A medico-legal perspective on the practice of Garrotting

Y.G. Yitna
Andra le Roux-Kemp, City University of Hong Kong
A Medico-legal Perspective on the Practice of Garrotting

Y G Yitna and A le Roux-Kemp

Faculty of Law, Department of Criminal Justice & Procedure, University of the Western Cape, Bellville, South Africa

Introduction

The term garrotting, today, suggests a swift and fatal action that results in immediate death. We hear of financial or economic garrotting and the expression is particularly well-liked by politicians to express total cut-off. In Thomas Hardy’s bibliography, mention is even made of literary garrotting: a term said to neatly combine censorship with economic strangulation (Millgate 2004). The image that comes to most people’s minds, however, is that of beheading or strangulation; not unlike the imagery of the infamous French Guillotine or the blue etched drawing by Goya entitled The Garrotted Man (El agarrotado [1778–1780] Francisco de Goya y Lucientes). This article will focus on this last association of the word “garrotting”.

Our aim in this article is to provide some insight into the method and manifestations of garrotting as a particular form of ligature strangulation and asphyxiation. Starting with the history of this gruesome activity and the technique, the act and the instruments employed and the development and transformation of this practice in different countries and in particular in Spain, where the practice was widely used – if not actually originating there – and India, Latin America and the UK. In light of their historical significance, specific reference is made to the thuggees of India and the “London Garrotting Panics” at the beginning of the 19th century. The subsequent discussion will focus on present manifestations of garrotting as a form of ligature strangulation and reference will be made to relevant practical, investigative and medico-legal considerations in handling cases of this nature, and observations pertaining to offender characteristics.

From a brief survey of literature on the garrotte, the following two aspects immediately become clear: first, there are at least three variations on the spelling of the word itself: garrotte, garrote and garotte. Garrotting and garrotte will be used in this article. The term can refer to both the instrument and the mechanism of strangulation derived from the verb “to garrotte”. The root word for the term is claimed to be the Spanish garrote or garrote vil which, literally translated, means rod or stick. A stick was originally used to tighten a rope or string around the neck of a person being executed. Other accounts claim that the stick or rod itself was used to hit the condemned to death. Accordingly, the attack, along with the stick or rod, was referred to as garrote in Spanish (Pratt 1980). Another interesting reference to garrotting is found in section 37 of the New South Wales Crimes Act 1900. Here the word garrotting is used as a synonym for any attempt to suffocate, strangle or choke another person, including attempts to render any person insensible, unconscious or incapable of resistance. In this article, garrotting will refer to the mechanism of asphyxia whereby a restrictive band, cord or other piece of material is placed around the victim’s neck, and then tightened manually by means of a stick, rod, pole or other similar object; it is a form of ligature strangulation.

The device

As an instrument, the term garrotte refers to any two-ended material with a handle at each side – such as a string, cord, wire, collar, including guitar and piano strings – used for strangulation (Thompson 2008). O’Neill suggests that the human arm is also in many instances used for purposes of garrotting in a procedure commonly known as a headlock (O’Neill 2006). In forensic medicine, however, a distinction is made between manual and ligature strangulations. In manual strangulations, pressure on the neck...
is applied by a person’s hands, forearm or other limb(s). In ligature strangulation, the pressure is applied by a constricting band that is tightened by some force other than the victim’s own body weight. (The relevance of the victim’s body weight in this regard is important in order to distinguish ligature strangulation from suicidal or homicidal hanging, where the victim’s own body weight is the tightening force on the ligature. (Häkkänen 2007). Headlocks are generally utilised by law enforcement officers and involve the use of the forearm, placed around the suspect’s neck, to effect what they refer to as the carotid restraint. Headlocks are therefore regarded as a type of manual strangulation and can be distinguished from garrotting as this is a form of ligature strangulation (Strack and McClane 1998).

An historical perspective on garrotting

Although there are varying accounts on exactly how the instrument first came to be used, historical perspectives categorically concur that garrotting was initially used in the context of public executions. Spain and the colonies of Spain, Portugal and Holland have been identified as jurisdictions where public executions by means of garrotting took place (Spierenburg 1984; Thompson 2008). Some historians suggest that garrotting was originally nothing more than hanging but that the executioner during medieval times began to experiment and refine the use of the rope until, by the turn of the 18th century, the idea of death resulting from a slow process of strangulation was adopted by European legislators as a method of public execution. Others trace the practice of garrotting back to China, where early in history, executions were carried out by a method known as the bow-string. According to this method, the offender was tied to an upright post with two holes, through which the ends of a cord from a long bow were passed. The cord was then pulled tight round the neck of the offender (Spierenburg 1984; Thompson 2008).

