

University of the Western Cape
Department of History



**UNIVERSITY of the
WESTERN CAPE**

History Master's Mini Thesis

‘Re-humanisation, history and a forensic aesthetic: Understanding a politics of the dead in the figuring of Ntombikayise Priscilla Kubheka’

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A mini thesis submitted in partial fulfilment of the requirements of the degree of Magister Artium in the Department of History, University of the Western Cape.

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Abstract

In 1987 Ntombikayise Priscilla Kubheka was abducted, tortured, killed and her body dumped by apartheid security police. She was an uMkhonto WeSizwe (MK), the armed wing of the African National Congress (ANC), commander based in Durban and was in charge of weaponry storage and organised safe houses for those returning from exile. Amnesty applications and perpetrator testimony given at the Truth and Reconciliation Commission's (TRC) amnesty hearings alleged that Kubheka had died, while being interrogated, from a heart attack. The perpetrators claimed the heart attack was possibly as a result of Kubheka being overweight. In 1997 the Truth and Reconciliation Commission (TRC) exhumed skeletal remains and items of clothing, including a floral dress, from a pauper grave in Charlottdale cemetery, Groutville. The exhumed skull indicated a bullet wound. The post-mortem and numerous forensic examinations confirmed the identification of the skeletal remains to be those of Kubheka. The forensic examinations of the items of clothing confirmed the findings of the skeletal examinations in establishing identification. These forensic examinations and its findings contested testimony given by the perpetrators. Through the TRC investigations and its findings, a question of what it may mean to re-humanise the once missing emerges.

This mini-thesis underscores a notion of re-humanisation through the work of the TRC in its investigation into the enforced disappearance of Kubheka. It suggests that figuring Kubheka through a notion of re-humanisation in the context of the TRC requires one to understand both de-humanisation and re-humanisation and the ways in which gender complicates these understandings. It does so by examining testimonies, the exhumation, the forensic examinations, the emergence of a forensic aesthetic and the productions of biographies and forensic memory to understand how these might be processes and strategies

of re-humanisation. This mini-thesis then is a forensic history that navigates a politics of the dead by examining the figuring of Kubheka through various fields and in various forums. In so doing, the argument presented in what follows is that the notion of re-humanisation is an inherently unstable one but at its core is a politics of the dead that misses gender in its figuring of the human.



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I dedicate this mini-thesis kwindlu kaMablukhwe.¹

¹ In 2013, a fire burnt down our home and claimed the lives of my father, uMablukhwe, and his two grandchildren, Hlomla no Likhanye. They were buried in the ashes. This project of forensic history lies in crucial centres of my heart.

Table of Contents

Plagiarism Declaration	i
Abstract	ii
Acknowledgements	iv
INTRODUCTION	1
Chapter One: Re-humanisation and the Truth and Reconciliation Commission (TRC)	9
De-humanisation, Re-humanisation and the TRC	13
The Amnesty Hearings and Re-humanisation	21
Gender, Testimony and Re-humanisation	29
Conclusion	38
Chapter Two: A Forensic Aesthetic	39
Exhumation and Re-humanisation	44
Forensic Analysis and Re-humanisation	51
A Forensic Aesthetic	57
Conclusion	62
Chapter Three: Biographic Productions and Forensic Memories	65
Biography and Re-humanisation	68
Biography and Osteobiography	75
Forensic Memory and Re-humanisation	81
Conclusion	87
CONCLUSION	89
Bibliography	94

Introduction

While doing my Honours degree I came across Ntombikayise Priscilla Kubheka's name.¹ She is one of thirty-six women who were reported missing at the Truth and Reconciliation Commission (TRC). My Honours research essay focussed on how missing women were represented at the TRC.² I focused on Phila Portia Ndwandwe and Kubheka, two female political guerrillas who are victims of enforced disappearances perpetrated by functionaries of the apartheid regime.³ Although the TRC had tried to represent both men and women equally as victims, I found, and still find, women's representation through the work of the TRC to have been lacking.

Kubheka was from KwaMashu township in Durban. She was an uMkhonto weSizwe (MK) operative commander whose duties included weaponry storage, organising safe houses for comrades, and collecting information about MK targets.⁴ The MK was the armed wing of the African National Congress (ANC) and its operatives were targets for apartheid's security police. In April or May of 1987, Kubheka was abducted, interrogated, tortured, murdered and her body dumped close to Bhambayi informal settlement by members of apartheid's Port

¹ There are many spelling versions of her name and surname in the TRC reports. I decided to spell her name and surname as it appears in this mini- thesis.

² Vuyokazi Luthuli, 'Figuring 'the missing' in the representation of missing women at the Truth and Reconciliation Commission' Honour's paper unpublished (2017).

³ Phila Portia Ndwandwe was a student at the University of Durban Westville in 1985. At the age of 23 years old Ndwandwe was a member of the uMkhonto weSizwe's 'Operation Butterfly'. She was abducted by the Durban security police branch in means of converting her into an informer and was killed in 1988 for not cooperating.

⁴ Volume Six, Section Four, Chapter Two: Report of the Human Rights Violations Committee, Exhumations', accessed at http://archive.niza.nl/trc/2003/4_2.pdf, on the 5th March 2020.

Natal Security Branch.⁵ Kubheka's body was found and taken to the local mortuary, after which she was buried, unidentified, in a pauper's grave.

During the TRC's amnesty process, six members of the apartheid era Port Natal Security Branch and two C1/Vlakplaas *askari* operatives applied for amnesty for "their role in the abduction, death and subsequent disposal" of Kubheka's body.⁶ The six security police officers were Colonel Andy Taylor, Captain Hentie Botha, Sergeant Laurie Wasserman, Sergeant Cassie van der Westhuizen, Joe Coetzer and Warrant Officer 'Bossie' Basson. The two askari operatives from C1/Vlakplaas were Xola Frank Mbane and Dube Radebe were under the command of Captain Adrian Baker of the Port Natal Security Branch. Mbane and Taylor did not apply for amnesty. The perpetrators claimed that while being interrogated, Kubheka died 'suddenly' from a heart attack and that they suspected it was because she was overweight. Given that, at the time of their amnesty applications, there was no record available of a postmortem done on the body of Kubheka, their claim could not be verified. That is, however, until the TRC's Investigative Unit conducted an exhumation from a pauper's grave in Charlottedale cemetery, Groutville.

The remains exhumed in 1997 by the TRC's Investigative Unit challenged the claim of the perpetrators. The hypothesis of the Unit was that it was Kubheka who had been buried in the pauper's grave. The initial examination of the exhumed skeletal remains revealed a bullet wound to the skull, confirmed by a spent 7.65 bullet that fell from the skull. Identification of the skeletal remains was crucial. Several forensic analyses were conducted to identify the remains. While the post-mortem done after the exhumation seemed to confirm the identity of the remains as Kubheka, this finding was challenged by the perpetrators. A

⁵ Volume Six, Section Four, Chapter Two: Report of the Human Rights Violations Committee, Exhumations', accessed at http://archive.niza.nl/trc/2003/4_2.pdf, on the 5th March 2020.

⁶ Volume Six, Section Four, Chapter Two: Report of the Human Rights Violations Committee, Exhumations', accessed at http://archive.niza.nl/trc/2003/4_2.pdf, on the 5th March 2020.

more advanced forensic analysis was needed to confirm identification, a photo-skull video superimposition also known as a craniofacial analysis. The cranium was sent with a portrait photograph of Kubheka to an expert, Professor Peter Vanezis, the Regius Professor of Forensic Medicine and Science at the University of Glasgow in Scotland for facial identification analysis. His results confirmed that the remains were indeed those of Kubheka. Through the TRC investigations and its findings, a question of what it may mean to re-humanise the once missing emerges.

This mini-thesis underscores a notion of re-humanisation through the work of the TRC in its investigation into the enforced disappearance of Kubheka. I suggest that figuring Kubheka through a notion of re-humanisation in the context of the TRC requires one to understand both de-humanisation and re-humanisation and the ways in which gender complicates these understandings. It does so by examining testimonies, the exhumation, the forensic examinations, the emergence of a forensic aesthetic and the productions of biographies and forensic memory to understand how these might be processes and strategies of re-humanisation. What follows then is a forensic history that navigates a politics of the dead by examining the figuring of Kubheka through various fields and in various forums. In so doing, I aim to argue that the notion of re-humanisation is an inherently unstable one but at its core is a politics of the dead that misses gender in its figuring of the human.

In many ways this mini-thesis takes inspiration from the work of Thomas Keenan and Eyal Weizman's book *Mengele's Skull: The Advent of a Forensic Aesthetics*. My first encounter with this book was in 2017 through a reading group convened by the Forensic History project in the Department of History at the University of the Western Cape. Joseph Mengele had escaped a legal trial for his deeds at the Auschwitz camps while he was still alive. In 1979 he drowned at the beach resort, Bertioga, and buried under a different name, Wolfgang Gerhard in Sao Paulo, Brazil. His remains were exhumed in June 1985 and their

identification was contested. An amateur photographer, Richard Helmer, created a video of photography, a new technique that would work with the science of pathology. Helmer rebuilt a skull which was damaged by Brazilian police during their hasty exhumation. He did video-imaging, a face-skull superimposition, a video image of a skull is matched beneath a video image of a photograph in order to determine if it's the same person.⁷ The match of the skull and the photograph needed to match to the closest millimetre for accuracy. The skull and the photograph are marked (anatomical points) before they are merged. The anatomical points need to fit each other based on the distance between all points. Mengele's remains were confirmed to be his based on the forensic investigation conducted. Keenan and Weizman offer an examination of the medico-legal processes and argue that what emerged as a result was a new way of understanding the work of forensic practices and its implications as evidence in cases of human rights violations.

Keenan and Weizman elucidate that forensics be understood as science and as an art of persuasion. The word forensics derives from the Latin *forensis* referring to the field, where evidence is collected and the forum, where techniques and technologies of evidence from the field are used to make an argument in a legal court, professional or political gathering.⁸ The forum in the case of Mengele expanded from a legal forum to a scientific forum. The investigation went beyond relying on the witness and the document. A forensic approach was introduced to investigate and understand crimes against humanity. The forensic experts become part of the investigation process in human rights cases to convert the language of objects (human remains) to that of people as the expert witnesses. Although the innovation assisted in resolving crimes against humanity, it also revealed the complexities of testimony.⁹

⁷ Keenan Thomas and Eyal Weizman, *Mengele's Skull: The Advent of Forensic Aesthetic* (Berlin: Steinberg Press, 2012), p.32.

⁸ Keenan and Weizman, *Mengele's Skull*, p.28.

⁹ Keenan and Weizman, *Mengele's Skull*, p.13.

For Keenan and Weizman human remains are objects which stand to testify as subjects. The introduction of human remains at the forum blurred the line between object and subject, evidence and testimony. As a result, the forums were not only affirmed but also transformed.

The forensic forum enabled the speech of the skeletal remains by examining them as material evidence, they cannot speak on their own. In the forensic forum the skeletal remains take agency through the experts' interpretation. The line between subject and object is blurred, there is always ambiguity of the subject or the object. Keenan and Weizman use the term super-object and super-subjects. The human remains in the forum are understood as objects that are subjectified and becomes something like a super-object. When the subject that testifies and the objects that are presented by an expert produce a haunted super-subject.¹⁰

It was with the idea of haunted objects-subjects and subject-objects in mind that in September 2019 I went to Durban to find what archive was accessible concerning Kubheka. I met with Deborah Quin, a Missing Persons Task Team (MPTT) researcher with intimate knowledge of the Kubheka investigation, at the National Public Prosecution Offices in Joe Slovo Street. After telling Deborah about my research, she handed me bulks of papers, old documents. These documents included the Exhumation Report, Forensic Science Laboratory Ballistics Report, Post-Mortem Reports, Deoxyribonucleic acid (DNA) Extraction Test Report and other forensic analysis reports. And for the first time in three years, I finally saw her photographs. At that moment I realized that for three years I had been talking and writing about someone whom I did not know, what she looked like. How she may have looked like. Ayashukuma amathambo kaKubheka emangcwabeni.¹¹

¹⁰ Keenan and Weizman, *Mengele's Skull*, p.66.

¹¹ Although Kubheka was found and handed over to family for reburial there a strong need for the continuation of her 'case' to get leads to other people who are still missing in relation with Kubheka.

Khubeka's enforced disappearance is hard on her family. When Kubheka went missing she left two children, Thamsanqa and Thulisile. Her family believed Kubheka was in exile. Thamsanqa joined his ancestors in 2002. I only met Thuli... "I could not believe; I could not believe what I am doing" It hit real when I saw her. I conducted no interviews; it was just amazing and a blessing to have held a conversation with the daughter of Kubheka. Thuli is the mother of a six-year-old, who reminds her of her mother, Kubheka. She reminds her of how she does not want her child to miss what she has missed with her mother. Thuli longs to hear stories, memories shared about her mother to create a beautiful and rich imaginary picture of her mother.

A question of re-humanisation is indeed central to this mini-thesis. Can the work of the TRC be understood as encompassing strategies of re-humanising the de-humanised dead bodies of apartheid? The notion of re-humanisation has been theorized in various ways. Eric Aoki and Kyle Jonas, for instance, understands the notion of re-humanisation, in the context of post-genocide Rwanda, as "a process that reidentifies a previously devalued individual as uniquely human again."¹² Re-humanisation is a philosophical notion but in simple terms means to make the human, human again either physically or psychologically, figuratively or literally. When the human has been denied its humanness through de-humanisation, re-humanisation needs to occur to restore the human. In what ways can we understand the processes and strategies of re-humanisation in the figuring of Kubheka?

In Chapter One, I examine re-humanisation in the context of the TRC. I understand that the TRC was not dealing with the notion of re-humanisation. The TRC's mandate was

The bones of Kubheka are trembling in the grave – This translation loses the nuance and power of the original phrase. E.g. 'Emathuneni' and 'emangcwabeni' are places of burials. The former means 'grave', whilst the latter means/carries much more. English does no justice in this case.

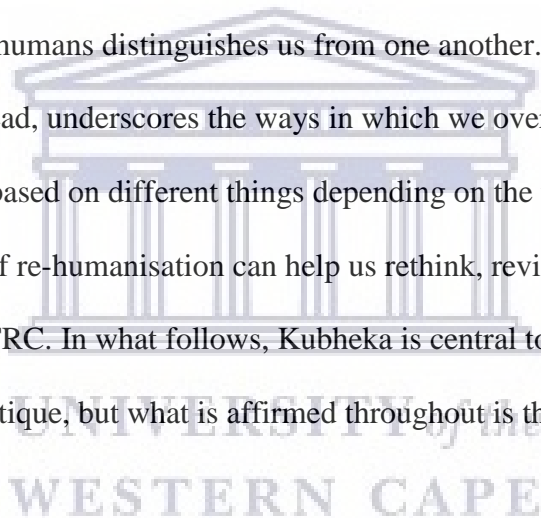
¹² Eric Aoki and Kyle M. Jonas, 'Collective memory and sacred space in post-genocide Rwanda: Reconciliation and rehumanization processes in Mureithi's ICYZERE', *Journal of International and Intercultural Communication* 9, no. 3 (2016), p.248

reconciliation. One of the ways in which reconciliation was approached at the TRC was through human rights. The significance, however, is that it acknowledged human rights violations which de-humanised the victim and may have also de-humanised the perpetrator. The victim (or family of the victim if the victim is no more) and the perpetrators were given the chance to re-humanise or further de-humanise Kubheka in giving their testimony about her. Through the amnesty hearings regarding Kubheka's death, the perpetrators seem to have *genderized* her death based on her body weight. The shade that was thrown at how overweight she was further de-humanised Kubheka. Chapter One thus underscores the relations between gender and de-humanisation. Gender and the complications of testimony can be understood as strategies of re-humanisation not neglecting the fact that de-humanisation is bound to occur too. I argue in this chapter that re-humanisation occurred as much as de-humanisation did suggesting that nevertheless, Kubheka is human.

Chapter Two focuses on a forensic aesthetic that emerged through the exhumation of Kubheka's body and forensic examinations done to confirm identification. I pose the question of whether we can understand a forensic aesthetic as a process and strategy of re-humanisation. In the forensic analyses, forensic experts such as pathologists speak on behalf of the dead. The case of Kubheka shifted our understanding of the field and the forum after the introduction of her photographs and that of the exhumed skull. That was a new form of evidence apart from that of the family and the perpetrators' testimonies as elaborated on in Chapter One. One of the key forensic analyses that was conducted in confirming identification was the craniofacial analysis that used Kubheka's ante-mortem photograph and the post-mortem x-ray photograph of the skull. The remains became the subject-objects in the forensic laboratories while the photographs and the clothing exhumed with the remains became object-subjects. Inherent in these was an agency whose potential is actualised in a number of ways. Re-humanisation of the dead occur in interaction with the living such as the

family, the forensic experts etc. The argument in this chapter is that forensic practises are important in investigations of human rights violations because they can reveal subtle evidence that not everyone can identify but forensic experts. A forensic aesthetic shows the instability between subject and object, testimony and evidence, and de-humanisation and re-humanisation. Similarly, Chapter Three focuses on the productions of biographies and emergence of forensic memories. The question posed is whether these can be understood as processes and strategies of re-humanisation. I focus on how various biographies of Kubheka emerge and are produced by the relation between biography and re-humanisation, biography and osteobiography and lastly, but most significantly, through a forensic memory.

Our uniqueness as humans distinguishes us from one another. A forensic history, such as what you are about to read, underscores the ways in which we overlook our uniqueness and distinguish ourselves based on different things depending on the type of society and what is happening. The notion of re-humanisation can help us rethink, review, reimagine and reengage the work of the TRC. In what follows, Kubheka is central to any understanding of re-humanisation and its critique, but what is affirmed throughout is the uniqueness of Kubheka as human.



Chapter One

Re-humanisation and the Truth and Reconciliation Commission

In 1996 the Truth and Reconciliation Commission (TRC) was inaugurated. It focused on human rights violations from the 1st March 1960 to the 11th May 1994. The intent was to promote “national unity and reconciliation” in South Africa. The TRC had three committees, (a) the Human Rights Violation Committee (HRVC), (b) the Reparation and Rehabilitation Committee (RRC) and, (c) the Amnesty Committee (AC). These committees had different roles and goals. The HRV committee was mandated to deal with apartheid human right violations. These hearings were held in sixty-five locations around South Africa, including Durban. Its task was to investigate submitted victim statements, establish the identity of victims, find the whereabouts of missing victims and investigate the nature and extent of violence suffered by victims.¹ The Reparation and Rehabilitation Committee was to ensure that the victim’s dignity was restored and later the President’s Fund with private contributions paid reparation to the victims.² The Amnesty Committee evaluated amnesty applications if they were in accordance with the TRC’s requirements.

Ntombikayise Priscilla Kubheka’s political position as the commander of the weaponry storage and the organizer of safe houses for those in exile was a threat to the apartheid state. The Vlakplaas police and Durban security branch officers with the help of two askaris, Nicholas Dube and Jimmy Mbane, infiltrated Kubheka’s unit in kwaMashu and abducted her. Mbane applied for amnesty but Dube did not. Kubheka knew Dube and Mbane as her fellow comrades. She was not aware that Dube and Mbane has broken their comradeship. Simon Radebe was an apartheid police officer ordered to head watch Dube and

¹ ‘The Committees of the Truth and Reconciliation Commission’, accessed at <https://www.justice.gov.za/trc/trccom.html>, on the 17th August 2020.

² ‘The Committees of the Truth and Reconciliation Commission’, accessed at <https://www.justice.gov.za/trc/trccom.html>, on the 17th August 2020.

Mbane on the task they were given to execute. Kubheka probably did not think that her fellow comrades were abducting her when they got into the car until she was handed to the apartheid police. Kubheka's human rights were further infringed when she was tortured and interrogated by the apartheid police. The uMkhonto weSizwe (MK) was the armed wing of the African National Congress (ANC). In Durban there were number of bombings planted by MK comrades which the Durban police knew about. Kubheka's position was significant in the operation of MK and at the same time it put her life in danger. After she was murdered, Kubheka's body was dumped in an area near her home. Her dead body was not found by the public. Instead Kubheka's body was found by the Tongaat hearse services and buried by the Verulam mortuary at Charlottedale cemetery.³ Kubheka's body was found at its decomposing stage and the burial of the body was recorded by the Verulam mortuary today known as Phoenix mortuary.

Kubheka could not speak for herself at the TRC. She had been murdered. Her siblings, Sibongile Gugu Kubheka, Themba Muziwakhe Kubheka and Lynn Matoko Masetho, her two children Thamsanqa and Thulisile Kubheka; and her neighbour Mrs Jabulile Rose Dlodla, were her voice. They had reported Kubheka as missing since 1987. For a long time, they believed that Kubheka was in exile in Mozambique. What they did not know, until the findings of the TRC, was that Kubheka had been abducted, tortured, killed, dumped and later buried in a pauper's grave. There is a loss of personhood in a pauper's grave. Kubheka was buried as 'unknown', with no name.

