As an arch-derridista – one of Albie's more or less dramatic labels for me – I cannot but be delighted that Albie has succumbed to archive fever. In truth, though, he has always suffered from the fever. We've seen it in his long and feverish desire for a just South Africa. For a beautiful justice to be cherished in South Africa. (The archive, for Jacques Derrida, is always about justice, and resistance to injustice.) So Albie has always been speaking to archivists. But now he does so directly. He invites us to make the future while holding

uncertainty. He invites us to be bold, and to be humble. And to cherish the beauties which spring from paradox.

Verne Harris
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I should have told the organisers that I woke up this morning feeling extremely queasy and everything around me seemed a bit unreal. I would reach for something and just as I was about to seize it, it seemed to disappear. So naturally I was quite alarmed and I went to the doctor and the doctor looked at me and said:

"You're from South Africa aren't you?"
And I said, "Yes."
He said, "I can tell from your accent, and I can tell from just the way you're relating these symptoms to me; immediately I know what your ailment is, it's endemic in South Africa, I'm sad to say it's incurable, but it can be managed."
And I said, "Well what is it?"
And he said "It's archive fever."
"I've had many patients from South Africa with that ailment, he continued, and I'm not surprised, because people entering the realm of archives feel they're entering a realm of security where facts are facts, where things are collected and classified in a completely neutral way, where there's no hierarchy of importance, and chunks – nuggets – of social reality from one period are stored forever, for examination, certainly for as long as the materials last. And instead of feeling more secure as a result of entering this realm, they find themselves totally displaced. To begin with the documents are as partial as you can get. They were documents that were collected by a ruling minority, confident and assured in relation to its right to rule, and not only to rule but in the right to record their own history, the story of the world in which they functioned, from their own point of view, which they saw as the natural point of view. As for the majority of the population, they weren't agents of history, they were subjects of anthropology. They didn't live in time, but existed as units of unchanging social structures. And if any information at all was collected from what were called the native people, it was assembled not with the view to understanding their society as it understood itself, but with a view to more effective administration through cooptation, control and subordination. And so this apparently neutral collection of documents called the archive immediately appears to be as partial as you can get. The silences become far more dramatic than the speech, the absences from the record more resonant than anything you read. You want to know what has been left out but how do we find out what's not there? How can we interpret what is there without knowing about the silences and the gaps? And to make it worse, huge quantities of these documents that would seem to be particularly revealing were destroyed, deliberately intentionally destroyed, to ensure that the picture that came through was a partial picture of a partial picture. Can you be surprised that your head seems split and your vision blurred?"

The doctor asked. "If that's not enough," he continued relentlessly, "Jacques Derrida came to Johannesburg at the height of the ferment and left behind him a blazing trail of contestation and irreverence. It was he who introduced the very words 'archive fever'. The very act of taking a document, a piece of information, and placing it in a file is in its own way betraying that document as a source of information. You're detaching it from its context, you're placing it in a different context, you're giving it an eternal real life of its own, when in fact it had a transitory, integrated consequential relationship with the context in which it was generated. A severed limb has all the physical features of an arm or a leg, but its formaldehyde immortality is its functional mortality. It no longer moves, feels pain, touches the ground or the arm or the leg of another." The doctor looked sadly and sympathetically at me.

I felt disturbed. As anybody here would know, archive fever is very, very contagious. And if that wasn't enough, archivists found themselves confronted by people from the Liberation Movement, saying:

The only reference to us, fighting for the rights and majority of the people, in the documents that you claim to be neutral, are to us as a group of gangsters, terrorists. We are seen through the optic of police investigations aimed at destroying us. Everything we say and did is collected, not with a view to honouring what we stood for, but with a view to prosecuting us, maybe sending us to the gallows. The information is all distorted.

On the other hand our own story of ourselves is not there at all: it was forbidden even to quote the whole list of banned people, it was a criminal offence to distribute their materials. One needed permission as a librarian to have a copy of *Justice in South Africa* by Albie Sachs, PhD, University of Sussex, my thesis, and it wasn't easily granted.

