

South Africa



Cape Province, South Africa. Black South African showing his passbook issued by the Government. Blacks were required to carry passes that determine where they may live. January 1985. *Photo courtesy of UN Photo Archive.*

In 2006, at the request of the National Prosecuting Authority (NPA), EAAF conducted a mission to South Africa to work on apartheid-era crimes. Together with the Missing Persons Task Team, an agency of the NPA, EAAF carried out exhumations in the cemeteries of Mafikeng, North-West Province, and Thohoyandou, Limpopo Province; performed anthropological analysis of the exhumed remains; and trained post-graduate students.

BACKGROUND

After South Africa's governing National Party banned local African liberation movements in 1960, many African National Congress (ANC) and Pan Africanist Congress (PAC) members went into exile to fight apartheid.¹ Following twenty years of low-intensity warfare, armed confrontations between government security forces and the armed wings of the ANC—*Umkhonto we Sizwe* (MK)—and of the PAC—*Poqo/Apla*—increased in the 1980s. Street battles during the conflict led to casualties among combatants and civilians.² Other casualties included those civilians killed by security forces on the streets during “riot policing” or who died in inter-civilian clashes between members of the ANC and the *Inkatha* Freedom Party (IFP),³ and those who went into exile and are presumed to have perished in neighboring countries.⁴

In the late 1980s, South Africa experienced growing criticism from outside the country for its system of apartheid. Cultural, academic, and sporting ties with the country were cut off. The organization of international sanctions and the boycott of South African goods adversely affected the country's economy. At first the government

reacted by increasing the repression of resistance parties. After suffering a stroke, State President Pieter Willem Botha was forced to resign in 1989, and State President Frederik Willem de Klerk was appointed as his replacement. Responding to the growing pressure, de Klerk legalized the ANC and PAC in 1990. Nelson Mandela was released from Victor Verster Prison that same year. Between 1990 and 1992, de Klerk legally abolished apartheid. The first democratic election in South Africa took place on April 27, 1994. Nelson Mandela won with 62.7 percent of the vote.⁵

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The Truth and Reconciliation Commission

In 1996, President Mandela's government established the Truth and Reconciliation Commission (TRC) to investigate all cases of extrajudicial executions, disappearances, and torture between 1960 and 1994. The TRC relied on reports from victims' relatives, the ANC, police archives, non-governmental organizations, and human rights abuse perpetrators

seeking protection (the TRC was given the power to grant amnesty). Several hundred families submitted statements reporting the disappearance of their loved ones to the TRC, and requested assistance in locating them, living or dead.⁶

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In 1990, after the government lifted the ban on the ANC and PAC, many families awaited the return of their loved ones, who had either gone into exile or underground. Most of these families were ignorant of the whereabouts of their relatives,

knowing only that they had joined liberation movements abroad. While many returned, others were confirmed dead and/or their fate required further investigation. In some cases, it was known that a guerilla had been killed, because of a list released by the ANC, to the Commission but the location of the remains was uncertain. Furthermore, due of the use of pseudonyms, the real identities of several guerrillas could not in some cases be

confirmed by the liberation movement. Hundreds of guerrillas and activists killed by security forces in the 1980s and 1990s were buried in anonymous graves in local cemeteries, farms owned by the security forces, and nearby forests.⁸ Some interments were performed clandestinely, with no official documentation. Others, including most of those examined by EAAF, were buried in cemeteries and officially documented with photos and autopsy reports though the bodies were frequently still buried as John/Jane Does or under a name taken from falsified identification documents. In either case, the families were rarely notified.

