

# SOUTH AFRICA

Forensic Report on the analysis of 13 bodies exhumed on a farm cemetery in Pokeng, Rustenberg, during 1998.

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## INTRODUCTION

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At the request of the Truth and Reconciliation Commission (TRC) of South Africa, EAAF members Anahi Ginarte and Luis Fondebrider went to Johannesburg between August 17 and 21, 1999. The objective of the mission was the forensic analysis of 13 corpses exhumed by the police during 1998, at the request of the TRC from a cemetery located at a farm in Pokeng, Rustenberg, Transvaal, South Africa.

The purpose of the investigation was to determine if the said corpses could belong to people dead or missing as a consequence of the political violence investigated by that Commission.

## EXHUMATION OF POLITICAL ACTIVISTS IN SOUTH AFRICA

### BACKGROUND

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After the South African government's ban of the African National Congress (ANC) and the Pan African Congress (PAC) in the 1960's, these liberation movements organized in exile, established guerrilla armies, and adopted a programme of armed resistance to apartheid. During the 1960s and 70s, very limited armed actions were undertaken within South Africa by these guerrillas, namely the ANCs Umkhonto we Sizwe (MK) and the PACs Poqo/Apla, with very few fatalities.

However, from 1980 armed actions by MK increased dramatically, reflecting a general upsurge in political resistance inside South Africa as well. Skirmishes and deaths in combat resulted. In addition, methods of exterminating the terrorist

threat shifted increasingly from 'legal' repression to more covert elimination. The chief targets of the security forces were MK members; and to a more limited extent, APLA members.

As a consequence, in the period 1980-1990, several hundred externally-trained guerrillas and internal activists were killed by security forces inside South Africa and placed in anonymous graves. The majority of deaths took place in skirmishes with South African security forces. In addition, investigations have also uncovered a number of planned entrapment operations or ambushes by the security forces and many summary executions during 'arrest'.

In a majority of these cases, the bodies of the deceased passed through the normal bureaucratic channels of the state through mortuaries, post-mortems, and inquests. These bodies of guerrillas were generally not returned to their families even when their identities were known to the authorities. Instead, they were buried as unidentified persons in the paupers' areas of cemeteries, sometimes under false name, or occasionally under their own names when known. Even in certain cases where families were informed of the death, the environment of political repression did not permit family members to request or search for the remains. It was common for families of guerrillas to experience aggressive security force harassment and persecution, even after the death of the guerrilla.

In cases where guerrillas were killed in entirely covert circumstances by security forces (as opposed to public skirmishes), the burials were conducted in complete secrecy in an illegal and undocumented manner. The sites of burial were, for example, security force-owned farms, or forests around the borders of South Africa. In these cases, the amnesty applications to the Truth and

Reconciliation Commission (TRC) from perpetrators of the former South African security forces have revealed information and the applicants have led investigators to the relevant sites. The TRC has lists of several hundred unsolved disappearances.

#### EXHUMATIONS CONDUCTED BY THE TRC

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After the unbanning of the ANC and PAC in 1990, many families waited in vain for the return of their loved ones from exile. The lives of these families were suspended in an uncertainty about the fate of their family members, knowing only that they had gone to join the liberation movements in exile. In certain cases the ANC was able to report incidents in which the guerrilla had been killed but did not know the whereabouts of the remains. Alternatively, because of the use of pseudonyms, the real identities of certain guerrillas remained uncertain and could not be confirmed by the liberation movement.

The Truth and Reconciliation Commission (TRC) was established by the new democratic South African government in 1996 and was directed to investigate and report on all killings, acts of torture, and severe ill-treatment conducted in the period 1960-1994, as well as cases of abductions and disappearances. Several hundred families submitted statements reporting the disappearance of their loved ones to the TRC and requested assistance in locating them, living or dead.

The TRC established that many of the missing persons were members of MK who died inside South Africa. The ANC submitted a list to the TRC of 300 guerrillas that were conclusively known to have died inside South Africa, although this is not complete. Many of the bodies of the deceased were not returned to their families at the time of death. The TRC made some progress in establishing the incidents and locations of skirmishes and executions. This was done through research and investigation into police records, newspaper reports, and interviews with former guerrillas. The amnesty provisions of the TRC also resulted in

certain amnesty applicants pointing out secret burial sites.

A limited programme of exhumations was conducted by the TRC. In all, some fifty bodies were exhumed and are reported on in detail in the Final Report of the TRC. As a result, a large number of the potential exhumations remain to be done.

#### METHODOLOGY

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Unfortunately, the recovery of remains and associated evidence is often performed by unqualified personnel, and consequently, archaeological information is lost, or there is post-mortem damage of the remains or lack of complete recovery.

