

## Dealing with ‘Prime Evil’ in South Africa: The Eugene de Kock Case between Justice, Reconciliation, and Memory

Georgi Verbeeck 

Maastricht University 

Maastrichto universitetas

[Georgi.Verbeeck@maastrichtuniversity.nl](mailto:Georgi.Verbeeck@maastrichtuniversity.nl)

**Abstract.** The case of Eugene de Kock epitomizes the way in which South Africa tried to come to terms with its Apartheid past after 1994. His conviction, his imprisonment, his admission of guilt, and his eventual release gave rise to a broad national debate in South Africa and also to the question of how and under what conditions national reconciliation is possible. At the same time, it is also an example of how a state can shape collective memory. De Kock’s example shows that criminal justice, as well as amnesty and rehabilitation, can promote a form of remembrance that emphasizes the role of the individual more than social and political issues and challenges. The article aims to contribute to a better understanding of the delicate balance between justice and reconciliation, as well as between justice and memory.

**Keywords:** South Africa, (post-)Apartheid, transitional justice, Eugene de Kock.

### Kova su „pagrindiniu blogiu“ Pietų Afrikoje: Eugene’o de Kocko atvejis tarp teisingumo, susitaikymo ir atminties

**Santrauka.** Eugene’o de Kocko atvejis puikiai iliustruoja, kaip Pietų Afrika po 1994 m. bandė susitaikyti su savąja apartheido praeitimi. Jo nuteisimas, įkalinimas, kaltės pripažinimas ir galiausiai paleidimas sukėlė plačią diskusiją Pietų Afrikoje bei išskėlė klausimą, kaip ir kokiomis sąlygomis įmanomas nacionalinis susitaikymas. Taip pat tai yra pavyzdys, kaip valstybė gali formuoti kolektyvinę atmintį. De Kocko atvejis rodo, kad baudžiamoji teisė, kaip ir amnestija bei rehabilitacija, gali skatinti tokią atmintį, kuri pabrėžia individo vaidmenį, o ne socialines ir politines problemas bei iššūkius. Straipsnis siekia prisidėti prie geresnio supratimo apie trapią pusiausvyrą tarp teisingumo ir susitaikymo, taip pat – tarp teisingumo ir atminties.

**Reikšminiai žodžiai:** Pietų Afrika, postapartheidas, pereinamojo laikotarpio teisingumas, Eugene’as de Kockas.

### Introduction

South Africa has often been praised as a successful model of transformation for seeking the path of reconciliation rather than revenge. In the early 1990s, the country closed a chapter of the decades-long oppression and racial segregation, commonly known as Apartheid, and paved the way for a non-racial democracy. Instead of retribution after a long history of racial discrimination and structural violence,

**Received:** 10/03/2025. **Accepted:** 30/09/2025.

Copyright © 2025 Georgi Verbeeck. Published by the [MartyNAS Mažvydas National Library of Lithuania](#). 

This is an Open Access article distributed under the terms of the [Creative Commons Attribution Licence](#) (CC BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

the ‘new South Africa’ opted for a policy of ‘forgiveness’ and ‘reconciliation.’ To heal the wounds between people, victims were asked to bear witness, whereas perpetrators were asked to talk about their past offenses. The idea was that if people spoke to each other as fellow human beings, this would provide an opportunity for healing and forgiveness, thus enabling reconciliation. This policy served the overarching goal of strengthening national unity. Despite some shortcomings, it was widely regarded as a success and served as a model for similar systems in post-conflict communities around the world.<sup>1</sup>

The South African ‘model’ was relatively new in a turbulent world where many countries were looking for appropriate ways to deal with their troubled past. Post-traumatic societies, i.e., those that have experienced a period of political or military violence, can deal with their collective past in different ways, as the Canadian sociologists Heribert Adam and Kanya Adam, among others, have convincingly demonstrated. They distinguish between six forms of coping with a traumatic and turbulent past. (1) *Amnesia* consists of a conscious policy of repressing or forgetting the past. It occurred and still occurs frequently in contexts in which the past is perceived as too painful and complex to talk about openly. The political and social consensus is seen as too fragile or not yet mature enough to reopen the wounds of the past. (2) *Trials* are generally seen as a suitable means of avoiding the lurking danger of impunity. Perpetrators are held individually accountable and the trap of vague accusations of ‘collective guilt’ can be avoided. Criminal measures against individuals can break the dreaded cycle of violence. (3) *Lustration*, or purification can help break the administrative backbone of previously discredited regimes. Instead of individualizing the question of guilt, one can try to disrupt and replace the mechanisms of an old apparatus of oppression. (4) Negotiated measures of *restitution*, on the other hand, primarily serve to provide moral or material compensation for individual or collective harm. The primary aim is not to punish the guilty, but to restore the rights and integrity of the victims. (5) The most profound method of ending a dark episode in history is *political re-education*, where the focus is not on the individual, but on the mental health of an entire society. Rarely have these attempts been successful, but at least one can speak of the intention to avoid a fatal ‘repetition of history’ by changing the mentality of an entire population. (6) Finally, processes of *reconciliation* seek a balance between punishment and reparation, between retributive and restorative justice.<sup>2</sup>

Most of these six models were not strictly separated but were applied partially or sequentially. Post-Apartheid South Africa is often cited as a textbook example of the successful application of the reconciliation model; however, it should not be forgotten that legal and judicial processes were never completely absent from the transition process. Attempts to achieve material restitution also played a role, although many observers cite the limited efforts at actual compensation as one of the reasons for the limitations of South Africa’s transition process. In all these models, the *state* plays a central role. The state can directly or indirectly influence how the past is dealt with. In addition to the state authorities, *non-state* actors also play a role, such as committed citizens and individuals, academics and clinical therapists. Non-state actors can play an equally crucial role in the comprehensive transformation process of post-trauma societies.<sup>3</sup>

Finally, the mechanisms of transitional justice often appear to be inextricably linked to profound changes in *collective memory*. What impact do political and social transformation processes have on the way individuals and society at large remember the past? How can memories play a potentially transformative role? Memory necessarily has an intermediary as a way of looking back at the past, but also as a tool for planning the future and imagining different possible scenarios.<sup>4</sup> This article looks at the case of

<sup>1</sup> See, e.g., Graybill, L. S. *Truth and Reconciliation in South Africa: Miracle or Model?* Boulder: Lynn Rienner Publishers, 2002.

<sup>2</sup> See Adam, H.; Adam, K. The Politics of Memory in Divided Societies. In: *After the TRC: Reflections on Truth and Reconciliation in South Africa* / Eds. W. James, L. van de Vijver. Cape Town: David Philip Publishers, 2000, p. 32–34.

<sup>3</sup> See, e.g., Kaasik-Krogerus, S.; Čeginskas, V. L. A.; Säskilähti, N. Introduction: Politics of Memory and Oblivion. In: *Politics of Memory and Oblivion in the European Context: Critical Perspectives* / Eds. V. L. A. Čeginskas, S. Kaasik-Krogerus, N. Säskilähti. London: Routledge, 2022, p. 1–6, <https://doi.org/10.4324/9781003231370>.

<sup>4</sup> See more, Bromley, R. Giving Memory a Future: Narrating Post-Apartheid South Africa. In: *Post-Conflict Cultures: A Reader* / Ed. C. Demaria. London: Critical, Cultural and Communications Press, 2019, p. 251–274. Retrieved from <https://iris.unimore.it/bitstream/11380/1201102/2/Post%20conflict%20cultures.pdf> [accessed 1 March 2025].

Eugene de Kock, the symbol of South Africa's violent Apartheid past, and the attempts to find a balance between retribution and reconciliation. His fate is representative of the apparent successes, but also of the shortcomings of the way South Africa is trying to deal with its traumatic past. In the background, the state has always played a prominent role in this process, as have other stakeholders. The struggle for justice has always been about the most appropriate remembrance of the past.

The article explores a twisted path from guilt and punishment to remission. After an initial introduction to 'Prime Evil' (chapter 1), the life story of de Kock as a 'political warrior' (chapter 2), and particularly his role as a police officer in the service of the Apartheid regime (chapter 3), is highlighted. After the end of Apartheid de Kock is sentenced for his crimes (chapter 4). Yet, he is one of the many perpetrators attempting to obtain amnesty for his acts of violence (chapter 5). His request for amnesty becomes one of the test cases in the difficult balancing act between the search for truth and justice, and reconciliation. His case will soon spark more fundamental discussions on the possibility of forgiveness (chapter 6). Twenty years after his conviction, de Kock will be granted amnesty (chapter 7). In the conclusions, the limits of justice, reconciliation and memory in the South African context will be explored. Finally, this paper invites further reflection and discussion on the relationship between individual and collective forms of guilt and reparation. This is illustrative of the more fundamental challenges of transitional justice on a global scale.