If that's not enough, other voices are coming forward:

"What about the oral tradition? That is how memory is transmitted amongst our people: stories, parables; through oratory, praise singers; multiple different ways of interpreting legends, family narratives and stories from the Bible, tales passed from grandparents to parents to grandchildren, from generation to generation. A rich store of information and knowledge, it's not in the archives at all."

And then people say, "Well let's go out and collect that information."

You don't know where to start, it's millions of people with millions of stories and even if you concentrate, then the ultras will come along and say, "But you're simply seeing these memory systems as potential evidence to be recorded in an archive, and you're destroying the orality, you're destroying their connection, you're detaching them from their own context."

No wonder you feel in a state of crisis, even when you're trying to do good,

people say you're not doing it well enough. And then there's a very strong women's movement, who is saying, "We're looking through these archives, going back to written records, from the Portuguese sailors, the Dutch sailors, the first Dutch settlers, the Governors, the Colonists, the Missionaries; there's no voice of women at all. Women weren't there, one doesn't know how children came unto the earth, how things were done; it's a voice that's completely absent, even from the records of the rulers of those in charge of society and the so-called subaltern voices just aren't there at all." And so you're left with what looks like a rather pitiful collection of documents that formerly you were so proud of because you were guarding them for posterity and you feel in a state of crisis and you wonder, what can we do now? We can't recapture so much of the past that's been lost, we have millions of people with their memories and their stories, how do we make sense of them? How do we integrate them? How do we give genuine dignity and equality to this precious function that we're undertaking?

And so the doctor said to me:

"You can see: it's endemic and it's incurable, but there is hope; it can be managed and I happen to have a very good medicine which I'm going to give to you … and I want you to open it at the right time, not straight away."
And he said, "I must warn you the symptoms of Archive Fever can be quite bizarre, when you've got the fever you lose the certainties, even when you're making a prestigious lecture in one of the top universities in the world, you're likely to start confusing fact with stories, with parables, with memories and watch out, you might even (with a view to showing the multiplicity of influences that form part of popular culture and memory), you might even break out into song."
"Sing," I said, "I'm a judge, judges don't sing!"
"I've warned you," he said and he gave me the medicine.

After leaving him, my mind went back to the worst moment of my life, I don't know if it's good or bad to be able to identify with such certainty the worst moment of one's life, it wasn't when I was blown up: the survival – the recovery – from the bomb was basically joyous. It was lying on the floor of Caledon Square Police Station, in Cape Town, during my detention without trial (solitary confinement), having collapsed after days of interrogation, through the night, been given some food which subsequently, I believe, had some drug in it. Trying to hold out, trying to hold out, trying to hold out and eventually feeling my body is fighting, my mind, my spirit, my will, the sleep is so intense I just collapsed onto the floor. And suddenly the security interrogators who'd been taking it in turns, coming, going, coming and going, working in shifts. There's a great urgency and they all collect and I'm lying on the floor and I just see these shoes, brown shoes, brown shoes and black shoes moving quickly around me and I feel water pouring upon me and I'm lifted up

and I sit on the chair and I close my eyes and I feel heavy fingers pushing my eyes open and I sit for a while and I collapse onto the floor and the same thing is repeated three or four times and eventually I just sit and sit and sit. And eventually they know their moment has come and something inside me has broken. Broken not because I wish it to break, not because I'm convinced, simply my body is too weak. I've been overborne by the superior organisation, power, compulsion of those who are defending Apartheid. And eventually a few hours pass and I'm trying desperately to control what I'm going to say, to retain at least a few shreds of my dignity, to betray as little as possible. It's hard to think, I'm desperate with exhaustion and the Captain Swanepoel in charge, starts and I begin, like a well-trained lawyer, "I'm making this statement under duress," I describe the circumstances, the collapsing on the floor. He writes it all down, fairly patiently, and then he starts the questions and I give some answers, trying to control but feeling destroyed inside myself.

