



“What Do We Do With all This Dying?”: South African Time, Space, and Place in Forensic Evidence

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Abstract

Forensic investigations during truth recovery after atrocity often apply rights-based, socio-cultural approaches to dead and missing bodies. This article suggests focusing on universal “rights”, such as the right to dignity in death and the right to know what happened to family members, can occlude forensic understandings stemming from local knowledge systems. Deploying the theoretical gesture of *ukwakumkanya* through the framing of transcorporeality, this article examines aspects of medico-legal evidence stemming from the Marikana Commission of Inquiry in South Africa—a commission established in the wake of the 2012 Marikana massacre. This article deepens discussion around how forensic information in truth recovery processes reflects not only social contexts, or opportunities to challenge state monopolies on forensic expertise, but also surfaces local understandings of time, space, and place. These offer new temporal, ecological, and relational interpretations of forensic output during truth recovery.

Keywords: Truth recovery; forensics; transcorporealism; Marikana; South Africa.

Introduction¹

Forensic investigations after atrocities have historically focused on providing information for court-focused justice and have not always been geared towards the families of the deceased (Hofmeister & Navarro, 2017, p. 36). The ways in which forensic evidence can impact truth recovery processes are now viewed through a wider frame,² forming not only part of legal procedures (Jones, 2020, p. 680) but also part of the emotional labour of truth recovery processes (Hofmeister & Navarro, 2017, p. 39). In this way, forensic investigations can thus contribute to the *symbolism* of truth-seeking—the making of a public record of “truth” providing dignity for the dead (Schwartz-Marin & Cruz-Santiago, 2016, p. 62).

This expanding scope has led to increased focus on forensic socio-cultural engagement in truth recovery scenarios. In death, the body transitions from being somebody to being an object of legal and political value (Jones, 2020, p. 679). The corpse thus has a dual existence: a new object of interest and the “remnants of a person”, which combine to represent both a violation and a life history (Jones, 2020, p. 681). As a result, there is a developing understanding of the role the dead played in life and how critical social context is to both investigating death and helping affected communities repair after atrocity. This places the dead into a social and cultural context, “speaking” to historical events (Moon, 2018, p. 3).

In turn, this has led to the suggestion that forensic evidence during truth recovery processes can support and bolster the development of a set of rights regarding death and dead bodies. Interest in the right to truth and the right to know has increased in investigations after atrocity, conferring forensics with an extra layer of significance and suggesting that the dead themselves



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could be viewed as having human rights (Moon, 2014, p. 49). These developments, focusing on the social and community contexts of death and the emphasis and conferment of important rights, have expanded the space around which forensic evidence operates during post-atrocity truth recovery proceedings.

This article critically engages with the “forensic turn” (Anstett, 2022, p. 97) in truth recovery after atrocity. It does so through considering documented approaches to foregrounding socio-legal contexts of the dead after atrocity crimes. This discussion continues critiques of these approaches that question the extent to which universal rights-based frameworks—such as the right to truth and the right to know—can occlude the complexities of local communities who have suffered violence. Deploying Hugo ka Canham’s theory-method of *ukwakumkanya* (ka Canham, 2023, p. 6), this article performs a symbolic seeking/blocking exercise when considering forensic engagement with truth recovery initiatives, through examining aspects of medico-legal evidence from South Africa’s Marikana Commission. The gesture of *ukwakumkanya* is considered alongside transcorporeal thinking, which highlights the multidirectional flow of information and agency between human and non-human actors. In so doing, the gaze reflected by *ukwakumkanya* surfaces embedded local knowledge regarding the bending and stretching of forensic time. It also foregrounds the importance of linked objects and spaces, such as autopsy reports and grave sites, as boundary objects with latent potentiality. The actors and agency that are consequently foregrounded show how forensic evidence can change and shift, tied into a form of relation with both communities of the living and spectral grave sites, which emit “vibrational charge” (ka Canham, 2023, p. 29).

This theoretical framing is extended through expert interviews conducted with participants in the Marikana Commission, a truth recovery mechanism established in the wake of the 2012 Marikana massacre. The author interviewed a variety of socio-legal practitioners with standing from the abundant legal teams representing non-state actors at the Marikana Commission in 2023. These interviewees were selected as they were in proximity to the families and survivors of the massacre—enabling meaningful responses to the article’s themes—but had no links to the specific traumas of the event. This was a self-imposed research boundary. The author did not wish to engage in fieldwork with the capacity for re-traumatisation or the potential for extractive output while interviewees remain in cyclical states of violence and uncertainty (Tilley, 2017, p. 37). As Tilley writes, it is imperative for researchers to be aware of the extractive point of knowledge development:

All knowers in the intellectual commons should be equally valued for their expertise. With this in mind, we need to identify the point of commodification of knowledge, as well as the points and modes of the certification and addition of value. (2017, p. 39)

Interviewees and their designations were anonymised and assigned letters as identifiers. This was due to the sensitive nature of the work conducted, their personal and/or traumatic responses to the work, and/or the ongoing nature of some of the legal entanglements from the Marikana Commission.³ A total of 12 interviews were conducted for this project: 10 socio-legal practitioners involved in the Marikana Commission and two ritual specialist experts, one of whom was a practising sangoma. The interviews were semi-structured, lasting between one and two hours, and were conducted either in person in Johannesburg or Durban (South Africa) or via Zoom.