## 1. 'Prime Evil'

On 30 January 2015, South African minister of Justice, Michael Masutha, announced that prisoner Eugene de Kock would be released on parole.<sup>5</sup> The release of 'Prime Evil,' as Colonel de Kock had been nicknamed in South Africa, after 20 years behind bars, marked another episode in the country's long-term transformation process since the end of Apartheid in 1994. According to the South African government, de Kock's parole had been "in the interests of nation-building and reconciliation."<sup>6</sup> Repeatedly, the convicted criminal had expressed remorse over his crimes and had helped the country face the darkest chapters of its past, by openly admitting his bloody activities in the past. Additionally, he had reportedly actively cooperated with the authorities to recover the remains of a number of his victims. After his release, his situation remained shrouded in mystery. For security reasons, the details of his parole were not publicly communicated. It was clear, however, that he had to remain under the supervision of the Correctional Service Department and subject to the conditions imposed on him by the government. In 2017, media reported that he had been forced out of a retirement facility in Pretoria, as black workers demanded his removal.<sup>7</sup> Others claimed that he was held 'imprisoned' in a psychiatric hospital.<sup>8</sup> His current situation remains to be unclear. Both his whereabouts and the conditions of his release continue to provoke rumours in the national and international media and raise questions and concerns among South Africans.

With de Kock's parole, a pivotal chapter in South Africa's transformation process had been closed. Crowds had been chanting in the streets of Pretoria on 30 October 1996, when the Supreme Court finally

---

<sup>5</sup> See Smith, D. South African Death Squad Leader Eugene de Kock to be Freed from Jail. *The Guardian*, 30 January 2015. Retrieved from <https://www.theguardian.com/world/2015/jan/30/south-africa-eugene-de-kock-released-prime-evil> [accessed 1 March 2025].

<sup>6</sup> See Bilefsky, D. South Africa Grants Parole to a Death-Squad Leader. *The New York Times*, 30 January 2015. Retrieved from <https://www.nytimes.com/2015/01/31/world/africa/eugene-de-kock-south-african-death-squad-leader-is-granted-parole.html> [accessed 1 March 2015].

<sup>7</sup> Workers Have Eugene De Kock Removed from Retirement Home. *Huffpost*, 21 July 2017. Retrieved from [https://www.huffingtonpost.co.uk/entry/workers-have-eugene-de-kock-removed-from-retirement-home\\_uk\\_5c7e8808e4b048b41e38ebf4](https://www.huffingtonpost.co.uk/entry/workers-have-eugene-de-kock-removed-from-retirement-home_uk_5c7e8808e4b048b41e38ebf4) [accessed 1 March 2025].

<sup>8</sup> See Gibson, E. Siek Eugene de Kock 'steeds gevangene.' *NETWERK24*, 25 June 2017. Retrieved from <https://www.netwerk24.com/Nuus/Algemeen/siek-eugene-de-kock-steeds-gevangene-20170624> [accessed 1 March 2025].

reached a verdict regarding his sentence. He was condemned to two concurrent life terms plus 212 years in prison. One of the worst political criminals under Apartheid had been convicted to a life behind bars. De Kock had been a highly ranked officer in the South African police force, leading the notorious counterterrorism unit C10 that had been based on a farm called Vlakplaas, roughly 15 miles west of Pretoria. C10 had developed into a death squad that had been tasked with hunting down anti-Apartheid activists. Some of the killings were reportedly executed in an exceptionally gruesome manner. In this capacity, de Kock had acquired the status of ‘Apartheid assassin’ in the war against the opponents of the South African regime ruled by the National Party (hereinafter, NP). De Kock retired from his position in the police in 1993, just one year before the first democratic elections in the country. In 1994, he was arrested and charged with 121 criminal counts. The court finally found him guilty of 89 charges, including crimes of humanity, murder, attempted murder, and assault, as well as kidnapping, torture, and other persecutions under Apartheid. He was also found guilty of several counts of fraud and illegal possession of weapons and ammunition. As the prime killer of the Apartheid regime, de Kock disappeared for an indefinite period. Pretoria C Max Prison, later Pretoria Central Prison, would serve as his home for the next 20 years.

## 2. The Making of a Warrior

De Kock’s biography reveals a typical life of a young South African white male under Apartheid (1948–1994).<sup>9</sup> Born in 1949, in George (Western Cape) into a conservative middle-class Afrikaans family, de Kock’s early childhood and education were firmly entrenched into the culture and ideology of Afrikaner nationalism. His father, a magistrate and personal friend to prime minister John Voster, was a member of the *Afrikaner Broederbond* and ensured that his sons were educated ‘strictly Afrikaans,’ i.e., according to the principles of Christian Nationalism.<sup>10</sup> Eugene was described as a ‘quiet boy,’ a ‘shy, lonely child’ who wasn’t a ‘violent person’ at all.<sup>11</sup> De Kock soon developed a long-time ambition of becoming an officer, if not in the armed forces, then at least as a policeman. In 1967, after finishing school, he performed his year-long national service in the South African Defence Force (hereinafter, SADF). During his time in military service, de Kock was deployed to the borders of Rhodesia (now Zimbabwe) with Botswana, as part of the military operations to combat incursions by guerilla fighters of the African National Congress (hereinafter, ANC). After his military service, de Kock did not pursue a career as a military officer—problems with his eyesight had disqualified him from a professional career in the army—but rather decided to join the South African Police (hereinafter, SAP), first based in the Eastern Cape.

As a police officer, de Kock made a swift career in the SAP with a focus on security and counterinsurgency activities. He became involved into the SAP’s Special Task Force, and in 1978, he was transferred to South West Africa (now Namibia) where he joined the security branch in Oshakati, located in the far northern part of the country. In 1979, he co-founded Koevoet, an SAP counter-insurgency unit tasked with combating the guerilla fighters of the South West Africa People’s Organization (hereinafter, SWAPO) during the South African Border War.<sup>12</sup> Koevoet became highly notorious for its high kill rate

<sup>9</sup> Extensive biographical details are offered in a well-documented study by South African journalist Anemari Jansen. See Jansen, A. *Eugene de Kock: Assassin for the State*. Cape Town: Tafelberg, 2015. See also the documentary produced by the South African investigative journalist, Jacques Pauw: *Prime Evil* (2000). TV Movie SABC: Journey Pictures / Directed by J. Pauw.

<sup>10</sup> Christian Nationalism played an instrumental role in the development of Afrikaner nationalism and consequently, Apartheid ideology. This political ideology perceived nations and races as separate entities of divine origin. While rejecting the principles of liberalism and universalism, Christian Nationalism was essentially based on the supposition of God’s authority over separate spheres of creation, hence legitimizing the historical, social, and moral superiority of the European Christian races over the autochthonous populations of the African continent. See, e.g., Giliomee, H. *The Afrikaners: Biography of a People*. London: Hurst & Company, 2003, p. 355–402, 487–541.

<sup>11</sup> Interview with Vossie de Kock in *Prime Evil* (2000).

<sup>12</sup> The conflict, also known as the Namibian War of Independence, lasted from 1966 until 1990 with the declaration of Namibia as sovereign state.

and its atrocities against local Namibian people.<sup>13</sup> De Kock was in the middle of a brutal warfare that had engulfed large parts of the entire Southern African region. The Border War was a largely asymmetric conflict that mainly unfolded in Namibia—a country de facto administered as a fifth province of South Africa—and Angola. The conflict was strongly intertwined with the liberation war in Namibia and the post-liberation civil war in Angola. For South Africa, the Border War—also often known as the Bush War—constituted a major episode in the country's attempt to safeguard its position as a bastion against imminent Soviet expansionism in Southern Africa.