In this case, exhumation was not performed by forensic archaeologists, but by untrained police, and thus valuable information was lost - information that could have determined whether or not the case was of interest for the TRC.

When the EAAF investigators arrived in South Africa, the 13 corpses, each in a new coffin, were being stored by the Anatomy Department of the University of Witswatersrand Medical School, in Johannesburg. Doctors Allen and Asvat collaborated with EAAF, and the Department kindly allowed us to use their facilities.

The goal was to determine whether the people had been killed in political violence. Through analysis of the remains we cannot say if the violence was political or not but we can certainly look for signs of trauma in the human remains related with a violent cause of death, and we can take into account the biological profile of the political activists that these remains may belong, such as age range and sex. We focused then in the following items

##### Age estimation

Because the TRC was looking for men under 40, plus one woman between 25 and 30, skeletons above that age were ruled out.

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Cause of death

We attempted to detect wounds produced by bullets or any other object that might show evidence of peri mortem violence to the skeletal remains.

Associated evidence

We tried to observe any aspect of the remains that might clarify their origins.

Each of the 13 coffins at the Anatomy Department was labelled 'No Name'. The exhumation place was also noted, but there was no code differentiating one from the other. Therefore we arbitrarily numbered each coffin from R1 to R13 (R stands for Rustemberg, the locality of the exhumation).

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CONCLUSIONS

After the forensic anthropological analysis the EAAF concluded that the 13 bodies examined that the skeletons do not present evidence of violent death. This consideration is grounded in the following points:

1) Absence of peri-mortem injuries compatible with the action of bullets or other elements related to violent processes. However, as we have count only with the analysis of skeletal remains we cannot completely rule out the possibility of violent trauma occurring in soft tissue rather than bone tissue.

2) The advanced age of the bodies, does not correspond to the age profile of missing people sought by the Commission. Most of the bodies corresponded to males over 50 years old: R1, R6, R7, R8, R9, R10, R12, and R13, with the exception of R2, female, and R11, R5, R4, and R3, under 50.

3) The bodies seemed to come from a hospital or morgue. This hypothesis is supported by the following findings.

3.1) Most of the bodies, except for R1, R8, R10 and R13, possessed a plastic identification bracelet. In those belonging to R2, R7 and R11, the name of the person, a kind of code, and a date could be read

3.2) Most of the bodies, except R8, were wrapped in the same plastic in which they were buried, and each was tied in the same way, with bands of the same plastic around neck, waist and feet. This plastic allowed preservation of adipocere; when the plastic was in bad condition, skeletonization took place more rapidly, as in the case of R1.

3.3) In two of the cases, R8 and R10, the bodies of newborns were found with those of the adults. Both were wrapped in the same kind of plastic, and tied up in the same way as the adult skeletons. The newborn in the coffin of R8 was in advanced state of decomposition but still possessed soft tissue, while the one found in the coffin of R10 was completely skeletonized.

Finally, during a visit to the place where the bodies had been buried, we could verify that this place had features of a farm cemetery, without any sign that could point to a clandestine process of burial.

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RECOMMENDATIONS

Any criminological investigation involving the search for official or clandestine graves and the exhumation and analysis of remains must be guided by an established series of steps. This is particularly important in cases related to processes of political violence, where besides the disappearance and death of the individuals, the bodies are also hidden. In view of this and based on EAAF's experience, we make the following recommendations to the TRC:

1) Before any kind of exhumation takes place, there should be a previous investigation, with trained personnel, so that reliable hypotheses can be established about the location of the graves and their relationship to the case under investigation.

2) Once the data is deemed reliable, and the case is indeed of interest to the investigation, the archaeological exhumation of the grave must be planned. For this purpose, a forensic archaeologist is needed who will plan, direct and execute the operation, in agreement with the authorities in

charge.

3) All archaeological excavations should be carefully recorded with diagrams, plans, photographs, and filming if possible.

4) In case the recovered bodies are skeletonized, a forensic anthropologist should be present to perform a complete analysis of the remains.

5) We recommend the application of the international scientific standards described in the United Nations Manual for the Efficient Investigation of Arbitrary, Summary and Extralegal Executions.

6) Concerning the case under analysis, we recommend an investigation of hospitals and morgues in the neighborhood of Pokeng, to establish the provenance of the bodies.

#### FUTURE EXHUMATION WORK

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The present ANC government has repeatedly expressed its commitment to a continuation of exhumation work and has asked the TRC for recommendations in this regard. Based on its own experiences, the TRC is currently drafting recommendations to the present government. These recommendations include, the establishment of a unit to continue exhumations; and possible collaborative work with the EAAF.