From Humanitarianism to Civism

Capturing the development of how forensic investigations relate to social contexts and rights-based values is the term, humanitarian forensic action (HFA): the application of forensic science to humanitarian action framed by international humanitarian law (Moon, 2014, p. 50). HFA focuses on dignity and the acknowledgment that victims of atrocity crimes were embedded in a social context. As such, victims’ families have the “right to know” what happened to their loved ones (Cordner, 2018, pp. 640–641). This right was thrown into relief when it became increasingly clear that bodily identification was not necessary for the prosecution and conviction of war crimes. In other words, bodily identification was not necessary for this kind of legal justice, which left an unmet need amongst relatives and communities (Cordner, 2018, p. 642). Some, including the Red Cross, saw that forensic science could be about more than evidence for or against guilt, or apportioning criminal responsibility for an action. Forensic science could also identify a person by name and thereby inform relatives of the manner of death and provide related support (Cordner & Tidball-Binz, 2017, p. 65). Indeed, in 1996, INTERPOL’s General Assembly affirmed a universal right to be recognised after death (Cordner & Tidball-Binz, 2017, p. 66).

Linked to liberal ideals that prioritise concepts like the right to truth and the right to know, HFA highlights that bodies are carriers of cultural, as well as physical, information. It recognises that part of the job of forensics is to unite dead bodies with their “kinship ties”—their cultural and social worlds (Parra et al., 2020, p. 80). This prioritises the dignity of the dead through recognising that they present three key areas that forensics must consider. These include social identity (family and social worlds), social connectedness (important rituals and processes, including burial rites or other important cultural markers), and

acknowledging and addressing bodily disintegration (allowing appropriate burial sites or other sensitive treatment of remains) (Parra et al., 2020, p. 86). The key concern around ignoring the cultural and social worlds of the dead is that this results in a stripping of the right to dignity in death. HFA prioritises the elevation and attainment of rights; the right to truth, the right to know, and the right to dignity in death are fundamentally important. However, it is important to acknowledge that focusing on rights and their presence and/or absence can obfuscate unstable spaces of forensic investigation after atrocity.

Struggles for justice in local contexts are relational acts, requiring “complex knowledge” in which forensic, social, and creative perspectives conjoin to present a diverse and locally situated landscape (Robledo Silvestre & Ramírez González, 2022, pp. 85–89). This said, Kieran McEvoy’s concerns about the “triumph of human rights” (2007, p. 419), whereby a global liberal world order influencing truth recovery mechanisms prioritises rights rather than structures of abuse, hold weight. In positioning forensic investigations around a rights-based framework, the complexity of truth recovery on the ground can fall out of focus. Authors have raised concerns with the manner in which the journey of global rights norms—such as the right to truth—to local contexts has been “romanticised” in Burundi and Rwanda. A universal rights-based discourse is almost certainly administered through a nation-state, providing opportunities to present historical truth through a specific, often political, frame (Jamar & Major, 2022, p. 57).

This complexity has also been acknowledged regarding post-South African Truth and Reconciliation Commission (SATRC, TRC henceforth) exhumations, through the work of the Missing Persons Task Team (MPTT) in South Africa. In some ways, the work of the MPTT can be seen as a “critical counter-measure” to the TRC’s view of closure (Thomas, 2018, p. 430). Established in 2005 in line with TRC recommendations, the MPTT searches for apartheid’s disappeared: officially 477 cases, according to TRC records (Rousseau, 2015, p. 188).⁴ Remains of 138 missing persons had been uncovered as of 20 April 2018 (Ntsebeza, 2024, p. 89). Returning remains to family members can be seen as an act of reparation and, in this way, the MPTT sees itself as part of a collaborative and restorative process (Rousseau, 2015, p. 178). Indeed, engagement with the work of the MPTT emphasises how the task force remains focused on the families of those who have lost loved ones. The MPTT works in tandem with family members, inviting them to exhumations and planning and update meetings, and engaging in spiritual reparatory activities (Aronson, 2012; Fullard, 2018; Rousseau, 2009). Despite this, the MPTT is part of the state, through its location inside the National Prosecuting Authority (NPA). Moreover, the MPTT has exhumed primarily (though not exclusively) African National Congress (ANC) cadres who could be identified as national heroes, people for whom “a political biography was already in place” (Rousseau et al., 2018, p. 21). Exhumation and other investigations into death and disappearance in the politically-charged and more complex early 1990s South Africa remains less visible (Aronson, 2012, p. 264; Rousseau, 2015, p. 189). Universalising, rights-based discourses can be used to consolidate a political agenda, although exhumations and related forensic work contain multiple forms of truth that cannot be concealed (Jamar & Major, 2022, p. 56). As Rousseau, who worked for the TRC and consulted with the MPTT, writes, “a body is less recovered than produced” (2016, p. 204).