In early public executions, the convicted criminal was said to approach the venue of execution on a horseback or cart accompanied by a priest dressed in black. He/she was then seated in the garrotte; a chair which allowed the person to sit upright leaning against a pole. A strong cord attached to the pole was placed around the convicted person’s neck and a stick between the neck and the pole was then tightened manually, until he/she died. The cord was later replaced by an iron collar with a knob behind the pole, operating a piece of blade that severed the spinal cord at the base of the brainstem. The garrotte has also been described as a bench on which the convicted sat, leaning against a pole around which there was an iron circle that gripped him/her around the throat. A screw handle was then tightened until the person died, while an iron wedge severed the cerebral vertebrae (Spierenburg 1984; Thompson 2008).

Spain

Frederick Wines refers to garrotting as a method of capital punishment. In discussing strangulation as one of 10 widely used methods of execution Wines mentions that in Sparta, the death penalty was carried out by two executioners who pulled the opposite ends of a rope placed around the victim’s neck (Wines 1910). Though Wines does not indicate when this transformation came about, it appears that by 1910, when his research was published, the iron collar was already in use. He observes that death was caused by a collar that could be tightened from behind with a screw; the screw was turned until the point where it pierced the spinal column (Wines 1910).

In The History of Capital Punishment (1950), Scott offers a more detailed discussion on strangulation and the garrotte and also relates the garrotte to the ancient method of strangulation used as a method of public execution. He first draws a distinction between strangulation and hanging, and opines that strangulation as a method of execution has never been used by British authorities. Instead, many instances of hanging are erroneously described as strangulation. Such is the case, for instance, where the criminal is said to have been strangled prior to being burned at the stake – another gruesome historical method of execution widely employed against heretics. Scott’s findings are however contradicted by other accounts which suggest that religious heretics were at times garrotted in England prior to being burned at the stake. In a vivid description of the proceedings he wrote “...the criminal is fastened to a cross; one turn is taken around the neck, and then drawn tight by a strong-handed executioner” (Scott 1950).

Scott then turns his attention to what he describes as the mechanical strangler: the garrotte. He too describes it as a peculiar instrument favoured by
the Spanish. At the time of his research, the device was being used not only in Spain, but also its colonies generally known then as Spanish America. His discussion on the garrotte depicts the evolution of the instrument and practice, starting with the earliest and simplest form. The early instrument consisted of a rope attached to a post with two holes through which each end of the rope passed. The offender was placed between the post and the rope which was aligned to his/her neck. The person was then strangled by pulling the ends of the rope backwards, tightening the cord around the neck. According to Scott’s narratives, the use of the rope was, at times, coupled with the use of an iron bar. In such instances, the rope was shaped in the form of a noose and the bar was gradually twisted to tighten it. These descriptions by Scott, and later references made to a chair on which the condemned had to sit, suggest that the condemned was still standing during the execution procedure during the early stages of the instrument’s development (Scott 1950).

A further development was the replacement of the rope with a metal collar which was then attached to a chair on which the condemned had to sit (Scott 1950). Prior to execution, the arms and legs of the condemned were fastened to the chair and the collar was loosely fitted around his/her neck. A hand-operated lever was then used to tighten the collar and strangle the offender. Scott quotes James Berry (1852–1913) as having said that the method was much slower and more painful than hanging, but certain to cause death (Berry 2006; Scott 1950). Berry is also quoted in relation to a further improvement on the device where an iron spike was attached to the back of the collar. The purpose of the spike was to sever the spinal cord as the lever tightened the collar (Scott 1950). The fact that this procedure caused bleeding appears to have distressed Berry. Scott concludes his discussion by making reference to a “more recent and further improvement” in the form of a double collar which caused swift death (Scott 1950). He does not, however, elaborate on this final improvisation.