There are two concepts that are likely to be discussed in broader discussions of human rights, the concepts of agency and dignity. Michael Ignatieff, cited in Adam Rosenblatt,

³ The Tongaat hearse services worked together with Verulam cemetery where Kubheka's remains were exhumed. It was contracted by the apartheid government to bury unidentified dead bodies at Groutville, Charlottedale cemetery.

argues that the reason why we talk about rights is to “protect and enhance individual agency.”⁴ But it is difficult to measure or define dignity especially in the case of a dead person. Many South African cultures just like the culture of Maori people perceive the dead as ancestors that play a part in the affairs of the living. In a political sense one can argue that dead bodies have agency through the living. Rosenblatt asserts that “the dead body’s agency is a shadow of our agency: not only weaker, but also entirely subject to our vision and our actions.”⁵ The family and the community are significant in the process of healing for those who have suffered from the apartheid government and to a certain extent they can speak on behalf of their loved one. Dignity is inherent by the virtue of being human; you have dignity, but it also requires to be actualized by other people or the community.⁶ The dignity of a dead body can be actualised by family, archaeologists, and anthropologists to name a few. Sylvia Karl posits that the process and strategies of re-humanisation give stolen identities, dignity, and humanity back to the victim.⁷

Mark Sanders argues that the TRC had the mandate to restore the dignity of the victims by giving them the platform to speak their “narrative truth.”⁸ They were sharing their personal experiences and sufferings by narrating what happened to them. Pumla Gobodo-Madikizela asserts that narratives of the victims presented as testimonies at the hearings resurrected the victim in affirming the victims’ humanness (as a normative term).⁹ The dignity of the victims is part of humanness that is resurrected through narrative truth. Those that were categorised as victims at the TRC were given a platform to speak about their

⁴ Adam Rosenblatt, ‘International forensic investigations and the human rights of the dead’, *Human Rights. Q.*, 32 (2010), p.929.

⁵ Rosenblatt, ‘International forensic investigations and the human rights of the dead’, p.935.

⁶ Rosenblatt, ‘International forensic investigations and the human rights of the dead’, p.936.

⁷ Sylvia Karl, ‘Missing in Mexico: Denied victims, neglected stories’, *Culture & History Digital Journal* 3, no. 2 (2014), p.5.

⁸ Mark Sanders, *Ambiguities of Witnessing: Law and Literature in the Time of a Truth TRC* (Johannesburg: Wits University Press, 2007), p.17.

⁹ Pumla Gobodo-Madikizela, ‘Remorse, forgiveness and rehumanization: Stories from South Africa’, *Journal of humanistic psychology* 42, no. 1 (2002), p.23.

experiences of human rights violations publicly. The perpetrators were also given the platform to explain their roles in human rights violations. They were expected to take full accountability of their wrong deeds and disclose absolute 'truth' in order for them to be granted amnesty.¹⁰ Sanders writes that when the 'truth' is told a healed wholeness of personhood is assumed.¹¹ Mamhood Mamndani asks an important question: were perpetrators at the TRC granted amnesty or impunity? It was up to perpetrators if they wanted to apply for amnesty or not, there was no blanket amnesty.¹² Kubheka's perpetrators applied for amnesty for concealing Kubheka's death and only Colonel Andy Taylor applied for homicide. They had killed Kubheka, but they were already denying that based on their reasons for their amnesty applications.

The TRC did not have a mandate of re-humanising the de-humanised but to reconcile victims and the perpetrators of human rights violations. They were expected to give factual/forensic truth, narrative/personal truth, and social truth in order for the TRC, the perpetrators and the victims to reach reconciliation, truth and heal the past in some sense.¹³ Thus, the TRC has been understood as a vehicle for transitional justice. Transitional justice has been understood as a process of reordering the community after there has been violent conflict.¹⁴ The victims of human rights violations were understood to have been de-humanised. The notion of re-humanisation can be figured in the work of the TRC when they have deemed victims of human rights violations as having been de-humanised. Kubheka was de-humanised.

¹⁰ Mahmood Mamdani, 'Amnesty or impunity? A preliminary critique of the report of the Truth and Reconciliation Commission of South Africa (TRC),' *diacritics* 32, no. 3/4 (2002), p.33.

¹¹ Sanders, *Ambiguities of Witnessing*, p.17.

¹² Mamdani, 'Amnesty or impunity?', p.33.

¹³ Sanders, *Ambiguities of Witnessing*, p.3.

¹⁴ Sylvia Karl, 'Missing in Mexico: Denied victims, neglected stories', *Culture & History Digital Journal* 3, no. 2 (2014), p.732.

In this chapter, I focus on the work of the HRV committee and the Amnesty committee. Through reading the transcripts of these hearings, I locate moments in which there is evidence to suggest the work of re-humanisation in the figuring of Kubheka. I believe asking the question of re-humanisation within the framework of the TRC can assist in understanding the work of the TRC beyond than just being a mirror and reflection of a certain traumatic and atrocious past.

De-humanisation, Re-humanisation and the TRC

The notion of re-humanisation has been conceptualised in many ways. Rianna Oelofsen describes de-humanisation as occurring when there is a perception that the other or oneself is less or more worthy of moral consideration.¹⁵ This suggests that both victims and the perpetrators were de-humanised; perpetrators were de-humanised for seeing themselves as more human than their victims. The victims were de-humanised when they were perceived and treated as less than human. Re-humanisation occurs when de-humanisation has occurred, that is, when the human encounters inhumane acts. This suggests that before de-humanisation and re-humanisation, there was a human. The human can be said to have been at the centre of the TRC's work. I refer to human as a descriptive and normative term referring to shared standards of treatment (how we are expected to behave and treat the other 'human').¹⁶ But being human does not guarantee personhood. Michael Clifford's interpretation of Michel Foucault is that personhood is fabricated by the mask we wear every day for public viewing such as who we are and what we are. Behind the mask there "is only a matrix of intersecting lines and heterogeneous congruities, an arbitrary and historically contingent complex of

¹⁵ Rianna Oelofsen, 'De-and re-humanization in the wake of atrocities', *South African Journal of Philosophy* 28, no. 2 (2009), p.179.

¹⁶ Oelofsen, 'De-and rehumanization in the wake of atrocities', p. 179.

discursive practices, power relations, and modes of subjectivation.”¹⁷ In short, Foucault was referring to the correlation of processes of rarity, exclusion and appropriation as producing the “person”.¹⁸ In producing the person these processes become a matrix of experience, the womb where the person develops as a concrete identity.

Behind the mask of identity there is an interplay of discourse, power, and ethics. Clifford explains that Foucault referred to the discourse as the formation, circulation of common statements and discourse practise. This axis “allow us to think, believe, and say regarding who and what we are...persons are the effects of a given discursive practice.”¹⁹ There are rules and regulations which govern the distinction between human beings such as the place they occupy in society. We identify ourselves as persons based on the “process of appropriating certain values, practices, and modes of comportment through which individual come to identify themselves as persons, as human being having identity.”²⁰ In this context, apartheid as a discourse influenced the oppressor (perpetrator) and the oppressed (victim), the governing rules and regulations enabled the distinction between the oppressor and the oppressed. The latter appropriated themselves according to practices, values and other modes of conduct under the apartheid regime. The oppressed were not apprehend as the oppressor and vice versa. Although both are human beings that does not mean they had personhood as it is something fabricated. Kubheka’s personhood was disregarded and reduced to nothing. She was violated and degraded from being a person, her personhood was lost. Kubheka was dehumanised.

The TRC’s emphasis on the notion of reconciliation can be understood as a process of re-humanisation of the once dehumanised. There is an inseparable relationship between de-

¹⁷ Michael Clifford, ‘Corrugated Subjects: The Three Axes of Personhood’, In *the Personalist Forum*, vol. 8, no. 1 (1992), p.32.

¹⁸ Clifford, ‘The Three Axes of Personhood’, p.32.

¹⁹ Clifford, ‘The Three Axes of Personhood’, p.33.

²⁰ Clifford, ‘The Three Axes of Personhood’, pp.34-35.

humanisation and re-humanisation. Oelofsen point out that the re-humanisation of one is the re-humanisation of others because de-humanisation of the self is de-humanisation of others. This understanding of re-humanisation suggests that both the victim and the perpetrator are flawed human beings living interconnectedly.²¹ We cannot think of the victim without thinking of the perpetrator or vice versa. The victims or witnesses at the TRC spoke of the perpetrator in telling their public expression of experiences of violence and trauma. Reconciliation, according to Pumla Gobodo-Madikizela, was the primary word in defining the way in which the TRC dealt with its past traumatic experiences and sufferings.²²

The instability between de-humanisation and re-humanisation can help us understand the instability between the subject and the object. Gobodo-Madikizela point out that “in the case of human-inflicted trauma, the act of bearing witness moves the victim from being the object of the perpetrator's speech” to be the subject of their own.²³ This suggest that the victim needed to bear witness to be the subject because the perpetrators speech objectifies the victim in his speech. The fine line between the object and the subject becomes blurred. The perpetrators and the victims were re-humanising themselves through their testimonies, protecting their personhood. Hence, the de-humanisation of the victims by the perpetrator or vice versa.

Judith Butler reminds us that humans are in many ways interconnected, that when one gives an account of herself/himself, she/he also gives an account of the other.²⁴ Butler maintains that morals are always in question because there is no longer a collective ethos. Therefore, one gives an account of “I” and social conditions always tie the “I” to its

²¹ Rianna Oelofsen, ‘De-and rehumanization in the wake of atrocities’, *South African Journal of Philosophy* 28, no. 2 (2009), p.180.

²² Pumla Gobodo-Madikizela, ‘Remorse, forgiveness and rehumanization: Stories from South Africa’, *Journal of Humanistic Psychology* 42, no. 1 (2002), p.19.

²³ Gobodo-Madikizela, ‘Remorse, forgiveness and rehumanization’, p.11.

²⁴ Judith P. Butler, *Giving an account of oneself* (Fordham University Press, 2009), p.9.

emergence. Because “the “I” has no story of its own that is not also the story of a relation—or set of relations—to a set of norms.”²⁵ Gobodo-Madikizela asserts that the victims and the perpetrators at the TRC were politically and socially linked suggesting that they have both have moral obligations towards each other.²⁶ The principles of right and wrong behaviour that human beings are ‘supposed’ to abide in interaction with other people. For Gobodo-Madikizela morals are obligatory, every human being is required to abide. She suggests that the perpetrators violations of the victim’s human rights exclude the victims from “moral obligations that define perpetrators’ relationship with others....”²⁷ I suggest that Kubheka’s moral obligations were excluded by the perpetrators at the TRC amnesty hearings. Her experience of suffering and pain was detached from reality, they lied of how she died. The visible becomes invisible and inaudible.

Nick Haslam, Stephen Loughnan, Catherine Reynolds and Samuel Wilson posit that inhumane actions such as killing, torturing, abuse, exploitation and other kinds of sufferings define de-humanisation and in that process the perpetrators see their victims as less than human.²⁸ The attitude of treating, recognising and apprehending one as less human is rooted deep in our society. It has a tendency of occurrence and re-occurrence. Haslam et al. point out that de-humanisation is an “everyday social phenomenon, rooted in ordinary social-cognitive processes.”²⁹ More so, there are physiological foundations of de-humanisation. Haslam discusses the domains of de-humanisation such as ethnicity and race. These domains often trigger the notion of de-humanisation because some groups tend to de-humanise others. For

²⁵ Butler, *Giving an account of oneself*, p.8.

²⁶ Pumla Gobodo-Madikizela, ‘Remorse, forgiveness and rehumanization: Stories from South Africa’, *Journal of humanistic psychology* 42, no. 1 (2002), p.23.

²⁷ Gobodo-Madikizela, ‘Stories from South Africa’, p.23.

²⁸ Nick Haslam, Stephen Loughnan, Catherine Reynolds, and Samuel Wilson, ‘Dehumanization: A new perspective.’ *Social and Personality Psychology Compass* 1, no. 1 (2007), p.409.

²⁹ Nick Haslam, ‘Dehumanization: An integrative review.’ *Personality and social psychology review* 10, no. 3 (2006), p.252.

Haslam de-humanisation is when the other is denied being uniquely human and/or denied human nature by representing the other as objects or automata.³⁰ This relates further to Haslam's point of feminist writers maintaining that categories of gender often de-humanise women, in that they are typically considered as lesser human than men.³¹ Ignoring or denying human uniqueness and human nature in many ways leads to de-humanisation. Both women and men encounter de-humanisation, but women are typically the more de-humanised.

The notion of gender complicates both the question of de-humanisation and re-humanisation. Gender representation and trauma presentation at the TRC can be considered to have not been fairly approached. It overlooked gender differences when it come to the hearings, yet it focused on the individual experiences to explain the collective experiences and sufferings. The TRC wanted to establish a complete picture of the possible natures and causes of human rights violations. In this case, de-humanisation and re-humanisation occur in more complex ways than is obvious. A South African politician, anti-apartheid activist, and academic, Mamphela Ramphele writes that women are not given the highest recognition by the public because of the culturally created constraints that guard the body politic such as "male/female, sacred/profane, private/public, and personal/political."³² Women are predominantly represented as not strong enough or capable to represent nobility, heroism or represent the public. In figuring the work of re-humanisation, the binary of victim and perpetrator can become undone.

The perpetrator is considered to be inhumane whereas "society kept silent when there was support for an oppressive regime that encouraged them [perpetrators] to murder and torture "enemies" of the state."³³ In short, the perpetrator's actions were conditioned by the

³⁰ Nick Haslam, 'Dehumanization: An integrative review', p.252.

³¹ Nick Haslam, 'Dehumanization: An integrative review', p.253.

³² Mamphela Ramphele, 'The Political Widow in South Africa: The Embodiment of Ambiguity', *Daedalus* 125, no. 1 (1996), p.102.

³³ Gobodo-Madikizela, 'Stories from South Africa', p.25.

former government of the apartheid. Paul van Zyl argues that the TRC was established to attempt and restore moral equilibrium between the perpetrator and the victim.³⁴ Human beings have moral responsibility towards each other, the principles of what is a behavioural right and wrong. The TRC mediated between former apartheid officials who had applied for amnesty and the victims of human rights violations. Scholars such as Sylvia Karl and Gobodo-Madikizela suggest that the victims are in some ways re-humanised when the perpetrator tell the ‘truth’ about his de-humanising acts. Butler’s argument on *Giving the Account of Oneself* and Gobodo-Madikizela’s argument on *Remorse, Forgiveness, And Rehumanization: Stories from South Africa* make the same point that human beings (the perpetrator and the victim) live their lives in interconnected ways. However, when the perpetrator speaks of the victim in his/her testimony that does not mean the victim is re-humanised. The perpetrator can make the victim not a subject but the object of this testimony.

Gobodo-Madikizela suggest that until the perpetrator feels remorseful for what he did, the victim’s pain is effaced from reality. This is because remorse validates the victim’s pain, and the perpetrator realise the violation he has done. The perpetrator humanises the victim.³⁵ Because human beings are individuals that are interconnected to each other, Butler maintains that “the ‘I’ does not stand apart from the prevailing matrix of ethical norms and conflicting moral frameworks.”³⁶ The de-humanisation of the victim also de-humanises the perpetrator. Gobodo-Madikizela maintains that when the victim is humanised the perpetrator is re-humanised.

Mahmood Mamdani critiques the TRC for reducing “apartheid from a relationship between the state and entire communities to one between state and individuals.... entire communities were victims of gross violations of rights, the Commission acknowledged only

³⁴ Paul van Zyl, ‘Dilemmas of transitional justice: The case of South Africa's Truth and Reconciliation Commission.’ *Journal of international Affairs* (1999), p.653.

³⁵ Gobodo-Madikizela, ‘Stories from South Africa’, p.24.

³⁶ Butler, *Giving an account of oneself*, p.7.

individual victims.”³⁷ I would like to think that Mamdani used the word ‘individual victims’ to refer to the indifference number of the individual victims to the number of people (rather communities who were victims). Certainly, the process of re-humanisation is not linear, it is not as clear. The TRC dealt with apartheid officials who perpetrated human rights violations and the victims, individually. Rather than the apartheid government versus the communities that were victims. That suggests that re-humanisation cannot not be figured in the total absence of de-humanisation at the TRC.

Berber Bevernage points out that the TRC focused on political reconciliation rather than social reconciliation. In the name of reconciliation and the future, the former president of the former government. F.W. de Klerk pleaded for the idea of forgetting. As a result, the political transition was characterised by the combination of moral capital and low bureaucratic capacity.³⁸ The TRC played a crucial role in the redefinition of political and social processes beyond creating a platform for confessions of the ‘truth’. It promoted forgiveness as a form of reconciliation. Reconciliation was approached in many ways with the purpose of restoring justice for the human rights violations caused.

Gobodo-Madikizela argue that forgiveness was another model of restorative justice and reconciliation. Forgiveness can enable the victim and the perpetrator to find common ground which is ‘peace’, not saying that forgiveness means forgetting about the past.³⁹ What if the victim is no longer alive, what happens? How then does forgiveness take place? The model of prosecution was not an ideal model to reconcile because prosecution automatically frames justice within legal procedures.⁴⁰ Ultimately, the TRC required the victims to give up their right to prosecute the perpetrator legally which meant that “justice for the victim would thus not be criminal but restorative.”⁴¹ The victims were granted restorative justice not

³⁷ Mahmood Mamdani, ‘Amnesty or impunity? A preliminary critique of the report of the Truth and Reconciliation Commission of South Africa (TRC)’, *DIACRITICS* 32, no. 3/4 (2002), p.34.

³⁸ Berber Bevernage, *History, memory and state sponsored violence: Time and justice*, (Routledge 2012), p.153.

³⁹ Gobodo-Madikizela, ‘Stories from South Africa’, p.13.

⁴⁰ Gobodo-Madikizela, ‘Stories from South Africa’, p.10.

⁴¹ Mamdani, ‘Amnesty or impunity?’, p.33.

criminal justice for what they went through. Karl reminds us that the law can be used as a tool to expose abuses of power, but it can also be a tool to protect and legitimise the same abuses of power.⁴²

It is prudent that I analyse the amnesty hearings to figure re-humanisation. The amnesty hearings can be deemed as part of the process of re-humanisation although de-humanisation may occur. Kubheka's agency as human was shadowed and reduced by the perpetrators in their amnesty testimonies. Their amnesty testimonies were ambiguous, and the loopholes suggested the potentiality of a different narrative. So, their testimonies were cross-evaluated and cross-examined. De-humanisation and re-humanisation at the TRC overlapped each other.

The approach of the TRC to reconciliation does not declare re-humanisation of the victim in clear ways since the notion of re-humanisation was not a primary concept of the TRC. De-humanisation and re-humanisation are philosophical terms. They do not have a singular definition and neither occurs in total absence of the other. We learn from the TRC that notions such as personhood and identity were important in restoring the dignity of the victims. The perpetrator needed to show remorse of their human rights violations in order to 're-humanise' the victim's pain. But did the amnesty hearings re-humanise the victim, did the amnesty hearings into the abduction, torture, murder and concealment of Kubheka's dead body re-humanise her?

The Amnesty Hearings and Re-humanisation

⁴² Sylvia Karl, 'Missing in Mexico: Denied victims, neglected stories', *Culture & History Digital Journal* 3, no. 2 (2014), p.732.

The TRC's amnesty hearings were court-like settings. They were quasi-judicial forums. The perpetrators who applied for amnesty in Kubheka's case were AD Baker, Hendrick Johannes Petrus Botha, Salomon Johannes Gerhardus du Preez, MD Ras, Xola Frank Mbane, Simon Mogopo Radebe, Colonel Andy Taylor, CA Van Der Mesthuizen and Roelof Brand Visagie applied for amnesty at the TRC. Colonel Andy Taylor presented his testimony at the TRC offices in Durban under Section 29 interrogation. He admitted the death of Kubheka as culpable homicide. The rest of the perpetrators however submitted their amnesty applications for hiding the death of Kubheka claiming that she died a natural death, a heart attack. The perpetrators knew Kubheka was dead, but the cause of death stated by the perpetrators was controversial. One of the askaris, Dube did not apply for amnesty, however Mbane did. He accounted for abducting Kubheka and Sbu Phewa who was under the command of Kubheka. Dube and Mbane betrayed their comradeship and infiltrated Kubheka's unit as ordered by the apartheid police in Durban. Botha recalls that at the Battery beach where there did the handover of Kubheka to the police, Sbu Phewa was not there.⁴³ The perpetrators gave their reflection of what happened according to what they could recall and chose to disclose.

Cross-evaluation and examination of testimonies was significant at the hearings. The TRC commissioner, Mr Marius Etienne Visser asked Mbane "would you have told anyone that Sbu was killed by Hentie Botha? Would you have told anyone that?" and Mbane responded that 'I don't remember.'⁴⁴ The response suggest that the perpetrator understood the question and that would open more cans of worms. The response ignored the essence of the question, it barely answered the question and instead suggested other information.