When considering the aftermath of political violence, other critiques of the universalising impact of rights-based discourse on local contexts include the ways in which these frameworks do not always correspond with the way survivors feel and remember their kin. Carolina Robledo Silvestre and Paola Ramírez González detail one such case, observed while working with *Las Buscadoras* (The Searchers),⁵ who search for some of the 490,000 and counting victims of Mexico’s War on Drugs (2006–present) (CFR.org Editors, 2025). Mimi had fragments of her husband’s jaw and teeth verified and returned, yet she experienced no peace despite this (Robledo Silvestre & Ramírez González, 2022, p. 85). “She does not trust the genetic opinion that accompanied the ... remains because she does not find in them the known traits of her husband, especially in relation to the teeth” (Robledo Silvestre & Ramírez González, 2022, p. 85). In this way, experiences of the “right to know” in truth recovery can escape the rationale of forensics (Aragüete-Toribio, 2022, p. 12), seen in this case through a painful sundering of fact and feeling that can leave family members dislocated and liminal.

Are They Even Human?

As Mimi’s case shows, the importance of bodies and their social context, framed through a right to know and a right to truth regarding atrocity crimes, can occlude critical reflections of that key signifier—the body itself. Injuries to bodies will always be both physical and social, as an act of violence forces the victim to live in relation to the person or system that inflicted them. This, then, is the tension that must be confronted after atrocity, particularly that which is state-sponsored: the violence is structural but the injury is personal (Kesselring, 2017, p. 74). Physical bodies remain relationally bound to people and systems of violence and oppression.

However, this complex and involuntary relationality risks being thinned out when foregrounding a rights-based approach. Historically, there has been a supposition of legal neutrality, implying that human rights norms are universal, or interchangeable.

Considering the global discourse of human rights and the linked “universality” of the human body, this becomes problematic when, in fact, the body that is subject to such universal rights is almost always a privileged one. The white, able, and male body is normative, giving it the privilege of invisibility (Dietz et al., 2022, p. 7). If knowledge, power, or law is based on the invisible normative body, then each body that deviates from this norm is othered. It is assigned to Berber Bevernage’s “allochronic” time, reserved for those out of step or otherwise de-synched from contemporaneity (2010, p. 123). Rights-based frameworks turn on the production of evidence of a rights violation or rights unfulfilled or absent (Keenan, 2018, p. 110). Yet, this evidentiary requirement suggests that we are not self-evidently human; if there is a claim for rights, the existence of this argument itself suggests these rights are not automatic or guaranteed and must be argued for. Thomas Keenan (2018) states that, while we might all be human in a common-sense manner, it is true that many of us do not seem to hold value at all. Whether situated inside rickety boats, cargo lorries, or in open ground near a platinum mine at Marikana, the very notion of a human rights discourse proves that membership of this community is not a given (Keenan, 2018, p. 111). Prioritising rights-based frameworks that position the right to know and the right to truth as key aspects of forensic work in truth recovery does not adequately consider the complex relationality of communities to sources of violence. Moreover, it does not take into account how these universalising frameworks are defining “human” in the face of rampant de-humanisation.