Although de Kock had left the army and embarked on a career as a policeman, he remained a warrior and a soldier in the first place. It was already in Rhodesia, and later in South West Africa, that de Kock started making a name for himself. Already then, he was regarded as one of the very bravest. His comrades would later describe him as 'fearless' and 'brutal'—a 'hard man,' but also a 'leader who led from the front' and a 'killer who did his job.'<sup>14</sup> It was particularly during the Bush War that a bloody interplay of military operations and police actions ended up in atrocities and violence against both enemy soldiers and local non-combatants. By the end of his service in South West Africa, de Kock had become a professional killer, willing and capable of fulfilling his lethal duties on command. He never received psychological treatment for the trauma's he had suffered during his involvement in Rhodesia and South West Africa.<sup>15</sup>

### 3. Vlakplaas

In 1983, the SAP transferred de Kock to C10, a counter-insurgency unit based at Vlakplaas. Having established a firm reputation for commitment during his tours in Rhodesia and South West Africa, he was promoted as the unit's commanding officer only two years later. Vlakplaas, first under the command of Dirk Coetzee and later of de Kock, functioned as the headquarter of a paramilitary hit squad with the aim of either 'turning' (converting) or killing 'enemies of the state.' Among the many unfortunate victims of the killings belonged Griffiths Mxenge, a member of the ANC and well-known civil rights lawyer, brutally murdered in 1981.<sup>16</sup> White officers frequently used the service of Askaris—black collaborators, mostly former ANC-soldiers—who after being captured and tortured themselves by the security services performed most of the actual killings.<sup>17</sup> In the 1980s, the prime minister (later president) Pieter Willem Botha had declared that South Africa was challenged by a global domestic and geopolitical onslaught. This 'total onslaught' was, in his view, of Communist origin and directed against Christianity and Western civilization in Southern Africa. For that purpose, an all-encompassing policy of activating a maximum of military, economic and psychological energies was launched to combat the threats to the nation.<sup>18</sup> At least since the Soweto uprising in 1976, white South Africa was progressively under siege. In this context, police and security forces, like C10 (later known as C1), were basically transformed into the armed wings of the government and its leading party, the NP. A secret war was waged against the members of the opposition movement, both in and outside the country.

De Kock became a commander of Vlakplaas in 1985, a time of growing resistance against Apartheid. His main task was to combat the 'onslaught,' mercilessly and at the cost of any price. The second half of the 1980s saw de Kock at the peak of his career. He was decorated for bravery, outstanding service and

<sup>13</sup> An extensive narrative of both the history and memories of the Border War is offered in: Baines, G. *South Africa's Border War: Contested Narratives and Conflicting Memories*. London: Bloomsburg Academic, 2014.

<sup>14</sup> Interviews with Craig Williamsen and Peter Casselton in *Prime Evil* (2000).

<sup>15</sup> See Pauw, J. *Dances with Devils: A Journalist's Search for Truth*. Cape Town: Zebra Press, 2006, p. 145.

<sup>16</sup> See Griffiths Mlungisi Mxenge. *South African History Online*, 7 August 2019. Retrieved from <http://www.sahistory.org.za/people/griffiths-mlungisi-mxenge> [accessed 1 March 2025].

<sup>17</sup> The controversial history of the Askaris has been highlighted, inter alia, in: Dlamini, J. *Askari: A Story of Collaboration and Betrayal in the Anti-Apartheid Struggle*. Johannesburg: Jacana Media, 2014.

<sup>18</sup> See more, Skinner, R. *Modern South Africa in World History: Beyond Imperialism*. London: Bloomsbury Academic, 2017, p. 89–114.

his contribution to the combat against terrorism. In 1985, he received the Police Cross for Bravery from general police commissioner Johan van der Merwe.<sup>19</sup> Behind the scenes of honour and praise, however, a long list of torture and assassinations marked de Kock's career. The list even included the attempted murder of his predecessor Dirk Johannes Coetzee<sup>20</sup> in 1990, an operation that eventually ended in the death of Coetzee's lawyer.<sup>21</sup> Under the command of de Kock, Vlakplaas became an exceptionally sinister place.<sup>22</sup> Ambushing, kidnapping, torturing and killing political opponents, mostly members of the ANC, were commonplace. The killers used a variety of murder weapons to execute their victims: guns, knives, shovels, explosives, mutilation, and burning to death. Heavy drinking was order of the day for the executioners and bystanders of the crimes. After the killings, often a *braai* (barbecue) would be organized right next to the bodies of those murdered, who were burnt so that no traces of the killings would be left. De Kock himself was often present and he himself tortured and killed people by shooting them point-blank. Askari members, never fully trusted by his companions, were frequently maltreated and beaten up. Their lives reflected the tragic fate of the collaborator and traitor, at the dramatic crossroads of being perpetrator and victim at the same time.<sup>23</sup>

At Vlakplaas, de Kock confirmed his previously established reputation as a 'warrior,' more than a regular policeman. Obviously, de Kock's 'war' was primarily defined as a fight against political and ideological enemies, rather than a racial conflict. His prime target was the political opposition against the Apartheid state.<sup>24</sup> It looked as if it was not primitive racism in the first place that inspired him, but rather a strong determination to fight against what he perceived as the imminent danger of Communism and terrorism. Black South African soldiers of lower ranks could easily be included as executioners in that battle, too. This 'war' was his holy cause. "I had a duty to protect my country against demonic forces,"<sup>25</sup> he said. He also believed that this self-proclaimed 'war' could only be won by not only relying on conventional and legitimate methods. He consequently fought his enemies the same way he had fought them during his time as a member of Koevoet. He later admitted: "I walked from one war to the next. There was a difference in tactics, but the enemy remained the same. The war never stopped."<sup>26</sup> Next to his convictions that his cause was right, it was discipline and obedience that inspired his actions and behaviour. He believed in the fight against political opposition, because he had received the orders to do so. His loyalty to his sponsors, including highly ranked officers and politicians, guided his work, but would at the same time laid the groundwork for bitter grudge once he realized that he was expendable and that the political leaders who had given him his orders denied their own responsibility.

In the early 1990s, a new episode started in de Kock's career. His combat against political enemies rapidly mingled with murky business, such as fraud, theft, and illegal trade. During the transition period between 1991 and 1994, South Africa was on the brink of civil war. Townships were burning and bloody conflict between the ANC and Inkatha (a predominantly regional party of Zulu nationalists) was about to effectively derail the negotiation process between the government and the opposition movements. A mysterious 'third force' was fuelling the hatred between various factions and ethnic groups in the country in an obvious effort to extend the instability and to provide ultimate proof that there was no real

<sup>19</sup> See *Prime Evil* (2000).

<sup>20</sup> Dirk Johannes Coetzee. *South African History Online*, 10 April 2014. Retrieved from <https://www.sahistory.org.za/people/dirk-johannes-coetzee> [accessed 1 March 2025].

<sup>21</sup> See Potgieter, de W. Eugene De Kock: I'm sorry for the loss of Dirk Coetzee. *Daily Maverick*, 12 March 2013. Retrieved from <https://www.dailymaverick.co.za/article/2013-03-12-eugene-de-kock-im-sorry-for-the-loss-of-dirk-coetzee/> [accessed 1 March 2025]. See also, Bheki Mlangeni. *South African History Online*, 2 September 2019. Retrieved from <https://www.sahistory.org.za/people/bheki-mlangeni> [accessed 1 March 2025].

<sup>22</sup> See *Prime Evil* (2000).

<sup>23</sup> See Dlamini, J. *Askari: A Story of Collaboration and Betrayal in the Anti-Apartheid Struggle*, p. 8.

<sup>24</sup> See *Prime Evil* (2000).

<sup>25</sup> De Kock, E. *A Long Night's Damage: Working for the Apartheid State / As told J. Gordin*. Saxonwold: Contra Press, 1998, p. 101.

<sup>26</sup> *Ibidem*, p. 101.

alternative to white rule.<sup>27</sup> Particularly Inkatha received a substantial number of arms and training to attack its opponents. Black activists were killed with Russian weapons to implicate the military wing of the ANC, at the time when Nelson Mandela was involved in delicate negotiations with President Frederik Willem de Klerk's government. The main objective was obvious, namely, to increase the appearance of black-on-black violence to discredit the liberation movements. Deep suspicions about the existence of a secret 'third force' aiming at sabotaging the transition process strongly encumbered the relationship between de Klerk and Mandela.<sup>28</sup> Only years later, it would be revealed that Vlakplaas had indeed served as a 'third force.'

By 1993 de Kock's main activities focused on illegal arms smuggling and theft of official police funds. De Kock had changed from a political criminal, committing assassinations in the service of the state, into a common criminal. Vlakplaas was exposed in 1989, but it nevertheless continued to remain in service until 1993 when it was finally disbanded. Between 1983 and 1989, de Kock had been involved in the killing of at least 49 people. And from 1990 to 1993, 16 more deaths were added to his killing record.<sup>29</sup> On 4 May 1994, a week after the first democratic elections in South Africa that brought Mandela to power, he was arrested. De Kock was one of the very few policemen with a bloody record in the war against the opponents of Apartheid who was brought to justice.