⁴³ 'On Resumption: 20th July 2000 – Day 18', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200720db.htm>, on the 30th March 2020.

⁴⁴ 'On Resumption: 20th July 2000 – Day 18', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200720db.htm>, on the 30th March 2020.

Mbane's response disputes nothing regarding telling anyone, he just does not recall. But he had told his attorney that Botha and his co-workers killed Sbu Phewa.

MR VISSER: It's a perfectly simple question, you told this Committee that you don't know what happened to the Sbu, but you made a deduction, you inferred that he was killed by your seniors, is that correct?

MR MBANE: Yes, that is correct.

MR VISSER: And I asked you whether you know whether Botha killed him, and you said no.

MR MBANE: That was what I thought, I thought that they were killed by, he was killed by Botha and the people he was working with.

MR VISSER: Oh, now you heard that. From whom did you hear that?

MR LAX: Thought.

MR MBANE: I thought.

MR VISSER: I didn't hear you, I'm sorry. Alright, that's what you thought, you thought it was Botha and others who killed him, is that what you're saying?

MR MBANE: That is correct.⁴⁵

It is interesting to think of what might have triggered thoughts of that kind on Mbane's mind. If Mbane was being dishonest his thoughts de-humanised Botha but if they were honest, he was re-humanising the victim and himself. However, Mr Samuel, Mbane's lawyer objected at the amnesty hearings to protect his client, Mbane. Mr Samuel advocated on behalf of Mbane to Mr Visser that he should not intensify his questioning to Mbane based on his amnesty

⁴⁵ 'On Resumption: 20th July 2000 – Day 18', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200720db.htm>, on the 30th March 2020.

submission because he did not recall everything that happened, it was long time ago.⁴⁶ The TRC could not force perpetrators to disclose the information that they were hiding. From reading the amnesty hearings transcripts I noted that if the perpetrator claims not to recall, that would be it and would move on to other questions without intense questioning.

The family of Sbu Phewa longed to know what happened to him, they still want his remains to be returned home. Phewa is still missing. Amongst all eight perpetrators reported in Kubheka's case it was only Taylor who admitted that they killed Kubheka. Mbane recalled that Sbu was killed and his thoughts pointed the death to Botha but not Taylor. The reason was that Taylor was not always around, he would come and leave.⁴⁷ At that time, Taylor was the captain of the Durban Security Branch of South African Police and he was a commander of C-section in Durban. Botha reported to Taylor as the head of the intelligence unit. For Mbane to tell the Commission that Taylor was not always there suggested that Botha was always there.

But Mbane maintained that he was not suggesting that one of the latter mentioned killed Phewa. He claimed to have lost his memory on what was happening at Vlakplaas since he was already asked several questions regarding that already.⁴⁸ Dirk Coetzee, a security commander, established a fifteen-member death squad of elite assassins. The headquarters of the South African police counterinsurgency (also known as C1) was at Vlakplaas, a farm 20 kilometre west of Pretoria.⁴⁹ Many anti-apartheid activists were abducted, interrogated and tortured there. Phewa's disappearance was linked with Kubheka's not only because he was under her command but because he had weapons which were hazardous in Lamontville, south

⁴⁶ 'On Resumption: 20th July 2000 – Day 18', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200720db.htm>, on the 30th March 2020.

⁴⁷ 'On Resumption: 20th July 2000 – Day 18', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200720db.htm>, on the 30th March 2020.

⁴⁸ 'On Resumption: 20th July 2000 – Day 18', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200720db.htm>, on the 30th March 2020.

⁴⁹ ENCA, 'A look at Vlakplaas- apartheid's death squad HQ', (10 July 2014).

of Durban. Mbane was sent to look for him. Phewa had then told others that there were weapons in Transkei, Eastern Cape. He admitted having handed Phewa to the apartheid police. Mbane was interrogated based on a document from a docket which was found in the investigations of the TRC. But he never recalled telling anyone that “Sbu was interrogated in my [Mbane] presence and he died. Also, as a result of an electric shock.”⁵⁰ The question of Phewa in the amnesty hearings of Kubheka faded as Mbane failed to recall most of the important questions that could have given a lead to Phewa’s whereabouts.

Kubheka was kept hostage by the perpetrators in an old police shooting range in Winklespruit, Durban, where she was interrogated and tortured. Taylor gave a statement that they had killed Kubheka after he had beaten her with a sjambok because she was not cooperating. For the former commander of the Intelligence unit, Botha, Kubheka’s torture was not a serious assault. Casper Adriaan van der Westhuizen however believed that the torture of Kubheka was a serious assault. Both were trained and worked under the legal law as part of the South African police during apartheid. Although the perpetrators were doing these operations outside the law, security police were aware that a physical attack on someone is an assault. An assault is an act of de-humanisation and it is unlawful. The perpetrators at the TRC amnesty hearings testified that Kubheka died of heart attack after failing to break during her interrogation.

CHAIRPERSON: No, the question, all we want to know, Mr Mbane, is what you said a moment ago. You said Botha said that he thought that she had died of a heart attack, and then you also Baker, now what Mr Visser wants to know is, did Baker also say that he thought she had died of a heart attack? That is all.

MR MBANE: Yes, that is correct.

⁵⁰ ‘On Resumption: 20th July 2000 – Day 18’, accessed at <https://www.justice.gov.za/trc/amntrans/2000/200720db.htm>, on the 30th March 2020.

MR VISSER: And did you believe them?

MR MBANE: No, I did not believe them.

MR VISSER: Why not?

MR MBANE: It is because I could hear that the deceased was screaming inside that room.⁵¹

The askaris and Radebe had no access to the room where Kubheka was interrogated, tortured and killed.

MR BOTHA: After we had taken her [Kubheka] into the storage room and seated her on the floor, she was still blindfolded but not bound. I sent Maj du Preez to buy food for us, while the following members and I interrogated her. It was Col Taylor, W/O Wasserman, Kassie van der Westhuizen, Joe Coetzer and Bossie Basson.

MR VISSER: You say that you interrogated her, would you be more specific? We know that all of you were in the room and who of these persons that you have mentioned here specifically undertook the interrogation?

MR BOTHA: Chairperson, the interrogation was specifically led by Col Taylor and was mostly undertaken in Zulu.⁵²

Taylor was severely ill at the time the TRC was investigating Kubheka's case and later died. He had submitted a written testimonial to the TRC recalling that Mbane and Radebe were in the next room from where Kubheka was detained and questioned. When

⁵¹ 'On Resumption: 20th July 2000 – Day 18', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200720db.htm>, on the 30th March 2020.

⁵² 'Amnesty Hearings: 09 October 1999 in Durban', accessed at <http://sabctrc.saha.org.za/hearing.php?id=53633&t=am4117%2F96&tab=hearings>, on the 27th March 2020.

Kubheka suffered the alleged her heart attack, she was seated on the floor at the police shooting range after she was abducted. Kubheka was tortured in that same position, she was seated.

CHAIRPERSON: So, during the interrogation when she was getting beaten with this sjambok etc, she was actually sitting on the floor?

MR BOTHA: That is correct, she was in a seated position consistently.

In the middle of the interrogation and torture “she [Kubheka] began to gasp for breath, grabbed her chest and fell over onto her side. While her body was shaking, she urinated and within seconds she lay dead still.”⁵³ Botha testified that: “I was frightened, and someone went to fetch water outside and poured it on her because we thought that she had fainted. She did not respond to the water which I splashed on her face. She had no pulse rate and W/O Basson brought a mirror and held it in front of her mouth. There was no breath. I realised that she was dead, possibly from a heart attack. Khubeka was physically a big woman and in my opinion overweight.”⁵⁴

Gobodo-Madikizela argues that perpetrators felt remorse when they acknowledged the wrong deeds that they had failed to acknowledge when they were committing these crimes. The victims are transformed from being an object to being a subject.⁵⁵ How did that happen in the case of Kubheka? Botha describe Kubheka’s death to have been shocking, he was ‘frightened’. It is very interesting to learn that in the 1980s, in South Africa an apartheid

⁵³ ‘Amnesty Hearings: 09 October 1999 in Durban’, accessed at <http://sabctrc.saha.org.za/hearing.php?id=53633&t=am4117%2F96&tab=hearings>, on the 27th March 2020.

⁵⁴ Volume Six, Section Four, Chapter Two: Report of the Human Rights Violations Committee, Exhumations’, accessed at http://archive.niza.nl/trc/2003/4_2.pdf, on the 5th March 2020.

⁵⁵ Gobodo-Madikizela, ‘Stories from South Africa’, p.23.

police official felt frightened by a heart attack caused death. The perpetrators thought she fainted, and they tried to wake her, but she never responded. It appears as if Botha wanted to be believed at the TRC and to be understood as someone who had cared. They concluded that Kubheka succumbed to the heart attack while she was seated on the floor.

At the TRC the victims (witnesses) and the perpetrators were required to give their personal and subjective truth of what may have happened. Focusing on the TRC Final Report, Sanders, amongst others, argues that the TRC sought truth and it recognised four types of truth but the most important was the forensic truth and narrative truth. In the HRV hearings this kind of truth was not cross-examined as it would be challenging the integrity of the testifiers.⁵⁶ The amnesty hearings were cross examined to avoid compromising the victim's integrity. The TRC subjected narratives of truth to verification and falsification as ultimately a forensic truth claim.

Kubheka was further de-humanised by the perpetrators when they lied about her death, they omitted information instead of testifying the full truth. Van der Westhuizen testified that he remained silent about Kubheka's death to protect the image of the former government.⁵⁷ This could also mean that is why the perpetrators did not disclose the truth as they were supposed even though apartheid government was 'over'. It is difficult to locate Kubheka's agency in how she was killed, and it is not too much to suggest that that is because she was a woman. A woman that commanded a weaponry storage during the time of armed struggle in South Africa.

The perpetrators blamed Kubheka's death on their assessment that she was overweight. They could not remember what Kubheka was wearing, but Botha could recall her

⁵⁶ Sanders, *Ambiguities of Witnessing*, p.17.

⁵⁷ 'Amnesty Hearings: 02 September 1999 in Durban', accessed at http://sabctrc.saha.org.za/hearing.php?id=53636&t=am4388%2F96&tab=hearings_on_the_13th_March_2020.

body weight. He estimated Kubheka weighed between 90 to 100 kg.⁵⁸ One would ask what does it mean to be overweight, is weighing 90 to 100 kg overweight? For someone who was tortured and beaten with a sjambok, how does the perpetrator conclude that the victim's body weight is the cause of death? Out of many things that could have given Kubheka a heart attack that day, her body weight for her perpetrators was the reason. The perpetrators suggested from their testimonies that they gave her a clinical gaze to suggest that she died of a heart attack as a result of allegedly being overweight. The perpetrators further de-humanised Kubheka. There is a certain stigma associated with being overweight. Nicole Taylor posits that overweight bodies are generally understood to signify weakness.⁵⁹ The description of Kubheka by the perpetrators was gendered. Kubheka was a woman and women tend to be reduced in South Africa to serve patriarchal interests. We cannot escape the fact that we live in a gendered country where patriarchy still dominates. I assess the perpetrators' testimony as gendered. Gender has been said to have reduced the representation of women at the TRC.⁶⁰ In this case, Kubheka's representation as human was reduced through the testimonies. The description of Kubheka's death was gendered in a sense that the perpetrators judged Kubheka based on her body weight and in the process, it is not far-fetched to argue that she was blamed for her own death because of her alleged weight which, according to the perpetrators', was the reason for the heart attack.

The amnesty hearings were de-humanising as much as they re-humanised the victims. Because even though the perpetrators may have been selective in what they testify. What the perpetrators were able to testify enabled both de-humanisation and re-humanisation to occur.

⁵⁸ 'Amnesty Hearings: 09 October 1999 in Durban', accessed at <http://sabctrc.saha.org.za/hearing.php?id=53633&t=am4117%2F96&tab=hearings>, on the 5th March 2020.

⁵⁹ Nicole Taylor, "'Guys, she's humongous!': Gender and weight-based teasing in adolescence" *Journal of Adolescent Research*, Vol.26 no.2 (2011), p.80.

⁶⁰ Khulumani Support Group, 'How the TRC failed women in South Africa: A failure that has proved fertile ground for the gender violence women in South Africa face today', 03 October 2011.

The victim and the perpetrator subjectified or objectified the other. But in the case of Kubheka, she was objectified more than being made a subject. In testifying about Kubheka's death, she was body shamed. That was de-humanising. Not to overstate the obvious, Kubheka's inability to testify for herself may have also been a leeway for the perpetrators to tell inconsistent stories regarding her death and who killed her. Butler underscores that "there are subjects who are not recognisable as subjects and there are lives that are not quite or indeed never recognized as lives."⁶¹ She suggest that the apprehension of human beings is based on the norms of recognition and at the same time apprehension can challenge the norms of recognition.⁶² The TRC had attempted to apprehend and recognise those who were not apprehended and recognised.



Gender, Testimony and Re-humanisation

Testimony is conventionally understood as spoken or written statement/s - as the witness or perpetrators evidence.⁶³ According to Giorgio Agamben "testimony is the disjunction between two impossibilities of bearing witness", the victim and the perpetrator.⁶⁴ Although one may give ones account while giving an account of themselves that does not mean their account of the other is legitimate.⁶⁵ There may be a lack of correspondence and consistency between the victim's testimony - the witness's testimony when the victim cannot testify for her/himself - and that of the perpetrator. It is in this sense that the truth about an incident becomes subjective.

⁶¹ Judith Butler, *Frames of War: When is life grievable?* (Verso Books, 2016), p.4.

⁶² Butler, *Frames of War*, p.5.

⁶³ Vuyokazi Luthuli, 'Figuring 'the missing' in the representation of missing women at the Truth and Reconciliation Commission' Honours paper unpublished (2017), p.43.

⁶⁴ Giorgio Agamben, *The omnibus homo sacer* (Stanford University Press, 2017), p.787.

⁶⁵ Butler, *Giving an account of oneself*, p.12.

Victims were enabled to express their sufferings and experiences of human rights violations at the HRV hearings. Kubheka's family testified on her behalf as another human, as an important life, as a life that matters. How does re-humanisation occur when the person has died? The family had reported Kubheka missing. Kubheka's family wanted to locate her whereabouts, her remains. The HRV committee was tasked to "establish the identity of the victims, their fate or present whereabouts, and the nature and extent of the harm they have suffered."⁶⁶ The TRC began investigating the case from the amnesty applications. Kubheka's case was investigated by TRC investigator, Stephanie Miller. The investigator worked with the family to some extent when locating the whereabouts of Kubheka. It is not clear from the TRC records when exactly Kubheka went missing but it was reported that she went missing in May 1987. She left behind her son, Thamsanqa Clifford and her daughter Thulisile Peggy. Kubheka's mother was in Lusaka attending Lynn Matoko's (Kubheka's sister) wedding at the time of her disappearance. Her sister Sibongile Gugu and her brother Themba Muziwakhe Kubheka were in exile.

The TRC Report states that some people went missing because the state saw them as troublesome therefore abduction was an effective way of removing people who were regarded as a threat to the state.⁶⁷ The apartheid government often lied about the way in which a person went missing and the way in which a person died, for example, the missing had "committed suicide", had "been turned" or had become an "informer" or had been shot while "attempting to escape" the authorities.⁶⁸ When families wanted to report their missing loved ones to the police, they were told that the victim is in exile and some families lived

⁶⁶ Ruth Picker, 'Victims' perspectives about the human rights violations' hearings', Johannesburg: Centre for the Study of Violence and Reconciliation (2005), p.1.

⁶⁷ He was a teacher, political activist and active member of the Cradock community. His one of the four who were killed by security forces in the Eastern Cape 1985.

⁶⁸ Truth and Reconciliation Commission, 'Abductions, Disappearances and Missing Persons', *Report of South Africa*, Vol.6, Chapter 1 (Cape Town: Juta, 1998), p.517.

with that. Kubheka was believed to have fled the country to exile in Mozambique with Tryfina Mboxela Njokweni, who was the female operator of MK in Umlazi, Durban.⁶⁹ The apartheid government was actually hiding the fact that it knew and was responsible for the disappeared and killed some of the missing persons.⁷⁰ Some families were scared to report the missing because they did not want to endanger their loved ones.⁷¹ The TRC became a “safe space” for the victims to report their suffering and experiences of human rights violations.

According to Sanders, testimony at the TRC switched to a goal unanticipated. At the Special Women’s Hearings, women brought forward issues such as funeral rites.⁷² At the special women’s hearing held in Johannesburg, July 1997, Andrew Zondo’s mother, Lephina Zondo⁷³ testified and asked for the exhumation of her son’s body via customary law.⁷⁴ Sanders repeatedly mentioned exhumation, which Mrs. Zondo was requesting during her testimony. Many of those who came and testified at the Commission mainly wanted their loved one to be given proper burial with respect. The TRC extended its mandate by including exhumations from March 1997 to June 1998.⁷⁵ Miller, with the assistance of Kubheka’s brother, Themba, found records of dead bodies that were buried at Verulam mortuary during apartheid. Those records indicated that an unknown decomposing dead body was found near Bhambayi and buried as a pauper at Grouville cemetery in Durban.⁷⁶ The description in the

⁶⁹ ‘Amnesty Hearings: 09 October 1999 in Durban’, accessed at <http://sabctrc.saha.org.za/hearing.php?id=53633&t=am4117%2F96&tab=hearings>, on the 25 May 2020.

⁷⁰ Truth and Reconciliation Commission, ‘Abductions, Disappearances and Missing Persons’, *Report of South Africa*, Vol.6, Chapter 1 (Cape Town: Juta, 1998), p.516.

⁷¹ Truth and Reconciliation Commission, ‘Abductions, Disappearances and Missing Persons’, p.517.

⁷² Sanders, *Ambiguities of Witnessing*, p.62.

⁷³ She was a mother of four children and married. Her son, Andrew Zondo a member of uMkhonto WeSizwe and he is said to be responsible for the bombing that occurred in Amanzimtoti shopping Centre, Durban.

⁷⁴ Sanders, *Ambiguities of Witnessing*, p.60.

⁷⁵ Nicky Rousseau, ‘Identification, Politics, Disciplines: Missing Persons and Colonial Skeletons in South Africa’, *Human Remains and Identification: Mass Violence, Genocide, and the ‘Forensic Turn*, in E. Anstett and J. M Dreyfus (eds.), (Manchester: Manchester University Press, 2015), p.176.

⁷⁶ ‘On Resumption: 21st July 2000 - Day 19’, accessed at <https://www.justice.gov.za/trc/amntrans/2000/200721db.htm>, on 20 May 2020.

records found at the Verulam mortuary related to the information given by Kubheka's family. The pauper's grave was excavated, and a body was exhumed. The grave also contained items of clothing.

It was Kubheka's neighbour, Mrs Jabulile Rose Dlodla who last saw her on the day of her disappearance. Staying together on the same street, Dlodla could not recall what Kubheka was wearing on the day she went missing. She was questioned regarding Kubheka's disappearance. Dlodla had seen Kubheka but she could not recall the exact day, except to recall it was two weeks before the June school holidays.⁷⁷ She was shown three dresses to refresh her memory. She recalled seeing Kubheka wearing a floral dress and a cream-white polo-neck underneath the dress. In summer days, Dlodla says Kubheka used to wear the dress without putting anything underneath. It was winter when she was abducted.

Kubheka's body weight and structure became the important point of investigation taken from Botha's testimony at the amnesty hearings. Dlodla's weight and physical body structure were compared with the alleged body weight of Kubheka. Dlodla was required to discuss her body weight in comparing with that of Kubheka. Dlodla described Kubheka as someone who was quite tall compared to herself, that she had small breasts, a flat stomach and large hips.⁷⁸

MR LAX: Just while we are also waiting, please forgive me, this may seem like a very rude question, but do you regard yourself as a fat person or an overweight person? I am sorry if it is a rude question, please forgive me?

MRS DLUDLA: No, I am not a fat person.

⁷⁷ 'On Resumption: 25th July 2000 – Day 21', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200725db.htm>, on the 25 May 2020.

⁷⁸ 'On Resumption: 21st July 2000 - Day 19', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200721db.htm>, on 25 May 2020.

MR VISSER: And just on that same line, what do you say was the size of dress which Ms Kubheka wore when you knew her, not in eSikhawini, in kwaMashu?

MRS DLUDLA: Are you asking me as to what size her dresses were?

MR VISSER: Yes?

MRS DLUDLA: 40 and sometimes 42, depending on the make.

MR VISSER: Thank you.