The TRC was able to establish in many of these incidents the locations of skirmishes and executions through research and investigation of police records, state archives, newspaper reports, and interviews with former guerrillas. In some of these cases, testimonies from former South African security forces have revealed burial information and have led investigators to burial sites. The TRC documented many of the incidents and conducted close to fifty exhumations related to those incidents. Many potential burial sites were not inspected, however. Overall, the Commission received more than 1,500 statements concerning cases of disappearances. From these statements, in its final report of October 1998, the TRC listed 477 disappearances as unresolved, considering them later to be the most significant piece of “unfinished business.”⁹

In 2003, President Thabo Mbeki mandated the National Prosecuting Authority (NPA) to investigate apartheid-era cases of missing persons, including those left unresolved by the TRC, and, when possible, to locate and return the remains to the families.¹⁰ The Missing Persons Task Team (MPTT), established in 2004, is the agency responsible for conducting these investigations. In addition, the NPA’s Priority Crimes Litigation Unit (PCLU) has begun to pursue potential prosecutions stemming from the TRC’s work.

EAAF Participation

EAAF has conducted missions to South Africa in 1996, 1999, 2005, and 2006.

Between June 19 and July 16, 2006, EAAF members Anahí Ginarte and Silvana Turner and EAAF consultant Ivana Wolf traveled to South Africa to assist the MPTT in the investigation of 13 cases of disappearances, and to continue the training of local professionals.

At the request of the MPTT, EAAF carried out excavations in the cemeteries of the cities of Mafikeng and Thohoyandou and worked on the analysis of remains in the laboratory of the African Cultural History Museum in the city of Pretoria.

Throughout the mission, EAAF continued providing instruction to two PhD candidates from the University of Cape Town, anthropology student Thabang Manyapelo and archaeology student

Morongwa Mosothwane, on the application of forensic anthropology and archaeology to human rights cases by involving them in all aspects of the investigations. EAAF plans to continue training local professionals in South Africa and to invite them to Argentina to work alongside team members. Professor Alan Morris, from the Human Biology department of the University of Cape Town, worked with EAAF in the laboratory analysis of the remains.

Mafikeng, North-West Province:

At Mmabatho cemetery, in Mafikeng, the team focused on the search for 8 individuals related to 4 different episodes:

- MK operatives Peter Johnson and Karabo Madiba, who died shortly after returning to South Africa. Aware of their presence in Mafikeng, the police conducted a search operation for them. In the subsequent confrontation, police reports state that Karabo Madiba was shot to death, while Peter Johnson committed suicide;
- A male MK member who died in 1985 in unclear circumstances;¹¹
- Two MK combatants, whose identity hypotheses are uncertain, and who were reportedly shot dead by police on January 3, 1986; and
- Andile Mrumse, Thembekile Mkhaliphi, and Motlalekhotso Sello, who were trying to enter South Africa from Botswana.