I've never got over that. I've got over the bomb, soared above and beyond that. I've never got past that moment of just total personal humiliation, and what intensified it for me was a vague memory that somehow Captain Swanepoel had travelled those pages around, rewriting something and in my tiredness getting me to sign something else. And afterwards I realized that even my rather feeble protestation that I'm giving – "this statement under duress" – has evaporated. So on top of the humiliation there's a kind of macho feeling that he outsmarted me.

A month ago I went to the National Archive in Pretoria, at the invitation of Graham Dominy, the Chief Archivist. I had been told a joke about archivists that an archivist – and like many jokes it's a total stereotype – an archivist is somebody who found that being a librarian was too exciting; and then the joke went on and said the definition of an extrovert archivist is someone who, when he's speaking to you, looks at your shoes rather than his own. So I expected to see people in that mould and in fact I saw in the Archive, people like you see in South Africa, shes as well as hes, younger people, older people, very ebullient, very bright, very accessible, happy to have me there, staying after hours, to give me information and we had a marvellous free and easy dialogue. And eventually I said:

"Well, do you happen to have anything on Albie Sachs?"
And they came back and said, "No."

And I felt quite dismayed, "Am I not important enough to be in these Archives?" And eventually they looked under Albert Sachs – my proper first name Albert Sachs on my passport, birth certificate – and they gave me a file and I looked through the file with a kind of fascination. These were real documents from that time. Some of the earlier ones would say, would end up, they were from the Ministry of Justice, "I place you under restrictions, you can't

leave the magisterial district, you can't associate with more than two people at any time, you can't go to schools, you can't go to factories, you can't go to the docks, you can't, you can't, you can't," and this was for five years, "I remain your obedient servant, sir."

And then I see there's a report from the Magistrate, and I think it's a carbon copy and it says, "The person I interviewed in his cell complained to me that …" and there is the full report of being kept up all night, of collapsing on the floor with my eyes being prised open and I had forgotten that I had complained afterwards, when I had a chance to see a magistrate. I felt quite wonderful. It made no difference: I'm still a member of the Constitutional Court, we've got our Constitution, but me, Albie, just felt a moment of my life that had been wiped out and denied, the worst moment of my life, where my voice had been silenced completely, where I'd been turned into an instrument against myself, where that tiny little bit of moral recuperation I had attempted at the time, had been recorded. It was on record. It was there. I thought, "This is a most wonderful introduction to the brief that I got." "Speak to archivists about the role of recorded documentation organized in exposing the injustice of the past, in achieving democratic accountability, in enabling the truth to flourish." How I wish, how I wish I could fulfil that brief. If I was a barrister, I would have to return the brief, although I believe that's hardly known in history, where I can always find something to say. I thought about our Truth Commission, which was meant to be the centre of this whole enterprise and it did play an extraordinary role in our history, in the life of our country, without doubt.

But the role of the Archives was almost minimal. There were more fights about the Archives than information coming from the Archives; and it's partly because the key Archives had been destroyed, but it wasn't just that. The strength of the Truth Commission didn't come from records; it came from personal testimony. It came from the voices of people who'd suffered pain themselves, their pain being acknowledged and they were having the chance in front of the TV, which was one of the great validating mechanisms of our contemporary society, listened to on the radio, in their own language, saying, "What's happened to me, what's happened to my son, to my neighbour, to my father, to my mother." It was the strength of the oral testimony, it was the tears, it was the hymns that were sung in the morning in the Townships, it was the trumpeting of the people next to those testifying, it was Desmond Tutu putting his head down and crying at a certain moment, it was the texture of the voices, not just the words. And the truth just came pouring out, almost lava-like in one part of the country after the other. And it wasn't only truth about violations and crimes by the old security apparatus. It was truth about violations by the ANC, to which I had belonged … violations by other organizations saying they were fighting for freedom, coming into a church and shooting at people. It was across the board, overwhelmingly state violence,

but not exclusively. And I was concerned. As lawyers we deal in truth; we earn our living in a way from the organization, the presentation of truth, and deductions made from it.