Dludla was asked to fit a belt that was alleged to be of Kubheka. The TRC commissioner, Mr Visser claimed that they wanted to see how the belt fits her. Dludla was asked to stand up because “one's waist is normally a bit bigger when you are sitting down.”⁷⁹ Kubheka was blindfolded and she was sitting down, she was not standing. Perhaps that is why Kubheka may have been described as overweight, she was seated down maybe her stomach area looked big as she was described. The belt did not have a buckle, Dludla strapped it around her waist and pulled from one end to another. The belt was 87cm and the gap was about 10cm for the ends not to meet.⁸⁰ Dludla's memory was assisted by the clothing that was exhumed with the alleged remains of Kubheka. When the skeletal remains were exhumed in 1997 at Grouville cemetery in Durban further investigation at the TRC occurred. The perpetrators' amnesty application statements were challenged and evaluated based on the counter evidence that the TRC had gathered. As I indicated earlier in this chapter, the counter-evidence gathered was extremely gendered.

⁷⁹ On Resumption: 25th July 2000 – Day 21', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200725db.htm>, on the 25 May 2020.

⁸⁰ 'On Resumption: 25th July 2000 – Day 21', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200725db.htm>, on the 25 May 2020.

Donna Pankhurst argue that gender was given a minimal attention at the TRC. Pankhurst insists that the TRC was gender-biased because it lacked “specific reference to women, gender, or to gender-based violence.”⁸¹ There was no category for gender-based violence at the Commission but instead, gender violence against women fell under “severe ill-treatment”. When TRC statement-takers were asking questions to the testifier the question of rape and gender-based violence was never asked. The “women who experienced rape in the political conflict dared not go to the police...”⁸² The statement-takers at the hearings were only recording a rape case if it was already reported to the police. As a result, ordinary sufferings inflicted by the former government were included in the definition of gross human rights violations.

Desmond Tutu, the chairperson of the TRC, reasoned that “the humanity of the perpetrator of apartheid’s atrocities was caught up and bound up in that of his [sic] victim whether he liked it or not. In the process of dehumanising another, in inflicting untold harm and suffering, the perpetrator was inexorably being dehumanised as well.”⁸³ This basically suggested that when the perpetrators were de-humanising the victim, they were also humanising themselves. For Pankhurst, this kind of treatment or thinking enables an idea that the impact and effects of the violations that women went through are the same as that of men victims or perpetrators.⁸⁴ Basically, the idea minimises and devalues the sufferings and experiences of women while turning a blind eye on the reality of the society.⁸⁵ The reality is that men and women are treated unequal due to power structures and divisions in the society.

⁸¹ Donna Pankhurst, ed. *Gendered peace: Women's struggles for post-war justice and reconciliation* (Routledge, 2012), p.145.

⁸² Khulumani Support Group, ‘How the TRC failed women in South Africa: A failure that has proved fertile ground for the gender violence women in South Africa face today’, 03 October 2011.

⁸³ Pankhurst, ed. *Gendered peace*, p.145.

⁸⁴ Pankhurst, ed. *Gendered peace*, p.145.

⁸⁵ The Truth and Reconciliation Commission officially recognised 477 cases of missing persons. Thirty-six cases out of the total were investigated cases on women victims.

Beth Goldblatt and Sheila Meintjes claim that it is important to understand the past through the viewpoint of gender in order to realize how that history has impacted the lives of South Africans. Nozizwe Madlala-Routledge maintains that the truth about the past cannot be a complete truth when women's experiences immensely excluded.⁸⁶ Goldblatt and Meintjes posit that women's sufferings and experiences have been conceptualised together with that of men.⁸⁷ Because both men and women are interdependent, and women are always subjected to men. There is unequal power between the two in all structures of the society such as the workplace and within organisations.⁸⁸ Therefore, both men and women's sufferings and experiences were gendered.

Ayumi Kasufuka points out that the TRC was gender-blind because of its mandate in that it overlooked the difference between men and women's experiences of the former government.⁸⁹ However, Sanders argues that in testimony there is ambiguity in a sense that it can present two sides, the experiences of the testifier or a testimony about the victim or both.⁹⁰ It is clear that because the perpetrator was testifying it did not mean the victim was re-humanised. Kubheka's body weight was one of the descriptions that the TRC had about her from the amnesty applications. In 2000, Miller was cross-examined by Visser. Miller stated that Kubheka's family told her that she had gained weight before she went missing. She went on to state, "there was an agreement that she was somewhat overweight at the time, whatever that might mean, of her death."⁹¹ Miller understood both what the perpetrators said in their

⁸⁶ Nozizwe Madlala-Routledge, 'What price for freedom? Testimony and the Natal Organisation of Women.' *Agenda* 13, no. 34 (1997), p.65.

⁸⁷ Sheila Meintjes and Beth Goldblatt, 'Gender and the truth and reconciliation commission', *a submission to the Truth and Reconciliation Committee, South Africa* (1996), p.2.

⁸⁸ Meintjes and Goldblatt, 'Gender and the truth and reconciliation commission', p.5.

⁸⁹ Ayumi Kusafuka, 'Truth commissions and gender: A South African case study', *African Journal on Conflict Resolution* 9, no. 2 (2009), p.45.

⁹⁰ Sanders, *Ambiguities of Witnessing*, p.17.

⁹¹ 'On Resumption: 25th July 2000 – Day 21', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200725db.htm>, on the 25 May 2020.

amnesty application and what the family told her to mean the same that Kubheka was overweight.

MR VISSER: Large?

MS MILLER: I am not sure if we can call her large, I think we should call her overweight, because she was a small person [height].⁹²

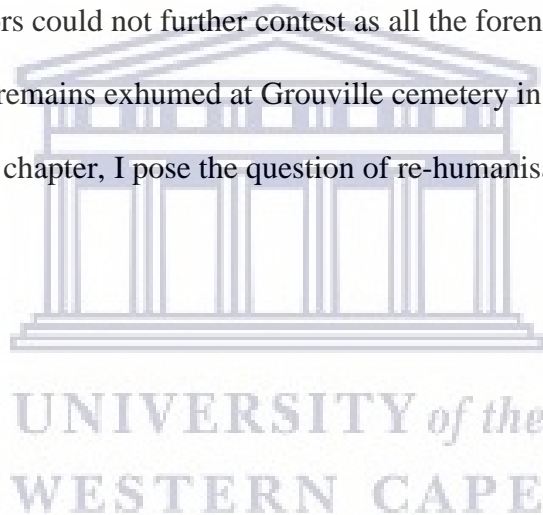
Kubheka's husband, Mr Nqobo, had testified that Kubheka was normal build and approximately 1.6m tall.⁹³ Miller continued and stated, "...it is certainly more than I would like to weigh, I would have thought that if Ms Kubheka weighed what I weighed, and she was considerably shorter than I am, she would have looked disproportionate and we would have considered her maybe plump or fat, but in a taller person weighing what I weigh, you wouldn't notice that she was plump at all."⁹⁴ The questioning of the exhumed clothing became significant because the clothes could assist in identifying Kubheka. Her body weight was contested, and it was the investigative point for the TRC. I believe that the amnesty applications greatly shaped the questioning and investigation points for the TRC. As the result, Kubheka was further de-humanised when her death was claimed to be that of heart attack because of her weight. Kubheka was figured as fat, referring to her as having been overweight.

⁹² 'On Resumption: 25th July 2000 – Day 21', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200725db.htm>, on the 25 May 2020.

⁹³ 'On Resumption: 25th July 2000 – Day 21', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200725db.htm>, on the 25 May 2020.

⁹⁴ 'On Resumption: 25th July 2000 – Day 21', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200725db.htm>, on the 25 May 2020.

The TRC tested the testimonies according to their notion of truth in aims of gathering authentic information about cases reported. Sanders argues that “... before any individual testimony to human rights violation deposited with the commission could contribute to its findings, it would have to be verified and collaborated by the investigators...”⁹⁵ The testimonies that were given by the perpetrators in Kubheka’s case were tested and questioned by the commission to test its authenticity. Sylvia Karl argues that re-humanisation refers to different counter-practices against practices of de-humanisation.⁹⁶ As I elaborate in the following chapter, Kubheka’s skeletal remains were contested by the perpetrators and several forensic identifications were conducted. The identification of her skeletal remains was questioned until perpetrators could not further contest as all the forensic analyses had the same results. The skeletal remains exhumed at Grouville cemetery in Durban were of Kubheka. In the following chapter, I pose the question of re-humanisation in relation to the work of forensics.



Conclusion

The aim of this chapter was to figure the ways in which strategies of re-humanisation were enabled at, and by, the TRC. I focussed on gender and testimony within the TRC as a way to understand its possible strategies of re-humanisation. The TRC’s intention was to reconcile those who were apprehended to be not human - the victims of human rights violations - and those who considered themselves as human - the perpetrators of human rights violations. Reconciliation, this chapter has suggested, can be understood as one of the processes and strategies of re-humanisation. Yet, as shown in this chapter, further de-

⁹⁵ Sanders, *Ambiguities of Witnessing*, p.150.

⁹⁶ Sylvia Karl, ‘Missing in Mexico: Denied victims, neglected stories’, *Culture & History Digital Journal* 3, no. 2 (2014), p.4.

humanisation could also occur as suggested by my reading of the amnesty hearing into Kubeheka's disappearance and murder. Re-humanisation was channelled in many ways than one such as the introducing of science in investigating human right violation crimes. The way Kubheka was described to have died and the reasons for her death were gendered. Re-humanisation and de-humanisation are not mutually exclusive ways of apprehending the person, the human. As this chapter has shown, they are inseparable and can be overlapping. Analysing TRC testimony, as I have done in this chapter, underscores that victims could be re-humanised and further de-humanised at the same time. This was especially so in the figuring of Ntombikayise Priscilla Kubheka through the TRC's HRV and Amnesty hearings.



Chapter Two

A Forensic Aesthetic

The Truth and Reconciliation Commission (TRC) had a mandate to reconcile victims and perpetrators of human rights violations under the apartheid regime. Inevitably, the dead gave their own testimony, as did the living. Yet, for the dead to speak, they speak through the living in one way or another. Thus, the TRC included forensic laboratories to work with them in investigating and restoring Ntombikayise Priscilla Kubheka's identification. Amnesty could only be granted when the case had been thoroughly investigated depending on the transparency of the perpetrators in telling the 'truth'. But this chapter aims to move beyond that and understand the re-humanisation of the de-humanised, the making of human again. The first chapter understood that figuring re-humanisation within the framework of the TRC is not as clear and straight forward. The TRC believed that both victim and perpetrator were de-humanised in the process of de-humanisation of the victim.

Desmond Tutu writes that "true reconciliation is based on forgiveness, and forgiveness is based on true confession, and confession is based on penitence, on contrition, on sorrow for what you have done."¹ But who forgives who? In the case of Kubheka, the main victim could not speak verbally and could not be said to have forgiven the perpetrators. This is because she never had a chance to speak for herself in a language that all living human beings understand. It can be argued that forgiveness, as one of the bases of reconciliation, suggests that re-humanisation is possible through forgiveness. But nevertheless, the intentions of Kubheka's perpetrators are not clear, reading their recorded

¹ Desmond Tutu, 'Truth and Reconciliation', 1 September 2004.
https://greatergood.berkeley.edu/article/item/truth_and_reconciliation accessed on the 16 September 2020

testimony transcripts it can be detected that there is a lack of ‘remorse’, and instead, Kubheka was further de-humanised.

The perpetrators applied for amnesty for concealing Kubheka’s body, not killing her. The TRC introduced a forensic approach to investigate and understand the crimes against humanity. The forensic experts became part of the investigation process in human rights cases to convert the language of things - human remains - to that of people as the expert witnesses. Although the innovation assisted in resolving crimes against humanity, it also revealed the complexities of testimony. For Thomas Keenan and Eyal Weizman, human remains are objects than can testify as subjects.² The introduction of human remains at the TRC blurred the line between object and subject, evidence and testimony. The forum gathers people and things to discuss and analyse evidence through forensic techniques and technologies. Therefore, the forums were not only affirmed but also transformed, as this chapter will outline.

Keenan and Weizman elucidate forensics as science and the art of persuasion. The word forensics derives from the Latin *forensis*, referring to the forum, the techniques and technologies used to make an argument in a legal court, professional or political gathering.³ Forensics connects three components, the object, the mediator and the forum. These components can contest each other, and the forum enables the analysis and interpretation of the object to make claims and counterclaims. The object’s language is translated, mediated and interpreted to the language of people. Keenan and Weizman refer to that as prosopopoeia, meaning that the objects are artificially endowed with voice. Prosopopoeia is the power to ‘raise’ the dead through the living by speaking on behalf of the deceased.

² Keenan Thomas and Eyal Weizman, *Mengele’s Skull: The Advent of Forensic Aesthetic* (Berlin: Steinberg Press, 2012), p.13.

³ Keenan and Weizman, *Mengele’s Skull*, p.28.

When the skeletal remains were exhumed at Charlottedale cemetery next to Stanger hospital on the 5th of May 1997, a new forum emerged, one that was different yet within the TRC. A scientific forum was introduced in order to examine the exhumed skeletal remains and the material objects within the grave in the quest for identification. The exhumation and identification process has been argued as being able to restore personhood to the missing and disappeared.⁴

The case of Joseph Mengele is a good example concerning the work of forensics and what Keenan and Weizman argue was the advent of a forensic aesthetic. This refers to the extension and transformation of the forum, those spaces where material objects are presented, and the ways in which there are a multiplicity of forums through which material objects are presented as subject-objects. Mengele's life continued even after death through forensics in order for him to be accurately identified so he could be prosecuted for his human rights violations acts that he had conducted at Auschwitz camps.⁵ The case proves that death is not the end of the person. Fredrik Fahlander and Terje Oestigaard argue that death is a difficult concept to define because the soul is believed to continue living in different metaphysical realms but the skeletal remains universally characterise death.⁶ The skeletal remains is what is physically left when the person has died. The living humans are triggered by dead bodies because of their materiality, in this case, forensic memory. I will expand on that in the next chapter.

⁴ Nicky Rousseau, Riedwaan Moosage and Ciraj Rassool, 'Missing and missed: Rehumanisation, the nation and missing-ness', *Kronos* 44, no. 1 (2018), p.11.

⁵ Josef Mengele was a Nazi doctor who was performing experiments on people at the Auschwitz camps. He died in Brazil under the name of his fellow Nazi party member, Wolfgang Gerhard. He died of stroke and was exhumed seven years after his death in 1985. His tomb was marked by a Brazilian couple which he was staying with before his death. The exhumed remains required forensic analyses to establish the accurate identity of the deceased so the trial against him could proceed.

⁶ Fredrik Fahlander and Terje Oestigaard, 'The materiality of death: bodies, burials, beliefs.' *BAR International Series* 1768 (2008), p.5.

The forensic forum enabled the speech of the skeletal remains through examining them as material evidence because they cannot speak on their own. In the forensic forum the skeletal remains take agency through the experts' interpretation. The line between subject and object is blurred, there is always ambiguity between the subject and the object, as is with de-humanisation and re-humanisation. Keenan and Weizman use the term "super-objects and super-subjects" because the subject that testifies and the objects that are presented by an expert is a haunted object or super-subjects because they are susceptible to lying.⁷ The 'truth' and speech of the object is different from that of the subject because the subject is likely to lie. When the object is subjectified, it remains as something like the objective truth. The human remains and the expert reading them should be reliable because in that instance lying is quarantined for truth to be identified as "self-evident, lingering fossilised in the object."⁸

The forensic investigators reconstruct the life lived experiences through "effects of life as it had been recorded or fossilised into the bones," what renowned forensic anthropologist Clyde Snow referred to as osteobiography.⁹ The evidence presented by and through human remains challenges one's idea of the notion of testimony. The skeletal remains became the 'witness' that gave testimony of the dead, they shown the humanness that the human remains carry even after death. As the result, the testimony of the dead is considered more accurate and powerful than of the living human being because the human brain, the mind can forget but human bones do not.

In the investigation of Joseph Mengele, Keenan and Weizman describe how an amateur photographer created a video of photography, a new technique that would work with the science of pathology.¹⁰ It studies human health by conducting diagnostic tests detecting

⁷ Keenan and Weizman, *Mengele's Skull*, p.66.

⁸ Keenan and Weizman, *Mengele's Skull*, pp.66-67.

⁹ Keenan and Weizman, *Mengele's Skull*, p.18.

¹⁰ Keenan and Weizman, *Mengele's Skull*, p.32.

human illnesses and diseases even after the person had died. This process assists in knowing what may have been the reason for death and the identity of the deceased may also be discovered. For instance, Mengele's investigation created a path for other cases that are similar. In South Africa, Kubheka's case is one of those that followed a similar path of investigation. Kubheka's ante-mortem photographs were brought to the TRC and the photographs becomes evidence of Kubheka. More powerful, however, was the introduction of the exhumed skeletal remains and associated material objects into a forum that challenged testimony. This chapter argues that the object-subject, understood as the exhumed skeletal remains and the subject-objects, understood as the clothing exhumed with the skeletal remains as well as the ante-mortem photographs have agency. The potency to make the living to do something such as affording the opportunity to the forensic expert to analyse and interpret what the dead may be saying.

In this chapter, I pose a question of re-humanisation in relation to the work of the TRC in re-humanising the once de-humanised. I ask the question with cognisance that the TRC was not focused on the notion of re-humanisation. The debates around personhood challenges one to think of the notion of re-humanisation as it triggers one to figure the human, in this context Kubheka. She was de-humanised continuously from the moment of her abduction, torture, and killing, and even after death. Posel and Gupta argue that the need to reclaim the humanity of the dead body at the onset of its material decay refers back to the dualism of the corpse.¹¹ Ciraj Rassool posits that human remains have 'double lives' as objects because of their "effective presence and emotive materiality."¹² This follows Joost Fontein et al. argument about the emotive materiality and affective presence of dead bodies

¹¹ Deborah Posel and Pamela Gupta, 'The life of the corpse: framing reflections and questions.' *African Studies* 68, no. 3 (2009), p.2.

¹² Ciraj Rassool, 'Re-storing the skeletons of empire: return, reburial and rehumanisation in Southern Africa.' *Journal of Southern African Studies* 41, no. 3 (2015), p.656.

that is the substance of human bones. Human remains have power over the living and the present.

The politics of re-humanising the dead demonstrate the skeletal remains are both object-subject and the subject-objects. The underlying point is that skeletal remains are objects, yet they are the subject and the two are not the same. The term object-subject and subject-object elucidates the ambivalent relationship between the object and the subject. This chapter argues that, in the case of Kubheka, a forensic aesthetic emerged that enables a more nuanced reading of re-humanisation.

Exhumation and Re-humanisation

As noted in the previous chapter, exhumations were not part of the TRC's mandate. However, during a number of hearings, families requested the return of their missing loved ones remains.¹³ Nicky Rousseau argues that TRC exhumations provided “material evidence of police killings and atrocity, bodies rising from their graves, as it were, to accuse members of the former government who continued to deny systematic involvement in gross human rights abuse.”¹⁴ Exhumations enabled a shift in the TRC's evidential paradigm so that accountability could be taken for human rights violations.¹⁵

Kubheka's remains was amongst fifty that were exhumed by the TRC before it handed exhumations work to the Missing Persons Task Team (MPTT) in 2004. Initially, as Rousseau points out, TRC exhumations were conducted in a “forensic vacuum” where there

¹³ Mark Sanders, *Ambiguities of Witnessing: Law and Literature in the Time of a Truth TRC* (Johannesburg: Wits University Press, 2007), p.62.

¹⁴ Nicky Rousseau, 'Identification, Politics, Disciplines: Missing Persons and Colonial Skeletons in South Africa', *Human Remains and Identification: Mass Violence, Genocide, and the 'Forensic Turn*, in E. Anstett and J. M Dreyfus (eds.), (Manchester: Manchester University Press, 2015), p.178.

¹⁵ Rousseau, 'Identification, politics, disciplines', p.178.

were no “proper and standardised forensic practice as was noted in the internal audit by the TRC.”¹⁶ The TRC sought to rectify a number of issues relating to exhumations as it carried out further exhumations under its auspices. It was in this context of TRC exhumations that the remains of Khubeka was exhumed on the 5th of May 1997.

Stephanie Miller was the TRC investigator who followed and investigated the case of Kubheka. As part of her investigation, she visited mortuaries and consulted mortuary records in the hope of finding pauper grave information that might match information known about Khubeka’s death based on perpetrator information. The Verulam mortuary, today known as Phoenix mortuary in Durban, had buried a dead body of a woman whose burial docket related to the existing information of Kubheka. It was recorded in the mortuary records that the unknown woman was buried in May 1987. The post-mortem examination of this woman, 580/87, was conducted by a Dr. Chetty. The post-mortem was conducted in 1987, the year Kubheka disappeared. This led Stephanie Miller to Charlottedale cemetery, plot 343, and organized the exhumation of the grave. The exhumation team consisted of Mrs Miller, Dr SM Aiyer and Dr MM Orde from the Department of Forensic Medicine in Durban, Dr Naidoo with his team from Stanger hospital and a member of the South African Police Service, Andrew Anthymoolan from Stanger.