Garrotting continued to be used in Spain as recently as the 1970s (Frank 2003). Linders suggests that the eradication of garrotting as a method of public execution may have contributed to the relatively universal transformation in the 19th century of the execution process from a rowdy public spectacle to a hidden and tightly controlled ritual (Linders 2002). Other organisational modifications that may have contributed to the demise of this method include the development of more “scientific” methods of execution and attempts to minimise pain in the process. Although, in theory, garrotting is regarded as a method causing swift and painless death, in practice, the possibility of error and failure are so high, that some have suggested that it can be quite an excruciating death sentence. It is also important to note that by the 1970s, Spain had emerged as a democracy after 40 years of dictatorial rule by the notorious General Franco, whose regime committed large-scale atrocities including the extra-judicial execution of dissidents by garrotting. However, it is surprising to note that garrotting was still legally allowed for as late as 1990. Andorra is reported as the last colony of Spain outlawing garrotting during that year, this despite the fact that the method was hardly ever used since the late 19th century and the death penalty itself was carried out only once during the 20th century (Thompson 2008).

India

It appears that the most extensive use of garrotting for criminal enterprise was by the thuggees in India. The thuggees were a secret society who worshipped Kali, the Hindu goddess of destruction. According to the precepts of their belief, the goddess was to be offered human sacrifice, without shedding any blood in the process. The thuggees allegedly approached wealthy travellers who they befriended and accompanied during journeys, only to attack them at opportune moments. The practice of garrotting utilised in this context referred to an attack where the robbery victim was approached from behind, normally by a group of three, who then threw a silk handkerchief, with coins tied at each end, around the victim’s neck. The silk rumal, yellow in colour, and normally worn around the waist, was a kind of headcover, scarf or kerchief. It was used as a noose around the neck of the victim during the robbery (Herold 1898). This method was similar to that found in Sydney, New South Wales. After numerous such episodes of garrotting in Sydney (where a cord was thrown around the neck of the victim who was then strangled and robbed), a Garrotting Suppression Act was passed in parliament on 10 June 1874 (Woods 2002). The word thuggee also appears to be the source of the
English word *thug*, which nowadays signifies a robber, ruffian, murderer, rogue, cheat, con-man or similar lowly character (Pratt 1980).

Thomas Perry, a British colonial officer in India, attempted to address the problem of thuggees in India and continued with his isolated efforts until 1812 when he made an official declaration that thuggees in India had been expunged (Lloyd 2006). About 15 years later however, the colonial authorities again had cause for much concern about the source of thug crime in India and an antithug campaign was declared (Lloyd 2006). One thug named Buhram reportedly admitted to killing 931 people in a criminal career lasting 40 years (McWhirter 1983). Between 1826 and 1841, more than 3000 suspects were prosecuted. Close to five hundred were hanged and by 1850 the secret society had, for all practical purposes, been eliminated (Lloyd 2006).

**United Kingdom**

About a decade after the suppression of the thuggees in India, London itself was gripped by what was commonly referred to as the “London Garrotting Panic”. The garrotting problem in London came to the public’s attention with the sensational media reports of the mugging of a Member of Parliament. On 17 July 1862, Hugh Pilkington left the House of Commons and was attacked by a robber who attempted to steal his watch. He was hit on the head and choked at the same time; he was garrotted in the language employed to describe such acts at the time. Newspaper accounts of the incident mentioned a rise in the crime which was presumably perpetrated by the criminal classes (Stanford, 2007; Williams 2004). In addition, police officers, and the media, aggravated the situation by using the term garrotting to describe many crimes that did not necessarily fit the description associated with strangulation. The panic thus created led to such outrage that Parliament promulgated what was generally known as the Garrotting Act in 1863 (Stanford 2007). The Act reintroduced flogging as a form of punishment for garrotters (King 2002). This Act was only repealed in 1948 (Emsley 2008; Walsh 1994).

Gilda O’Neill reports that there were actually two waves of the garrotting panic in London, one in the 1850s and the other in the 1860s, and that there were also varying accounts of how garrotting was actually executed (O’Neill 2006). According to O’Neill, a group of two or three robbers would approach the victim. One created a diversion, while the other engaged the victim in a headlock. The third actively assisted in bringing the victim under complete control and submission. Drunken sailors on shore to spend all their wages were particularly targeted (O’Neill 2006). This method was also referred to as *stringing someone up* or *putting on a hug* (O’Neill 2006). Some interesting solutions were proposed at the time to prevent the crime: one was a proposal to wear a peculiar tailcoat made of very hard fabric and possibly also some metal reinforcement to prevent attackers getting a grip on the potential victim’s neck (O’Neill 2006). Another design, which was in fact turned into a reality, was to wear a spiked collar around the neck (O’Neill, 2006). Perhaps the most ridiculous was the idea that decent people should walk back-to-back to keep a lookout for possible assailants! (O’Neill 2006). Almost a hundred years later, garrotting assumed a new name among English society and became *mugging* in the 1970s (O’Neill 2006).