Why does so little truth, reliable convincing truth, seem to come out in a court of law? And the truth was coming out in huge volcanic eruptions, flowing into our consciousness – our psyches – through this other kind of a process. And to help me through this I invented – elaborated – four kinds of truth. The first is what I call microscopic truth. You define a field, you establish the variables and you measure the interaction between them over a period of time. And that can be positivist truth in science; it can be legal truth in a court of law, where you determine the nature of the investigation; and the evidence is allowed in; and inferences are drawn according to certain degrees of credibility – reliability – to arrive at certain conclusions. And then you've got logical truth: that's the truth implicit in a proposition, a statement. And I assume logical truth really comes from the capacity of language to generalize from human experience, to come out with certain strong propositions that stand the test of time, of usage: so one and one makes two, and we can be fairly confident about that. And most legal work involves combining microscopic truth with logical truth, and it's not inappropriate because we are concerned with attributing forms of responsibility and so our concern is not primarily with truth, as such, but with proof: proof that within a certain framework that society regards as appropriate and sufficient for the imposition of punishments and the division of property, and is a well-tested and highly necessary, condition for dealing with truth in a court of law.

But that wasn't the way the Truth Commission worked. If it had relied primarily on documentary sources, they would have been the main materials handed in and then there would have been some corroboration from eyewitnesses and participants. It didn't work that way. What we got was what I call experiential truth. It's story telling. It's analyzing your experience of a phenomenon in which you've participated. I got the notion from Gandhi, *My Experiments with Truth,* when he was locked up in the Old Fort Prison in Johannesburg where we now have our new Constitutional Court. The prisoners of Indian origin were ordered to wear caps like the black African prisoners and his colleagues refused and Gandhi said, "No, we must wear these caps; if we want to understand what life is like for those who are the most marginalized amongst us, we must experience life as they experience it." And they wore the cap and he said, "We'll wear that cap with pride, as a badge of honour." And when he went to India he took the cap with him and the Gandhi cap became the symbol of the freedom struggle in India. He had interrogated, questioned his own experience, his own reaction to being subjected to a form of humiliation, and drawn certain conclusions from it and for most of us, for most of our lives experiential truth is what guides us. We don't take out rulers to measure things. We act on our experience of life and we infer things from that.

And then the fourth is dialogical truth. And that is the whole mix of evidential, testimonial, experiential, the truths of many people being interpreted in many ways; and it's never ending. So whereas experiential truth is very particular to an individual or community, dialogical truth is absolutely inchoate; it's never ending. And the Truth Commission was basically about experiential and dialogical truth and that was its strength. It was its emotion, it was seeing on television people you could identify with, hearing voices that sounded like voices of your neighbours, people you'd been to school with – which you can't get from a document, you don't get from a document. The strength of the document is its impersonality, its objectivity. Its weakness in this context is precisely that, the voice, the texture, the emotion, the rhythm, the relationship to other materials, its place in the context in the story get lost.

It's been said that what a Truth Commission does, or what our Truth Commission did, was to convert knowledge into acknowledgement. Knowledge is data, facts, information. There was very little that was actually new from that point of view. The number of people who disappeared, who had been killed, that they had been tortured: this was all known. It was known in a factual way. Acknowledgement meant acknowledging the pain, listening to the pain, responding to it. It meant acknowledgement by those responsible: "I did this. I did that. These were the circumstances. I'll ask for amnesty." It meant acknowledgement by the country as a whole: "These things happened. We acknowledge that these things happened. It wasn't just something that some people say happened and others deny." Acknowledgement involves doing something with the information. Connecting it with the world you live in: "What would I have done? What can we do to stop these things from happening again? Where would I – which side would I have been on? Would I have had courage? Could I have done this to someone else? What makes human beings do these things?" It's a much broader kind of investigation that can be triggered and prompted by the facts, by the data, but won't be explained or understood, and can't be interpreted simply by the facts alone.

And so one comes across this whole debate on the difference between history, which states authoritatively, "This happened, that happened, these were the causes"; and then you get a counter-history saying, "Well it wasn't quite like that, the causes were different," but always with authority and certainty and memory. And memory, by its nature is inchoate, it's fluid, it's full of contradiction and mystery, it's musical, it's intensely uncertain, uncertain by its very nature.

