



PROMOTING CULTURE FOR DEVELOPMENT

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## **Analysis of the result of the Forensic Report**

Affidavit A.10

Station: Broadhurst – Tel: 267 317 0946

Inquest No. 6/03 – Shikati Calvin Keene

Kamanakao

Lab No. T12/03

Calibrator for Drager Alcotest: Mr. Modise  
Molale

Report dated: 23/07/03

1. On August 1, 2003 the results from the stomach contents and the clothes were provided to Mr. Utukile Supang, a cousin of the late Calvin Kamanakao, here attached. **We have discussed the report and wish to make the following observations:**
2. Item 3.5 (page 3) is describing a wrong jacket, since the jacket we took to Superintendent Tshupoeng on June 26<sup>th</sup>, is brownish in colour and has no stripes at all. None of the two items he finally took for investigation had black and white stripes. The shirt had blue and white stripes. The shirt is correctly described in 3.2 but the jacket is wrongly described in 3.4 and 3.5. This may suggest that a wrong jacket was (or even wrong clothes samples) were taken to the laboratory. This may be possible, especially that, Inspector Kelapile had brought mislabelled clothes to the

laboratory on June 27<sup>th</sup>, as explained in paragraph 11 below.

3. Item 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. An explanation of this incoherence is necessary.
4. On the same Item 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. 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 25<sup>th</sup>, 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? **It is recommended that the contents be specified.** If, by any chance, item 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 by item 3.7 needs to be specified as well.
5. Item 5.0 - of the seven samples submitted as described in the report, only three were analysed. We would like to know what criteria was used to select

these three. We also suggest that all seven be analysed.

6. Item 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.
7. Item 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.
8. Item 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, at the time he stated that he did not need the clothes for investigation.
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 25<sup>th</sup>, 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 liquid was mainly a watermelon.

10. The act to wash clothes that are pending investigation would indicate an intention to destroy evidence. We have no motive 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 May 8<sup>th</sup>, where Calvin died, Kgalalelo may have destroyed evidence, either deliberately or innocently. Unfortunately, Inspector Kelapile did not take this seriously either.
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 25<sup>th</sup>). We were surprised that Inspector Kelapile had no interest in the clothes and actually turned them away on May 30<sup>th</sup>, despite our insistence. We found out that he was actually not carrying out any investigation since the

case was reported besides the collection of the watermelon juice from the stomach. On May 30<sup>th</sup>, 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, (even though he said he did not need them for investigation, we felt we needed to continue to preserve them). 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 26<sup>th</sup>. Tshupoeng 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 27<sup>th</sup>. He came to 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 a 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. The clothes were therefore within Police custody for over 20 hours.

**Summary:**

We humbly request Action on the following:

Item 3.5: Ascertain the correctness of the jacket

Item 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)

Item 5.0

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

Item 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.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'R' followed by a vertical line and a horizontal stroke extending to the right.

Lydia Nyati Ramahobo  
Coordinator, Kamanakao Association