**The medico-legal aspects regarding the practice of garrotting and ligature strangulation**

Garrotting, as described in the previous section of this article, is a particular form of asphyxia (lack of oxygen), similar in method and effect to other forms of ligature strangulation. Asphyxial deaths refer to conditions where the respiratory openings and airways are obstructed – either partially or completely – by closure of the external openings (the mouth and nose) or by external pressure to the neck. This is also known as anoxic anoxia (Demirci and Günaydin 2009; Schwär et al 1988). The cause of death in such instances is cerebral hypoxia secondary to the compression and thereby an occlusion of the vessels supplying blood to the brain (Häkkänen 2007). When pressure is applied to the neck, as in the case of all forms of ligature strangulation including garrotting, blood vessels in the neck are obstructed, the trachea is obstructed and the pressure on the carotid sinus body results in parasympathetic stimulation, which in turn may result in acute neurogenic cardiac arrest (Schwär et al 1988). Approximately 5 kg of pressure applied for 10 seconds on both carotid arteries is enough to cause unconsciousness (Strack and McClane 1998). If released immediately,
however, the victim may regain consciousness after about 10 seconds (Strack and McClane 1998). Three times as much pressure, i.e. approximately 15 kg, will close the trachea completely and cause brain death in four to five minutes if applied persistently (Strack and McClane 1998). Depending on the sex, age, sobriety or level of resistance offered by victim, as well as the amount of force applied, the time until death may vary on a case-by-case basis (Häkkänen 2007).

The mechanism causing death in ligature strangulation, as with garrotting, is exactly the same as in cases of throttling: death may be the result of the partial occlusion of the airways by means of compression with resulting anoxic anoxia, acute neurogenic cardiac arrest and/or the occlusion of the circulation to and from the brain (Schwär et al. 1988). Findings at postmortem examinations are also similar to those found with cases of throttling, except of course for the characteristic ligature marking around the neck. Postmortem findings include the following: abrasion of the skin caused by the ligature object (the mark usually runs directly over the hyoid bone and the thyroid cartilage and completely encircles the neck), scratch marks and injuries caused by the fingernails of the deceased or assailant, puffiness of the face where pressure was applied, extensive subconjunctival haemorrhages caused by raised venous pressure and the presence or absence of signs of general anoxia, laceration and haemorrhage into the deeper tissues of the neck. In addition, the face is usually cyanosed and swollen, the eyes are bulging, the tongue protrudes and is often bitten and blood stained froth may be seen at the mouth (Cowan and Hunt 2008; Schwär et al. 1988; Strack and McClane 1998). Petechial haemorrhage (due to ruptured capillaries) is usually clearly detected in the thin lining of the eyes (Herold 1898). Ligature strangulation may also cause the larynx to fracture, this will allow the air to escape into the tissues of the neck and may result in the swelling of the neck itself (Strack and McClane 1998; Vogel et al. 2007).

It is important in any medico-legal investigation that strangulation by ligature and strangulation by hanging are distinguished from one another. The object used for strangling the subject in these instances is tightened by any object other than the body mass of the victim. In contrast to hanging, the body mass of the victim will therefore not play a role here (Häkkänen 2007; Schwär et al. 1988). A further characteristic distinction between strangulation by ligature and strangulation by hanging is that the ligature mark by ligature strangulation is usually below the level of the thyroid cartilage (“Adam’s apple”), while in hanging, it is usually above the thyroid cartilage. In addition, in strangulation by ligature, the hyoid bone and/or thyroid cartilage are often fractured, while in hanging, they are usually intact (Schwär et al. 1988; Strack and McClane 1998). (It should be noted however that the thyroid cartilage may be fractured in cases of hanging if enough force is applied – see Alcalá et al., Superior Court of Orange County Cal: Court of Appeal, 4th Dist., Div. 3 2007.) A garrotte would also leave marks on the front and sides of the neck, leaving an area at the back of the neck without any ligature marks at all (Romano v Gibson, 239 F. 3d 1156 – US: Court of Appeals, 10th Circuit 2001). This can be distinguished from the characteristic mark that the knot of the ligature in hanging cases usually leaves high up in the nape of the neck.