#### 4. Trial

The new political arrangement of 1994 had a minimal impact on South Africa's legal system, with the abolishment of the death sentence as the only major exception. Political crimes had been subject to legal persecution before 1994, such as the assassination of the South African Communist Party leader Chris Hanu in 1993 and would continue to be so after 1994. Legal procedures in general were barely affected by the new dispensation. Although in general terms, Apartheid had been criminalized as a 'crime against humanity' and widely been condemned in the international arena, particular crimes committed during the Apartheid era would continue to be treated as regular law-breaking by post-Apartheid South African courts. Defendants were never brought to justice as perpetrators of systemic racial discrimination—the key characteristics of Apartheid—but as common criminals. The political context of their crimes was no subject to legal persecution. The international definition of Apartheid as a crime against humanity did not have any impact on South Africa's jurisprudence after 1994. It never reached the status of customary law.<sup>30</sup>

De Kock's trial lasted 18 months. During the hearings many of his former colleagues received indemnity and testified against him, leaving him behind as a bitter, lonely, and deserted man. De Kock insisted that he received his orders from the highest echelons in the police force, actually following the orders of the NP government, but they all denied it, and only very few were prosecuted. He felt that the full burden of the crimes had fallen upon him alone. He lapsed into bitterness and deeply felt that he was betrayed by de Klerk himself. De Kock presented himself as a loyal soldier who had served the Apartheid state, fighting the dirty war it had launched. Former president de Klerk, now serving as vice-president in the Government of National Unity under Mandela as new head of state, would often defend himself by claiming that de Kock had been "one of the few rotten apples" within the old security

<sup>27</sup> See more, Ellis, S. The Historical Significance of South Africa's Third Force. *Journal of Southern African Studies*, 1998, Vol. 24, No. 2, p. 261–299, <https://doi.org/10.1080/03057079808708577>.

<sup>28</sup> See more, Thompson, L. *A History of South Africa: From the Earliest Known Human Inhabitation to the Present*. Johannesburg & Cape Town: Jonathan Ball Publishers, 2014, p. 247–252.

<sup>29</sup> See *Prime Evil* (2000).

<sup>30</sup> See more, Lingaas, C. The Crime against Humanity of Apartheid in a Post-Apartheid World. *Oslo Law Review*, 2015, Vol. 2, No. 2, p. 86–115, <https://doi.org/10.5617/oslaw2566>.

system.<sup>31</sup> This perception would be confirmed in the final judgement delivered on 30 October 1996. The judge, Willem van der Merwe, concluded that de Kock's crimes had been "cold-blooded, cruel, calculated, and callous," but he also stated that "a rotten system had allowed de Kock to commit these crimes" and that this system had approved his actions.<sup>32</sup>

It was significant that the state had chosen to present and persecute de Kock as a *common criminal* only, not as someone who had committed *political crime*. As the final verdict explicitly stated: "The court is there to punish the crimes, and not to approve or disapprove of any ideologies. For that the court has to remain blind."<sup>33</sup> This interpretation had major consequences for the assessment of de Kock's case in the wider context of South Africa's transformation process. Not only the judge but also the persecution had confirmed that the trial differed from Nuremberg or any other post-conflict jurisdiction. This trial was not political in nature but concerned common criminality only. It would expose age-old sins such as murder, manslaughter, theft, fraud, and the perversion of justice. One criticism of the trial, which was also strongly shared by the defendant himself, was that it had focused exclusively on purely individual criminal acts rather than on the question of systemic and structural crimes, including the underlying political and ideological presumptions. Not even the setting up of Vlakplaas as such, neither the wider administrative-executive system in which de Kock operated had been subject of investigation.<sup>34</sup> In other words, neither Apartheid as a social and legal system nor its violent policies but the nefarious nature of de Kock as an individual was incriminated.

Detaching de Kock's (horrific) crimes from their political context and institutional embedding provided an escape route for his superiors and sponsors. Although the court had argued that obeying orders only did not justify the exceptional cruel *modus operandum* with which many of the crimes had been executed; it kept the question of deeper underlying responsibility open. The trial largely reduced de Kock to scapegoat for the crimes that had been initiated and authorized by the state authorities. He particularly remained angry with de Klerk, together with Mandela, recipient of the Nobel Peace Prize, as he felt abandoned and betrayed by the former head of state. Later, in 2007, he gave a radio interview, in which he once again stated that de Klerk's hands were "soaked in blood."<sup>35</sup> De Klerk denied it, but de Kock remained bitter about the fact that he had to serve a long sentence, while the people who gave him orders never had to stay one day in jail. After his trial, de Kock disappeared behind bars, as 'Apartheid assassin' and South Africa's 'Prime Evil,' but also as main 'scapegoat' for the NP regime. These brandings would continue to influence the public discussions on justice and reconciliation and his role herein, in South Africa for the next three decades.

## 5. The Truth and Reconciliation Commission

A way out for a life in jail could only be provided by a favourable decision of the Truth and Reconciliation Commission (hereinafter, TRC). It was only after his trial had been concluded that de Kock could apply for amnesty. In 1995, the TRC had been established based on the principle that the country had to find new and more effective ways of dealing with the traumas of the past.<sup>36</sup> Instead of essentially retributive models of justice, a more restorative and less judicial form was seen as a better fit the specific

<sup>31</sup> See Meiring, P. *Chronicle of the Truth and Reconciliation Commission: A Journey through the Past and Present—into the Future of South Africa*. Vanderbijlpark: Carpe Diem Books, 1999, p. 345.

<sup>32</sup> Two Life Sentences, 212 Years' Imprisonment for de Kock. *South African Press Association*, 30 October 1996. Retrieved from <https://www.justice.gov.za/trc/media/1996/9610/s961030l.htm> [accessed 1 March 2025].

<sup>33</sup> *Ibidem*.

<sup>34</sup> Cf. Davis, D.; le Roux, M. *Precedent and Possibility: The (Ab)use of Law in South Africa*. Cape Town: Double Storey, 2009, p. 109.

<sup>35</sup> Allie, M. Jailed Policeman Accuses De Klerk. *BBC News*, 27 July 2007. Retrieved from <http://news.bbc.co.uk/2/hi/africa/6919569.stm> [accessed 1 March 2025].

<sup>36</sup> *Truth and Reconciliation Commission*. Retrieved from <https://www.justice.gov.za/trc/> [accessed 1 March 2025].

South African context.<sup>37</sup> The TRC's emphasis on reconciliation was in sharp contrast to the approach taken by the Nuremberg Trials and other measures that were taken after the dismantling of Fascist (after 1945) or Communist (after 1989) regimes in Europe.<sup>38</sup> The reconciliatory approach was seen as a more successful way of dealing with human rights violations after political change. Consequently, other countries have instituted similar commissions, though not always with the same scope or the allowance for charging those currently in power.<sup>39</sup>

Post-1994 South Africa clearly opted for an approach that was different from previous models of transitional justice.<sup>40</sup> Given the fact that the transition to democracy had been the result of a negotiation process and that there had been no clear winners or losers, the country did not want to follow the path of trials and persecution. The effect could have been a huge burden on the fragile transformation process and domestic stability. Revenge would certainly have led to growing resentment and mass exodus of the white minority communities. Also, a policy of radical lustration, aimed at a complete purification of the old political and bureaucratic structures, was hardly a real option, since it would require the existence of an efficient organizational apparatus that the new leadership could rely on to pursue its objectives. A policy of encompassing restitution and compensation was not considered either, mainly for the reason that South Africa lacked the political instruments and the institutional capacities to seriously follow this route.

All these models of transitional justice serve different social and political objectives. The primary purpose of legal persecution and trials is to provide justice for victims and their relatives. Lustration aims to renew the political elite and to sideline politicians who could be blackmailed because of their tainted past. And the goal of restitution is to return property illegitimately confiscated to its initial owners. Some post-trauma societies even chose for a 'pact of silence,' in order to forget and repress the memories of a troublesome past in an obvious attempt not to challenge a new fragile consensus. This kind of post-conflict amnesia is often legitimized to facilitate the reintegration of the discredited perpetrators and collaborators of the former regime. In addition, it has often been argued that the fragile collective identity of a traumatized society must be protected against the unbearable truth by repressing and rationalizing it. South Africa, however, did not want to forget.<sup>41</sup>

The TRC worked on two interrelated principles.<sup>42</sup> Only by exposing the past ('truth'), could the moral order be restored ('reconciliation'). Yet, for that purpose amnesty would be granted to former perpetrators on two conditions only. The crimes for which amnesty was requested had to be *politically* inspired. Applicants had to prove political instigation—their actions and deeds had to be ordered either by the state or by a political movement in order to become eligible for amnesty. In addition, amnesty would only

<sup>37</sup> Meanwhile, an impressive amount of scholarly literature has been published on the TRC. To name just a few authoritative titles: *After the TRC: Reflections on Truth and Reconciliation in South Africa* / Eds. W. James, L. van de Vijver. Cape Town: David Philip Publishers, 2000; Asmal, K.; Asmal, L.; Roberts, R. S. *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance*. Cape Town: David Philip Publishers, 1996; Bizos, G. *No One to Blame? In Pursuit of Justice in South Africa*. Cape Town: David Philip Publishers; Bellville: Mayibuye Books, 1998; Boraine, A. *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission*. Oxford: Oxford University Press, 2000; Christie, K. *The South African Truth Commission*. New York: St. Martin's Press, 2000, <https://doi.org/10.1057/9780333983140>; Krog, A. *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*. Johannesburg: Random House South Africa, 1998; Meredith, M. *Coming to Terms: South Africa's Search for Truth*. New York: Public Affairs, 1999; *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission* / Eds. D. Posel, G. Simpson. Johannesburg: Witwatersrand University Press, 2003; *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* / Eds. C. Villa-Vicencio, W. Verwoerd. Cape Town: University of Cape Town Press; London: Zed Books Ltd, 2000.