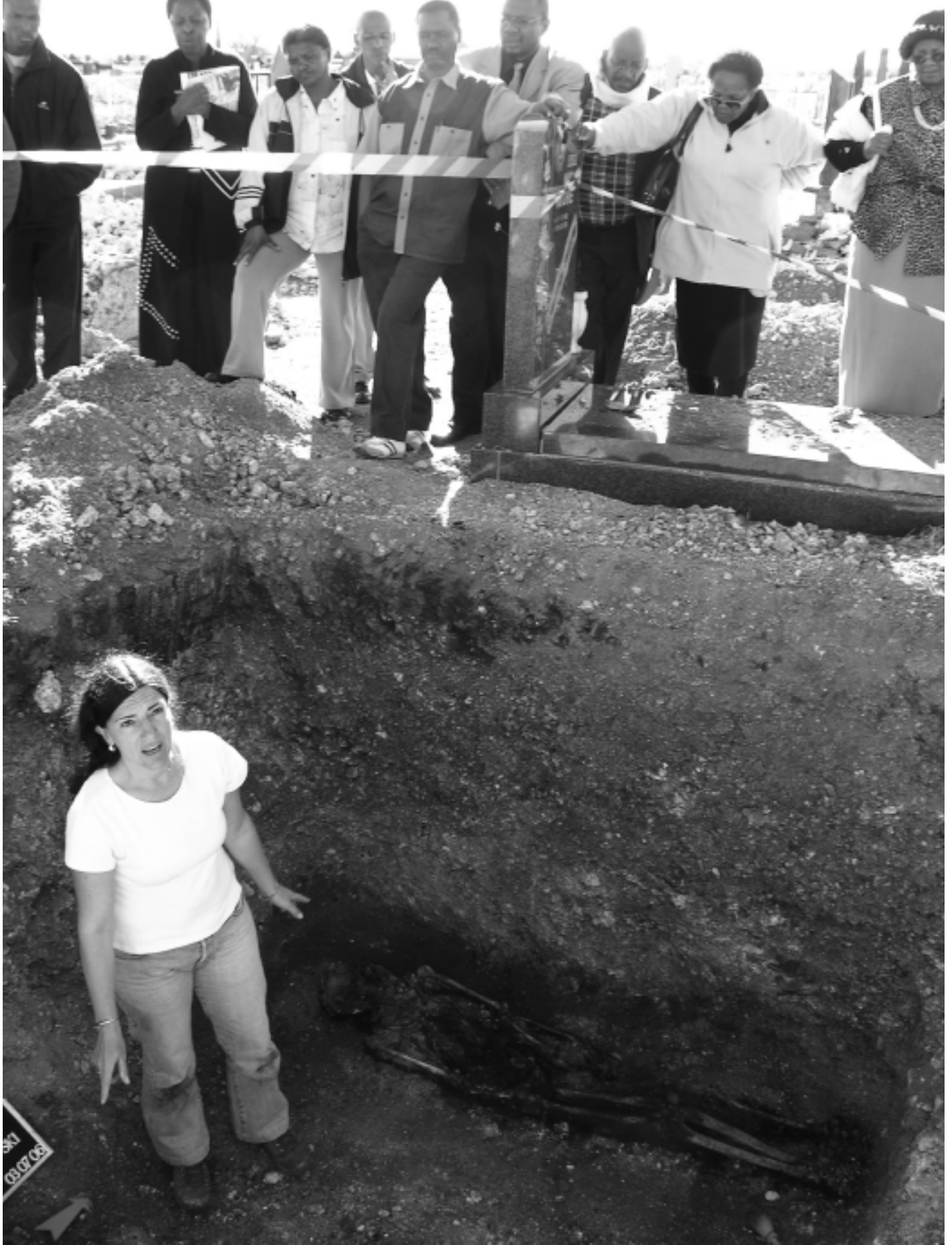
Mafikeng, South Africa. 2006. EAAF member Anahi Ginarte conducting interviews with families of disappeared people during exhumations. *Photo by EAAF.*

According to police reports, two were shot by the police in 1986, one while stopped at the road block, and another while fleeing. The third purportedly committed suicide after fleeing, in order to avoid capture.

The locations of the burials were known to be within the section of the cemetery set aside for the graves of

unidentified or indigent individuals, but there was no information on the exact locations of the burials within this section. The MPTT provided EAAF with records of the date of death and the date the remains exited the morgue for each case; helping to narrow down the graves' potential locations. Thus, based on the existing documentation, EAAF and MPTT selected close to 20 graves in Mmabatho ceme-

tery that could contain remains corresponding to the eight individuals. Further, the MPTT supplied the team with autopsy records of all the individuals sought, indicating the presence of skull trauma in all the cases the team was looking for. The team carried out preliminary excavations on the 20 selected graves in order to locate individuals with the the general biological features and skull traumas characteris-



Mafikeng, South Africa. 2006. EAAF member Anahí Ginarte conducting interviews with families of disappeared people during exhumations. Photo by EAAF.

tic of the remains of these disappeared persons, before proceeding with complete exhumations. The team fully exhumed four graves, containing the remains of six individuals.

At their request, the families of the victims were present during the entire exhumation process. EAAF members kept these families informed of their activities throughout the excavation procedure. The exhumation of a fifth grave where the other two individuals may be buried has been postponed until a hypothesis of identity is formed and the relatives can be informed.