The ligature marks found on the victim’s neck are also quite important in providing more information and clues about the manner of death/strangulation. Ligature marks may either be very subtle, conforming to the skin creases of the neck, or more apparent, reflecting the type of ligature used (Strack and McClane 1998). It is said that the thugges in India made use of a soft cloth to ensure that no ligature marks remained (Herold 1898). If the victim was strangled from behind, the ligature mark will usually run horizontally at the same level around the neck and below the level of the thyroid cartilage. In cases of hanging, however, the ligature mark tends to be vertical and teardrop-shaped with the knot at the nape of the neck, directly in front of or behind the ear, or alternatively under the chin. In hanging, the ligature mark is also usually above the thyroid cartilage (Strack and McClane 1998).

To decide whether ligature strangulation was a result of an accident, suicide or homicide, special care should also be applied when examining the ligature itself. The ligature should be removed carefully by cutting away from the knot(s). The knot(s) should furthermore be preserved and not be undone, in order to facilitate a reconstruction of the mode of application. This may also be important to determine whether the particular instance is a homicide, rather than an accident or suicide, and whether the knots symbolise a unique “signature” that may be linked to the offender (State v Fortin,
745 A. 2d 509 – NJ: Supreme Court 2000). A firmly applied ligature with single or multiple turns, without knotting or a final tying of the free ends with a half-hitch or half-knot, is said to be the “hallmark” of self-strangulation and therefore indicative of suicide (Patel 1997). Self-strangulation by ligature is, nonetheless, an uncommon event and will be difficult to diagnose (Maxeiner and Bockholdt 2003).

Contemporary examples of garrotting as a form of ligature strangulation

Garrotting as a method of violent attack and murder is still being used today. It is especially evident from American case law dealing with attacks committed by convicted prisoners, while in prison, against other inmates and/or guards. In Globe v State (877 So. 2d 633 – Fla: Supreme Court 2004) two inmates murdered a correctional officer by devising a garrotte from linen sheet and broken ball point pens. In Sexton v State (775 So. 2d 923 2000) a convicted murderer, fleeing from the police, taught his children how to use the garrotte in case social services came to place the children in foster care. In People v Ganus (706NE 2d 875 – Ill: Supreme Court 1998) the accused fashioned a garrotte from pieces of wood and the wire from a broom. In a recent case, US v Littrell (478 F. Supp. 2d 1179 – US: Dist Court CD California, Southern Div 2007), the defendant was charged with what is regarded as the largest capital murder indictment in American history. The defendant in this case was a member of the Aryan Brotherhood, a prison gang that originated in the San Quentin Penitentiary in the 1960s. The Aryan Brotherhood is regarded as one of the most violent and dangerous gangs in both federal and state penal systems in the USA. The gang and its members live by the “blood in, blood out” motto, according to which prospective members are required to kill on behalf of the gang. Such a killing is required to gain membership in the Aryan Brotherhood, and having entered the gang by blood, that person is a member until death. The Aryan Brotherhood furthermore employs two primary methods to kill its victims: strangling and stabbing. The defendant in this particular case (US v Littrell) allegedly tore bed-sheets into strips and braided them together to make a garrotte. He then slipped the garrotte over his victim’s head and throttled him. (Also see United States v Bruscino 662F. 2d 450 – US: Court of Appeals, 7th Circuit 1981; State v Vickers 633 P.2d 315 – Ariz: Supreme Court 1981; Shrader v White 761 F.2d 975 – US: Court of Appeals, 4th Circuit, 1985; People v Morse 452 P.2d 607, 70 Cal. 2d 711, 76 Cal. Rptr. 391 – Cal: Supreme Court 1969; Pulley v Harris 465 US 37, 104 S. Ct. 871, 79L.Wd. 2d 29 – US: Supreme Court 1984; Com v Moody 382 A.2d 442 – Pa: Supreme Court 1977; State v Rice 757 P.2d 889 – Wash: Supreme Court 1988.)