Critique of Expertise

Critical responses to universalising rights-based frameworks that “romanticise” such rights and their transition from global to local primarily focus on the conceptualisation of forensic expertise. Forensic aesthetics argues against the presumption of a single entry point, audience, or spatial location of forensic action; in conceiving forensic sites as dynamic and adaptive to specific locations, they can be interpreted as attempting a redistribution of the sensible (Jaussen, 2023, p. 35). In Rancièrian terms, “the sensible” refers to the boundaries of what has been allowed to be sensed and has been rendered visible. The necessity of this “redistribution” becomes clear when considering Jacques Rancière’s argument that all experiences exist in a political environment where not everyone is visible, present, or can speak, and certain parts of society are enabled or disabled from communicating (2004, pp. 10–13). Thus, forensic aesthetics leans towards this recalibration of social and political worlds that provides fertile ground for engagement with non-state actors – exemplified by forensic civism (Jaussen, 2023, pp. 34–35). Examining, for instance, Mexican and Colombian experiences of the state’s passivity or complicity when investigating large-scale disappearances from political and narcotic-related conflicts, forensic civism employs grassroots techniques to expose the weaknesses of expert (often state-sponsored) forensic investigation. Thus, forensic civism illustrates that a meaningful forensic presence does not always constitute the presence of conventional experts (Cordner, 2018, p. 645). Forensic civism often involves lay people (families and communities who have experienced loss) educating themselves on forensic processes, such as list-making, documenting, mapping, and searching, and applying these skills to uncover information about missing persons and/or identify human remains (Schwartz-Marin & Cruz-Santiago, 2016).

Forensic civism challenges the state and (state-sanctioned) science’s monopoly on expertise when it comes to our comprehension of the notions of evidence, truth, and justice. It builds an alternative kind of knowledge production about disappearance and human remains and is founded on love, care, and vulnerability (Schwartz-Marin & Cruz-Santiago, 2016, p. 62). When community members develop skills, techniques, and strategies that form modes of forensic understanding, such disruptive knowledge production can constitute a challenge to a state-centric approach to truth recovery that foregrounds difficult-to-realise rights in response to atrocity crime (Schwartz-Marin & Cruz-Santiago, 2016, pp. 70–71). In this way, communities are both recognising and refusing their de-humanisation, or, as Musila (2025) describes, “[their] disproportionate exposure to harm, their illegibility to hegemonic alphabets of the human. The living dead. Surplus people” (p. 3).

Engaging with those considered “surplus people” deepens critique around a universalising rights-based framework for understanding the role of socio-legal forensics. This article heeds Nicky Rousseau’s call to “disentangle the journey from missing to final re-burial” (Rousseau, 2015, p. 193). It offers a theoretical framing that builds on the established importance of both social context (HFA) and local knowledge (as seen through critical responses, such as forensic aesthetics and civism). Considering ka Canham’s theory-method of *ukwakumkanya*, read through a transcorporeal lens, I suggest foregrounding both socio-local perspectives and local formulations of time and place/space in forensic investigation. This novel form of relation surfaces a powerful ecological urgency alongside a reconsideration of forensic output’s relationship to place, space, and time.

Seeking and Blocking

To seek out new relational forms requires a different manner of attending. *Ukwakumkanya* is an isiMpondo word of the amaMpondo people, located in South Africa’s Eastern Cape province. It describes the movement of lifting one’s hand to shield the eyes, and forms a cornerstone of Mpondo theory. A seemingly small gesture performed automatically or by rote, *ukwakumkanya* is a paradox. Hugo ka Canham (2023) outlines that the movement’s intentional seeking and blocking motion

“creat[es] a shadow in order to illuminate” (p. 6). *Ukwakumkanya* is a way of looking differently, acknowledging the very consciousness and intentionality in the paradoxical looking/shielding motion that offers alternative understandings of the world. *Ukwakumkanya* entails a disruption of the “fantasy of hierarchy” between spiritual, animal, natural, and human worlds (Musila, 2025, p. 11). By symbolically lifting a hand to paradoxically both seek and block from view, the universality of rights-focused approaches to forensic investigations is unsettled and becomes momentarily peripheral. In this moment, local formulations closer to specific sensorial registers of time, place, space, and affinity take on shape and detail. As many responses to ka Canham’s work evince, this local register does not prevent applicability; in fact, this gesture of *ukwakumkanya* is a reminder of the multitudinous connections between life, death, and space/place (Fine, 2024; Macharia, 2024; Walcott, 2024). Indeed, this is a key aspect of how the gaze of *ukwakumkanya* is linked with transcorporealism’s focus on openness and the multidirectional flow of information.

Transcorporealism is a perspective that views all humans as embedded in the material world that passes through them, changes them, and is itself changed by them. Stacy Alaimo labels this the “strange agencies” that connect “substance, flesh and place” (2018, p. 2). This approach counters Western-focused human exceptionalism, which presumes the human is subtracted from the world and the environment they survey. Instead, the human and the environment change each other; this can be acknowledged and investigated if researchers diversify their gaze. The reality of socio-ecological interdependence is the acknowledgement of the porosity and permeability of bodily boundaries, even in death (Scott, 2015, p. 264). Transcorporealism renders physical bodies’ relevance to place imperative, rather than elective, dynamic, rather than passive. Transcorporealism’s focus on how knowledge and experience are exchanged in multidirectional flows, between bodies and physical space, suggests that experiential knowledge gains its power from this kind of intersubjectivity (not in spite of it) (Alaimo, 2018, p. 5). The body, after all, is not a single, closed entity but a series of open-ended systems, a “creative and generative space between the social, the biological and the natural world” (ka Canham, 2023, p. 75). The importance of recognising this lies in interrogating the science/experience boundary: evidence is not the truth, nor is it an answer. It is a question, asking to be told its own validity by those who hear it (Keenan, 2018, p. 113).