<sup>38</sup> Cf. *Truth and Reconciliation Commission of South Africa Report*. Vol. 1.: The Report of the Truth and Reconciliation Commission was Presented to President Nelson Mandela on 29 October 1998, p. 5. Retrieved from <https://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf> [accessed 1 March 2025].

<sup>39</sup> See more, *ibidem*, p. 24–43.

<sup>40</sup> See more, Adam, H.; Adam, K. *The Politics of Memory in Divided Societies*, p. 32–47.

<sup>41</sup> Cf. Verbeeck, G. The South African Model of Transitional Justice: Revenge or Reconciliation? In: *Beyond the Death Penalty: Reflections on Punishment* / Eds. H. Nelen, J. Claessen. Cambridge: Intersentia, 2012, p. 203–218.

<sup>42</sup> See *Truth and Reconciliation Commission of South Africa Report*. Vol. 1, p. 48–83, 103–134.

be granted if the perpetrator was willing to fully *confess* his actions. The TRC combined the conflicting aspirations of both sides on the negotiation table. The stipulation of amnesty met the wishes of the former government. Full disclosure, on the other hand, had been a demand by the ANC. This combination of confession and exoneration made the TRC a unique international experiment. Showing remorse was *not* a condition for amnesty, only unconditional and full confession. It was expected that exposing the truth would be *in itself* helpful enough to heal the wounds of the past.

Obviously, the TRC was the result of conflicting political and social agendas. It had been set up as part of a negotiated settlement in a society seeking social cohesion rather than vengeance. The main question was how to break the cycles of politically inspired violence that had so often repeated itself historically. When Apartheid collapsed, some of its former leaders had demanded blank amnesty for its police and foot soldiers. Survivors and families of victims on the other hand wanted to know what had happened to the people they had lost, and who the perpetrators were, whereas other victims wanted persecution. As a compromise, a tribunal was created with the mandate to grant amnesty to perpetrators (from both sides of the battle line) on a case-by-case basis, in exchange for full disclosure of the crimes. In addition, what the TRC further distinguished from forms of retributive justice was the fact that its procedures openly facilitated and encouraged victims to have their voices heard in the process as well.

Despite its undisputed added value, the TRC has also provoked some scepticism amongst its critics. Genuine remorse was not a prerequisite for being pardoned. It could thus enable cynical admission of horrific crimes, just by coldly reporting what had happened, to be granted amnesty without showing sincere moral conversion. For some perpetrators, the prospect of being relieved from persecution could be seen as the final and only goal to which exposing the truth was only ancillary. In many cases, the *empirical* truth could be told without demonstrating *moral* truth, as perpetrators could simply continue to offer factual accounts of specific events, while at the same time denying their own personal responsibility. It may therefore be questioned whether truth *only* necessarily paves the way to reconciliation. Some critics argued that at least a minimum degree of punitive justice is always a condition for reconciliation rather than an alternative to it. And they felt that the TRC had operated too much in favour of the perpetrators instead.<sup>43</sup> Others even criticized the TRC as a ‘catholic confession box’ with the aim to exonerate the evil strategies of Apartheid.<sup>44</sup> Also subject to criticism is the limited thematic scope of the Commission. Only individual acts of political violence were investigated, not Apartheid as such. The TRC did not reckon with the inherent injustices of a political, social, and economic apparatus based on racial segregation. The impact of this system on the lives of millions of South Africans was not principally addressed by the TRC. It can therefore be questioned whether the Commission really succeeded in contributing to real reconciliation in South Africa.<sup>45</sup> Given the specific historical and cultural conditions under which it operated, it remains subject to debate whether the TRC could be duplicated in another context.<sup>46</sup>

Yet, contrary to popular belief, the TRC did not serve as a whitewash machine. Only 949 applications for amnesty were granted out of a total of 7,112; 5,392 were refused, next to a substantial number that was withdrawn or declared inadmissible.<sup>47</sup> The criteria remained high, even for a generous institution like the TRC. In 1998, two years after the TRC started to hold its hearings, de Kock appeared and testified before its Amnesty Committee. His appearance sparked large public attention. Before court an

<sup>43</sup> For more information, see Jeffrey, A. *The Truth About the Truth Commission* / With a foreword by J. Kane-Berman. Johannesburg: South African Institute of Race Relations, 1999.

<sup>44</sup> See Barrow, G. The Voice of ‘Prime Evil.’ *BBC News*, 28 October 1998. Retrieved from [http://news.bbc.co.uk/2/hi/special\\_report/1998/10/98/truth\\_and\\_reconciliation/143668.stm](http://news.bbc.co.uk/2/hi/special_report/1998/10/98/truth_and_reconciliation/143668.stm) [accessed 1 March 2015].

<sup>45</sup> See also, Verbeeck, G. *The South African Model of Transitional Justice: Revenge or Reconciliation?* p. 203–218.

<sup>46</sup> See more, Graybill, L. S. *Truth and Reconciliation in South Africa: Miracle or Model?* Boulder: Lynn Rienner Publishers, 2002, p. 163–176.

<sup>47</sup> Summary Amnesty Hearings & Decisions, 1 November 2000. *Truth and Reconciliation Commission of South Africa*. Retrieved from <https://justice.gov.za/trc/amntrans/index.htm> [accessed 1 March 2025].

'unlikely villain' appeared.<sup>48</sup> The man, in the media described as a mass killer and psychopath, looked more like a librarian than an assassin. Once again, de Kock gave full testimony on his role and activities, as on their connection to the government. To him, it was important to show that he had not acted alone nor based on some deprived motive, but that he had indeed fulfilled his duties on orders of the Apartheid state. De Kock thus played an extraordinary role, since because of his testimony many of his former associates decided to come forward themselves. De Kock confirmed again that he had only been a loyal and patriotic soldier who tortured and killed to protect white South Africa. He continued to stress the 'higher cause' he had been fighting the battle against terrorism and Communism. He felt that he had been a 'crusader,' prepared to protect the nation from the use of violence by the liberation movement. His own justification was essentially based on the notion of 'defensive violence.' The question as to which extent de Kock's repentance was merely a strategic choice, in order to receive amnesty rather than genuine remorse, remains subject to debate and will remain impossible to be fully and adequately answered. The fact, however, that he had shown remarkable willingness to disclose various other crimes seems to suggest that his continued legitimation as a warrior for a 'sacred cause' in other cases was at least a sincere reflection of his deepest personal convictions.

De Kock's role became pivotal in the functioning of the TRC. His testimonies were so detailed and at great lengths that he started to serve as the polygraph machine of the Commission. Without him the 'truth' part of the TRC would have been sorely lacking.<sup>49</sup> With his intimate knowledge of Apartheid-era security agencies, he began to assist victims in finding the remains of loved ones. He provided answers and pointed to places where bodies could be found. In addition to that, de Kock openly confessed his regret directly to victims and admitted that nothing could redeem him. This contrasted sharply with many of his commanders, who openly refused to apply for amnesty, or the politicians who denied that he had carried out their orders. Showing regret, however, was not a requirement for amnesty, and it did not affect the TRC's final verdict. Based on his very extensive testimonies, de Kock finally did receive amnesty for many of his crimes, but not all of them, as according to the TRC, some crimes, including six murders, lacked political motivation. They did not fulfil the criteria of the crimes executed on direct orders from state authorities, which explains why he was sent to prison again to serve the rest of his life behind bars.

## 6. Repentance and Forgiveness

De Kock was about to sink into oblivion if it was not for a black female academic, who kept the public interest in 'Prime Evil' alive. Pumla Gobodo-Madikizela, a psychologist from the University of Cape Town and a member of Human Rights Violations Committee of the TRC, embarked on a fascinating journey into the grounds and conditions of evil, apology, and forgiveness, following a series of private interviews with de Kock. Her book *A Human Being Died That Night*, based on her encounters with de Kock in jail, presented a deep analysis of the interplay between evil and exoneration, perpetrator and victim, justice and reconciliation.<sup>50</sup> Gobodo-Madikizela offered a portrait of de Kock that resembles the 'banality of evil' as represented by Adolf Eichmann during his trial in Jerusalem in 1961<sup>51</sup>: an apparently

<sup>48</sup> See Barrow, G. *The Voice of 'Prime Evil'*.