The use of garrotting as a weapon to inflict torture and cause death by repressive regimes is also well documented. In a report released in March 2009, strangulation by belts, ropes, cloth and similar objects have been identified as a common method of torture and abuse in China (Uyghur Human Rights Project (UHRP)). A search on the homepage of Human Rights Watch also produces a significant list of countries where strangulation is used for the purposes of torture. The list includes the USA, alleging that this method of torture was being used in Guantanamo, and Iran, Thailand, Uganda, the UK and many other jurisdictions (Human Rights Watch). Probably the most blatant and large-scale use of the garrotte as an instrument of extra-judicial execution comes from Spain, the country where the garrotte is said to have originated (see above). The Spanish dictator General Franco used to have the last word on death sentences during his close to forty years reign in the country, beginning 1936. His associate, Lieutenant Colonel Lorenzo Martinez Fuset, was especially instrumental in the large-scale elimination of Republican prisoners. Fuset is reputed to have liberally approved the garrotte for the execution of prisoners whose cases he hardly bothered to look into (Preston 2008). From time to time, the execution instructions were accompanied by a special remark that the matter should also be reported in the press (Preston 2008).

Another regime that extensively used the garrotte to quell opposition was run by the Ethiopian dictator Mengistu Hailemariam, who ruled the country for 17 years until he lost power and fled to Zimbabwe in 1991. In a report announcing his conviction and subsequent death sentence in absentia, a media report in late 2006 stated: “...in the 1977/78 ‘Red Terror’ campaign – the most notorious purge – suspected opponents were executed by garrotting or shooting. Their bodies were then tossed into the streets” (Mail and Guardian 2006). There are also reports that
garrotting was used against the Kurdish population of Iraq, by the former Iraqi ruler Saddam Hussein (Stover Haglund and Samuels 2003; Stover and Watch 1992). The precedents set by those acts have unfortunately outlasted the dictator and reports on sectarian violence in that area indicate that garrotting is still in use. For example, in mid-March 2006, an abandoned pick-up truck was discovered in Eastern Baghdad with the bodies of 15 victims who had clear wire marks on their necks. The victims were Sunni security guards who were mysteriously kidnapped the previous week and were presumed to have been attacked by forces linked to the Interior Ministry of Iraq (McGeough 2006).

The war in the former Yugoslavia also witnessed large-scale strangulation of civilian populations. From the large number of the victims and the amount of pressure required to cause their deaths, it can safely be inferred that they were strangled with the use of instruments beyond the human hand or arm. In the highly publicised 1995 atrocities of Srebrenica, Serb forces are reported to have ambushed a group of about 2000 fleeing residents and then killed most of them using knives and ligature strangulation (Hellenic Resources Network 1995). Mass graves containing ligatures and blindfolds proved that the victims were executed as reported (Mills 2005). For more examples of the use of garrotting in a military context or by military groups/officials, see: State v Helm 504 N.W.2d 142 (1993), Leuschner v State 397 A. 2d 622 – Md: Court of Special Appeals 1979, Commonwealth v Delaney 616 NE 2d 111 – Mass: Appeals Court, Plymouth 1993, Bratcher v Com 151 SW 3d 332 – Ky: Supreme Court 2004. In all of these cases military officials committed murder by garrotte, which they indicated, they were taught while in active military service.

In South Africa the case of Rex v Pelapi & others (Native High Court, Durban, 21 July 1926) is the first (and only) recorded case of garrotting (as a specific form of ligature strangulation) in South Africa. In this case, a Zulu woman was found dead in a prone position with her mouth and nostrils buried in a pool of mud. She had attended a beer drinking party the previous evening at a kraal near Inyoni, Zululand and was found dead the following morning in a donga about two miles from the kraal. Since she was under the influence of liquor when she left the kraal that evening, it was assumed that she had probably fallen into the donga accidentally and had suffocated in the mud. On external examination of the body, no injuries were observed and the deceased was buried without any postmortem examination being held.

