



SOUTH AFRICA

A presentation on the application of forensic sciences to human rights investigations at a workshop organized by Article XIX, and a mission requested by the South African Truth and Reconciliation Commission.

South African President Nelson Mandela and Archbishop Desmond Tutu celebrate the completion of the Truth and Reconciliation Commission's Report, October 28th, 1998

At the invitation of Article XIX, an international, London-based organization which advocates against censorship, EAAF member Mercedes Doretti traveled to South Africa from July 18th to August 2nd, 1997. From July 21 to July 23, she attended a "Workshop on Informal Repression and Censorship in Africa," near Durban and gave a presentation on human rights investigation and forensic sciences. The workshop was organized by Article XIX and the Network of Independent Monitors (NIM), a South African human rights organization, and was sponsored by the Ford Foundation. Almost 40 participants from human rights NGOs in eight African countries attended. Doretti and Francisco Soberon from APRODEH, a Peruvian NGO, were also invited to describe their

experiences in investigating human rights violations.

EAAF was invited to give a similar slide presentation at the Durban and Johannesburg branches of the South African Truth and Reconciliation Commission, created by President Mandela. In early 1996 the Commission began working on its mandate to investigate human rights violations committed against individuals during the last 33 years of the former state.

A month later, EAAF was invited by the South African Commission to provide technical advice on a case under investigation and to help form a local forensic team that could support the Commission's investigations. Two EAAF members, Doretti and Luis Fondebrider, traveled to Johannesburg and stayed for two weeks, between August 30th and September 12th.

EAAF also worked on one case during August. At this point, no information about the investigation can be released.

South African state-employed forensic



A witness shot in the face by South African police testifying before the Truth and Reconciliation Commission in Cape Town.

investigators have been strongly criticized by human rights organizations for their behavior during the apartheid years, when, among other things, autopsy records and death certificates were reportedly altered to conceal or obscure the details of state-sponsored crimes. Mainly because of such problems, the Commission required an alternate system for dealing with cases in which exhumations and analyses of skeletal remains needed to be conducted. Although South Africa has a long tradition in archaeology and physical anthropology, there is no precedent for members of these disciplines working for the judicial system on legal cases.

To help address these problems, during the second

mission EAAF worked together with the Medical Legal Unit, a South African non-governmental organization that monitors and works to improve medico-legal investigations, to organize an informal two day discussion with archaeologists, physical anthropologists and forensic experts, mostly from the Witwatersrand University of Johannesburg.

The meeting, which took place at the Commission's office in Johannesburg in August, was intended to establish a basis for forensic assistance in cases under investigation. As not many cases which require such investigations have been identified so far, the group decided that a full time team was not necessary, and proposed creating a team that would

work on a case by case basis. A first draft of these recommendations was written and presented to the Commission.

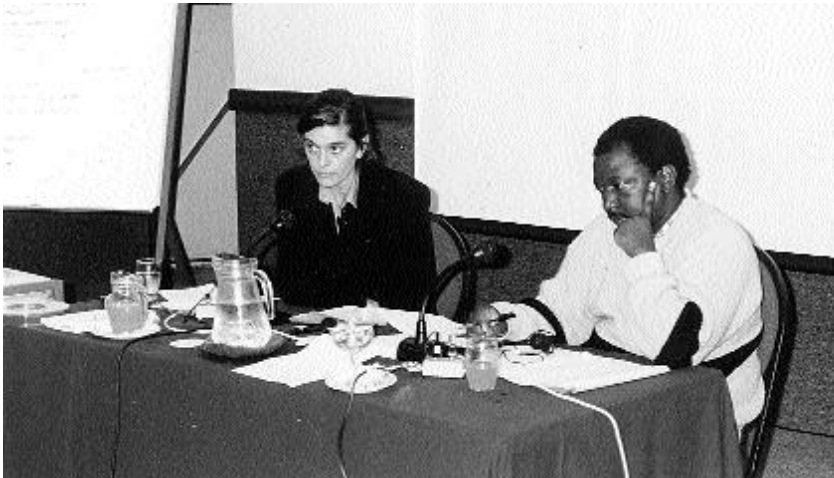


Photo courtesy of Article XIX.

EAAF member Mercedes Doretti testifying at the Article XIX Conference near Durban in 1996.