<sup>49</sup> Cf. Krog, A. Can an Evil Man Change? *The New York Times*, 13 March 2015. Retrieved from <https://www.nytimes.com/2015/03/14/opinion/sunday/the-repentance-of-eugene-de-kock-apartheid-assassin.html> [accessed 1 March 2025].

<sup>50</sup> Gobodo-Madikizela, P. *A Human Being Died That Night: A South African Story of Forgiveness*. Boston: Houghton Mifflin Company, 2003, p. 13–36, 48–78.

<sup>51</sup> The author of the phrase 'the banality of evil' is Hannah Arendt, one of the most prominent political philosophers of the twentieth century. See more, Arendt, H. *Eichmann in Jerusalem: A Report on the Banality of Evil* / Introduction (The Excommunication of Hanna Arendt) by A. Elon. New York: Penguin Books, 2006. Retrieved from [https://ia600706.us.archive.org/21/items/politicsDE-EPWEB/Eichmann%20in%20Jerusalem\\_%20A%20Report%20on%20the%20Banality%20of%20Evil%20-%20Hannah%20Arendt.pdf](https://ia600706.us.archive.org/21/items/politicsDE-EPWEB/Eichmann%20in%20Jerusalem_%20A%20Report%20on%20the%20Banality%20of%20Evil%20-%20Hannah%20Arendt.pdf) [accessed 1 March 2025].

ordinary man who became the murderer-in-chief for a brutal regime.<sup>52</sup> De Kock presented himself as someone who not only fully confessed the many crimes he had been accused of, but also showed remarkably genuine remorse. His repentance took him even a step further. He did not only show regret but also started his own private campaign to offer a level of restoration, by assisting victims in finding the remains of their relatives and loved ones. Inevitably, his performance produced mixed effects. Some people dismissed him as a psychopath, merely playing at repentance; others believed he had indeed changed. Gobodo-Madikizela believed that de Kock was honest in his determination to become a new person and became one of the most vocal advocates of offering him forgiveness and granting him amnesty (or parole).<sup>53</sup>

Using the de Kock case, Gobodo-Madikizela offered an insight on the conditions of both private and collective reconciliation, based on the principles of humanistic psychology.<sup>54</sup> Inspired by a famous quote attributed to Hannah Arendt, “Forgiveness is the key to action and freedom,”<sup>55</sup> Gobodo-Madikizela conceptualized the notions of remorse and forgiveness as key conditions in the process of reestablishing human solidarity. If (genuine) apologies are offered by the perpetrator and forgiveness is offered by the victims (or their representatives), new forms of togetherness and cooperation can emerge. A requirement, however, is that the past has been closed, and substantial change (external factors or psychological conditions) has been achieved. Apologizing and forgiving remain futile acts, if injustice and violence continue. In this sense, de Kock’s *moral* change and South Africa’s *political regime* change are interconnected. The former was hardly conceivable without the latter. It allowed de Kock to transform as a human being. It also epitomized the unique situation of South Africa after Apartheid and the limitations of transferring its model of transition into other temporal and spatial contexts. The aftermath of genocide and mass murder, for instance, is far more complicated to reckon with. It explains why in the European post-Holocaust context or in other post-genocidal settings, the predominant memory discourse focusses on *dialogue* and *remembrance* rather than on *reconciliation*. The mechanisms of remorse and forgiveness do not work here.<sup>56</sup> Under Apartheid, oppression had never been genocidal, and the social fabric of the country had not been entirely destroyed. Since both perpetrators and victims were still in the capacity to air their voices, a policy of forgiveness and reconciliation seemed to be a fairly realistic option to restore a sense of national unity.

Gobodo-Madikizela defended a notion of forgiveness, which is not to be equated with the erasing of guilt. It is also a powerful tool that marks the position of both perpetrator and victim. She basically argued that the prospects and willingness to forgive enable the victim to set above the perpetrator.<sup>57</sup> The act of forgiving comes down to the restoration of moral superiority over the culprit. At the same time, the granting of forgiveness can relieve victims of the burden of anger associated with the trauma they had suffered in the hands of the perpetrator. It is this sense of relief that victims are searching for when they say they forgive perpetrators. Forgiving does not mean forgetting. Nothing can make victims forget their trauma. It is something with which they live every day. But when victims know that their victimizers at least recognize the pain and suffering they caused, it is a way of rendering the victims the dignity and respect that was taken away at the time of wrongdoing. Both sides of the conflict can benefit from the healing effects of the acts of repentance and forgiveness. The victim finds relief in the diminishing of the burden of anger. The perpetrator has a chance to reclaim his humanity; however, conditionality is crucial

<sup>52</sup> See also, Carroll, R. ‘I embraced the hand that had killed and maimed.’ *The Guardian*, 3 November 2003. Retrieved from <https://www.theguardian.com/world/2003/nov/03/gender.uk> [accessed 1 March 2025].

<sup>53</sup> *Ibidem*.

<sup>54</sup> Gobodo-Madikizela, P. *A Human Being Died That Night: A South African Story of Forgiveness*, p. 79–103.

<sup>55</sup> Arendt, H. *The Human Condition* / Second Edition; Introduction by M. Canovan. Chicago and London: The University of Chicago Press, 1998, p. 236–243. Retrieved from [https://monoskop.org/images/e/e2/Arendt\\_Hannah\\_The\\_Human\\_Condition\\_2nd\\_1998.pdf](https://monoskop.org/images/e/e2/Arendt_Hannah_The_Human_Condition_2nd_1998.pdf) [accessed 23 May 2025].

<sup>56</sup> See Gobodo-Madikizela, P. *A Human Being Died That Night: A South African Story of Forgiveness*, p. 119.

<sup>57</sup> *Ibidem*, p. 117.

to render this process a success. Genuine remorse of the perpetrator is required to enable the victim to reach out, and the victim has the moral power to either respond or not to the request of the perpetrator to be accepted in his humanity again. The act of forgiveness sets the victim apart from the perpetrator, who failed to act humanly towards the victim at the time he committed a crime. It is only under the conditions determined by the victim that the human bond can be restored.

## 7. Parole

The individual case of de Kock transcended the boundaries of the TRC's objectives. To be granted amnesty, remorse was not a requirement. It was precisely this provision that provoked so much criticism. What indeed would have been the moral basis for pardoning perpetrators, who had no regrets for what they had done? The amnesty clause of the TRC, therefore, remained highly controversial. Some proposed that there should be no amnesty at all, whereas others argued that there should be general amnesty without any declaration of atrocities committed and without any hearings. The final decision was to use the granting of amnesty as political and not a moral tool. Moral (individual) transformation was not a necessity. Only de Kock had followed the path of testifying moral responsibility and showed, at least seemingly, genuine regret. His individual case was exceptional and rose far above the institutional limits of the TRC. Since the road to amnesty had been blocked, his only option of not dying in prison would be presidential pardon or parole.

On various occasions de Kock requested a presidential pardon, but it was only in 2015 that parole was granted. He left jail after 20 years of imprisonment, leaving only a very few of his associates incarcerated.<sup>58</sup> Critics bitterly remarked that he had even served 7 years less than Mandela.<sup>59</sup> For other spectators, however, including secret de Kock's admirers, he had become a benchmark to measure their own capacity to regret their sins, to the degree that remorseful white South Africans would be encouraged to confess to the self-depiction: *Je suis Eugene de Kock*.<sup>60</sup> Documentaries had been made,<sup>61</sup> and biographies<sup>62</sup> and extended interviews had been published.<sup>63</sup> In 2013, a theatre play was produced based on Gobodo-Madikizela's book *A Human Being Died That Night*.<sup>64</sup> Over the years, the site of Vlakplaas was given a major make-over. Since 2007, the farm had ironically turned into a 'national centre for healing' to promote 'collaboration between practitioners of western medicine and traditional healers'.<sup>65</sup> De Kock disappeared from the public eye, apart from an unexpected and unwanted cursory visit to the Franschhoek Literary Festival in May 2016, an event he apparently wanted to attend, as Anemari Jansen's book *Eugene de Kock: Assassin for the State* was presented. He was approached by the organizers and politely asked to leave.<sup>66</sup>

<sup>58</sup> See Masutha, M. Eugene de Kock Gets Parole, Clive Derby-Lewis Does Not. *PoliticsWeb*, 30 January 2015. Retrieved from <http://www.politicsweb.co.za/news-and-analysis/eugene-de-kock-gets-parole-clive-derby-lewis-does-n> [accessed 1 March 2025].