Within a few days, however, a voluntary statement was made to the police that some months before this incident the deceased had reported a headman to the police for committing adultery. The headman was prosecuted and apparently told many people that he would avenge himself upon the deceased for this disclosure. It was furthermore alleged that the headman and another person followed the deceased on the night she died, that they attacked her and folded a blanket around her neck in such a way that they each held one of the ends. They then forced her into a donga and took up positions on opposite banks. They pulled the deceased along by the blanket until she finally collapsed. The blanket was then removed and they left the deceased in the donga. Upon exhumation of the deceased’s body, the tissues of the neck were dissected and some evidence of bruising was observed; unfortunately the findings were obscured by putrefactive changes that had already set in at that stage. No other feasible cause of death could be confirmed and strangulation was eventually cited as the most probable cause of death.

This case is an excellent example of the importance of postmortem examinations in all cases of sudden and/or suspicious deaths. The case also highlights the significance of the potentially misleading, and sometimes undetectable, postmortem signs usually associated with forms of ligature strangulation, like garrotting (Rhodes et al 1945).

**Offender characteristics and practical considerations**

Behavioural analysis of particular homicidal cases and criminal behaviour in general are playing an increasingly important role in crime investigation:

“The procedure of behavioural analysis is based on empirically and scientifically proven knowledge, on case information (e.g. crime scene characteristics, medico-legal findings) and on methods of combining the existing knowledge on statements relevant to the case.” (Schröera et al 2003)
Some interesting and general offender characteristics are also recognisable from an analysis of case law involving ligature strangulation, specifically garrotting. Some of these characteristics, specifically associated with ligature strangulation, will now be discussed in greater detail.

Ligature strangulation, like garrotting, has been strongly associated with sexual activities and sadistic murders (Häkkänen 2007; Strack and McClane 1998). It is suggested that for the sadistic murderer, the method of killing is almost always asphyxial. In the case of Shackleford v Hubbard, 234 F. 3d 1072 – US: Court of Appeals, 9th Circuit 2000 it was held that with garrotting, the victim usually dies a slow death with the perpetrator looking on and hearing the victim’s sobs and struggles for help (see also Brannon v Gramly 855 F. 2d 1256 – US: Court of Appeals, 7th Circuit 1988). Due to the position of the offender in a sexual attack, strangulation is also an “easy and convenient” way of killing and prevents the victim from crying out. In addition, it is suggested that ligature strangulation in sexual murders is associated with deliberate and cruel crime scene behaviour, suggesting a “predator” murder pattern. It is said to reflect a form of power and control by the offender over the victim (Abder-Rahman and Abu-Alrageb 1999; Häkkänen 2007; Strack and McClane 1998).

When a ligature is extremely accurate and/or complicated and/or symmetrical, or body parts are also tied together that usually do not need restraint, a sexual intention or torture as a motive should be considered as a possibility (Schröera et al 2003). The restraint should consequently be evaluated as either functional – achieving the desired objectives of torture – or of a sexual nature. Sexual asphyxia is one example of such a method of ligature strangulation (with or without the presence of other restraints) where a sexual intention is the primary motive. In these cases, the person himself/herself (or their partner) usually applies the restraints to different body parts and the ligature around the neck. These restraints are then managed by the person himself/herself to restrict the intake of oxygen during sexual intercourse, thereby allegedly providing for heightened sexual gratification. While the person under restraint is considered to be in complete control of the ligature and/or other restraints, many examples exists where people accidentally strangled themselves. Sexual asphyxia may also be the result of a murderous attack where the perpetrator had specific sexual fantasies related to the strangulation (and/or restraining) of the victim (see People v Lowe 519 P.2d 344 (1974) and People v Von Villas 10 Cal. App. 4th 201 – Cal: Court of Appeals, 2nd Dist., Div. 7 1992).

An example of ligature strangulation in combination with other restraints, with a functional purpose related to torture, as opposed to a sexual motive, is the “hottie” method used by a terrorist organisation in Turkey at the beginning of the 2000s (Asirdizer et al 2004). The “hottie” method (hobble method or prone maximal restrain method) requires the hands and feet of victims to be tied to their back, with a ligature around the neck (Asirdizer et al 2004). The method is also similar to a method used by the Italian mafia called *incaprettamento*:

“*Incaprettamento* is performed with a rope, one end of which is tied in a noose and placed around the victim’s neck, while the other is used to secure the victim’s ankles behind the back. Death is caused by self-strangulation when it becomes impossible to maintain the legs in this imposed position.” (Asirdizer et al 2004)

The mechanism of death in the “hottie” as well as “incaprettamento” method is positional asphyxia as a result of the restraint of diaphragm movements, as well as suffocation of the victim by the ligature passing around his or her neck if the victim moves too much in an attempt to escape, or during a panic (Asirdizer et al 2004).