The transcorporeal gaze of *ukwakumkanya* considers the manner in which one attends to the ecology of both human and non-human landscapes in defiance of “death/life binaries” (ka Canham, 2023, p. 4). These death/life binaries do not form part of the experience of the amaMpondo, the focus of the work of ka Canham, nor that of communities in South Africa. Ka Canham highlights the continuity between living and dead in his writing on Mpondoland. This rural location in South Africa’s Eastern Cape province has been historically neglected and overlooked (except for key moments in history when mining companies or other forms of capitalist development have shown interest in its natural resources). Ka Canham expresses intense sadness and rage as his work documents the waves of death that move through his community. However, he highlights that, rather than seeing the dead as lost, one can be attuned to their graves, connected to the earth that holds them. We can thus be in a constant form of relation to them (ka Canham, 2023, p. 151).

In this way, for those who are bereaved to live well, a bond between themselves and the deceased must be maintained, rather than severed (Yawa, 2010, p. 25). Death does not indicate a dissolution of the link between the living and the deceased. Rather, it indicates movement towards a different form of relation between the deceased and those still alive, in the form of communication with ancestors in the spiritual plane. To this end, ceremonies and rituals are conducted to accompany the deceased’s spirit on their journey towards the ancestral realm, creating a pathway that can guide the spirit back towards the living for consultations and engagement (Yawa, 2010, p. 24). A South African sangoma explained further:

Culturally, there is an intimate link between land and place: it is important for future generations to know where they came from The point of traditional rituals and processes are to talk with ancestors . . . these are the goals and processes should be framed around this understanding Death is not an end, it is a transition. (Interviewee D)

uMbuso Nkosi’s (2018) work on land and identity in South Africa does not distinguish between the respect offered to the living and the dead, who both occupy physical and psychic space. For Nkosi, land not only provides sustenance but people are “at one with it” (2018, pp. 178–179), as babies’ umbilical cords are buried in the earth to root and locate their identities. Alongside the cord, writes Nkosi, a tree is planted and, at death, a branch of this tree is used to fetch the spirit home (Nkosi, 2018, pp. 178–179). Thus, a sense of self is a location-specific exercise and the erasure of self through colonial land conquest and concomitant violence is an erasure of person through the razing of place/space. It is no surprise, then, that Nkosi translates the isiXhosa word for colonial encounters, *imfazwe*, as meaning “the land is dead” (Nkosi, 2018, p. 173). In ka Canham’s cosmology, the ancestors who are already dead (and have physical markers in the soil through their grave sites) can guide the decisions and paths of the living (ka Canham, 2023, p. 10). ka Canham emphasises that these relationships are central to identity and include relationships between place, space, time, and bodies. These relationships are neither fixed nor easily knowable,

requiring us to follow voices and memories “scripted onto bodies” and—crucially—onto the natural environment (ka Canham, 2023, p. 11).

From this perspective, graves become active sites of potentiality; they are zones where the living can gain access to the dead through spiritual consultation. In this way, grave sites can be seen as places that hold together multiple social worlds, giving meaning to the relational forms amongst them: a form of boundary object (Star & Griesemer, 1989, p. 393). This becomes clear when considering the “boundary” of a boundary object is conceptualised not as a border, but a zone of shared space where “that sense of here and there are confounded” (Star, 2010, p. 603).

Forms of relation between the living and the dead, and the physical space that holds them both, are critical to understanding responses to forensic information in South Africa. The following discussion draws medico-legal documentation into this form of relation, using the gaze of *ukwakumkanya* to better understand and interpret the decisions of the Marikana widows regarding medico-legal evidence at the Marikana Commission.