An Exhumed Body Tells Grim Tales of Apartheid

By SUZANNE BAILEY

PAUL PiETERBURG, South Africa — Before going to the cemetery, Rufina Makhombo's family gathered in front of the police station here, laughing and joking about the 22-YEAR-OLD they remembered, the best looking and muscular. He hadn't talked much.

"He had crossed teeth in front, like my mother," said his sister Magdelino, a 57-YEAR-OLD IN DURBAN. "He had her whole face, too."

When he went off to fight apartheid in the armed wing of the African National Congress, he promised that he would go down fighting.

That was 17 years ago, and his family never saw him again. Rufina had it that he died three years later in this town at the hands of the security police. But the Makhombo family never got official word. All those years, they wondered what had really happened to him and worried that his spirit was not at rest.

Now they were here to watch the exhumation of a pauper's grave, No 211, which according to local morgue records was where Rufina Makhombo had been since 1988. It was time to take him home, they said. Time to put him in a grave next to his mother's.

When South Africa's Truth and Reconciliation Commission began its work more than two years ago, it first asked apartheid's victims to come forward and tell their stories. The early days were grim with tales of beatings, torture and murder.

But in the background were other victims, like the Makhombo family. They came humbly forward without any facts, but with requests for information about missing loved ones and, in particular, for bodies to bury properly.

To date, the commission has exhumed more than 50 bodies, some on the edges of rivers or in isolated farm areas where the victims were brutalized and killed. Many have been found because security officials confessed to killings to get amnesty from the commission.

But sometimes the graves themselves do the talking. In one case, investigators digging for 2 bodies found 12. In another, a woman's skull bore a bullet hole, even though amnesty applicants said she had died of a heart attack during a torture session.

"The judge tells us that," said Gail Wassenaar, the investigating officer supervising the Makhombo case. "If a police officer is claiming that someone was shot because he was hiding a grenade, then the body should show signs of that, assuming the grenade went off. We can't see bullet holes and other kind of conditions they were in when they died. There is a lot of information there."

Knowing the family to the grave, Ms. Wassenaar said she believed she had all the facts in this case. Most police records were legally destroyed in the last days of apartheid rule, but local morgue records mentioned Rufina Makhombo's death in an accident there, along with those of four other guerrillas who probably underwent local power lessons and oil refineries.

The records said he had been shot by police officers hunting him down by helicopter as he ran through the fields nearby. His body had been stripped and buried in black plastic.

The stripping was unusual, Ms. Wassenaar said. But in the record, at least, there was nothing else indi-

cating that his killing was more than a routine act of the police department, whose tactics during the 10-year-long guerrilla war of the 1980's shifted from guerrilla-and-ambush to a more military style search-and-destroy.

At the grave in the random cemetery in the black section of town, the mood was somber. Nelson Madombhe knelt among the tiny crossed markers, talking softly to his brother before the digging began.

"We are here now to take you home," he explained.

Some of the exhumations have been huge press events and showcase gatherings of African National Congress leaders. But Rufina Makhombo was just a young soldier. Still, local congress officials were out in numbers, and members of the congress's Women's League gathered to sing traditional songs and help the family through the hours-long wait before the body was found.

When the family said they were ready, the grave diggers lifted the black plastic sheeting, laid it on the ground and unwrapped the bones.

After staring in silence for a minute, Magdelino and Nelson Madombhe asked to see the teeth so they might be sure the body was their brother's.

Capt. Peter Malopo, who heads the commission's exhumation team,

A Zulu family at last lays a tortured son to rest.

strapped, running through the bushes for the job. His head looked pale as if skull it is supposed Rufina Madombhe had suffered numerous head injuries, he said. Inside the bag, too, were knotted ropes indicating that he had been tied up when he died. The family members argued over the teeth that could be found, with the older members finally convincing the younger ones that they were indeed Rufina's.

Before the afternoon was over there was evidence that all five of the people buried here had probably been shot at close range, most of them through the forehead.

The Truth Commission, which was created to help the country get its brutal past to rest without the cost of expensive and politically divisive trials, is supposed to finish most of its work by the end of July and publish its report. But with limited money it is unlikely to resolve all the mysteries of the era, and family members doubt they will ever know exactly what happened to Rufina Makhombo's.

The commission does pay for the exhumation, however, and \$200 toward the cost of reburial.

In the late afternoon, when the bones had been placed in a preparation, the Makhombo family said they were finally satisfied. Like many Zulus, they believe that a spirit not put to rest will haunt the family.