In cases of manual strangulation, the strangulation generally occurs in combination with other types of violence, like hitting, kicking, etc, as a result of the physical struggle between the victim and offender. However, in cases of ligature strangulation, other forms of violence are less frequent, due to the physical disadvantage of the victim in relation to the offender (Häkkänen 2007). Häkkänen consequently suggests that the use of a ligature in homicidal strangulation may be due to the perceived physical disadvantage of the offender (Häkkänen 2007). Such a negative perception (harboured by the offender) of his/her own physical abilities may play quite an important role in the manner in which the murder is performed and related crime scene behaviour.

A gender-based study on female homicidal strangulation in South Africa indicated that the predominant
crime scene was primarily linked to domestic violence, suggesting that the perpetrator was an intimate partner or acquaintance (Shahnaaz et al. 2001–2005). Ligature strangulation, as opposed to manual strangulation, was also reported more frequently (Shahnaaz et al. 2001–2005). It is worth noting that with manual strangulation, the offender may leave trace DNA material on the neck of the victim and this can be of great assistance in identifying and apprehending the perpetrator. It would be however not possible, or at least more difficult, for the medico-legal investigator to collect DNA material from the neck of the victim of a garrotting attack if the device used in the attack (the garrotte) was not left at the crime scene or could not be found.

Conclusion

With the progressive demise of capital punishment and efforts to render those methods of capital punishment, where they still exist, as painless and humane as possible, the days of garrotting as a method of judicial execution appear to be over. So too are the opportunities for criminals to employ it on such large scales as witnessed in the thuggee robberies of India or the “London Garrotting Panic” at the turn of the 19th century. However, garrotting, as a form of ligature strangulation, is evidently still used in situations of torture, as a military tactic, in sexual attacks and also attacks of extreme violence and/or a sadistic nature. Garrotting as a form of ligature strangulation therefore remains relevant for today’s medico-legal practitioner. Knowledge of how the practice evolved and of recent instances of it can be helpful for crime scene analysis. While cases of homicidal ligature strangulation are more common and the nexus to traditional garrotting might only capture mild attention, it is the accurate determination of such deaths, as distinguished from other forms of death by asphyxia, that should be central to any thorough medico-legal investigation.

References


Alcala v Superior Court of Orange

*County Cal: Court of Appeal, 4th Dist. Div.* 3 (2007)


Bratcher v Com 151 SW 3d 332 – Ky: Supreme Court (2004)

Com v Moody 382 A.2d 442 – Pa Supreme Court (1977)

Commonwealth v Delaney 616 NE 2d 111 – Mass: Appeals Court, Plymouth (1993)


Globe v State 877 So. 2d 663 – Fla: Supreme Court (2004)


Hellenic Resources Network U.S. Department of State Bosnia and Herzegovina Human Rights


*Leuschner v. State* 397 A. 2d 622 – Md: Court of Special Appeals (1979)


New South Wales Crimes Act. (1900) Section 37


*People v Ganus* 706 NE 2d 875 – Ill: Supreme Court (1998)

*People v Lowe* 519 P. 2d 607, 70 Cal. 2d 711, 76 Cal. Rptr. 391 – Cal: Supreme Court (1969)

*People v Von Villas* 10 Cal. App. 4th 201 – Cal: Court of Appeals, 2nd Dist., Div. 7 (1992)


*Rex v Pelapi & others*, Native High Court, Durban (21 July 1926)


*Romano v Gibson* 239 F. 3d 1156 – US: Court of Appeals, 10th Circuit (2001)


Schwär TG, Olivier JA, Loubser JD (1988) *The Forensic ABC in Medical Practice: A Practical
A Medico-legal Perspective on the Practice of Garrotting. Y G Yitna and A le Roux-Kemp 25


Sexton v State 775 So.2d 923 (2000)


Shahnaaz S, Van Niekerk A, Arendse N Female Homicidal Strangulation in Urban South Africa. See www.mrc.ac.za/crime/FemaleH_sa.pdf (last checked 23 November 2009)

Shrader v White 761 F. 2d 975 – US: Court of Appeals, 4th Circuit (1985)