The exhumation report indicates that there was a review of plot 343 before it became an exhumation site. It was noted that the site had a marked metal tag labelled 343 attached on a wire impaled into the ground. The site had partially burned grass. A body bag, at a depth of 1050mm was exhumed from the grave. The body bag was briefly examined at the grave site. It contained human remains and some clothing: a flower printed burgundy dress, thin belt

¹⁶ Riedwaan Moosage, ‘Missing-ness, History and Apartheid-era disappearances: The figuring of Sipiwo Mthimkulu, Tobekile ‘Topsy’Madaka and Sizwe Kondile as missing dead persons’, (Unpublished PhD Dissertation, Vrije Universiteit Amsterdam and University of the Western Cape, 2018), p.62.

around the waist through the loops, a beige bra, underwear which could not be size detected, a white pale polo-neck and a thin beige discoloured half-slip. It was found that the skull was covered with a whitish fabric, the upper torso was covered with a pinkish fabric. There were fractured ribs observed. Fibula, right tibia and right femur were observed to be in reverse order. The left pubic bones, radius and ulna was fractured. The examination had to be discontinued due to weather change, it rained.¹⁷ The skeletal remains were disassembled, placed into plastic bags again and taken by Andrew Anthymoolan to Stanger mortuary.

At the forensic laboratory in Stanger, a detailed analysis was done to establish identification. The initial examinations indicated that the pelvic bones suggested the skeletal remains exhumed to be those of a female based on its size and breadth. Females are the reproducers of humankind; their pelvic area have a larger sub-pelvic angle than that of a man. Kubheka was a mother of two children, Thamsanqa Clifford Kubheka and Thulisile Peggy Kubheka. When the female has birthed the middle area of the pelvic bone widens upon giving birth and it never fully contracts. Such difference can be easily identified by forensic experts just by closely observing the skeletal remains.

The skull and mandible can determine if the skull is of a woman or a man. The forensic expert pays close attention to the shape of the forehead in order to identify if it is of a female or male. A male's forehead slant backwards while a female's more rounded. And a male's chin is slightly in a square shape while female's chin is more pointed.¹⁸ Females and males have different features of the teeth such as morphology, root length and crown size, even their skulls have different patterns.¹⁹ Sagar P Nagare, Shrinivas Chaudhari Rohan,

¹⁷ 'On Resumption: 21st July 2000 - Day 19', accessed at <https://www.justice.gov.za/trc/amntrans/2000/200721db.htm>, on the 14 December 2019.

¹⁸ Jack Claridge, 'Explore Forensics: Determining Sex' accessed at <http://www.exploreforensics.co.uk/determining-sex.html>, on the 16th May 2019.

¹⁹ Sagar P Nagare, Shrinivas Chaudhari Rohan, Birangane S Rajendra, and Pratik C. Parkarwar, 'Sex determination in forensic identification, a review.' *Journal of forensic dental sciences* 10, no. 2 (2018), p.2.

Birangane S Rajendra, and Pratik C. Parkarwar point out that there is a significant difference between female and male permanent and deciduous tooth crown size.²⁰ The post-mortem examination report of 1987, report 580/87, had relatable findings with post-mortem 1155.97, that which was conducted by Dr Naidoo of the skeletal remains exhumed Charlottedale cemetery.²¹ It was determined that both reports were findings of the same body being examined. Post-mortems 580/87 and 1155/97 also confirmed what the TRC already knew about Kubheka, for instance her height and weight. This seemed to confirm identification of the exhumed skeletal remains as being those of Kubheka.

Yet, Kubheka was buried without a name in an ‘unmarked’ grave. The skeletal remains were exhumed from a pauper grave. Nicky Rousseau, Riedwaan Moosage and Ciraj Rassool point out that being buried as a nameless pauper in an unmarked grave was something commonly done during the rule of apartheid government.²² It was de-humanising, but the “grave secures the human” which can mean, to some extent, the grave re-humanises the de-humanised. That is because “the necessity to bury in a grave as a triumph, demonstrating that re/humanisation closely follows dehumanisation.”²³ The ambivalence between de-humanisation and re-humanisation does not avoid me thinking of the negative connotations around burying a human being in a body bag. Indeed, this has plagued me since beginning my research: the burying of a person in a body bag.

However, I understand that when Kubheka’s body was found in 1987, it was already decomposing, and the body bag assisted in protecting leakage of fluids that occur after death. Although burying another human being in a plastic bag sounds very unsettling, the advantage

²⁰ Nagare, Rohan, Rajendra, and Parkarwar, ‘Sex determination in forensic identification’, p.2.

²¹ ‘On Resumption: 25th July 2000 – Day 21’, accessed at <https://www.justice.gov.za/trc/amntrans/2000/200725db.htm>, on the 25 May 2020.

²² Nicky Rousseau, Riedwaan Moosage and Ciraj Rassool, ‘Missing and missed: Rehumanisation, the nation and missing-ness’, *Kronos* 44, no. 1 (2018), p.25.

²³ Rousseau, Moosage and Rassool, ‘Missing and missed’, p.25.

is that the plastic bag can protect what is inside it for a longer period. The plastic takes many years to deteriorate. This way of burying dead bodies in a plastic bag also evokes the notion of personhood. One would ask what constitutes a person. Kubheka's life was not apprehended and recognised by those who killed her because she did not cooperate with the apartheid police in converting her into an askari. Her life is precarious. Her name was known to her killers. Due to their actions as a cover up, a counter-forensic act in the general sense of the term, Kubheka was buried without a name.

The dead body can be figured as an archive and exhumations as a project that recovers such.²⁴ In this sense, the site of exhumation, the grave, is the field. It is within the field that evidence is located and produced. Therefore, I maintain that the exhumation site can be understood as the field because what is then exhumed tend to be come new evidence to existing evidence. The human testimony has been critiqued of being biased and can be faulty. Skeletal remains and its accompanying objects – what can be called grave goods- become better testifiers as they reveal the engraved traces which are never removable. The body remembers better than the mind. The forensic expert identifies the traces on the skeletal remains. Because “the dead could only speak through the mouths of those left behind, and through the signs they left scattered behind them” says Robert Galbraith.²⁵ But the interpretation of what the skeletal remains might say is open to contestation. When remains are exhumed, the forensic experts became mediators who interpret the human remains.

Johan Rubin argues that skeletal remains are not objects but a “person with identity, with feelings” and one cannot lose sight of that through the process of exhumation.²⁶ This suggests that the dead have their identity even when buried as unknown. The exhumation of

²⁴ Nicky Rousseau, 'Eastern Cape Bloodlines I: Assembling the Human', *Parallax* 22, no. 2 (2016), p.204.

²⁵ Robert Galbraith, *The Cuckoo's Calling* (Hachette United Kingdom, 2013), p.46.

²⁶ Johan S Rubin, 'Exhuming Dead Persons: Forensic Science and the Making of Post-fascist Publics in Spain', *Cultural Anthropology* 35, no. 3 (2020), p.346.

de-humanised dead bodies evokes the notion of re-humanisation and restores the individual's personhood, the sense of individualism and being human.²⁷ It is also because of those who are involved in the exhumation that the exhumed skeletal remains are re-humanised. The relationship between the exhumed and the exhumers is often ignored. But to think of re-humanisation, it is important to acknowledge, as Rousseau underscores, that the living and the dead, the exhumed and the exhumers have a relationship.

The relationship between the exhumed and those who do the exhuming enables the forensic forum to do its work while in the field. Indeed, the process of exhumations and forensic analyses to an extent blurs the line between field and forum. The dead are alive, they speak to and through the living. What Ciraj Rassool call the 'disciplines of the dead'²⁸ and its practitioners - such as physical anthropologists, anatomists, pathologists, archaeologists etc. - and the dead have an intimate relationship. The entire process of exhumations from digging to putting the remains into labelled human plastic bags with the care it involves suggests re-humanisation. Does the intimate and emotive relationship between the experts of the 'disciplines of the dead' and the dead re-humanise the dead? When does re-humanisation begin, during and/or after exhumation?

Rousseau suggest that re-humanisation occurs during exhumations and begin afresh when the remains are in the forensic laboratory.²⁹ Exhumed remains are disarticulated at the grave site and then are re-assembled at the laboratory, what Crossland argues is a process of producing a body.³⁰ Skeletal remains are no longer just that. Being laid out anatomically on

²⁷ Nicky Rousseau, 'Identification, politics, disciplines: missing persons and colonial skeletons in South Africa', in Anstett Elisabeth and Jean-Marc Dreyfus (eds.), *Human Remains and Identification: Mass Violence, Genocide, and the 'Forensic Turn'*. Manchester University Press (2015), p.184.

²⁸ Ciraj Rassool, 'Human Remains, the Discipline of the Dead, and the South African memorial Complex,' in D. Peterson, K. Gavua and C. Rassool (eds.), *The Politics of Heritage in Africa: Economics, Histories, and Infrastructures*, (Cambridge: Cambridge University Press, 2014).

²⁹ Nicky Rousseau, 'Eastern Cape Bloodlines I: Assembling the Human', *Parallax* 22, no. 2 (2016), p.211.

³⁰ Zoe Crossland, 'Of clues and signs: the dead body and its evidential traces', *American anthropologist* 111, no. 1 (2009), p.74.

the mortuary table affects the gaze of the expert into seeing the remains of who was once a person. The process of re-humanisation continues. Bruno Latour posits that scientific laboratories are forums in which forensic experts “speak, vote, decide, are decided upon, prove, and are being convinced.”³¹ The findings of forensic experts are assessed and tested by peers. There are various examinations that can be conducted on the skeletal remains by different forensic experts specialising in different fields.

Exhumed remains become the body of evidence and of/for mourning. They are ambivalent object-subjects. Ewa Domanska underscores that it is that ambivalence that enable human remains to be both “the rhetoric of justice and the rhetoric of memory”, the body as evidence of crime and as a reference point for mourning.³² According to Krmpotich, Latour destabilises the boundary between persons and things, subject and object because “bones as transforming material afford and allow, such a multi-dimensional consideration of how and what human bone does, enables or constrains, itself facilitates a profound rethinking of what agency denotes.”³³ If we understand exhumation as a strategy of re-humanisation, how do we describe the moment when the skeletal remains were exhumed in a plastic bag? When does re-humanisation begin in the process of exhumation when the skeletal remains were again placed into a blue plastic body bag? There is a bad connotation associated with the plastic bag which I cannot seem to escape. There seems to be an instability between re-humanisation and de-humanisation. In fact, in an African home, the dead are respected and given a dignified burial. It is taboo to bury the dead as a pauper because of various reasons but most, it reduces the significance of the once living, now dead.

³¹ Bruno Latour, ‘From realpolitik to dingpolitik’ *Making things public: Atmospheres of democracy* 1444 (2005), p.21.

³² Ewa Domanska, ‘Toward the archaeontology of the dead body’, *Rethinking history*, Vol. 9, No. 4 (2005), p.402.

³³ Cara Krmpotich, Joost Fontein, and John Harries, ‘The substance of bones: the emotive materiality and affective presence of human remains’ *Journal of Material Culture* 15, no. 4 (2010), p.373.

Domanska marks that there can be insufficient manifestation of the past and therefore, what is left is interpreted instrumentally to somewhat manipulate the construction of a desirable vision of the past.³⁴ And, one can argue to be subjective rather than objective. For Domanska there is non-absent and non-present past; the non-absent past is the ambiguous and liminal past that keep haunting the present and it cannot be given a limited interpretation nor be controlled. The non-present past is rendering the body as evidence of crime (rhetoric of justice) and body of mourning (rhetoric of memory).³⁵ It can be contextualised that, forensic experts sometimes discover that the skeletal human remains they are examining renders the past as non-absent or non-present. The remains exhumed were the paradigm of the past that is continuous with the present yet discontinuous from it.³⁶

Forensic analyses and identification

Micheal Taussig, in his essay *Walter Benjamin's Grave*, asks why do we trust that any grave contains what it is supposed to? In this case, how can we trust if the grave contains what it is supposed to in a dignified and honourable way? During post-mortem examinations, the skeletal remains is of evidence and only when identified, do the skeletal remains become a body of mourning. It is the identification of the remains that shift the family and the public at large to mourn now that they know who the dead is. Before that however, the remains exhumed from grave plot 343 at Charlottedale cemetery were asked the question, “who are you?”

The question was answered through close reading and analysis of the bones. For someone who is not informed about bones, all bones tend to look similar. Keenan and

³⁴ Domanska, 'Toward the archaeontology of the dead body', p.404.

³⁵ Domanska, 'Toward the archaeontology of the dead body', p.404.

³⁶ Domanska, 'Toward the archaeontology of the dead body', p.404.

Weizman makes an example of the skull that one may look at it as a “devoid of the expression and the gestures if a human face.”³⁷ While they are not the same, human bones are exposed in everything that the human does, they can record “a sequence of illness, incidents, and accidents, along with conditions of nutrition, labour, and habit- that is fossilised into the morphology and texture of bones.”³⁸ As the investigation proceeds the closer and closer it gets to identification of gender, race, height etc. the investigation in forensics relies on the probability of whether or not the event occurred.

There were four forensic examinations that were conducted in identifying the remains of Kubheka from 1997 to 1999. There was a post-mortem examination, ballistic examination, DNA examination and a photo-skull video superimposition analysis that was conducted at the University of Glasgow. These examinations played a crucial role by reading and analysing the skeletal remains, and translating the language spoken by the skeletal remains to that of living human beings.

Following the schedule of observations, Dr SR Naidoo found a dress, belt, and a discoloured beige bra, underwear (size not detected), discoloured polo neck, a half-slip and a metal fragment on the skull. There were no blood stains found due to discolouration. Dr SR Naidoo conducted a medico-legal post-mortem examination on the exhumed remains. The remains were extremely dry and fragile. They included the skull, 23 ribs and rib fragments, 9 thoracic vertebrae, 4 lumbar vertebrae, 3 cervical vertebrae, 2 scapulae, 2 femurs, 2 hemipelvis bones, 2 clavicles, 2 humeri, 2 tibiae and fibulae, 2 calcanei, 2 ulna and 1 left side radius, 1 talus, 1 phalanx of big toe, mandible, sacrum and manubrium. Bony injuries were found on the skull, a metallic firm object (10mm diameter) fell out of the foremen magnum. It was examined and revealed to be a bullet object. The post-mortem concluded that

³⁷ Keenan and Weizman, *Mengele's Skull*, p.20.

³⁸ Keenan and Weizman, *Mengele's Skull*, p.19.

the skeletal remains were of a female negriod (note the language of racial science), considerably short (between 1.35 - 1.42 metres in height) and had lived up until under 40 years of age. Cause of death was a bullet wound to the skull.

The 10mm diameter metallic object that fell out of the skull at the laboratory was sent to the Forensic Science Laboratory Ballistics, KwaZulu/Natal for ballistic analysis. The forensic ballistic expert, Lance Lowden Litchie, performed the examination and he found that it was a fired bullet of 7.65mm calibre. A clinical/visual analysis was conducted by DR Keith Douglas Spears, a principal dentist at Addington Hospital, Durban. The skull lost seven teeth and one tooth was able to be extracted for dental post-mortem to occur. Dr Spears concluded from his findings that the person had approximately died at the age of 35 years. Other parts of the skeletal remains: four molar teeth, marrow cores from head and neck of femur, one side and marrow cores from vertebral body and the vertebra were sent to the Cape Town, Observatory for Tissue Immunology. The blood samples of Kubheka's sisters Lynn and Sibongile; and the son, Thamsanqa were submitted with. With the supervision of Professor ED du Toit, DNA was managed to be extracted from two molar teeth. It could not be extracted from the vertebra and a small quantity of DNA was extracted from femoral head. Unfortunately, the DNA typing was not possible because it was degraded, patterns could not be drawn.

The South African forensic laboratories had exhausted their ability and identified the skeletal remains to be of Kubheka. However, the perpetrators challenged the results; they believed that it was not Kubheka's skeletal remains. Further careful examinations were necessary. A photograph of Kubheka and the skull of the exhumed skeletal remains were sent to the University of Glasgow for a forensic analysis called photo-skull video superimposition (also known as craniofacial identification).

In the laboratories, the skull is scanned to get its video photograph and the same thing was done of the ante-mortem photograph. They are then marked on their anatomical areas for instance the eyes, nose, mouth, chin etc. The importance of these anatomical points is that they help to show the matching physical similarities in the video photograph of the skull and that of the ante-mortem photograph. They must have a “delicate aesthetic balance, on new images made possible by new technologies, not only changing in front of our eyes, but changing our very eyes.”³⁹ The ante-mortem photograph video photograph is then placed on top of the video photograph of the skull in order to see if they are a match.

The photo-skull video superimposition identification rest on an aesthetic balance “[of] new images made possible by new technologies, not only changing in front of our very eyes, but changing our very eyes- affecting the way we can see and comprehend things.”⁴⁰ It rearranged how we understood the forum and Kubheka’s death through careful calculations of probability. Thus, enabling forensic identification analyses to become the source for interpreted evidence. The forensic identification of human remains plays a great part in solving crimes against humanity. It introduced another form of narrative different from the document and the witness. Because forensics is not only about the court of law but also politics, science and the enjoining of evidence recovered in the field (such as exhumation) through its presentation, mediation and contestation in various forums.

Carlo Ginzburg, informed by Sigmund Freud’s psychoanalysis, emphasises the importance of reading and analysing the seemingly insignificant signs and clues because they can offer us new narratives and adds to the construction of evidence.⁴¹ The forensic analyses that were conducted to identify Kubheka focused on the detail in the subject of analyses.

³⁹ Keenan and Weizman, *Mengele’s Skull*, p.24.

⁴⁰ Keenan and Weizman, *Mengele’s Skull*, p.24.

⁴¹ Carlo Ginzburg, ‘Clues: Roots of an Evidential Paradigm in Clues’, *Myths and the Historical Method* (1989), p.33.

Elizabeth Edwards, writing about photography, suggests that a micro-view is important because the grand narratives are no longer credible, particularly in politics and science.⁴² Therefore, even photographs requires an analytical reading beyond that which is present through the frame. Ginzburg and Edwards remarks are significant because they point to evidence that can address questions at hand. The testimony of the human skeletal remains, the dead contest the testimony of the living human and so does the object.

In the forensic architecture of evidence, the remains are asked the question “who are you?” which enables forensic experts to analyse the remains and reconstruct life events that are recorded and fossilized on and in skeletal remains.⁴³ The remains will have an identification. Without the methods and techniques of forensic identification, unknown skeletal remains that needs to be identified or rather, given identification would be more challenging to identify. Johanne Helbo Bondergaard marks that “forensics in the aftermath of wars and genocides is based on a need for evidence that will remain more stable over time and is not as easily contested as human testimony.”⁴⁴ In questioning what Riedwaan Moosage calls a ‘forensic embrace’ of the TRC, Moosage suggest that while it helps us to investigate issues such as crime against humanity and political violence, the stability of forensics is not as stable as one would imagine.⁴⁵

The subject-objects have agency with no words uttered, these objects bring people together. By that I mean, the ears and eyes of those who are assembled around these objects. Objects have potency. In *Dingpolitik* (thing/object politics), Bruno Latour maintains that the *ding* is the reason why people assemble yet it also divides them.⁴⁶ The TRC was a forum in

⁴² Elizabeth Edwards, *Raw Histories. Photographs, Anthropology, Museums* (London: Policy Press, 2001)., 3

⁴³ Keenan and Weizman, *Mengele's Skull*, p.1.

⁴⁴ Johanne Helbo Bondergaard, *Forensic Memory: Literature After Testimony* (Springer, Palgrave Macmillan, Cham, 2017), p.10.

⁴⁵ Riedwaan Moosage, ‘Missing-ness, History and Apartheid-era disappearances’, p.58.

⁴⁶ Bruno Latour, ‘From realpolitik to dingpolitik’ *Making things public: Atmospheres of democracy 1444* (2005), p.13.

which different people with different interests and agendas gathered to settle the past through evoking the past at the same time

For living humans there is a need to address the question of “the benefits and harmfulness of the remains to life.”⁴⁷ Domanska maintains that when forensic analyses begin at the forensic laboratory, the dead are described as evidence and that de-humanise the process of exhumation. The forensic experts analysing the dead become the subject (the researcher) and the remains as objects of analysis. The conception then implied is that the dead body is, “helpless to resist the violence of a variety of discourses-they are separated from a particular personality and become a thing.”⁴⁸ However, according to Zoe Crossland, the post-mortem produced the body, the body as evidence because of the signs and symptoms engraved in the bones.⁴⁹ Whether human skeletal remains are identified or not, they are still of a person and they carry forensic memory to prove that. And, besides Jenny Edkins suggest that every person should be accounted and counted for as a person-as-such.⁵⁰ The person-as-person. The forensic forum then has become important in cases of human rights violations. It can produce different narrative, challenged the existing narrative or/and support it. That depends on both the skeletal remains and the experts analysing them.