Death on 16 August 2012: Families’ Trauma

Violence is both world-making and world-shattering (Jaussen, 2023, p. 29). On 16 August 2012, the South African Police Service (SAPS) fired live ammunition into a group of striking mineworkers at Lonmin’s Marikana mine in South Africa’s North West province. Thirty-four men were killed that day, at two different scenes. Scene one was inadvertently filmed live by news media covering the protest. As some miners attempted to escape from scene one, they were pursued by police and a further shoot-out ensued at scene two, a rocky outcrop about half a kilometre from the television crews. Further deaths related to this strike occurred before this watershed moment of violence, and in the ensuing months and years (Marinovich, 2016, pp. 157–158). In this section, the article foregrounds aspects of medico-legal evidence from the Marikana Commission, instigated by then-President Jacob Zuma to investigate events at the Marikana mine during the days preceding, and the day of, the massacre (South African Government, 2012). Despite concerns around the manner in which these autopsies were conducted (Naidoo, 2015), they remain compelling documents that explain what happened to the 34 miners shot that day and provide critical information for those left behind. However, interviews showed a consensus among legal experts involved in the Marikana Commission that these medical reports did not play as significant a role in proceedings as might have been expected. As one interviewee commented: “I wish Farlam had paid more attention to forensic reports: the injuries show how angry the police were, to inflict such harm” (Interviewee C). Some interviewees suggested this was because the trial in question was not a legal trial, where something had to be proved or disproved (Interviewee A). Another suggested that the surfeit of video and photographic evidence meant the autopsies were less significant (Interviewee B). Regardless of the reasons, these medico-legal reports did not take centre stage at the legal inquiry.

Alongside the video and photographic evidence available, the autopsy reports show the scale of injury on record. The SAPS opened fire on the striking workers using R5 assault rifles, resulting in brutal and traumatic injuries that were extremely difficult to understand and process (Forrest, 2015, p. 12). Interviewees who worked with the families of the killed mineworkers explained how these injuries, combined with South Africa’s migrant labour system, compounded the devastation for many families. South Africa’s mineworkers are often recruited from poorer, rural areas of South Africa and experience poor living and labour conditions at a great distance from their families, often being the sole breadwinner for their immediate and extended community. Multiple visits home within a year were uncommon among Marikana mineworkers. Interviewees explained that often only one family member was able to travel the distance to the morgues in the North West province, where the massacre happened, to identify a body. The bodies were in such a mutilated state that further viewing by other family members was not possible. One interviewee who worked with the families at Marikana explained:

The way people died at Marikana made no sense: the extensive damage caused by the assault weapons wreaked significant damage to people’s faces, people who were shot in the face. In some cases, the head couldn’t be shown, only the body, and we had to explain that they were killed by a weapon that leaves the same kind of damage as being run over by a truck. This was hard to understand. (Interviewee E)

In the chaos that surrounded the immediate aftermath of the massacre, it took days for bodies to be named and identified. As described above, by the time some families had been informed, the body was unviewable. Therefore, in some cases, the bodies of the slain mineworkers were returned to their homesteads in coffins unseen, having been apart from their families for upwards of 9 months. Interviewee E described this as being “straight from Rustenburg to the grave”, explaining how many families and children could not achieve closure as to the catastrophe that had befallen them. The interviewee went on to describe what they witnessed:

[Redacted]'s mother just couldn't hold herself. We had to stop. She was insisting to know but we had to stop. [No matter what we said] she knew her son and the way he was killed did not make sense to her. This is very traumatic, especially if you didn't see the body as it went straight to be buried, and they had been away from home for work for many months. (Interviewee E)

While already a multifaceted physical and emotional trauma, from a spiritual perspective, the Marikana massacre left gaping holes in expected death rituals and ceremonies. To conduct death rites appropriately and guide spirits towards their ancestral home, it is important to know the exact place of death (Interviewee D). For the miners who died at scene two, rigorous research was required to identify places and locations of death, and this information was not immediately available. In addition, the extremely violent nature of the deaths at Marikana necessitated specialist intervention. An interviewee who was also a trained sangoma explained:

there are specific processes to follow if a violent death occurs: in this case, often the body cannot just travel to the homestead, in case they bring a contaminating energy — this is particularly important when graves are present in the yard of the homestead. (Interviewee D)

Some families also had the paradoxical experience of knowing and witnessing (through video evidence)⁶ the murder of their family members, without any judgment from the commission, as complex legal processes played out. An interviewee who worked with the families explained:

In one video you can hear a policeman saying "I shot that motherfucker"—and families had to listen to this—and even though there was a clear admission there, and other examples, still no police [accountability]. Families simply cannot understand this. (Interviewee E)

Those working with the families were able to take each family member through their relative's autopsy pack, explaining the injuries and medical evidence in detail, including which wounds would have been potentially survivable if medical help was forthcoming. It was important for family members to know the ways in which their relatives died, as this information would be broadcast and canvassed at the Marikana Commission. However, as the commission continued to its three-year end point, those working with the families of the slain mineworkers heard a specific request from them. Despite the trauma those reports contained—despite the grim detailing of mutilation and violence, laid out in detail—families wanted to keep the reports and return them to their homes. The following section considers this decision through the speculative gaze of *ukwakumkanya*, surfacing conceptions of place, space, and time. This demonstrates a stretching of forensic evidence's applicability, and reorientate it towards a form of relation between the living and the dead, a both dynamic and unpredictable act.