"You know, for many years that we have had a lot of trouble in our family," said Magdelino Madombhe. "Now, I think it will be better. This could be at peace buried like that and with his hands and legs tied."

"He will be better now, and we will be a bit relieved. But we won't do better."

NEW YORK TIMES: 1998

Summary of the Truth and Reconciliation Commission's conclusions

NEW YORK TIMES, OCTOBER 30TH., 1998

Pretoria's Words: 'Extrajudicial Killing'

PRETORIA, South Africa, Oct. 29 — Following are excerpts from the final report issued by South Africa's Truth and Reconciliation Commission today.

Primary Finding

On the basis of the evidence available to it, the primary finding of the Commission is that:

The predominant portion of gross violations of human rights was committed by the former state through its security and law-enforcement agencies.

Moreover, the South African state in the period from the late 1970's to early 1990's became involved in activities of a criminal nature when, amongst other things, it knowingly planned, undertook, condoned and covered up the commission of unlawful acts, including the extrajudicial killing of political opponents and others, inside and outside South Africa.

planned, undertook, condoned and covered up the commission of unlawful acts, including the extrajudicial killing of political opponents and others, inside and outside South Africa.

In pursuit of these unlawful activities, the state acted in collusion with certain other political groupings, most notably the Inkatha Freedom Party (I.F.P.). . . .

Certain members of the State Security Council (the state President, Minister of Defense, Minister of Law and Order, and heads of security forces) did foresee that the use of words such as "take out," "wipe out," "eradicate," and "eliminate" would result in the killing of political opponents.

P. W. Botha

During the period that he presided as head of state (1978-1989) according to submissions made to and findings made by the Commission, gross violations of human rights and other unlawful acts were perpetrated on a wide scale by members of the South African Defense Force, including:

The deliberate unlawful killing and attempted killing of persons opposed to the policies of the Government, within and outside South Africa.

The widespread use of torture and other forms of severe ill treatment against such persons.

The forcible abduction of such persons where were resident in neighboring countries.

Covert logistical and financial assistance to organizations opposed to the ideology of the A.N.C. . . .

Inkatha

The Commission finds that in 1986, the South African Defense Forces (S.A.D.F.) conspired with Inkatha to provide the latter with a covert, offensive paramilitary unit (or "hit squad") to be deployed illegally against persons and organizations

perceived to be opposed to both the South African Government and Inkatha. . . . The Commission finds that the deployment of the paramilitary unit in KwaZulu led to gross violations of human rights, including killing, attempted killing and severe ill treatment. The Commission finds the following people, among others, accountable for such violations: Mr. P. W. Botha, Gen. Magnus Malan, Chief Mangosuthu Buthelezi. . . .

The A.N.C.

While it was A.N.C. policy that the loss of civilian life should be "avoided," there were instances where members of its security forces perpetrated gross violations of human rights in that the distinction between military and civilian targets was blurred in certain armed actions, such as the 1983 Church Street bombing of the South African Air Force headquarters. . . . In the course of the armed struggle, the A.N.C., through its security forces, undertook military operations which, though intended for military or security force targets, sometimes went awry for a variety of reasons, including poor intelligence and reconnaissance. The consequences in these cases, such as the Magno's Bar and Durban Esplanade bombings, were gross violations of human rights in respect of the injuries to and loss of lives of civilians.

military and civilian targets was blurred in certain armed actions, such as the 1983 Church Street bombing of the South African Air Force headquarters. . . . In the course of the armed struggle, the A.N.C., through its security forces, undertook military operations which, though intended for military or security force targets, sometimes went awry for a variety of reasons, including poor intelligence and reconnaissance. The consequences in these cases, such as the Magno's Bar and Durban Esplanade bombings, were gross violations of human rights in respect of the injuries to and loss of lives of civilians.

Individuals who defected to the state and became informers and/or members who became state witnesses in political trials . . . were often labeled by the A.N.C. as collaborators and regarded as legitimate targets to be killed. The commission does not condone the legitimization of such individuals as military targets and finds that the extrajudicial

Individuals who defected to the state and became informers and/or members who became state witnesses in political trials . . . were often labeled by the A.N.C. as collaborators and regarded as legitimate targets to be killed. The commission does not condone the legitimization of such individuals as military targets and finds that the extrajudicial

killing of such individuals constituted gross violations of human rights.

