

September 12, 2003

Broadhurst Police Station
PO Box 40928
Gaborone

Attention: Superintendent L.B. Tshupoeng

RE: Analysis of the result of the Forensic Report

Affidavit A.10
Station: Broadhurst – Tel: 267 317 0946
Inquest No. 6/03
Lab No. T12/03
Calibrator for Drager Alcotest: Mr. Modise Molale
Report dated: 23/07/03

Dear Superintendent Tshupoeng,

1. On August 1, 2003 the results from the stomach contents and the clothes of the Late Calvin Kamanakao were provided to Mr. Utukile Supang, here attached. On September 1st, the results were discussed by me, the family pathologist and Mr. Kapaletswe Kamanakao, a brother to the late Calvin. On September 4th, 2003, the Executive Committee of Kamanakao Association discussed the report and endorsed the following observations and actions:
2. Para 3.5 (page 3) is describing a wrong jacket, since the jacket we took to Superintendent Tshupoeng on June 26th, is brownish in colour and has no stripes at all. None of the two pieces of clothes he finally took for investigation had black and white stripes. The shirt had blue and white stripes. The shirt is correctly described in para 3.2 but the jacket is wrongly described in 3.4 and 3.5. This may suggest that a wrong jackete (or even clothes samples) were taken to the laboratory. **Action: an explanation of the error is needed.**

3. Para 3.7 – there is a problem of coherence. The autopsy was only done on the 13/5/03 and not 7/5/03 and there is no way the stomach contents could have been lodged on 7/5/03. **Action: An explanation of this incoherence is necessary.**
4. On the same Para 3.7 – the report does not state what the stomach contents are or were. It was widely accepted that watermelon juice and seeds were found in the stomach. It is therefore interesting that none of the reports so far mentions this popular Para. Both the family pathologist and Inspector Kelapile further informed us that, the juice and seeds were taken as a sample for laboratory analysis. Our pathologist also informed us that some tissues were also taken from the stomach for analysis. On June 25th, while I was at Superintendent Tshupoeng's office, he asked Inspector Kelapile when the results of the seeds are expected. Inspector Kelapile explained that, the sample was not just the seeds, but the juice as well, and he expects the results soon. Should we then assume that the stomach contents here refer specifically to the watermelon juice and seeds or to the stomach tissues or both? **Action: It is recommended that the stomach contents be specified. If, by any chance, para 3.7 is reporting on other contents (e.g. stomach tissues), then the results of watermelon juice need to be provided as a different sample. Even then, what is referred to in para 3.7 needs to be specified as well.**
5. Para 5.0 - of the seven samples submitted as described in the report, only three were analysed. **Action: We would like to know what criteria was used to select these three. We also suggest that all seven be analysed and results presented.**
6. Para 5.1 states that “no other substance of toxicological significance was detected”. This suggests that there were other substances of non-toxicological nature. We would like to know what these were. We appreciate paragraph 4.0, but we are not just interested in the toxic substances but any substance found in the stomach. **Action: list of other non-toxicological substances found.**
7. Para 5.2 states that the stains were the results of blood. It would be appreciated if further analysis can be done to find out what kind of blood it is: human, animal, bird etc. If human, can it be grouped, and whose blood is it. **Action: establish the kind of blood and whose blood is it.**
8. Para 6.0 indicates that the clothes had been washed before submission to the laboratory, so that only blood was detectable. This came as a surprise to us, as we did not wash the clothes, and if we did, that would have been noticeable with a naked eye. When Mr. Supang and I submitted the clothes to Superintendent Tshupoeng on the morning of June 26th, he asked us about the soil I had previously reported to have seen on the shoulder of the jacket of the deceased. The jacket was raised and he was able to see dust in a thin long line. I informed him that the larger soil particles must have been lost when we first brought the clothes to Inspector Kelapile on May 30th, 2003.