And so this is a kind of a dialogue, a contrapuntal relationship that to my mind runs through the whole analysis of the role of archives. If you claim the archives tell the story, they do everything and maybe you've got to fill in a few gaps and maybe with a little bit of astute interpretation you can correct some errors, I think you're involved in a futile activity and you're loading too much onto the archives and you'll crush what is there, what is stable, what

should endure, what really matters under the weight of an interpretation that it can't bear and shouldn't try to bear. If, however, you simply rely on memory as something totally subjective, what everybody thinks and feels independently of verifiable information and facts, then you are also in the realm of a kind of a dream world, which has its own tenacity and its own significance for participants, but is also unreal.

I decided at this stage it's time for my medicine. I unwrapped it carefully and there was one of these little slips like you get in Chinese, what are they called Lucky Fortune Cookies. And it said, "The work of an archivist is based on paradox. The very act of abstracting a document from its setting to preserve it forever is to destroy a portion of its authenticity while creating a new kind of authenticity." It wasn't quite as long as that.

And the doctor said, "There are two ways of responding to paradox. You can deny it, at your peril, or you can embrace it. And that applies, I think, to all social sciences, and my advice to you, as your good doctor, is embrace paradox. Don't try and suppress it, acknowledge that that tension is there, that it's built into the very nature of your endeavour and see how you can utilize that tension to achieve the objectives that brought you into this field in the first place."
Well I thought, "That's lovely moral advice, but what's the elixir that's actually going to help me?"
And he said, "There is an elixir. It'll work for you but not necessarily for other people. It's something that draws heavily on the past in a very intense way. It congeals; it reduces certain essential aspects of past experience, in highly concentrated form and redeems it through that very act of concentrating that experience, placing it in a new context."
And he said, "It's called the Constitution. The Constitution's been called a bridge from the past to the future but it could also be seen as an archive, an archive of history up to a certain moment, organized in a certain way, to ensure that all that's valuable in the past can be retained and used as a basis for preventing repetition of the pain, the hardship, the injustice."

Being a judge in the Constitutional Court, I was naturally very pleased to receive this advice and immediately I took out my copy. And I wouldn't say I held it close to my heart, and I just thought, "What does this mean? What does this document mean to us in South Africa?" And I thought with great amusement when we are sitting in Court, eleven judges with our long robes and counsel is arguing a point before us and the books are piled high and the heavy files and the books, with leather-bound books, and they search through it and they pick up this lovely little pocket book and I think,

Isn't it marvellous our Constitution is in this convenient form with a bright picture on the cover, accessible to anybody who wants to use it, used all over the country; and

they don't think of the dangers and the possibilities because, like any archive, if the Constitution becomes a monument, if it pertains that it's recorded our history in a way that our history stops, we've reached it, we've got, we are now living in a just society because we've got this Constitution; then it's guilty of that very objectification, of that very claim to eternal verity of the documents I'm speaking of. If, however, a constitution is a memorial that consecrates at a certain moment, but opens the way to future development, to future interpretations, then it doesn't have that risk.

And so there might be certain values of freedom, human dignity, equality, that are eternal, but we can never say we've achieved justice, that it's there. It's never-ending, it has to be searched for; this document has to be interpreted; new life has to be given to it all the time.

I decided to test my new confidence and vigour against another personal experience that also connected with the theme I'm discussing tonight. I received a phone call in my chambers at court: "There's a man called Henry wants to meet you." I said, "Send him through." I was very eager to meet Henry, because he had phoned me to say that he had organized the bomb in my car and he was going to the Truth Commission. Would I see him? I opened the door and there was Henry, a bit shorter than myself, also thin, looking at me, I'm looking at him. So this is the man who tried to kill me. And he's looking at me, "So this is the man that I tried to kill." We've never met each other, we've never fought, we didn't have disagreement over anything, but he tried to exterminate me. We talked, we talked, we talked. I remember as we walked to my chambers, he had a stiff military stride and I tried to slow him down with my best judge's ambulatory stroll. And he shuffled on the way back and I said, "Henry normally when I say goodbye to someone I shake their hand. I can't shake your hand, but go to the Truth Commission, tell them what you know and maybe one day who knows." I closed the door and he went away and I forgot about him completely. We were very busy at court, as my colleagues here will know. It consumes you totally, the work you're involved in, until you come to the next case and that consumes you. It's a very wonderful, enthralling, tiring but exhilarating life and I'm at a party one day and it's end of year and the music is loud and I hear a voice saying,

"Albie."