The Commission finds that, in the 1980's in particular, a number of gross violations were perpetrated not by direct members of the A.N.C. or those operating under its formal command, but by civilians who saw themselves as A.N.C. supporters. In this regard, the Commission finds that the A.N.C. is morally and politically accountable for creating a climate in which such supporters believed their actions to be legitimate.

A.N.C. Camps

The Commission finds that suspected "agents" were routinely subjected to torture and other forms of severe ill treatment and that there were cases of such individuals being charged and convicted by tribunals without proper regard to due process, sentenced to death and executed.

were cases of such individuals being charged and convicted by tribunals without proper regard to due process, sentenced to death and executed.

Winnie Mandela

The Commission finds that Ms. Madikizela-Mandela was central to the establishment and formation of the Mandela United Football Club, which later developed into a private vigilante unit. . . . The Commission finds that those who opposed Ms. Madikizela-Mandela and the Mandela United Football Club, or dissented from them, were branded as informers and killed. The Commission finds that Ms. Madikizela-Mandela . . . is accountable, politically and morally for the gross violations of human rights committed by the Mandela United Football Club.

The Commission finds further that Mrs. Madikizela-Mandela herself was responsible for committing such gross violations of human rights.

Wednesday July 24, 1996 BOWTIAN

TRC hears sad stories of victims

Police told arrested mother to give her newborn baby sump to eat

By Khuthi Mmamets

SERIAL victims of gross human rights violations broke down and wept when they related their stories to the Truth Commission's public hearing in Pieterburg last week.

Among the heartrending stories of that of Ms Mmabetsi Rose Sechela (44), who was six weeks pregnant when she was arrested by security police at Mafeseng's (now called Pekaerama) in 1978.

She was accused of harbouring "terrorists", who included her cousin who was a member of the Azanian People's Liberation Army, the military wing of the Pan Africanist Congress.

She was taken to Pieterburg where she was interrogated by police. She was then placed in solitary confinement. The cell had no windows and she had to use the toilet in the toilet for drinking and washing.

Police threatened to burn her that had blood on the wall. They said the blood on the wall was that of people who refused to cooperate with them. They said if I continued to refuse to cooperate, they would kill me and nobody

“They surrounded my bed and laughed as if they were watching a movie while I delivered my baby.”

would know about it.

“When I was six months pregnant, they surrounded me in Kgabeng. I was placed in an overcrowded cell that was full of lice. I was later confined to a women's chapel and transferred to the police's imprisonment.”

“On July 18 1978 I went into labour. I was taken to Kgabeng Hospital under heavy police guard. At the hospital the police and the soldiers guarding me refused to leave my ward.”

“They continuously beat, tortured and laughed as if they were watching a movie while I delivered my baby. Afterwards, they took me back to my cell.”

“They refused to give my baby warm water and I had to wash him with

cold water. They were pouring on my pines and sometimes I had to use wet rags.”

“They gave me water and said I should take care of the baby. My car had broken down so my husband had to go to school to and out of hospital because of what happened to her when she was a baby.”

The President's Special Enquirer, Rosemary de Klerk, Pieterburg, said he had the report after he was strongly urged by police. He was arrested at Pieterburg in 1995 for taking part in a strike for better pay.

He said he remembers that he was assaulted and hit for cooperation. When he refused outside medical he was in a police cell.

“My left eye could only see ‘grey’ and my right eye could see ‘dark grey’,” said Kwaonon. He was later granted a release without being charged.

Ms Anna Kabanale, leader of Azanian People's Organisation (APO) and former Mr Lesego Molekwa's fiancée, testified about her son's death in police custody hours after he was arrested by Pieterburg police. She broke down and wept as she told how her son was allegedly killed by policemen who had accused him of supplying weapons about the police force.

Mr Happy Maseko Moleka, a relative of Kwaonon, however, the United Democratic Front (UDF) group, said

the Commission he was hit over the head with what looked like an axe in 1996.

He said although he had not been a 4-year member because of his transfer at the time between the two organisations.

Speaking from a wheelchair, Maseko said he was paralysed from the waist down.

In 1985 he was a witness to the death of his cousin because I wanted to know a family of my own. However, the motion left me because I could not function as a child.

I am grateful as a man I was put like another woman to her and she could succumb this.”

FEATURE NEWS



Time for tears ... Annelie Moleko (center) is seen at the Truth Commission's hearing in Soweto on Monday. Several victims of human rights abuses also broke down at the hearings in Pieterburg last week.