The exhumation and subsequent forensic examinations helped the TRC challenge the amnesty applicants by questioning them based on the results of these forensic examinations. Although these forensic analyses conducted on the skeletal remains may not completely guarantee personhood, they contribute to the notion of personhood through recovery of identity. Susan Gillespie maintains that personhood is beyond identifying gender, age, birth

⁴⁷ Domanska, ‘Toward the archaeontology of the dead body’, p.402.

⁴⁸ Domanska, ‘Toward the archaeontology of the dead body’, p.403.

⁴⁹ Zoe Crossland, ‘Of clues and signs: the dead body and its evidential traces’, *American anthropologist* 111, no. 1 (2009), p.71.

⁵⁰ Jenny Edkins, ‘Politics and Personhood: Reflections on the Portrait Photograph’, *Alternatives: Global, Local, Political* 38, no. 2 (2013), p.12.

order and life experiences etc. It is “acquired over a lifetime or beyond.”⁵¹ The exhumation and forensic analyses discussed above suggests that the work of forensic experts in establishing identification contributes, although ambivalently, in restoring personhood and thus re-humanising the de-humanised.

A Forensic Aesthetic and Re-humanisation

While the TRC relied primarily on testimonies for its investigations, Aaron Meskin argues that the aesthetics of testimony are commonly ignored, yet testimony is in the aesthetic realm.⁵² The testimony of the perpetrators about Kubheka’s abduction, torture and her death was aesthetically narrated by each perpetrator. The discrepancy in the testimonies unveiled themselves after the skeletal remains of Kubheka were exhumed. This compelled the TRC to shift from that kind of testimony by including forensics to its investigation. Forensics, as underscored in this chapter, is not merely about courts of law but also politics and science. Therefore, forensic aesthetics, according to Keenan and Weizman refers to the change that occur in how the forum is understood because of the introduction of the material object and subject into the forum. A forensic aesthetic shows the use of technologies and techniques to analyse, interpret, mediate and present the material object or subject in the forum as ways in which matter turns into a political agent.⁵³ The forum then is a produced space constituted by a series of performances because it is gathered around contested things. Understood in this way, forensics is both the archaeology of the past and “a projective practice engaged in inventing and constructing new forums to come.”⁵⁴ They are not fixed,

⁵¹ Susan D. Gillespie, ‘Personhood, agency, and mortuary ritual: a case study from the ancient Maya’, *Journal of anthropological archaeology*, Vol. 20, No. 1 (2001), p.82.

⁵² Aaron Meskin, ‘Aesthetic Testimony: What Can We Learn from Others about Beauty and Art? 1’, *Philosophy and Phenomenological Research* 69, no 1 (2004), p.66.

⁵³ Eyal Weizman, ‘Introduction: Forensics’, *Forensics: The architecture of public truth* (2014), p.15.

⁵⁴ Keenan and Weizman, *Mengele’s Skull*, p.29.

they can be extended although they might be considered as a fixed institutional structure. Forums are temporary, networked by technology and media, they transform, contest or join other forums.⁵⁵ The advent of forensic aesthetics can thus also be understood as the strenuous efforts of constructing truth claims. The advent of a forensic aesthetic at the TRC hearings emerged not only with the introduction of the skull but also of the dress that was exhumed with the remains. The perpetrators were contesting the authenticity of the exhumed remains claiming that the skeletal remains were not of Kubheka.

A forensic aesthetic disrupts how one thinks of the forum. The introduction of Kubheka's photograph and that of the exhumed skull into the forum changed the whole narrative on how Kubheka died. Keenan and Weizman argue that the "forensic is not only the heightened sensitivity of matter or of the field but relies on these material findings being brought into a forum."⁵⁶ The material object and subject is significant in the work of forensics and vice versa. However, Keenan and Weizman place less emphasis on the role of the photograph (the ante-mortem photography to be specific) in the advent of the forensic aesthetics they narrate with regards to the Mengele case. In the case of Kubheka, her photograph was brought into the forum as material evidence for identification of the exhumed skeletal remains, particularly the skull. I believe that the photograph plays enormous role in the forensic aesthetics, particularly in the aesthetics of identification such as the photo-skull video superimposition analysis.

The photographs of Kubheka brought to the TRC were the first material evidence proving that the missing was once present, the dead was once alive and living. The photograph becomes super powerful when the remains were exhumed. It becomes the 'flesh' to an x-ray photograph of the exhumed skull, it brought 'life' to the exhumed remains

⁵⁵ Keenan and Weizman, *Mengele's Skull*, p.29

⁵⁶ Eyal Weizman, *Forensics: The architecture of public truth* (Sternberg, 2014), p.15.

through analyses of the skull. The photo-skull video superimposition photographs used by Keenan and Weizman from Mengele's case show that the antemortem photograph can show the dead as "alternately dead and alive, half dead and half alive- a spectral presence- present and represented by one and the same time."⁵⁷ The videography of the photographs is imposed over the skull's videography. Without the antemortem photograph the photo-skull video superimposition could have not taken place as the photograph proves to be as equally important as the remains.

The photograph and the exhumed skull challenged what was testified about Kubheka dying as a result of a heart attack caused by the claim that she was overweight. Keenan and Weizman marks that there is no 'object' that appears in court without having a representative to speak of its behalf.⁵⁸ The remains, clothing exhumed with it nor could Kubheka's photographs speak on their own without one attempting to translate what they present and represent into medium that other living may understand. The forensic analysis reports were introduced at the TRC as counter evidence to the perpetrators and as identification of Kubheka. Unfortunately, Professor Peter Venezis from the Department of Forensic Medicine and Science in Glasgow University could not make it to the hearings to present the findings while speaking on behalf of the remains of Kubheka. He sent a report and a video of the analyses to the TRC, but I could not get the video when I consulted the TRC archives. It is the analysis reports that I managed to access.

In that report, Professor Venezis concluded that "I am satisfied that there is an excellent match between the photographs examined and the skull in question and I am of the view therefore that it is highly likely that the skull is part of the remains of Ntombi

⁵⁷ Keenan and Weizman, *Mengele's Skull*, p.37.

⁵⁸ Keenan and Weizman, *Mengele's Skull*, p.23.

Kubheka.”⁵⁹ The family was not there and there were no photographs taken in the process of exhuming the remains. Photographs grant potential to another histories, they are the medium of communication reaching where words fail to reach. The forensic analyses conducted proves that the subject-object and object-subject have materiality. They evoke emotive materiality, and they have an effective presence. For instance, Elizabeth Edwards point out that photographs are raw in a sense that they depict and carry different meaning. Photographs can set some sense of ambiguity and it can problematize history as it invites different interpretations.⁶⁰ Walter Benjamin marks that photographs can redeem the past in the present. The introduction of Kubheka’s photographs problematized and contested what has been said about Kubheka from her body weight to her death. With the use of the photograph a different interpretation was born. Kubheka was executed, no heart attack attacked this political guerrilla.

Walter Benjamin argues that photographs can give optical conscious, in short, they can reveal other things that may not have been noticed. In the *Theses on the Philosophy of History*, Benjamin stipulates that images are argued to be the redemption of the past. Redeeming the past is redeeming mankind because images enable us to seize the past.⁶¹ Just like a photograph, skeletal remains are material objects and signifier of customs that re-engage the possibility of human pride. If so, can one argue that de-humanized dead bodies can re-humanize themselves? A photograph is not merely a snap that becomes memory but also an object that has materiality. Kubheka’s photograph and her skull were centre subject-objects that also served as material evidence at the hearings. Allan Sekula mentioned by Keenan in *Counter-forensic and Photography* aesthetically express the relationship between

⁵⁹ ‘The Case of Ntombikayise Priscilla Kubheka’, accessed at <http://sabctrc.saha.org.za/reports/volume6/section4/chapter2/subsection2.htm>, on the 14 February 2019.

⁶⁰ Elizabeth Edwards, *Raw Histories. Photographs, Anthropology, Museums* (London: Policy Press, 2001), p.3.

⁶¹ Walter Benjamin, ‘Theses on the Philosophy of History’, in *Illuminations: Essays and Reflections* (New York: Schocken, 2007), p.255.

photography, evidence and humanism.⁶² Objects are considered as evidence as much as they can be considered to be subjects because we are always in the liminality of ‘being’/becoming.

Drawing on the work of Sekula, Keenan argues that “photographic evidence must be considered in terms of the forum or the debate into which its testimony is entered.”⁶³ However, the reading of the evidence presented by a photograph is about objectivity other than political manoeuvring. Meaning the reading of the photograph is not subjective according to an individual’s opinion rather than being objective. The forum begins to have a debate to look for possible interpretations and meanings. It is the forum that decides what the photograph says, the photograph does not say anything verbally and it can never say. Since evidence does not speak for itself, therefore, it will always be a matter of political manoeuvring.⁶⁴ Political manoeuvring in the sense that the forum decides what the evidence presents and how to read and speak on its behalf.

The photographs cannot be reduced into just illustrations, “the mechanisms of photographs are too complex.”⁶⁵ Unfortunately, the picture I have of Kubheka is in black and white and it is a copy. All the copies that I have seen are black and white. In that picture, Kubheka seem resilient, determined, and courageous. Benjamin warns us that a photograph can lose its aura, particularly when it is a copy. Nevertheless, its materiality has not been lost. A photograph is a fragment of the past. Foucault, according to Huberman, suggests that such photographs serve as memory and they should be used where words fail.⁶⁶ They allow the forensic experts, and the historian, to imagine forensically the unimaginable.

⁶² Thomas Keenan, ‘Counter-forensics and Photography’, *Grey Room*, (2014), p.59.

⁶³ Keenan, *Counter-forensics and Photography*, p.65.

⁶⁴ Keenan, *Counter-forensics and Photography*, p.59.

⁶⁵ Elizabeth Edwards, *Raw Histories. Photographs, Anthropology, Museums* (London: Policy Press, 2001), p.3.

⁶⁶ Georges Didi-Huberman, *Images in spite of all. Four Photographs from Auschwitz* (Chicago: University of Chicago Press, 2008), p.26.

I thus understand re-humanisation as a process that occurs when dehumanisation had transpired. The abduction, torturing, killing and burying of Ntombikayise Pricilla Kubheka in a pauper grave was an act of dehumanisation. The pauper graves were regarded as taboo, the exhumations and reburials of those exhumed bodies perpetrated the notion of re-humanisation through restoring the individual's personhood, the sense of individualism and being human.⁶⁷ The fact that Kubheka was reported missing at the TRC by family, the TRC hearings that were conducted, newspapers, the identification of her burial site, exhumation of her skeletal remains, the forensic analysis that was conducted and her reburial can be understood as part of the process and strategies of re-humanisation.

Conclusion

This chapter explored forensic aesthetics and re-humanisation. It follows from Chapter One that has shown the transition from living human testimony to that of the dead by examining the advent of a forensic aesthetic. The transition underscores the significance of the field and the introduction of new forums. I suggest that a forensic aesthetic emerged and shifted from the field to the forum. Re-humanisation can occur in the field and in the forum, but it is not a linear process. The notion of forensic aesthetics covers the material object/subject at the field and the introduction of the material object/subject into the forum and the technologies and techniques of examining the subject/subject. However, the notion of re-humanisation and strategies in aid thereof are not linear and clear as one would think. For instance, the TRC was not focussed on re-humanisation in its mandate. But, as shown in the previous chapter, when carefully reading and analysing the hearings transcripts one can

⁶⁷ Nicky Rousseau, 'Identification, Politics, Disciplines: Missing Persons and Colonial Skeletons in South Africa', in Anstett Elisabeth and Jean-Marc Dreyfus (eds.), *Human Remains and Identification: Mass Violence, Genocide, and the 'Forensic Turn'*, (Manchester University Press, 2015), p.184.

locate strategies of re-humanisation. These strategies unfold most clearly when examining the advent of a forensic aesthetic in the case of Ntombikayise Priscilla Kubheka.



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Chapter Three

Biographic Productions and Forensic Memories

In September 2019, I visited the shooting range in Winklespruit where Ntombikayise Priscilla Kubheka was kept for interrogation. It is near the Illovo River and close to Amanzimtoti in Kwa-Zulu Natal which now forms part of Durban. There is one old female and male toilet building. The remaining building has become a slam, it has trees growing on and into it. The building has no windows. The area is an open space surrounded by trees. Yet it is not farfetched to say that residents from the surrounding areas might visit there to hold their picnics as there is also a fishing zone.

The South African documentary photographer, Santu Mofokeng distinguishes landscape and trauma; and landscape and memory.¹ In this context, landscape and trauma would mean the violence in mind that one has when visiting a place or seeing its photographs. There are landscapes that have negative knowledge attached to them, such as Vlakplaas. Winklespruit, however, cannot be said to have that same negative attachment to it. Yet, the landscape and memory of Winklespruit did provoke an imagining of the trauma and violence that is so engrained when thinking about Kubheka. I asked myself what meaning does the building add to Kubheka's life if there is? How can the building and the area at large represent the lives lost in there? Many political activists were targeted by the former apartheid government in order to weaken and defeat their fight against the government. Kubheka might not have been the first, nor the last person to have been interrogated, tortured and killed there. But my research is focused on Kubheka and I wondered about the ways in which she is remembered. What is the biography of Kubheka?

¹ Santu Mofokeng, *Chasing Shadows*, (Munuch: Prestel, 2011), p.94.

There are no written accounts of Kubheka available except those produced through the Truth and Reconciliation Commission (TRC) Reports and its archive: the amnesty hearings, HRV hearings and a few newspaper reports that were published during the duration of the TRC investigation into her abduction, murder and the subsequent exhumation and examination of her remains. Kubheka is barely known by the public. The accessible information of the African National Congress (ANC) seems not to recognize Kubheka as a subject outside the frame of the TRC. She is one of those women who are less celebrated and recognized in the historiography of the ANC's armed- wing, the MK. In more ways than one, Kubheka is missing.

Women's roles as activists and actors that enormously contributed to South Africa's political liberation are not as widely acknowledged as they should be.² Kubheka gave her life to the struggle for and politics of liberation. Jeremy Sarkin reminds us that abduction is the worst form of human rights violation because the abducted lose their human "right to life, the right not to be tortured, the right to dignity, the right to trial, the right of access to justice and many others."³ Such human rights violations are de-humanising. Kubheka's life and death is figured as missing, a victim of enforced disappearance.

Kubheka's biographical information largely emerged through an aesthetics of testimony and a forensic aesthetic. Susan Gillespie points out that biography changes based on ones lived life and how those lived experiences are memorialized.⁴ At the TRC hearings, Kubheka was remembered through and based on the HRV hearings, the amnesty hearings and

² Vuyokazi Luthuli, 'Figuring 'the missing' in the representation of missing women at the Truth and Reconciliation Commission' Honours paper unpublished (2017), p.17. See also R. Mendes, 'The everyday life and the missing: silences, heroic narratives and exhumations' (Unpublished MA thesis, University of the Western Cape, 2020).

³ Jeremy Sarkin, 'Dealing with Enforced Disappearances in South Africa (with a Focus on the Nokuthula Simelane Case) and around the World: The Need to Ensure Progress on the Rights to Truth, Justice and Reparations in Practice', *SUR International Journal on Human Rights* 7 (2015), p.21.

⁴ Susan D Gillespie, 'Personhood, agency, and mortuary ritual: a case study from the ancient Maya', *Journal of anthropological archaeology* 20, no. 1 (2001), p.82.

based on what the exhumed human skeletal remains and objects revealed. The death of Kubheka produced biographical information about her and her killers. In this sense the TRC hearings and its investigations can be understood as one of the innovative ways in which the biography of a person can be approached, reimagined and reconstructed. More specifically, because of forensics, Kubheka's remains were able to be identified and as shown in the previous chapter, exhumation, identification and a forensic aesthetic are strategies of re-humanisation.

Re-humanisation has been understood differently by different scholars as the previous two chapters have shown. For Eric Aoki and Kyle M. Jonas, it is the re-identification of the once devalued person as a unique person again, a restoring of identity and personhood. This is similar to Jenny Edkins point that persons' must be accounted for who they were and not what they were.⁵ The afterlife of Kubheka can assist to tell if she was re-humanised in the process from TRC hearings, exhumation, reburial and after reburial. However, Sylvia Karl posits that in the reordering of a country after government atrocities the visibility of the victims are not guaranteed.⁶ In short, it can re-dehumanise the dead.

Katherine Verdery argues that dead bodies have political lives by exploring how dead bodies become politicised.⁷ The political lives of the dead perpetuate despite the fact that the person has passed on. The politics of dead bodies indicate that dead bodies have potency. The potency that dead bodies are visible in the kinds of politics within and between individual, institutions and disciplines that are concerned with the dead. The politics of dead bodies and the political lives of dead bodies are important because they trigger the notion of identity as an important concept in the case of the missing dead and the missing, such as with Kubheka.

⁵ Jenny Edkins, 'Politics and Personhood: Reflections on the Portrait Photograph', *Alternatives: Global, Local, Political* 38, no. 2 (2013), p.12.

⁶ Edkins, 'Politics and Personhood', p.12

⁷ Katherine Verdery, *The Political Lives of Dead Bodies* (New York: Columbia University Press, 2007), pp.1-2.

This chapter poses the question of biography as a strategy of re-humanisation. Generally, everyone is considered as someone important and valuable by her family. When the person goes missing the family try by all means to report the missing and find their loved one, dead or alive. The family searches for their loved one as someone unique and irreplaceable.⁸ Edkins maintains that politics determine what happened to the missing and they determined how the missing can be reunited with their families. Consequently, politics [politics that misses the person] regulates and control how if the missing is discussed and what is said. The politics that misses the person are “politics that objectifies and instrumentalizes” the missing.⁹ To categorize the missing as “the missing is the who--the person-as-such not the subject of the law or compensation claim.”¹⁰ It is such a politics that also produces biographical information about the individual. Edkins is essentially proposing that the politics of the missing person produce a certain kind of biography about the person. A biography that focuses on the person as who the person is instead of what the person was. Yet, as this chapter argues, in the case of Kubheka, her biography, the productions of her biographies are inextricably linked to a politics that misses the person-as-such. At stake in what follows is a question of re-humanisation.

Biography and Re-humanisation

Ciraj Rassool critiques South African biographical traditions in which “political lives [are] characterised by an ordered sequence of acts, events and works, with individuals characterised by stability, autonomy, self-determination and rational choice”.¹¹ The critiques

⁸ Jenny Edkins, ‘Politics and Personhood: Reflections on the Portrait Photograph’, *Alternatives: Global, Local, Political* 38, no. 2 (2013), pp.7-9.

⁹ Edkins, ‘Politics and Personhood’, p.2.

¹⁰ Edkins, ‘Politics and Personhood’, p.12.

¹¹ Ciraj Rassool, ‘Rethinking documentary history and South African political biography’, *South African Review of Sociology* 41, no. 1 (2010), p.28.

around biography in some ways are a consequence of the emergence of what Rassool sees as the ‘biographical turn’ in South African historiography in which biography has been understood as a mode of tracing trajectories of political thought. Rassool critiques the way such biographies have been written by referring to the ‘biographical illusion’ in which biographies are written in a sequential manner.¹² The ‘biographical illusion’ is a concept coined by Pierre Bourdieu who believed that life is perceived as whole and coherent which “can and must be seen as the unitary expression of a subjective and objective ‘intention’ of the project.”¹³ Life, however, is not coherent or linear.

Rassool refers to scholars such as Sheridan Johns and Hunt Davis who believe that a linear and chronological biography is important as it assists in giving an understanding of society at large. Johns and Davis, for instance, argue that Nelson Mandela and Oliver Tambo were at the core of articulating the aspirations of African people because they were at the heart of the struggle and they were dominant to any resolution of the South African crises.¹⁴ Indeed, their biography has been written linearly as if life events occur linearly. Rassool suggests that it is important to think outside the framework of such conventional biographic approaches in order to theorise the untheorized.¹⁵ Rassool believes that there are innovative ways in which biography can be approached beyond the idea of conventional biography.¹⁶

This includes critiques around and theorising relations between gender and biography. Rassool cites Mary Evans that traditional biography was masculine. Evans was concerned about equality in representation of men and women through biographies, in other words, “if women and men write the same kind of biographies and if female and male

¹² Rassool, ‘Rethinking documentary history and South African political biography’, p.30.

¹³ Pierre Bourdieu, ‘The Bibliographical Illusion’, Translated by Yves Winkin and Wendy Leeds-Hurwitz. Vol. 14. Working Papers and Proceedings of the Centre for Psychosocial Studies, (1987), p.297.

¹⁴ Rassool, ‘Rethinking documentary history and South African political biography’, p.33.

¹⁵ Rassool, ‘Rethinking documentary history and South African political biography’, p.46.

