



By **Kotie Geldenhuys**
Photos/images courtesy of
Pixels and Freepik

EQUIVOCAL DEATH

*Accident, suicide ...
or the perfect cover-up?*

When death strikes under mysterious circumstances, the truth is often hard to grasp. That was the case for Susan Rhode (refer to the Crime Series published in Servamus: June and July 2019) and that of Rochelle Naidoo (refer to the Crime Series published from p42 in this issue of Servamus) where investigators had to ask: murder, accident or suicide? Susan's husband, Jason, claimed she hanged herself using a curling iron cord, while Rochelle's lover insisted she took her own life by shooting herself with his firearm, claims that would ignite intense scrutiny and a complex investigation.

In ambiguous or "equivocal" situations, an equivocal death analysis can offer crucial clarity and the truth. Such reviews are often sought when insurance payouts hinge on the manner of death, or when families are concerned that authorities ruled too quickly on a tragedy as suicide, accident or foul play and want an expert second opinion for peace of mind.

In South Africa, the National Prosecuting Authority (NPA) is the governing body tasked with initiating criminal prosecutions and overseeing related legal processes. Among its responsibilities is ensuring the proper application of the Inquests Act 58 of 1959 whenever deaths from unnatural causes are reported to the SAPS. Once a police investigation into an unnatural death is complete, including post-mortem reports and witness statements, the case file is submitted to NPA public prosecutors. The authority then reviews the file to determine whether any further investigations are required. If additional inquiries are needed, prosecutors return the file to the police with detailed instructions on outstanding tasks. If the prosecutor determines there is sufficient evidence to support a successful prosecution, and no clear reasons exist to refrain from pressing charges, criminal proceedings are instituted on behalf of the State. However, **if doubts remain about the cause of death or the link between a suspect's actions and the fatal outcome, the case is referred to the inquest court** (Visser, 2021).

In forensic science, various techniques assist in solving crimes, but determining the underlying cause of death is often central to complex cases. In South Africa, autopsies are classified into two types: clinical (or academic) autopsies, conducted for natural deaths, and medicolegal autopsies, performed when deaths are suspected to be unnatural (UCT, 2021).

The legal framework governing medicolegal autopsies is outlined in the Inquests Act 58 of 1959. These autopsies, authorised by a magistrate, do not require consent from the deceased's family and follow strict procedural guidelines for cases of unnatural death (UCT, 2021).

The Life Esidimeni tragedy highlighted the consequences of procedural failures. In this case, 144 mental health care patients died, but immediate police investigations were hindered because the causes of death were recorded as "natural" on death certificates. As a result, no post-mortem or forensic investigations were conducted at the time (Visser, 2021).

The psychological autopsy

The psychological autopsy has become a critical instrument for forensic investigators working to establish the manner of death in complex cases. By analysing the death scene, autopsy results, the deceased's psychological history and known risk factors for suicide, mental health experts help clarify what the individual's state of mind may have been at the time of death. Investigators typically employ psychological autopsies in two scenarios. In "contested" cases, where a medical examiner has already ruled a death a suicide, the assessment evaluates whether there is enough evidence to support or challenge that conclusion. In "equivocal" or "undetermined" cases, the method provides additional context when there is insufficient information to categorise the death (Weinberger, Botello and Gross, 2018).

Families frequently dispute suicide findings, prompting the use of psychological autopsies to determine whether a death was intentional, accidental or the result of foul play. Five key areas can be outlined to be assessed through retrospective analysis:

- **Cause:** Identifying the true medical reason for death, whether suicide, vehicular trauma, intracranial haemorrhage or another cause.
- **Mode:** Establishing whether the death was accidental, natural, suicidal or a murder.
- **Motive:** Exploring intentions, including why the person chose to commit suicide, why a specific method was used or why the act may have coincided with a specific event, such as a birthday.
- **Lethality:** Determining the level of risk associated with the method, categorised as high, medium, low or self-inflicted.
- **Sane versus insane:** Determining a factor with financial implications, particularly in insurance payout disputes. Deaths ruled as suicide can void claims, while accidental deaths typically do not (Mohanty, Sankhla and Kumar, 2021).

Psychological autopsies rely on two investigative pillars, namely extensive interviews and document collection. Interviews include face-to-face discussions with relatives, friends and anyone who had close contact with the deceased, conducted with informed consent. Health care personnel, such as medical examiners and treating psychologists, are also interviewed, especially when a mental health history exists. Investigators seek out the last person who saw or spoke to the individual before death, and any additional witnesses who may hold relevant information. All statements are cross-checked to ensure accuracy. Document analysis includes reviewing medical certificates, post-mortem reports, crime scene findings, health records compiled during the person's life and personal documents such as diaries (Mohanty, Sankhla and Kumar, 2021).

Inquest Act comes into play

If a death is classified as "undetermined" after an initial medical examination or post-mortem, South African law mandates a formal inquest investigation under the Inquests Act 58 of 1959. The purpose of this judicial process is not to determine guilt, but to establish the facts surrounding the death.