“Umntu kafi apele [When a Person Dies, That is Not the End of Him]” (Mokoena, 2011, p. 253)

HFA is framed through international law and correctly highlights the importance of the right to know what happened to victims of atrocity—a right to truth—while foregrounding the kinship ties and cultural markers of the dead. This approach can stumble, as the movement of rights from global to local norms does not always reflect conditions on the ground and can obscure the complex relationship between forensic evidence and local communities. However, in examining medico-legal evidence through the framing of transcorporeality and applying a new manner of attending that draws forward the interconnected nature of bodies, time, and place/space—particularly in death—a different form of relation emerges.

Considering the medico-legal evidence from the Marikana Commission, *ukwakumkanya* can be used to intentionally shift the gaze towards documents that can become active participants in communities' understanding of their loss and rage. Through *ukwakumkanya*, connections can be made between bodies, graves, and forensic documentation. The following section discusses how the significance of medico-legal evidence expands to include forming an important link in a chain running forwards and backwards in time. This evidence is grounded in physical grave sites that are better defined as active boundary objects offering cyclical and chronologically limitless engagement, rather than resting places. By theoretically lifting one's hand in the paradoxical seeking/blocking motion ka Canham highlights, I suggest new perspectives are opened on the influence of forensic evidence in how time and space are perceived in truth recovery after atrocity. The gesture foregrounds a spiritual perspective that links medico-legal evidence of death to future generations and frames forensic evidence, linked to physical grave sites, as full of potentiality, not closure.

As previously discussed, legal practitioners at the Marikana Commission have suggested that the autopsies were under-utilised in favour of photographic and video evidence. Despite the horror they contained, family members wanted to keep their autopsy packs, even after the evidence had been examined and the commission had ended. In the words of one lawyer, “They wanted a pack to show their kids [when they got older], to be able to say this is what happened to your father—these are the

circumstances of his death” (Interviewee E). This act of holding and keeping with a view to re-opening, showing, and using at a later date, demonstrates how time and space can stretch and expand when considering forensic material.

Dead and missing bodies are these kinds of time/space disrupters. Thomas Keenan (2018) writes, “nothing guarantees that the past is past, nothing secures it in the present, nothing prevents it from coming back, and going back” (p. 122). MPTT Head, Madeleine Fullard, presents an equally chronologically-conflicted description of the specific tempo-spatialities in her work with graves and exhumations. Fullard juxtaposes a perceptually “motionless” past that must work within the impermanence of the present, as nature, bureaucracy, and memory shift and elide her grasp of vital, physical clues to possible grave sites (2018, p. 177). Time, when considering graves and dead bodies, appears continually out of step. Fullard similarly contrasts the pace of time above and below ground. She describes slow, underground, microbial evolutions that can enable the survival of a skeleton for decades, while the surface of grave—supposedly a similarly immobile home of the interred—shifts at a quicker pace that outstrips the subterranean decomposition: “A cemetery presents itself as a place of ultimate immobility. What is a graveyard but the end of time? Yet it evolves, here erupting, there decaying, as if it were a living organism” (Fullard, 2018, p. 178).

Fullard’s metaphorical “living organisms” reflect the latent potentiality of these medico-legal documents. Their influence will change and shift, depending on who views them, who explains them, where, and when; the content will change, depending on who looks and who talks about what evidence contained therein. On this understanding, the medico-legal evidence so purposively held by families, and deemed secondary at a quasi-legal inquiry, is suspended in space, with relevance to historic death, but also to future generations. A sangoma confirmed:

In terms of forensic evidence from Marikana, there is comprehensive information on what happened to somebody: this makes it easier to know things that could inform future rituals, and give information regarding any ritual that might need to be re-performed or corrected further down the line. If these violent deaths appear in the next generation, they can understand and act. These documents can also be important for naming: if you name a child a family name, you must be sure to know everything about previous holders of this name: if the previous holder died violently, there are rituals you can perform to protect the child, so these deeds do not follow the child. (Interviewee D)

These records produced for the Marikana Commission are continuously transforming, subject to change from the environment they now inhabit. By returning forensic medical information to the homestead of the deceased, it becomes part of the deathly environment it purports to describe. Interaction with these medico-legal records does not end after truth recovery procedures. The potentially limitless re-engagement with these records and the ancestral bodies they describe resists the dominant narrative of closure, so often linked to truth recovery after atrocity, and replaces it with a temporal prescience. Andile Yawa lost his son, Cebisile, at the Marikana massacre. In the documentary film, *Marikana: South Africa’s Dark Heart* (Saba et al., 2022), he recounts how he gave Cebisile his own place in the mines after he was diagnosed with silicosis. In tears, he blames himself for his son’s death, believing Cebisile would still be here with him if he hadn’t sent him to the mines. Speaking in the present and future tense, he says, “I hope he too will not hold it against me, even as he rests in the garden” (Saba et al., 2022).⁷