My God, it's Henry and we get into a corner and I say, "What happened, what happened?" And he is elated and he said, "Well I got in touch with the Truth Commission and I was interviewed by Bobby and Sue and Farouk."

He's using my first name Albie and Bobby and Sue and Farouk, people who were in exile with me who also might have been victims of the bomb – first name terms – and he said, "You told me that one day."

And I said, "Henry I've only got your face to say that what you're telling me is the truth."

And I put out my hand and I shook his hand. And he went away absolutely elated. I almost fainted.

Afterwards I received a document from the Truth Commission. There was a story by Henry. What did I feel about his application for amnesty? And I said, "Well if he's helping the Truth Commission and he's telling the truth, I have no objection to his getting amnesty." And not many of the paramilitaries to which he belonged actually came forward. He came forward. And I heard afterwards that in his story he had said that in fact the bomb had been put in my car but had been intended for a friend of mine, Indris Naidoo, and I was very indignant at that. And Indris got to hear and he was going around saying, "You know that bomb for Albie? It was meant for me," and I'm saying, "No, no, no it's my bomb." And he was saying no it's his bomb. And I thought how curious this whole thing is. And then I want to go into a whole explanation that maybe it was originally intended for Indris, but Henry had dropped out of the case and it couldn't have been because I was going to the beach on that day and there was no way in which Indris could have possibly driven the car … And nobody's interested, no one's listening, I'm worried. And then I think, "Well that's what's recorded in the records of the Truth Commission forever. In a thousand years time someone's going to think that bomb was meant for Indris Naidoo and not for me." And then I also think, "You know there is a record, there's just a statement by him. It says nothing about our meeting, it says nothing about the handshake, it says nothing about the emotional relationship. How valid is that document?" And then I reflect a little bit more and I think it is valid. Just because the whole truth isn't there doesn't mean a fragment of the truth isn't worth something. And in some ways I feel a little bit of my personal history is recorded, maybe not in the form that I would like and maybe leaving out all the texture and the emotion, but there's something there, just a significant moment of my life is in that record. It's going to be kept in proper material form, one hopes. It just gives me a little bit of dignity, if you like, that these things didn't just happen unnoticed, unregarded.

And then I think a little bit further. It's true the Truth Commission itself didn't rely heavily – in fact it relied hardly at all – on documentary evidence. Sometimes it was used when security officials twisted the truth in an abominable way and there were records to contradict what they were saying. But it wasn't the source, like the records of exterminations were the source of the Nuremberg Trials; it wasn't like that at all. But there was a case earlier: my colleague Richard Goldstone, who was head of a commission into violence in South Africa, got wind of the work of the hit squads to which Henry belonged. And some very intrepid investigators landed by helicopter outside the headquarters of, it was called the Civil Co-operation Bureau, and they seized a lot of documents and with those documents many names were named and they were able to get witnesses and the witnesses were sent to Denmark to be in secure hands, not to be

beaten up or pilloried or anything, just to feel completely safe. And an exceptionally well-prepared trial took place in the High Court in South Africa and a certain Eugene De Kock, who was the head of the hit squads, he was nailed and when he was nailed he decided he was not going to go down silently. And that same precision and accuracy and attention to detail that he'd used when killing opponents of Apartheid, he used now to denounce the people who had sent him on these missions, who had praised him, who had rewarded him, who had drunk beer with him, who had attended barbeques grilling the sausages and meat only a hundred, two hundred metres away from where the bodies of people they had murdered were being burnt. That image, the whole of South Africa knew about it, it destroyed Apartheid. And any Apartheid morality that Apartheid might have claimed was destroyed by these very vivid images coming from the mouth of the accused person himself. And he went to the Truth Commission afterwards and he again told these stories: so we had that combination, the documentary evidence at the beginning, making it possible to get witnesses who couldn't easily lie their way out; but then you had to secure those witnesses from intimidation and being terrorized and the evidence had to be properly presented. And he went to court and he was found guilty and he was sentenced to very, very long terms of imprisonment, getting some of it remitted because of the amnesty under the Truth Commission.