In terms of the Inquests Act 58 of 1959, any death suspected to be unnatural must be reported to the SAPS. The police must then investigate the circumstances of the death, which may involve a post-mortem examination by an authorised medical practitioner (pathologist). Importantly, the medical practitioner determines the cause of death, but not the manner of death, such as murder, suicide or accident. The latter is determined during criminal or inquest proceedings, with the inquest magistrate reviewing evidence to establish the manner of death (UCT, 2021).

The nature of an inquest

An inquest is not a trial. No one is declared guilty and no one is formally named as an accused. Its purpose is to fill evidential gaps that might prevent the NPA from pursuing criminal charges. During the inquest, all available evidence is examined, additional evidence may be collected and investigators attempt to answer key questions:

- How did the person die?
- Who caused their death?



everyone of the scope of the legal challenge in this tragic case: 60 000 pages, 140 days of trial, 19 legal teams, ten days of legal arguments, 36 witnesses and eight years of legal battles since the initial attempt to stop the transfer of mentally ill patients from Life Esidimeni in 2015. Ultimately, on 10 July 2024, Judge Mmonoa Teffo delivered her judgment. She found that MEC Qedani Mahlangu and the former Director of the Mental Health Directorate in Gauteng, Dr Makgabo Manamela, negligently caused the deaths of nine patients. This marked the first finding of individual responsibility. While it remains important for the prosecuting authorities to take the next step, this represents a measure of true justice. One hopes it serves as a cautionary lesson to public officials who abuse power (SECTION27, 2024). In August 2025, the NPA informed the families of the victims in a meeting that they are moving towards a decision on prosecution in the Life Esidimeni case (SECTION27, 2025).

If no individual can be held responsible, the inquest closes without criminal charges, as happened in the case of Rochelle Naidoo. However, if the evidence suggests a crime may have occurred, the case is referred to the Director of Public Prosecutions (DPP) to decide whether criminal proceedings should follow. It is important to

Although bodies such as the health ombud or arbitration panels, such as in the Life Esidimeni tragedy, may assign blame, criminal proceedings demand a much higher standard of proof. Potential evidence is evaluated for admissibility and must be sufficient to convince a criminal court of guilt beyond a reasonable doubt (Visser, 2021).

Outcomes of an inquest

At the conclusion of an inquest, the magistrate records essential facts under section 16 of the Inquest Act 58 of 1959:

- The identity of the deceased.
- How the person died or the most likely cause of death (which can remain "undetermined" if evidence is insufficient).
- The date of death.
- Whether the death may have resulted from someone's action or inaction, potentially constituting a crime.

After the Life Esidimeni inquest hearing, Adv. Adila Hassim, lead counsel for the families in the Life Esidimeni arbitration and inquest, and co-founder of SECTION27 (a Public Interest Law Centre), reminded

note that the findings of an inquest do not establish civil liability or criminal guilt. They merely indicate whether there is enough evidence to warrant a separate criminal trial (Visser, 2021).



When deaths are shrouded in mystery, South Africa's forensic and inquest processes can transform uncertainty into answers, and sometimes accountability. In cases where accountability is not established, but families believe sufficient evidence exists to hold someone responsible, they have the option to turn to private prosecution, as was the case with Rochelle Naidoo. However, private prosecution is not a quick fix; it is expensive and therefore not an option for most citizens.

Editor's note

The list of references is published on p78.

Life Esidimeni, South African Depression and Anxiety Group (SADAG), SECTION27. 2024. "Life Esidimeni Inquest." July. - Accessed at www.lifeesidimeni.org.za/what-now/life-esidimeni-inquest. Accessed on 9 December 2025.

Mohanty, P; Sankhla, M S and Kumar, R. 2021. "Importance of psychological autopsy in forensic science." **Indian Internet Journal of Forensic Medicine & Toxicology**. January to March. Vol 19, issue 1. - Accessed at www.researchgate.net/publication/354890342_Importance_of_Psychological_Autopsy_in_Forensic_Science. Accessed on 8 December 2025.

Section 27. 2025. "Life Esidimeni families on the NPA's ongoing delay in prosecution decision." Media statement dated 19 August. - Accessed at <https://section27.org.za/2025/08/life-esidimeni-families-on-the-npas-ongoing-delay-in-prosecution-decision>. Accessed on 9 December 2025.

University of Cape Town (UCT). 2021. **The science: The medicolegal autopsy**. Division of Forensic Medicine & Toxicology. September. - Accessed at <https://lawlibrary.org.za/akn/za/doc/guide/2021-09-01/science-the-science-behind-the-medicolegal-autopsy/eng@2021-09-01/source.pdf>. Accessed on 9 December 2025.

Visser, J. 2021. "Missteps stand in the way of criminal liability in South African mental health patient deaths." **The Conversation**. 25 August. - Accessed at <https://theconversation.com/missteps-stand-in-the-way-of-criminal-liability-in-south-african-mental-health-patient-deaths-166668> on 8 December 2025.

Weinberger, L E; Botello, T E and Gross, B H. 2018. "Chapter 7 - Psychological autopsy: Consultative tool for suicide determination." **Multidisciplinary Medico-Legal Death Investigation**. - Accessed at www.sciencedirect.com/science/chapter/edited-volume/abs/pii/B9780128138182000077 on 8 December 2025.