¹⁶ Rassool, ‘Rethinking documentary history and South African political biography’, p.29.

subjects are examined in the same way.”¹⁷ Men and women do not write the same kind of biographies because the examination of the subject also depends on the sex and gender of the individual. The society men and women live in is a patriarchal society. For instance, the biographies Johns and Davis produced in their documentary study of South Africa anti-apartheid struggles by focusing on Nelson Mandela and Oliver Tambo’s public political path. Their approach in studying the ‘struggle against apartheid’ did not alter the perspective in the writing of biography. Instead, it contributed to the domination of men’s biographies and, women and others were left in the margins. The dominance and prominence of men in the writing of biography leads to gender-biased historical narratives and historiographies. Women are not visible in the histories of South African struggle as men are; they are not as celebrated, and the writing of history tends to forget them.

Thozama April, writing about Charlotte Maxeke, maintains that the political past of women in South Africa is neglected.¹⁸ She makes an argument about the misinterpretation of women in the South African nationalist narrative and therefore interrogates the political past of women. The biographies of the national movement do not seriously recognize women and African nationalist historiography overlooks the intellectual past of women. April refers to ‘struggle biography’ because it “casts the involvement of women in the struggle in predetermined terms as an effect of the generosity of male figures”.¹⁹ Men in South African historiography dominate ‘struggle biographies. This is evident and more complicated, through the work of the TRC.

The TRC relied on both the testimony of victims and perpetrators in their investigations as well as forensic practices and processes. Similar to Mamdani’s critique of

¹⁷ Ciraj Rassool, ‘The individual, auto/biography and history in South Africa’, (PhD diss., University of the Western Cape, 2004). p.28.

¹⁸ Thozama April, ‘Theorising women: the intellectual contributions of Charlotte Maxeke to the struggle for liberation in South Africa’, (PhD diss., University of the Western Cape, 2012), p.97.

¹⁹ April, ‘Theorising women’, p.97.

the TRC, Annie Coombes point out that the past that the TRC was dealing with was blurred by the victim and the perpetrator in their testimony and by individualizing it from the structure of apartheid.²⁰ The historiography of apartheid may be constricted by the blurriness in the narrative of the past from the victim and the perpetrator which in some ways halts nuanced understandings of apartheid violence and the politics of such violence. In the case of Kubheka, the perpetrators testimony at the TRC amnesty hearings was overridden by the testimony of skeletal remains and exhumed objects. Kubheka's biographical information largely emerged from the aesthetics of testimony and forensic aesthetics. At the TRC hearings, Kubheka was remembered through and based on the HRV hearings, the amnesty hearings and based on what the exhumed human skeletal remains and objects revealed. Significantly however, was that the biographical production of Kubheka was extremely gendered and this was largely due to the contestation around her identity.

The death of Kubheka produced biographical information about her and her killers. Nicky Rousseau posits that "biography is par excellence the form which deals with the development of identity over time: it is a laboratory of identity."²¹ In short, biography as life-history is a construction of identity. Understood in this way, it is not a stretch of the imagination to argue that the significance of dead bodies and objects found with them can be significantly important for forensic historical narratives in the production of biographies.

The biographical information of women such as Kubheka was produced through the work of the TRC. Kubheka was theorised and figured in changing ways by the TRC. Birgitta Svensson points out that biography is significant because it has more of a therapeutic power

²⁰ Annie Coombes, *History after apartheid: Visual culture and public memory in a democratic South Africa*. (Duke University Press, 2003), p.8.

²¹ Nicky Rousseau, 'Unpalatable Truths' and 'Popular Hunger': Reflections on Popular History in the 1980's', In South African Contemporary History Seminar, University of the Western Cape (UWC), 1995, p.11.

than a repressive one.²² In this context, biography enables the human skeletal remains and objects to not remain 'silent' but 'speak' because they can reveal traces of life experiences. And biography is a writing, a record of a life lived.²³ The human skeletal remains and objects exhumed with them can be understood to have therapeutic power rather than repressive power in the production of biographies. In this sense, the therapeutic power of biographic production can enable re-humanisation.

Biography can be deemed as a strategy and a process of re-humanisation. The personal and political life of Kubheka was known in bits and pieces through the investigation of the TRC. She was a mother of two whose physical motherly duties were ended on a fellow human's order. The work of the TRC committees (the amnesty and the HRV) gave birth to a great amount of Kubheka's biographical information which can be understood as both therapeutic and repressive. Most of those who testified at the TRC were women and they were asking for the return of their loved ones. That was, amongst other reasons, why the TRC took on exhumations as part of its mandate in finding the missing. The exhumations confronted the hidden traumas, allowing families some sense of "closure" to bury their loved ones with dignity and respect.

Johanne Helbo Bondergaard argues that there is a connection between testimony and trauma theory. That is because "trauma as a psychic phenomenon is located on the threshold between remembering and forgetting, seeing and not seeing, transparency and occlusion, experience and its absence in repetition."²⁴ Trauma comes up when dealing with histories of violence that was suffered and perpetrated. We can understand a traumatic past through biography. Identity is negotiated process. For instance, the TRC's investigation of Kubheka's

²² Birgitta Svensson, 'The power of biography: Criminal policy, prison life, and the formation of criminal identities in the Swedish welfare state', *Auto/Ethnography: Rewriting the self and the social* (1997). p.100.

²³ John Randolph, 'On the biography of the Bakunin family archive', *Archive Stories: Facts, Fictions, and the Writing of History* (2005), p.99.

²⁴ Bondergaard, *Forensic Memory: Literature After Testimony*, p.57.

whereabouts as missing, the skeletal remains exhumed in a pauper's grave and forensic analyses that were conducted, they all led to a traumatic past of apartheid. In the process, a particular identity of Kubheka was produced. More so, the contestation of the validity of the exhumed remains alleged to be of Kubheka also raised the question of identity. The politics of the dead and the political life of the dead come to fore once more.

The process of meaning-making of and around the dead, and the relationship between the dead and the living are crucial in the construction and production of biographies such as what I am suggesting figures a biography of Khubeka. The testimony given by the perpetrators regarding Kubheka figures her differently compared to the testimony given by the remains through forensic examinations. Dead body politics immensely contributes to create different narratives, such as in the way biographies can be produced. Nicky Rousseau, Riedwaan Moosage and Ciraj Rassool make an argument about ways in which politics of the dead are inextricably bound to notions of personhood.²⁵ They argue that "...issues of identification, redress and restoration [are] often framed through notions of humanisation or re-humanisation."²⁶ The living and the dead have a connection. The family and the nation, for instance, speak on behalf of the dead as a means of restoring personhood to the dead. Michael Foucault suggests that in the advent of a 'concrete identify' personhood should be understood as the *womb* of a person. Because the person is a "product of a correlation of processes of rarity, exclusion and appropriation."²⁷ Therefore, Judith Butler points out that some lives are apprehended, and some are not, meaning not all lives are recognized. Apprehending and recognizing lives can contribute to the notion of personhood because it is then that one sees the other as a person.

²⁵ Rousseau, Moosage and Rassool, 'Missing and Missed', p.10.

²⁶ Rousseau, Moosage and Rassool, 'Missing and Missed', p.10.

²⁷ Michael Clifford, 'Corrugated Subjects: The Three Axes of Personhood', In *the Personalist Forum*, vol. 8, no. 1 (1992), p.78.

A forensic aesthetics, as discussed in the previous chapter, suggests that the construction of Kubheka's identity was not a straight-forward process. The process can be understood as an attachment of meanings and meaning-making based on the human skeletal remains and objects. Both the human skeletal remains and the objects have a biography. Igor Kopytoff maintains that a biography of an object can make "salient what might otherwise remain obscure."²⁸ In short, human skeletal remains can give agency to objects exhumed with them and vice versa. Kopytoff argues that the line that distinguishes the subject and the object when producing and writing a biography can become unclear.²⁹ Human skeletal remains, and objects exhumed with them assist in the identification of the deceased. The identity of a missing person according to Clyde Snow can be recovered through study of the bones called osteobiography, the biography of the bones. In producing and writing the osteobiography, the subject and the object overlap in so far as skeletal remains "bear the imprint of a lived life."³⁰ Human skeletal remains can reveal informative biographical information of the deceased so can the object exhumed with the skeletal remains. John Randolph maintains that because both the subject and the object are archives, they are 'sites of memory'.³¹ For that reason, objects have histories which form biographical information since objects assume and gather meanings over time. So is the subject. Biography, as a genre of history, reminds us that both the object and subject are subject to history and its disciplinary gaze.³²

Rassool suggests that the life of an individual can be approached and theorized through contestation and evaluation of conceptions of personhood. The exhumation,

²⁹ Igor Kopytoff, 'The cultural biography of things: commoditization as process', *The social life of things: Commodities in cultural perspective* 68 (1986), p.64.

³⁰ Keenan and Weizman, *Mengele's Skull*, p 18.

³¹ John Randolph, 'On the biography of the Bakunin family archive', In *Archive stories: Facts, fictions, and the writing of history*, (Duke University Press, 2006), p.209.

³² Moosage, 'Missing-ness, History and Apartheid-era disappearances', pp. 145-146.

identification of remains and further forensic analyses goes beyond the limitations of conventional biography. It is in this sense that Rassool argues that the work of exhumation and identification of the missing dead can “extend the biography of the dead.”³³ I suggest further that the process reconstructs lives and afterlives, of past, present and future in a different form which does not produce a linear and coherent form of biography.

Biography and Osteobiography

The connection between biography and osteobiography is that bones constitute traces of a life lived. Forensic experts produce an osteobiography in their examination of human remains. These examinations can serve as testimony because of the ability of skeletal remains to carry traces of what may have happened to the dead person as well as clues and signs to the identification of the person. These traces, as I explained in the previous chapter, are interpreted through the process of prosopopoeia. Thinking through the work of osteobiography enables more nuanced understandings of the production of biographies of bodies produced through forensic examinations.

Both antemortem data and postmortem data entail important biographical information of the individual, the person. Both biography and osteobiography relate and connect by means of giving an account of the person. The difference is that osteobiography is a biography produced after death by forensic experts (only when the dead’s remains have been examined) while biography is produced throughout life and seemingly ends with the death of

³³ Ciraj Rassool, ‘Human Remains, the Disciplines of the Dead, and the South African Memorial Complex’ in D. Peterson, K. Gavua and C. Rassool (eds.), *The Politics of Heritage in Africa: Economies, Histories and Infrastructures* (Cambridge University Press, 2014), p.142.

the person. The work of forensic experts in reading and interpreting human bones help us understand the person better and in so doing, ‘extends the biography’ of the person.

One way to think about osteobiography in relation to biography is through Zoe Crossland’s use of the metaphor the ‘body as evidence’.³⁴ Crossland argues that the body-as-evidence is conceptualized in four ways: “(1) the reading of bodily symptoms to diagnose interior states and faculties; (2) the body as evidence of individual identity—that is, as identical with the person who is understood to inhabit it; (3) the body as evidence of the past, including as symbol of nation, ethnicity or other larger group, identity, or position; and (4) the body as evidence of crime.”³⁵ The process of producing an osteobiography, particularly in the case of Kubheka, produced the skeletal remains exhumed as a body of evidence. While Crossland usefully delineates the body of evidence through these four conceptions, I suggest that in terms of the relation between biography and osteobiography, these conceptions filter alongside and constitute each other in ways that are suggestive of expanding conventional notions of biography.

According to James Meese, Bjorn Nasen, Tamara Kohn, Michael Arnold and Martin Gibbs, a person’s identity does not cease to exist with death. The identity of the dead may be lost but its post-mortem interactions with the living assist in identifying the dead.³⁶ The exhumation and identification of exhumed human skeletal remains and objects exhumed with them suggest to be one of the ways in which the dead and the living prove to have a relationship. Thus, it is that relationship that re-humanises the de-humanised after death. No

³⁴ Zoe Crossland, ‘Of clues and signs: the dead body and its evidential traces’, *American anthropologist* 111, no. 1 (2009), p.74.

³⁵ Crossland, ‘Of Clues and Signs’, p.71.

³⁶ James Meese, Bjorn Nasen, Tamara Kohn, Michael Arnold and Martin Gibbs, ‘Posthumous personhood and the affordances of digital media’, *Mortality* 20, no. 4 (2015), p.410.

matter the condition of the skeletal remains, traces of the past will always be there. The challenge may be in analysing and reading those traces.

The residue or rather the traces of information engraved on human skeletal remains is significant and fundamental in the process of producing forensic evidence. The traces and clues held by human skeletal remains that can be forensically examined and analyzed become forensic memory, a notion I elaborate on in the next section of this chapter, as they offer a new perspective, support an existing perspective, or reject it. The forensic examinations done on the skeletal remains of Kubheka were to establish identity so as to prove the existence of a crime. More specifically, to contest the version of the perpetrators responsible for her murder. In short, Kubheka's skeletal remains were conceptualized and produced as a body of evidence to confirm identity and in so doing, became evidence of the past and of a crime.

Without belaboring the point, the perpetrators of Kubheka's disappearance, murder, and concealment of her body, rejected the evidence revealed by the skull. The skull revealed two things. One, there was clear evidence that the person whose remains had been exhumed had been shot. Two, after the photo-skull video superimposition analysis, there was no denying the identity of the exhumed remains; they were those of Kubheka. These findings resulted in amnesty applicants Botha, Du Preez, Wasserman and Van der Westhuizen denied amnesty "for failing to make full disclosure" and applicants Radebe and Baker, who had "not been present during the interrogation or involved in the disposal of the body", being granted amnesty for her abduction.³⁷

The results of all the postmortem examinations conducted on the remains was brought into the TRC hearings as forensic evidence. The skeletal remains exhumed and forensically examined both identified and bore witness to what had happened to Kubheka. Identification

³⁷ 'The Case of Ntombikayise Priscilla Kubheka', accessed at <http://sabctrc.saha.org.za/reports/volume6/section4/chapter2/subsection2.htm>, on the 14 February 2019.

of the exhumed remains is significant in the process of re-humanisation. Kubheka was buried without as nameless. The relationship between name and the dead body is important. That is important is the process of re-humanised and it individualize the dead. As Edkins advocates, all persons should be counted for. Life and death can result in a biographic forensic afterlife when the ante-mortem and the post-mortem of the person is analysed.

Kathrine Verdery points out that dead bodies “are indisputably there, as our sense of sight, touch and smell can confirm.”³⁸ The interpretation of these sensations, make sense of what may have occurred and can examine how the incident, Kubheka’s death, may have occurred. Scholars such as Keenan and Weizman, Crosslands, Fontein, and Verdery agree that human remains are witness and they carry and keep records of lived experiences. Dead bodies decompose and the bones decay accordingly depending on the course of death, conditions of preservation and life lived experiences. These experiences of life are available to the forensic expert through their examinations of the dead and suggest a certain experiential remnant of agency.

Human skeletal remains exhumed have a certain agency to continue the existence of the dead. According to Laura Ahearn, the concept of agency has become ubiquitous in the discipline of anthropology. Ahearn defines agency to refer to “the socioculturally mediated capacity to act” and it might relate to a concept of personhood.³⁹ In this sense a concept of personhood that is constituted by social, political, and cultural dynamics of a specific place and time. Such an understanding of agency and personhood invites the concept of power to be understood. Ahearn writes that some historians have located agency within the realm of power, the power of the individual. Foucault writes that “where power is, there is

³⁸ Katherine Verdery, *The Political Lives of Dead Bodies* (New York: Columbia University Press, 2007), p.27.

³⁹ Laura M Ahearn, ‘Language and Agency’, *Annual Review of Anthropology* 30 (2001), p.112.

resistance.”⁴⁰ Even though the concept of agency needs to be more carefully understood, I would like to believe that the court-like forum and the forensic forum enables the agency of object-subject and subject-object to be recognized and acknowledged. This is evident when thinking about the photograph of Kubheka produced by the photo-skull video superimposition analysis.

Kubheka’s photographs were introduced as material evidence that Kubheka was once present and as evidence to identify, to verify and clarify what was already known of her. Photographs of the missing are evidence that there was a human, a person who is missed and missing. The photographs forfeit any denial that would emerge about the existence of the individual. I was able to access the photographs that were submitted at the TRC hearings (amnesty and HRV hearings) which are all black and white portraits. These photographs were material evidence and apart from that they help us remember and reimagine the past.

How Kubheka looked when she was alive was reconstructed and reimaged through the photograph produced by the craniofacial examination. The antemortem video photograph is placed on top of the postmortem photographs of the skull to confirm the identification of the dead in the craniofacial examination. Here, it is not the analysis that is significant but the photograph. It is not the identification but the memory of the person. Photography can be understood as a mode of data collection and transmission in forensic history. As a result, the photograph can have various meanings and purposes, they can take different forms to suit a specific context. More so, the production of a new photo of Kubheka was constructed and this production enables a new forensic afterlife through the production of an overt relation between the osteobiography and biography of Kubheka. In short, one photograph enabled the production of another, and in so doing, furthered the extension of Kubheka’s biography. This

⁴⁰ Michel Foucault, *The History of sexuality, An Introduction vol. 1* (New York: Pantheon), p.51.

time however, a forensic biography constituted by the relation between osteobiography and biography.

According to Huberman, Foucault suggests that photographs serve as memory, therefore, they should be used where words fail.⁴¹ Aesthetically, it can be argued that forensic experts have used photography to cast away ambiguity around the identification of the dead body through examining the human skeletal remains. Although photography can also be used otherwise. The photograph becomes the memory of the person and it brings memory of the person. Specifically, the ante-mortem photographs remember how the deceased looked. The forensic experts need the photograph of the dead as ante-mortem evidence of the person and as the primary trace of the person to be identified.

Heike Behrend points out that “visual media intensify the connection between visibility, reality and truth.”⁴² The photographs are believed to depict what makes the photograph, how and sometime who, it presents through the theatre and theatricality of photography. For Benjamin we can seize the past through photographs in the quest for some kind of redemption.⁴³ A photograph is not just a visual document but more than that. Elizabeth Edwards argues that photographs are imprinted objects which are both representational and material.⁴⁴ These objects have power and agency over the subject and vice versa, both are interdependent. Hence, it is impossible to separate the object and the subject, the human and the nonhuman. Both are important in the art of memory, the subject can recall memory to a certain extent and the object can take it from there, that can go vice versa as well. Such a process produces biographical information which gives meaning to the

⁴¹ Georges Didi-Huberman, *Images in spite of all. Four Photographs from Auschwitz* (Chicago: University of Chicago Press, 2008), p.20.

⁴² Heike Behrend, ‘Contesting Visibility: photographic practices on the East African coast’, *Transcript Verlag*, Vol. 60, (2014), p.49.

⁴³ Walter Benjamin, ‘Theses on the Philosophy of History’, in *Illuminations: Essays and Reflections* (New York: Schocken, 2007), p.255.

⁴⁴ Edwards, *Raw Histories*, p.21.

subject. Understanding the relation between biography and osteobiography through photographs can be articulated by understanding that “skeletal remains are exposed to life and the photographic film is exposed to light.”⁴⁵ Both reveal the traces of a life lived, a death and an afterlife. A new forensic memory emerges.

Forensic memory and Re-humanisation

Kubheka’s remains and the objects exhumed with her remains, the antemortem photographs and the testimony given about her challenges and contests notions of time in the production of her biographies. Giorgio Agamben argues that political thought greatly concentrates on history and forgets to conceptualize time.⁴⁶ Aristotle asks an important question of whether or not the universe has a beginning, a middle and an end.⁴⁷ It is important to think about this when Svensson argues that we are living in a biographical era in a sense that life and time are biographically ordered and humankind construct their own auto/biographies as we live our lives biographically.⁴⁸ Time is not as linear as one might think. Time can influence the production of different biographies.

The relationship between time and memory is important especially when thinking about living human testimony which can be personal, biased and untrustworthy. Forensic experts study the traces that are left in the human skeletal remains and the objects exhumed with them to know about the person. Besides the production of an osteobiography, they evoke memories of the person. The notion of forensic memory is a commonly known term in computer science as an analysis of risks and attacked in the computer system. In this context,

⁴⁵ Keenan and Weizman, *Mengele’s Skull*, p.20.

⁴⁶ Giorgio Agamben, ‘Time and History. Critique of the Instant and the Continuum’, in *Infancy and History: On the Destruction of Experience* (London: Verso, 1993), p.99.

⁴⁷ Agamben, ‘Time and History’, p.101.

⁴⁸ Birgitta Svensson, ‘The power of biography: Criminal policy, prison life, and the formation of criminal identities in the Swedish welfare state’, *Auto/Ethnography: Rewriting the self and the social* (1997). p.99

I am referring to forensic memory as the traces that can be forensically read and analysed in order to present a new, support or reject existing understanding. Essentially, I suggest that the biography imprinted on the human skeletal remains is because of the traces of life lived experiences such as the injuries, disease etc. These traces are not merely traces; they also evoke memory. This expands our understanding of not only osteobiography, but its relation to forensic memory and the production of biographies.