<sup>59</sup> On de Kock's release in connection with the wider experience of the South African prison universe, see Roux, D. Uncanny Times: The Case of Eugene de Kock. *English Studies in Africa*, 2024, Vol. 67, No. 1, p. 71–81, <https://doi.org/10.1080/00138398.2024.2347040>.

<sup>60</sup> See Thamm, M. One Woman's Extraordinary Journey: 'Je Suis Eugene de Kock.' *Daily Maverick*, 4 May 2015. Retrieved from <https://www.dailymaverick.co.za/article/2015-05-04-one-womans-extraordinary-journey-je-suis-eugene-de-kock/> [accessed 1 March 2025].

<sup>61</sup> See *Prime Evil* (2000).

<sup>62</sup> See De Kock, E. *A Long Night's Damage: Working for the Apartheid State / As told J. Gordin; Jansen, A. Eugene de Kock: Assassin for the State*.

<sup>63</sup> See above all, Gobodo-Madikizela, P. *A Human Being Died That Night: A South African Story of Forgiveness*.

<sup>64</sup> See more, Meersman, B. Eugene de Kock's Parole: On the Road to Redemption. *Mail & Guardian*, 6 March 2024. Retrieved from <https://mg.co.za/article/2014-03-06-on-the-road-to-redemption> [accessed 1 March 2025].

<sup>65</sup> Vlakplaas to become Centre for Healing. *Mail & Guardian*, 16 August 2007. Retrieved from <https://mg.co.za/article/2007-08-16-vlakplaas-to-become-centre-for-healing> [accessed 1 March 2025].

<sup>66</sup> See Morudu, P. Eugene de Kock at the Franschhoek Literary Festival: Of Screwed Courage and a Screwed Country. *Daily Maverick*, 16 May 2016. Retrieved from <https://www.dailymaverick.co.za/article/2016-05-16-eugene-de-kock-at-the-franschhoek-literary-festival-of-screwed-courage-and-a-screwed-country/> [accessed 1 March 2025].

## Conclusions: The Limits of Justice, Reconciliation, and Memory

De Kock's final release left South Africa with many unresolved and uncomfortable questions. De Kock and the many atrocities that had been committed in Vlakplaas reminded white South Africans of their own co-culpability for the crimes under Apartheid.<sup>67</sup> Some of them would feel comfortable with 'Prime Evil' remaining in jail for the rest of his life, so that they could escape blaming themselves. For black South Africans, de Kock's parole could seem, once again, an example of whites benefiting.<sup>68</sup> Thirty-two years have passed since Apartheid ended. The country has changed, but not to the extent expected by those who had hoped for a fuller transformation of the country. Although the page of de Kock's individual case has been turned, many structural legacies of the past—racism, social inequality, violence, and corruption—continue to determine the future of the country.

The dilemma between criminal justice and amnesty, between vengeance and forgiveness is slowly losing its relevance, with most of those who had been involved in violence and political crimes under Apartheid either dead or released from jail. The legal tools to enhance transformation had always been fairly limited. Both criminal procedures and the mechanisms of amnesty remained restricted to political crimes under Apartheid, without scrutinizing Apartheid itself. Truth and reconciliation sought to heal the inflictions on the South African soul as a symbolic community, without fully addressing the consequences of a violent and unjust past on the lives of millions of its citizens. Many feel that the first episode in South Africa's post-Apartheid transformation is gradually coming to an end. The country is now entering into a new era, which puts the need to address the pressing challenges of a more comprehensive transformation high on the agenda.

The case of de Kock has shown that the South African reconciliation process has in reality focused too much on individual reconciliation between perpetrators and victims rather than on political, social, and economic transformation. The TRC had also expressly set itself the goal of confronting perpetrators and victims and bringing individual crimes to light. This gave the whole process a strongly therapeutic character, which critics also described as one of the main shortcomings of the Commission. The individualization of guilt, atonement, and reconciliation after Apartheid inevitably left one of the greatest challenges largely unresolved, namely the lasting effects of the centuries-old racial segregation on today's all-encompassing relations between the various ethnic groups. The most violent excesses of Apartheid were on trial and not Apartheid as such. Despite largely failed attempts, measures to reduce social and economic inequality, such as through comprehensive programs to restore property rights, remained largely a dead letter. It is no coincidence that these constitute the biggest test-case for contemporary South Africa a quarter of a century after the conclusion of the TRC. The mechanisms put in place by the state, judicial prosecution, and amnesty processes have inadvertently contributed to national memory that places a strong emphasis on individual behaviour rather than forming structural injustice.

### Disclosure statement

No potential conflict of interest was reported by the author(s).

### Notes on contributor

*Georgi Verbeeck* is Professor of German History at the University of Leuven (Belgium) and Associate Professor of Modern History and Political Culture at Maastricht University (The Netherlands). His research fields include modern German history, South African studies and memory studies. He published widely on the legacies of war and violence in European and South African history, and memory battles in a global perspective.

<sup>67</sup> Cf. Jansen, A. *Eugene de Kock: Assassin for the State*, p. 308.

<sup>68</sup> Cf. Krog, A. *Can an Evil Man Change?*

## ORCID

Georgi Verbeeck  <https://orcid.org/0000-0003-0589-2848>

## Bibliography

- Adam, Heribert; Adam, Kany. The Politics of Memory in Divided Societies. In: *After the TRC: Reflections on Truth and Reconciliation in South Africa* / Eds. Wilmot James, Linda van de Vijver. Cape Town: David Philip Publishers, 2000, p. 32–47.
- After the TRC: Reflections on Truth and Reconciliation in South Africa* / Eds. Wilmot James, Linda van de Vijver. Cape Town: David Philip Publishers, 2000.
- Allie, Mohammed. Jailed Policeman Accuses De Klerk. *BBC News*, 27 July 2007. Retrieved from <http://news.bbc.co.uk/2/hi/africa/6919569.stm> [accessed 1 March 2025].
- Arendt, Hannah. *Eichmann in Jerusalem: A Report on the Banality of Evil* / Introduction (The Excommunication of Hanna Arendt) by Amos Elon. New York: Penguin Books, 2006. Retrieved from <https://ia600706.us.archive.org/21/items/politicsDEEPWEB/Eichmann%20in%20Jerusalem%20A%20Report%20on%20the%20Banality%20of%20Evil%20-%20Hannah%20Arendt.pdf> [accessed 1 March 2025].
- Arendt, Hannah. *The Human Condition* / Second Edition; Introduction by Margaret Canovan. Chicago and London: The University of Chicago Press, 1998. Retrieved from [https://monoskop.org/images/e/e2/Arendt\\_Hannah\\_The\\_Human\\_Condition\\_2nd\\_1998.pdf](https://monoskop.org/images/e/e2/Arendt_Hannah_The_Human_Condition_2nd_1998.pdf) [accessed 23 May 2025].
- Asmal, Kader; Asmal, Louise; Roberts, Ronald Suresh. *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance*. Cape Town: David Philip Publishers, 1996.
- Baines, Gary. *South Africa's Border War: Contested Narratives and Conflicting Memories*. London: Bloomsburg Academic, 2014.
- Barrow, Greg. The Voice of 'Prime Evil.' *BBC News*, 28 October 1998. Retrieved from [http://news.bbc.co.uk/2/hi/special\\_report/1998/10/98/truth\\_and\\_reconciliation/143668.stm](http://news.bbc.co.uk/2/hi/special_report/1998/10/98/truth_and_reconciliation/143668.stm) [accessed 1 March 2025].
- Bheki Mlangeni. *South African History Online*, 2 September 2019. Retrieved from <https://www.sahistory.org.za/people/bheki-mlangeni> [accessed 1 March 2025].
- Bilefsky, Dan. South Africa Grants Parole to a Death-Squad Leader. *The New York Times*, 30 January 2015. Retrieved from <https://www.nytimes.com/2015/01/31/world/africa/eugene-de-kock-south-african-death-squad-leader-is-granted-parole.html> [accessed 1 March 2025].
- Bizos, George. *No One to Blame? In Pursuit of Justice in South Africa*. Cape Town: David Philip Publishers; Bellville: Mayibuye Books, 1998.
- Boraine, Alex. *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission*. Oxford: Oxford University Press, 2000.
- Bromley, Roger. Giving Memory a Future: Narrating Post-Apartheid South Africa. In: *Post-Conflict Cultures: A Reader* / Ed. Cristina Demaria. London: Critical, Cultural and Communications Press, 2019, p. 251–274. Retrieved from <https://iris.unimore.it/bitstream/11380/1201102/2/Post%20conflict%20cultures.pdf> [accessed 1 March 2025].
- Carroll, Rory. 'I embraced the hand that had killed and maimed.' *The Guardian*, 3 November 2003. Retrieved from <https://www.theguardian.com/world/2003/nov/03/gender.uk> [accessed 1 March 2025].
- Christie, Kenneth. *The South African Truth Commission*. New York: St. Martin's Press, 2000. <https://doi.org/10.1057/9780333983140>
- Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission* / Eds. Deborah Posel, Graeme Simpson. Johannesburg: Witwatersrand University Press, 2003.
- Davis, Dennis; le Roux, Michelle. *Precedent and Possibility: The (Ab)use of Law in South Africa*. Cape Town: Double Storey, 2009.