EAAF analyzed the remains, verifying the correspondence between the perimortem lesions described in the autopsies conducted at the time of death on the six bodies with the lesions noted on

the skeletons. Based on the laboratory studies and the victims' ante-mortem data, EAAF made tentative identifications of the six individuals, recommending that DNA analysis be carried out to confirm them.

Genetic analysis performed by Dr. Neil Leat at the Human Identification Laboratory at the Biochemistry Department of the University of the Western Cape (UWC) confirmed the identification of **Peter Johnson, Karabo Madiba, Andile Mrumse, Thembekile Mkhalihi,** and **Motlalekhotso Sello**, whose remains were returned to their families for reburial. DNA results for the sixth individual are pending.

Thohoyandou Cemetery, Limpopo Province:

The investigation relating to the

cemetery of Thohoyandou consisted of the search for the remains of five adult males, supposedly members of the ANC, who died during a confrontation with security forces in Venda in 1988.¹²

The process of locating the graves was complicated by the unavailability of cemetery records for these burials. The team had to verify the information from preliminary investigations in the field by opening each grave. In spite of these difficulties, EAAF and MPTT were able to locate and exhume the remains of 3 of the 5 individuals.

EAAF established the biological profiles of the remains through anthropological analysis. DNA samples obtained from the remains were sent to the UWC genetic laboratory. The investigation is ongoing.

ENDNOTES

1. Apartheid was a legal system of racial segregation in South Africa that lasted from 1948 to the 1990s, under which the South African government legally classified and separated Whites, Blacks, and Indians to restrict non-white people's rights.
2. Truth and Reconciliation Commission of South Africa. "National Overview" in *Truth and Reconciliation Commission of South Africa Report*, Vol. 2. 1998. <http://www.doj.gov.za/trc/report/finalreport/TRC%20VOLUME%202.pdf>. See section: *The Development of Insurgency and Counter-Insurgency Strategies 1960–1990*.
3. "The Inkatha Freedom Party (IFP) was an ethnically oriented Zulu organization that opposed the ANC and was reportedly secretly funded by the apartheid state." From, *The Remains of Apartheid: The Recovery of Bodies of People Killed and Disappeared in South Africa*, May 2005; a project by EAAF, in cooperation with the NPA.
4. Truth and Reconciliation Commission of South Africa. "Findings and Conclusions" in *Truth and Reconciliation Commission of South Africa Report*, Vol. 5. 1998. <http://www.doj.gov.za/trc/report/finalreport/TRC%20VOLUME%205.pdf>. See section: *Primary Finding*.
5. African National Congress. 1994. *Election Results – 1994*. <http://www.anc.org.za/misc/elecrec.html>.
6. Truth and Reconciliation Commission of South Africa. <http://www.doj.gov.za/trc/>. Details for TRC's mandate are based on The Promotion of National Unity and Reconciliation Act 1995, No. 95-34 of July 26, 1995. http://www.fas.org/irp/world/rsa/act95_034.htm.
7. Truth and Reconciliation Commission of South Africa. 1998. "The State outside South Africa (1960-1990) & The State inside South Africa (1960-1990)" in *Truth and Reconciliation Commission of South Africa Report*, Vol. 2. <http://www.doj.gov.za/trc/report/finalreport/TRC%20VOLUME%202.pdf>.
8. *Ibid.*
9. Overall, the Commission received over 1500 statements concerning cases of disappearances. Truth and Reconciliation Commission of South Africa. "Report of the Human Rights Violations Committee: Abductions, Disappearances and Missing Persons" In *Truth and Reconciliation Commission of South Africa Report*, Vol. 6. Section 4. Chapter 1. 2003. p. 519.
10. Benton, Shaun. "New policy on apartheid crimes." *BuaNews*. January 18, 2006. http://www.southafrica.info/public_services/citizens/your_rights/trc_prosecutions180106.htm.
11. His name must be kept confidential at this point in the investigation.
12. Their names must remain confidential at this point.