And so one can see: if it hadn't been for the threat of prosecution, the credible threat of prosecution as proved by that case, and the threat of prosecution based initially on the documentary evidence, none of the others would have come forward, or very few of them would have come forward to testify from their own mouths about the crimes that they had committed.

The moral of this investigation for me is that there is an extremely honourable and necessary role for anybody dedicated to capturing, preserving, recording documents, dealing with those in power, dealing with the actions of the ruling group, whoever they might be. If ever you want to hold power accountable you need access to the documentation. In this case it wasn't brave archivists working for the hit squads who kept those documents. On the contrary, it was brave investigators who captured, who seized them. But the fact is the documents then had to be stored, they had to be classified, they had to be interpreted. And I feel as long as the function of archivists is seen as doing what archivists do well – and that is having criteria for selecting certain key documents, being transparent about those criteria, preserving them, conserving them, making them more accessible, getting rid of this terrible secrecy – Why shouldn't we know what motivates government? Why must we assume that government is based on dissembling and lying and cheating? It's a horrible kind of concept that underlies the very notion of privacy of government documents. Why should they be able to do one thing? And I'm not speaking about any particular government in any particular country, I'm speaking about a principle of government in the world. Why should they be able to have a real

reason for doing something and give a different reason to the public? I just feel intrinsically there is something wrong with that. And it might be that, given the intensity of the political game and the advantages that can be secured from manipulating information in a partial way, you do have time constraints but they should be limited to the necessities of the situation. It shouldn't be an assumption that government documents are secret and you need a justification for revealing them. The assumption should be the other way round. And that means every archivist, whether you're working in a government agency, for the cabinet, whether you're working in the national archives, whether you're working for a private company, has a duty of integrity to be honest, not to destroy documents, not to allow people to get away with things they shouldn't be allowed to get away with.

And I find something – and maybe it's based upon this chance discovery of that one document by the magistrate recording something from my past – there was something special about that piece of paper. It wouldn't have been the same if I'd seen it on a transcript, an electronic transcript, saying exactly the same things. It was the knowledge at that moment that magistrate had set that record of what I'd said. There was something of being in touch with real history that is remarkable, that is special, and even the most fevered of archivists, the most rabid deconstructionists, the most ardent derridistas, you give them a document with handwriting by Nelson Mandela when he was in prison and, to use the modern phrase, they go ballistic. It's actually happened. We're getting a marvellous memorial to Nelson Mandela produced by almost the arch-derridista in South Africa; some of the very skills that he's contexted are now being used by him to produce a memorial. It's going to be right next to our court on Constitution Hill. Our court itself is next to a prison. The sense of the memory of past and present infusing one another are there all the time and there will be the Mandela Memory Centre, fifty yards away from where we are. That sense of interconnection of all these different things. And the often hidden archivist, maybe not even seen by anybody, getting these materials together, organizing them and making sure that they are not going to be destroyed by nature, copying them, conserving them, is doing something very beautiful in terms of our history, something very precious. It's linking up the generations. It's doing something intensely humane. The connections between our ancestors, and we speak a lot about our ancestors in South Africa in different ways: we become the ancestors of others through these material traces and remains, impressions that are kept by the archivists and they are doing it, not for political advantage, not because they are selling the documents, not because they get money. They are doing it simply because it's there, like Everest, because it's there. They are doing it for the unborn. And I tried to think of a nice phrase to end and I'm going to use one: they are doing it, not as we used to think, to guard certainty; they are doing it to protect uncertainty because who knows how the future might use those documents. Thank you.