- De Kock, Eugene. *A Long Night's Damage: Working for the Apartheid State / As told Jeremy Gordin*. Saxonwold: Contra Press, 1998.
- Dirk Johannes Coetzee. *South African History Online*, 10 April 2014. Retrieved from <https://www.sahistory.org.za/people/dirk-johannes-coetzee> [accessed 1 March 2025].
- Dlamini, Jacob. *Askari: A Story of Collaboration and Betrayal in the Anti-Apartheid Struggle*. Johannesburg: Jacana Media, 2014.
- Ellis, Stephen. The Historical Significance of South Africa's Third Force. *Journal of Southern African Studies*, 1998, Vol. 24, No. 2, p. 261–299. <https://doi.org/10.1080/03057079808708577>
- Gibson, Erika. Siek Eugene de Kock 'steeds gevangene.' *NETWERK24*, 25 June 2017. Retrieved from <https://www.netwerk24.com/Nuus/Algemeen/siek-eugene-de-kock-steeds-gevangene-20170624> [accessed 1 March 2025].
- Giliomee, Herman. *The Afrikaners: Biography of a People*. London: Hurst & Company, 2003.
- Gobodo-Madikizela, Pumla. *A Human Being Died That Night: A South African Story of Forgiveness*. Boston: Houghton Mifflin Company, 2003.
- Graybill, Lyn S. *Truth and Reconciliation in South Africa: Miracle or Model?* Boulder: Lynn Rienner Publishers, 2002.
- Griffiths Mlungisi Mxenge. *South African History Online*, 7 August 2019. Retrieved from <http://www.sahistory.org.za/people/griffiths-mlungisi-mxenge> [accessed 1 March 2025].
- Jansen, Anemari. *Eugene de Kock: Assassin for the State*. Cape Town: Tafelberg, 2015.
- Jeffrey, Anthea. *The Truth About the Truth Commission / With a foreword by John Kane-Berman*. Johannesburg: South African Institute of Race Relations, 1999.
- Kaasik-Krogerus, Sigrid; Čeginskas, Viktorija L. A; Säskilahti, Nina. Introduction: Politics of Memory and Oblivion. In: *Politics of Memory and Oblivion in the European Context: Critical Perspectives / Eds. Viktorija L. A. Čeginskas, Sigrid Kaasik-Krogerus, Nina Säskilahti*. London: Routledge, 2022, p. 1–6. <https://doi.org/10.4324/9781003231370>
- Krog, Antjie. Can an Evil Man Change? *The New York Times*, 13 March 2015. Retrieved from <https://www.nytimes.com/2015/03/14/opinion/sunday/the-repentance-of-eugene-de-kock-apartheid-assassin.html> [accessed 1 March 2025].
- Krog, Antjie. *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*. Johannesburg: Random House South Africa, 1998.
- Lingaas, Carola. The Crime against Humanity of Apartheid in a Post-Apartheid World. *Oslo Law Review*, 2015, Vol. 2, No. 2, p. 86–115. <https://doi.org/10.5617/oslaw2566>
- Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa / Eds. Charles Villa-Vicencio, Wilhelm Verwoerd*. Cape Town: University of Cape Town Press; London: Zed Books Ltd, 2000.
- Masutha, Mike. Eugene de Kock Gets Parole, Clive Derby-Lewis Does Not. *PoliticsWeb*, 30 January 2015. Retrieved from <http://www.politicsweb.co.za/news-and-analysis/eugene-de-kock-gets-parole-clive-derby-lewis-does-n> [accessed 1 March 2025].
- Meersman, Brent. Eugene de Kock's Parole: On the Road to Redemption. *Mail & Guardian*, 6 March 2024. Retrieved from <https://mg.co.za/article/2014-03-06-on-the-road-to-redemption> [accessed 1 March 2025].
- Meiring, Piet. *Chronicle of the Truth and Reconciliation Commission: A Journey through the Past and Present—into the Future of South Africa*. Vanderbijlpark: Carpe Diem Books, 1999.
- Meredith, Martin. *Coming to Terms: South Africa's Search for Truth*. New York: Public Affairs, 1999.
- Morudu, Palesa. Eugene de Kock at the Franschoek Literary Festival: Of Screwed Courage and a Screwed Country. *Daily Maverick*, 16 May 2016. Retrieved from <https://www.dailymaverick.co.za/article/2016-05-16-eugene-de-kock-at-the-franschoek-literary-festival-of-screwed-courage-and-a-screwed-country/> [accessed 1 March 2025].
- Pauw, Jacques. *Dances with Devils: A Journalist's Search for Truth*. Cape Town: Zebra Press, 2006.
- Prime Evil* (2000). TV Movie SABC: Journey Pictures / Directed by Jacques Pauw.

- Potgieter, De Wet. Eugene De Kock: I'm sorry for the loss of Dirk Coetzee. *Daily Maverick*, 12 March 2013. Retrieved from <https://www.dailymaverick.co.za/article/2013-03-12-eugene-de-kock-im-sorry-for-the-loss-of-dirk-coetzee/> [accessed 1 March 2025].
- Roux, Daniel. Uncanny Times: The Case of Eugene de Kock. *English Studies in Africa*, 2024, Vol. 67, No. 1, p. 71–81. <https://doi.org/10.1080/00138398.2024.2347040>
- Skinner, Rob. *Modern South Africa in World History: Beyond Imperialism*. London: Bloomsbury Academic, 2017.
- Smith, David. South African Death Squad Leader Eugene de Kock to be Freed from Jail. *The Guardian*, 30 January 2015. Retrieved from <https://www.theguardian.com/world/2015/jan/30/south-africa-eugene-de-kock-released-prime-evil> [accessed 1 March 2025].
- Summary Amnesty Hearings & Decisions, 1 November 2000. *Truth and Reconciliation Commission of South Africa*. Retrieved from <https://justice.gov.za/trc/amntrans/index.htm> [accessed 1 March 2025].
- Thamm, Marianne. One Woman's Extraordinary Journey: 'Je suis Eugene de Kock.' *Daily Maverick*, 4 May 2015. Retrieved from <https://www.dailymaverick.co.za/article/2015-05-04-one-womans-extraordinary-journey-je-suis-eugene-de-kock/> [accessed 1 March 2025].
- Thompson, Leonard. *A History of South Africa: From the Earliest Known Human Inhabitation to the Present*. Johannesburg & Cape Town: Jonathan Ball Publishers, 2014.
- Truth and Reconciliation Commission*. Retrieved from <https://www.justice.gov.za/trc/> [accessed 1 March 2025].
- Truth and Reconciliation Commission of South Africa Report*. Vol. 1.: The Report of the Truth and Reconciliation Commission was Presented to President Nelson Mandela on 29 October 1998. Retrieved from <https://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf> [accessed 1 March 2025].
- Two Life Sentences, 212 Years' Imprisonment for de Kock. *South African Press Association*, 30 October 1996. Retrieved from <https://www.justice.gov.za/trc/media/1996/9610/s961030l.htm> [accessed 1 March 2025].
- Verbeeck, Georgi. The South African Model of Transitional Justice: Revenge or Reconciliation? In: *Beyond the Death Penalty: Reflections on Punishment* / Eds. Hans Nelen, Jacques Claessen. Cambridge: Intersentia, 2012, p. 203–218.
- Vlakplaas to become Centre for Healing. *Mail & Guardian*, 16 August 2007. Retrieved from <https://mg.co.za/article/2007-08-16-vlakplaas-to-become-centre-for-healing> [accessed 1 March 2025].
- Workers Have Eugene De Kock Removed from Retirement Home. *Huffpost*, 21 July 2017. Retrieved from [https://www.huffingtonpost.co.uk/entry/workers-have-eugene-de-kock-removed-from-retirement-home-uk\\_5c7e8808e4b048b41e38ebf4](https://www.huffingtonpost.co.uk/entry/workers-have-eugene-de-kock-removed-from-retirement-home-uk_5c7e8808e4b048b41e38ebf4) [accessed 1 March 2025].