Described in autopsy reports that now form part of an intergenerational inheritance, as well inhabiting the grave sites and the locations where their bodies fell at Marikana, the area’s deathscapes have created ancestral grounds for generations to come. These locations provide a physical connection to the spiritual realm.⁸ From the perspective of *ukwakumkanya*—overlooking the now, gazing into the future and the past—the potentiality of these deathscapes as touchstones for resistance to the brutalising forces of poverty and capitalism are palpable. Mr Yawa’s concern whether his son holds him responsible for his death is *current*, directly relational to the physical grave site and the ancestral access this site could offer.

Marikana’s deathscapes are not simply demonstrative of a kinship tie recognised or a dead body re-humanised through a highlighting of social or cultural markers or rights. In his review of ka Canham’s work, Rinaldo Walcott (2024) captures the powerful and terrifying notion that black life is always entangled with death. But as both Walcott and Casey Golomski highlight, ka Canham’s formulation of death is one that presages dynamism, seeing dying and decay as “vitalising forces” (Golomski, 2024, p. 358). Through emphasising cyclical and refusing linear understandings of bodies’ movement through space, it opens up conceptions of time as operating both “then and now” (Fine, 2024, p. 278). These deathscapes are indicative of how the transcorporeal gaze of *ukwakumkanya* collapses conventional boundaries of place, time, and space, as they are seen as zones of latent potentiality. The graves, alongside the autopsy reports that detail what happened to the physical bodies within, demonstrate how meaning-making has multidirectional flows between dead bodies, the land that contains them, and the forensic documentation. Safeguarded by survivors, this can be operationalised for future generations through ritual consultation with those who now inhabit the ancestral realm.

Conclusion

A new manner of attending to forensic medico-legal evidence from the Marikana massacre draws attention to the connected nature of things, people, and places, surfacing ecological linkages that local knowledge has long understood. Through the theoretical gesture of *ukwakumkanya*, conceptions of time, place, future, past, and present show an interconnected web of multiple generations, the latest of whom are not lost, despite their catastrophic end. Rather, their form of relation to their community has now shifted.

Alongside an important part of identifying kinship ties and social markers, and demonstrating aspects of ideal rights fulfilment, forensic evidence is shown to be an important link in a chain running forwards and backwards in time. This chain is grounded in deathscapes created from both documentation and the burial grounds' soil, unsettling asymmetries between expertise and experiential knowledge. The gesture of *ukwakumkanya* is a reminder of the connections between life, death, and space/place, linked with transcorporealism's focus on openness and the multidirectional flow of information. *Ukwakumkanya* can be used to intentionally shift the gaze towards documents that can become active participants in communities' understanding of their loss and rage - through the connections between bodies, graves, and forensic documentation.

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¹ In this article title, the quotation, "What Do We Do With all This Dying?" is from ka Canham (2023, p. 141).

² Forensic evidence in truth recovery processes covers a range of potential forensic sites, including: crime scene forensics, which can include ballistics, blood spatter analysis, spatial issues, including how bodies fell or are found, and in what position and with what physical matter nearby; pathology or autopsies, which encompass the analysis and presentation of dead bodies in the form of autopsy or other pathology reports, including x-rays and other medical diagnostic reports; and testimony of experts, witnesses, survivors, or any other relevant parties. This article examines medico-legal evidence inside a truth recovery mechanism, focusing on autopsy reports.

³ This is in line with the data protection requirements from the author's funder, the Norwegian Research Council: anonymity is particularly important in cases when designations and organisational affiliations are specific enough to reveal participants' identities, despite anonymous participation.

⁴ Aronson (2012) writes that this was an acknowledged undercount.

⁵ While outside the remit of this article, it is worth noting that searching for missing and disappeared bodies is a gendered task, primarily undertaken by women. For more information, see Cruz-Santiago (2020).

⁶ As mentioned, scene one of the massacres was inadvertently live-streamed; scene two was not filmed but police camera and other footage provided videographic evidence throughout the Commission of Inquiry.

⁷ The specific location of this quote is at timestamp 00:05:28–00:05:35 in the documentary.

⁸ A robust discussion of the link between ka Canham's work and the significance of the identities of the Marikana massacre victims is beyond the scope of this article, despite their spatial specificity. As a generative mark for future engagement, I note here that men from Mpondoland accounted for 26 of the 34 deaths at the Marikana massacre.

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