9. If we had washed the clothes, Mr. Tshupoeng would not have been able to see the dust. Further it could not be an ordinary home wash that leaves stain highly visible enough for the laboratory to obtain samples. It must be some kind of a highly specialised wash, after which blood was administered to the visible stains to yield results that would fit the story that the victim was vomiting blood. This is the story of Kgalalelo Dikomang Kenewendo who brought Calvin to the hospital, already dead. This is the story Inspector Kelapile believed, and found not necessary to see or investigate the clothes. This story is not plausible to us, as stated in my additional statement dated June 25th, 2003). We therefore could not wash the clothes and put blood or leave blood on them. Common sense tells us that this would obviously contradict our position, which is that the stains were mainly due to watermelon.
10. The act to wash clothes that are pending investigation would indicate an intention to destroy evidence. We have no motivation to destroy evidence, because we would like to know more on the cause and mode of death of Shikati Kamanakao. This is why we informed inspector Kelapile that by moving from her place on the 8th of May, Kgalalelo may have destroyed evidence, either deliberately or innocently. Unfortunately, Inspector Kelapile did not take this seriously.
11. The report states that the clothes should have been collected and preserved as soon as possible, and brought at the same time as the other sample/s. I wish to state here that this is why we kept bringing the clothes to the police (as stated in my additional statement- dated June 25th). We were surprised that Inspector Kelapile had no interest in the clothes and was actually not carrying out any investigation since the case was reported besides the collection of the watermelon juice from the stomach. On May 30th, when he finally agreed that we could bring the clothes, we informed him that the green stain on the neck of the shirt has now changed to what looked as white to the naked eye (here in the laboratory report it is described as pale yellowish). I then asked him how we should preserve the clothes, he advised that we keep them in the plastic bag as they were to avoid contamination. This is how they were kept until we brought them to the office of Superintendent Tshupoeng on the morning of June 26th. He and another officer collected the jacket and the shirt. He informed me that the procedure was that the Police would keep these for registration, and take them to the laboratory. If we wanted samples, as we had earlier indicated, then we would go to the laboratory for samples. Inspector Kelapile brought the clothes to the laboratory on the morning of June 27th. He came to the Mr Mogodiri's office half an hour later than the agreed time, and had the clothes wrongly labelled with an incorrect surname. He had also not written the letter requesting samples for the family. Officer Mogodiri asked him to go back and do that. The process to take samples started at about 11:30 instead of 9:00.
12. In conclusion, after refusing to take the clothes for investigation for about seven weeks, the clothes were finally in police custody for over 20 hours before the

samples were obtained in my presence at Mr. Mogodiri's office. We have no idea how long the samples stayed in Police custody before submission to the laboratory for testing.

13. We have read in the paper that the clothes were at Lyn's Palace. That is not correct. The deceased was undressed during resuscitation the Gaborone Private Hospital. He was later wrapped and bagged for transportation to Lyn's Palace. I collected the clothes from the hospital and some in the car and preserved them in a plastic bag. We had hoped that after reporting the case, the police would be interested in the clothes, unfortunately not, but we kept them preserved as we were going to insist on the investigation.

Summary:

We humbly request Action on the following:

Para 3.5: Ascertain the correctness of the jacket

Para 3.7:

- 1) Explain incoherence
- 2) specify the contents of the material analysed
- 3) provide report on the watermelon juice and tissues materials (if different from contents to be specified)

Para 5.0

- 1) State selection criteria
- 2) Carry out analysis of the remaining for samples

Para 5.2 – further analysis to find out

- 1) whether or not its human blood
- 2) whether it can be grouped, and who blood is it

Further analysis and experimentation is necessary to establish

- 1) the effect of watermelon on toxic substances
- 2) what procedure and materials were used to wash the clothes,
- 3) the effect of the washing material on toxic and other substances. For instance, stain (a) is described as pale yellowish and stain (1) as pale whitish, this indicates that different substances made up the different stains, hence the exam to establish the effect of the washing material may reveal what those substances were. The revelation of different substances for different stains motivates us to request that all stains be analysed, as they may continue show different colours, hence suggesting different substances being involved.

Due to lack of funds to analyse our samples we have asked for assistance. Once the report is ready, we shall share it with you. Meanwhile we look forward to your response on the above.

Sincerely,

Lydia Nyati Ramahobo
Coordinator, Kamanakao Association