Human skeletal remains can be understood as forensic memory and as a carrier of forensic memory. It allows us to produce meanings for, about and of human remains. They keep and offer information about the person as well as about the objects exhumed with them. This suggests that the human skeletal remains and the objects exhumed with them have power to re-humanise. The forensic is also concerned with memory and the use of forensic clues to recover memory, it examines memory, and it assists in solving and litigating criminal cases. Similarly, history is concerned with memory as something of historical study as is the production of biographies. The relationship between history and memory is ongoing and inseparable, they “exceptionally vexed is their import for aesthetics, ethical and political issues.”⁴⁹ And, memory is greatly significant and connected to forensics.

Without over emphasising this point, the forensic aesthetic discussed in the previous chapter channels trauma in a different way as testimony did in the TRC forum. The discourse of memory is channelled and becomes important in the work of forensics because of its repressed incidents, inflated or inconsistent projections. The personhood of the dead can be restored with the understanding of memory as the ‘voice’ and testimony of the dead, albeit through the mediation of the forensic expert. Coombes argue that history can offer testimony through gender and memory in the post-apartheid South Africa. She goes on to say that South

⁴⁹ Dominick LaCapra, *History and memory after Auschwitz* (Cornell University Press, 1998), p.1.

Africans understand that there are portable repository of memories that can be stored and transported.⁵⁰ For instance, one's belongings especially the precious and personal items of the person or close persons. In this context, it is not only the skeletal remains of Kubheka and the production of an osteobiography that is significant in asking the question of re-humanisation. It is also the clothing that was exhumed together with the skeletal remains. Those carry a forensic memory because of the traces of Kubheka the person. For Kopytoff the biography of things arises out of similar questions asked in biography of an individual.⁵¹ There is a fine line between the subject and the object although neither ever become entirely the subject or object.

You will recall that when the grave plot 343 at Charlottedale cemetery was exhumed, it contained human remains and some clothing: a flower printed burgundy dress, thin belt around the waist through the loops, a beige bra, underwear which could not be size detected, a white pale polo-neck and a thin beige discoloured half-slip. The TRC asked for a dressmaker to do a forensic clothing design analysis on the exhumed clothing, mainly the dress. The dressmaker, M Fick-Jordaan, produced biographical information on the dress itself and in relation to Kubheka. Her examination and findings were part of the investigation to prove that the exhumed human skeletal remains and the clothing was of the same person, Kubheka. It was also used to disprove the weight issue as the cause of death. Fick-Jordaan took measurements and recorded body size and weight of Kubheka's siblings and children.⁵² The purpose was for Fick-Jordaan to take measurements of three dresses and suggest whether there was a discrepancy or if the dresses were of the same person. To carry out the forensic

⁵⁰ Annie E. Coombes, 'Witnessing history/embodying testimony: gender and memory in post-apartheid South Africa', *Journal of the Royal Anthropological Institute* 17 (2011), p.5103.

⁵¹ Igor Kopytoff, 'The cultural biography of things: commoditization as process', *The social life of things: Commodities in cultural perspective* 68 (1986), p.66.

⁵² 'On Resumption: 25th July 2000 - Day 21', accessed at <http://www.justice.gov.za/trc/amntrans/2000/200725db.htm>, on the 04 February 2019.

examination on the dress, two other dresses, belonging to Kubheka, a maroon and a green dress, were used as comparative samples.

Fick-Jordaan took measurements from each of the dresses and all of them were elasticated dresses which were not fitted. The floral dress waist was 102cm, from shoulder to waist was 46cm, from waist to hem was 69.5cm and bust was 110cm. The maroon dress's waist was 104cm (elasticated), from shoulder to waist was 42cm, from the waist to hem was 67.5cm and bust was 110cm. The last dress, the green dress has an elasticated waist of 104cm, from the shoulder to waist was 44cm, from the waist to hem was 65cm and the bust was 110cm. Although there are small differences in centimeters, Fick-Jordaan reported back to at the hearings that Kubheka may have worn dress sizes between 38 and 40 and the dresses examined indicated to be those of Kubheka.⁵³ The dressmaker concluded that these dresses were of the same person. The size of the dresses were also used in the contested claim of whether or not Kubheka was overweight. You will recall that the perpetrators' claimed she died of a heart attack as a result of being overweight. The waist size of the dresses does not necessarily mean Kubheka's waist was that size because they were elasticated dresses meaning they were stretchy. The post-mortem that was conducted on the exhumed skeletal remains in 1997 stated that her height was between 1.32 to 1.42 meters in height. The height contributed to the idea that Kubheka was overweight. But being considerably short does not necessarily mean she was indeed overweight.

The dead, as Renshaw points out, are subject to an “imaginative reconstruction of their characters based on the constant interpretative assumptions and narrative reconstructions.”⁵⁴ What imaginative reconstruction is left in the ‘ante-mortem dresses’ after

⁵³ ‘On Resumption: 25th July 2000 - Day 21’, accessed at <http://www.justice.gov.za/trc/amntrans/2000/200725db.htm>, on the 04 February 2019.

⁵⁴ Layla Renshaw, ‘The Open Grave: Exposed Bodies and Objects in New Representations of the Dead’, in *Exhuming loss: Memory, materiality and mass graves of the Spanish Civil War*, (Routledge, 2016), p.158.

it was examined and analyzed with the exhumed dress? What affective *sentiments* of Kubheka were left in those dresses? What did the exhumed dress do to the other two dresses of Kubheka? The objects found with the human remains and used in forensic methods emphasize the absence and presence of the dead through their forensic memory. The forensic memory that the clothes and the skeletal remains carried, and its traces, not only produces a biography of Kubheka, that memory was also used to contest what was said of Kubheka. I suggest that more than this, the forensic memory unearthed also served to re-humanise Kubheka because she could be remembered through the biographies and the memories evoked.

Kubheka's neighbor, Dlundla, was the last person, besides the perpetrators to see her alive. As noted in the previous chapter, she last saw Kubheka styled and fashioned, wearing a cream-white polo-neck underneath a floral dress. Kubheka had a timeless fashion sense, in my view, a floral dress with a polo-neck underneath is still a hit match. After many years of Kubheka's disappearance, Dlundla remembered the outfit Kubheka was wearing that day. Her memory was recovered after she was asked questions about the exhumed floral dress. The dress was described as a "thin nylon short-sleeved burgundy dress showing large white and red flower print around the lower portion and fine pale red and white oblique stripes across the upper front and rear with a thin fabric belt around the waist through loops..."⁵⁵ The dress was a memory of what remained, the memory of Kubheka and the time she lived in. The two dresses (a maroon and green dress) remained and were returned to the family with different meanings to that which they had. They carried a residue of a before and a after of Kubheka's death. Another forensic memory was now included in a biography of Kubheka.

⁵⁵ Republic of South Africa, Department of health KwaZulu-Natal Report on a Medico-Legal Postmortem Examination.

The skeletal remains of Kubheka recalled a forensic memory of Kubheka's life, her death and afterlife, their testimony was always pondered upon and open to interpretations. In forensics, testimony is theorized in connection with trauma. However, Bondergaard points out that forensic work has the mandate of the human rights discourse which cannot be said to be self-evident and it is connected to the politics of the country. Depending on the purpose "memory can follow many different trajectories and evidence can be created, used, framed, and reframed for many different purposes."⁵⁶ Just like biography, it is can be produced for various reasons to serve different purposes. Besides, history is an art of memory. We remember through memory. The notion of forensic memory can be understood as one of the notions that can help us investigate the past. In doing that, biographical information is produced. History and biography have a strong relationship that when mentioning the other, the other might emerge from there.

Forensic memory can be understood as the presence of an absence. In African homes it is believed that the dead have life, they live in their own ways different from that of the living. And traditional African homes believe the dead join the family ancestry and start 'living' as an ancestor. The forensic memory embedded in the body becomes more than residual traces. In this sense, we can understand that a forensic aesthetic occurs because there is forensic memory engraved in the bones. The forensic life of the dead can re-humanise the dead because the techniques and technologies that encapsulates a forensic aesthetic can offer a glimpse into the agency and presence of the dead.

Margaret Gibson underscores that the family of the dead "often mourn through intimate things belonging to the now deceased....the objects to transition in terms of their status, value and meaning."⁵⁷ In that process the biography of object is produced. In a

⁵⁶ Bondergaard, *Forensic Memory: Literature After Testimony*, pp.19-20.

⁵⁷ Margaret Gibson, 'Melancholy objects', *Mortality* 9, no. 4 (2004), p.285.

forensic sense, the objects have memory of the lived-life experiences of the dead produced through forensic examinations. Not only are skeletal remains produced as bodies of evidence, but they are also produced as bodies of and for mourning. They can tell a story about the dead. By forensic memory then I am also referring to the residue in the remains or objects that assist in bringing meaning to the dead for the living. The family is handed back their loved one's remains when the processes and strategies of examination have been conducted. Kubheka was reburied next to her mother, Maria Nomsombuluko and her sister, Thulisile 'Dudu' Kubheka.

Yet, as Thomas points out, “the return of remains can provide closure, but returning remains can also re-animate traumatic experiences and can serve as painful reminders that open difficult questions, not only about the past, but also about the present.”⁵⁸ The guardianship of the memory of the event is passed to the next generation, in this case, the children of the victims, because it “bears to the personal, collective, and cultural trauma of those who came before—to experiences they ‘remember’ only by means of the stories, images, and behaviours among which they grew up.”⁵⁹ Kubheka's first born, Thamsanqa died in 2002 and it is only Thulisile left. She now lives to hear stories about her mother that she has barely known.

Conclusion

My visit to Winklespruit, where Ntombikayise Priscilla Kubheka was kept for interrogation, reinforced the belief that death is inevitable. In one way or another we will die. What we do not know is how we will die. Walter Benjamin argues that “death, like birth, is a recurring

⁵⁸ Kylie Thomas, 'Exhuming Apartheid: Photography, disappearance and return', *Cahiers d'etudes africaines* 2 (2018), p.431.

⁵⁹ Bondergaard, *Forensic Memory: Literature After Testimony*, p.67.

element that is part of a temporal continuum in which the focus is not on endings and boundaries, but rhythm and continuation”.⁶⁰ In short, death is not an end of life but a continuation of life. Indeed, Fredrick Fahlander and Terje Oestigaard posits that “death is an analytical entrance to humanity and humans’ beliefs and perceptions of what matters most: life. The ideas of the essence of humanity as perceived by humans are manifested in death...”⁶¹ Death helps us understand the life of a person and is part of the humanity of the person.

My reflections on the landscape of Winklespruit and the trauma and violence it harbours, has not however, helped me understand the life of Kubheka. What I have understood though, through writing this chapter, is that to understand Kubheka is to understand the ways in which she has been figured through varying biographies and its constituting memories. Kubheka’s biographical narrative varied according to the aims of varying forums. Kubheka’s biographical information produced at the TRC hearings, both amnesty and HRV hearings was of a different kind that the one produced by forensic experts in their laboratories. The production of biographies forms part of and is a strategy of re-humanisation.

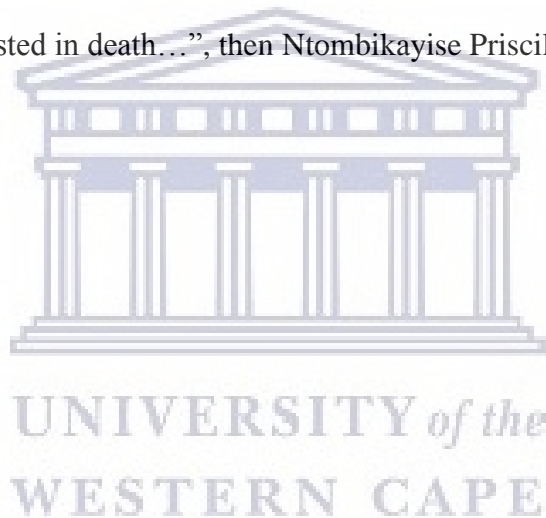
What Benjamin refers to as the “rhythm and continuation” inherent in questions of life and death must include the politics of the dead and the political life of the dead. This chapter has argued that the production of biographies surrounding Kubheka were not of Kubheka. Rather those biographies are constituted by the traces made available through the forensic memories of Kubheka. In other words, it might never be possible to fully produce a biography of Kubheka. This however is not necessarily a negative because writing about

⁶⁰ Walter Benjamin, ‘The Storyteller: Tales out of Loneliness’, (Frankfurt: Verso Books, 2016), p. 84.

⁶¹ Fredrik Fahlander and Terje Oestigaard, ‘The materiality of death: bodies, burials, beliefs.’ *BAR International Series* 1768 (2008), p.1.

death and its aftermath, in this chapter, exhumation and forensic examinations, is precisely an exercise in holding onto the “rhythm and continuation” of the forensic memory of Kubheka.

In so doing though, the question of whether or not Kubheka was re-humanised through the strategies of biography is moot. The politics of Kubheka’s disappearance, interrogation, torture, murder, being buried as a nameless pauper, ten years later being exhumed as a nameless set of skeletal remains but identified through forensic technologies of identification to inscribe her body into a paradigm of evidence...all suggests that if there is indeed the possibility of re-humanisation, it will always be ongoing. Indeed, if we are to understand re-humanisation as inscribing “the ideas of the essence of humanity as perceived by humans [being] manifested in death...”, then Ntombikayise Priscilla Kubheka lives on.



Conclusion

The Truth and Reconciliation Commission (TRC) was established after South Africa gained its democracy to bring about reconciliation to a 'new' nation. Victims of apartheid's gross violations of human rights were enabled to express their pain and suffering. Perpetrators were able to apply for amnesty if they could prove their crimes were politically motivated and if they provided full disclosure. The work of the TRC enables an understanding of processes and strategies of re-humanisation.

Ntombikayise Priscilla Kubheka was de-humanised from the moment of abduction, the torture, and killing and when her dead body was dumped. Her body was found already decomposing and it was buried in a plastic bag in 1987 which was exhumed in 1997. The exhumed skeletal remains bear agency, for instance, the skull revealed its version of what happened to Kubheka. That led to the forensic analysis that was conducted because the testimonies of the perpetrators did not reciprocate with what the skull revealed. In essence, this mini-thesis navigated a politics of the dead by examining the figuring of Kubheka through various fields and in various forums.

The methodology in doing this mini-thesis was a historical forensic approach. It has connected history or the writing of history with science, in particular, forensics (fields and forums) which aid in the exhumation and identification of dead bodies. This research rested on the available literature such as the secondary sources that have been discussed and wider literature that was be analysed and evaluated. I engaged the TRC Final Reports, Human Rights Violations (HRV) Committee hearings and Amnesty hearing transcripts, newspaper reports as well as a forensic archive that constitutes the exhumation and subsequent forensic analyses in the identification of Kubheka.

The first chapter maintains that the TRC can be argued to have restored the personhood of victims. The notion of personhood is philosophical, but it is fabricated by and through who and what we are. The TRC considered both the victim and the perpetrator as persons regardless of the difference between the two. This suggests that both are human hence the belief at the TRC that both the victim and the perpetrator were de-humanised. The perpetrator de-humanised himself when de-humanising the victim. However, the chapter suggests that re-humanisation does not occur that way, the re-humanisation of the victim does not mean re-humanising of the perpetrator. The amnesty hearings transcripts do not read to suggest re-humanisation of Kubheka by the perpetrators through their testimonies instead she was further de-humanised.

The connectedness between human beings does not mean it is a positive connection. Gobodo-Madikizela argues that the victim and the perpetrator are morally obligated of each other because they are political and socially linked.¹ As a gender scholar, Butler explains why that is so, by arguing that human beings are interconnected to each other because we cannot live outside society.² Therefore, de-humanisation and re-humanisation occur in exchange but not in the total absence of the other. The TRC was not focussed on the notion of re-humanisation. Its mandate was reconciliation. Chapter One is suggestive of the relation between how reconciliation was approached at the TRC and is complicated through asking the question of re-humanisation and gender.

Kubheka's perpetrators cannot be considered to have had the intention of re-humanising Kubheka through their amnesty hearings. Kubheka's skeletal remains received scientific identification process and the skeletal remains were confirmed to be of her. The

¹ Pumla Gobodo-Madikizela, 'Remorse, forgiveness and rehumanization: Stories from South Africa', *Journal of humanistic psychology* 42, no. 1 (2002), p.23.

² Judith P. Butler, *Giving an account of oneself* (Fordham University Press, 2009), p.9.

perpetrators rejected the results claiming that Kubheka was overweight, she died of a heart attack. Being overweight has a bad stigma associated with being weak. The TRC was critiqued for not differentiating the experiences of women and men although it was considered to be gender-neutral. The experiences and sufferings of women and men are interdependent, but women tend to be subjected to men. In response to the critique, the TRC held Special Women's Hearings.

It was largely testimony from women and their requests for the return of the remains of their loved ones for proper and dignified burials that saw the TRC undertake exhumations. Kubheka's exhumation in 1997 proved the importance of forensic practices and processes. The skeletal remains were exhumed in a plastic bag with clothing in it. That was over a decade since Kubheka went missing, since her death. But human bones keep records of the person before and even after death. The skull indicated a wound suggesting that Kubheka might have died of gunshot. The forensic analyses became a significant part in the case of Kubheka.

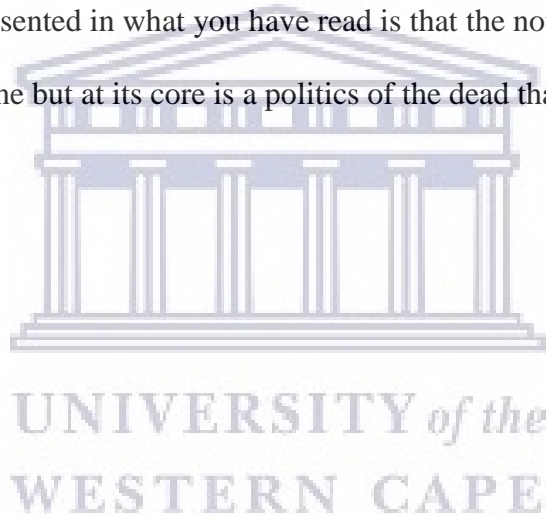
In the second chapter, I upheld that forensic analyses played a major role in the identification of Kubheka and influenced the TRC's decision of amnesty. But beyond that the forensic analyses that were conducted, particularly the photo-skull video superimposition, defeated the perpetrators lie and denial that the exhumed skeletal remains were not of Kubheka. The analysis required an ante-mortem photograph for it to be conducted. The power of the photograph played a crucial role in identifying the skull. The work of forensics in cases of human rights violation is important because its evidence and evidence analysis is different from that of a forum like the TRC. The dead have a way of speaking through the living and forensic experts in the case of Kubheka proved that. The perpetrators' testimony reduced Kubheka's death by throwing shade on her body.

Kubheka could have been denied her personhood and remain de-humanised if it was not for the forensic analyses conducted. The introduction of a forensic aesthetic can vilify the living human being's testimony, the human brain can forget but the bones, the clothes, the photographs keep the memory. Through the processes and strategies of forensic identification, Kubheka had biographical information known about her. The forensic techniques and strategies of analyses shift our understanding of the field and the forum. The TRC forum combined forces with the scientific forum in means of restoring the dignity of the victims.

The last chapter maintains that Kubheka's biography was produced at the TRC through hearings, exhumation and forensic identification analyses. That was because the subject and the object have an interdependent relationship which makes changes and pushes for meaning-making. What is known by Kubheka is from the work of the TRC and that was because the TRC wanted to re-humanise her. The uMkhonto weSizwe was under the umbrella of the African National Congress but today, the ANC fails to commemorate Kubheka. Gender continues to surface in political spaces and structures that constitute the politics of the dead.

This mini-thesis underscored the slipperiness of boundaries between the victim and the witness or rather the instability between the two. This is much the same as the subject and the object because of the complex relationship the dead and living have. Hence, the instability between re-humanisation and de-humanisation at the TRC. This thesis contributes to the re-humanisation of apartheid's missing dead. At the same time, it challenges how we think of the TRC and how to learn from the TRC in solving adversities we face today regarding human rights violations.

This mini-thesis underscored a notion of re-humanisation through the work of the TRC in its investigation into the enforced disappearance of Kubheka. It suggests that figuring Kubheka through a notion of re-humanisation in the context of the TRC requires one to understand both de-humanisation and re-humanisation and the ways in which gender complicates these understandings. It did so by examining testimonies, the exhumation, the forensic examinations, the emergence of a forensic aesthetic and the productions of biographies and forensic memory to understand how these might be processes and strategies of re-humanisation. This mini-thesis then is a forensic history that navigates a politics of the dead by examining the figuring of Kubheka through various fields and in various forums. In so doing, the argument presented in what you have read is that the notion of re-humanisation is an inherently unstable one but at its core is a politics of the dead that misses gender in its figuring of the human.



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