



**Uncovering Evidence**  
The forensic sciences in human rights

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## Argentine Forensic Anthropology Team

Most of the ideas presented in this paper are based in the collective reflections of the members of the Argentine Forensic Anthropology Team (Equipo argentino de antropología forense, EAAF). EAAF is a nongovernmental, nonprofit, scientific organization dedicated to applying forensic anthropology to the investigation of human rights violations. Forensic anthropology involves using methods and techniques from archaeology, physical anthropology and medicine to solve legal cases. EAAF uses these methods to exhume and identify the remains of victims of human rights violations and determine their cause of death. EAAF members work as expert witnesses and consultants for judiciary systems, human rights organizations and intergovernmental bodies such as the United Nations.

EAAF was founded in Argentina in 1984, in the first months of the new democratic government. During the previous eight years of military dictatorship (1976–1983), at least 10,000 people were “disappeared” by the state. EAAF was founded as an attempt to help heal Argentine society and, specifically, to help the relatives of the victims. The results of EAAF investigations in Argentina were used for the conviction and punishment of high officials responsible for the repression.

Since 1986, EAAF members have increasingly traveled abroad to conduct actual case investigations, give lectures and seminars and share their expertise with human rights monitors, especially those interested in applying forensic techniques to human rights documentation. EAAF works to form similar teams of experts in other countries. To date, team members have worked in the Philippines, Chile, Bolivia, Brazil, Uruguay, Peru, Venezuela, Paraguay, Colombia, El Salvador, Guatemala, Haiti, Panama, Honduras, Iraqi Kurdistan, Croatia, Bosnia, Kosovo, Ivory Coast, East Timor, Indonesia, Romania, French Polynesia, Ethiopia, Angola, the Democratic Republic of Congo (formerly Zaire), Zimbabwe and South Africa.

Organizations that have used EAAF’s services include: International Criminal Tribunal for the Former Yugoslavia; Special Secretary Team for the Democratic Republic of Congo; UN Truth Commission for El Salvador; South African Truth and Reconciliation Commission; Truth and Justice Commission for Haiti; Special Commission for Disappeared of Brazil; Special Prosecutor Office of Ethiopia; Corazon Aquino’s Commission for the Philippines; Special Commission for the Search of Che Guevara’s Remains; American Association for the Advancement of Science; Human Rights Watch; Physicians for Human Rights; Amnesty International; Latin American Federation of Disappeared People.

EAAF is currently made up of eleven people specializing in medicine, archaeology, physical and social anthropology, computers, and law. Current members are: Patricia Bernardi, Daniel Bustamante, Mercedes Doretti, Luis Fondebrider, Anahi Ginarte, Rafael Mazzella, Dario Olmo, Silvana Turner, Carlos Somigliana, Sofia Egaña and Miguel Nieva.

### Luis Fondebrider

Luis Fondebrider is a forensic anthropologist, founding member and current president of the Argentine Forensic Anthropology Team. Since 1984, EAAF has been carrying out the scientific documentation of human rights violations. As an EAAF member, Fondebrider has worked in around 25 countries, investigating specific cases and training local NGOs and professionals. He has participated in UN missions in several countries and has worked for numerous local judiciaries, for truth commissions in El Salvador, Haiti and South Africa and for international tribunals such as the International Criminal Tribunal for the Former Yugoslavia.

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Dear Friend,

Welcome to the New Tactics in Human Rights Tactical Notebook Series! In each notebook a human rights practitioner describes an innovative tactic used successfully in advancing human rights. The authors are part of the broad and diverse human rights movement, including nongovernment and government perspectives, educators, law enforcement personnel, truth and reconciliation processes, and women's rights and mental health advocates. They have both adapted and pioneered tactics that have contributed to human rights in their home countries. In addition, they have used tactics that, when adapted, can be applied in other countries and situations to address a variety of issues.

Each notebook contains detailed information on *how* the author and his or her organization achieved what they did. We want to inspire other human rights practitioners to think *tactically*—and to broaden the realm of tactics considered to effectively advance human rights.

Forensic science has been a powerful tool in the scientific documentation of human rights violations around the world, and especially in Latin America. The Argentine Forensic Anthropology Team has been in the forefront of efforts to train human rights NGOs to use forensic tools to advance their investigations, to provide more support for victims and to strengthen the credibility of their work against impunity. EAAF uses independent investigations to mobilize and persuade both local and international audiences. The information obtained can also provide useful evidence for future prosecutions. This notebook addresses how human rights organizations can make optimal use of forensic science to advance their work for justice and against impunity.

The entire series of Tactical Notebooks is available online at [www.newtactics.org](http://www.newtactics.org). Additional notebooks will continue to be added over time. On our web site you will also find other tools, including a searchable database of tactics, a discussion forum for human rights practitioners and information about our workshops and symposium. To subscribe to the New Tactics newsletter, please send an e-mail to [newtactics@cvt.org](mailto:newtactics@cvt.org).

The New Tactics in Human Rights Project is an international initiative led by a diverse group of organizations and practitioners from around the world. The project is coordinated by the Center for Victims of Torture and grew out of our experiences as a creator of new tactics and as a treatment center that also advocates for the protection of human rights from a unique position—one of healing and reclaiming civic leadership.

We hope that you will find these notebooks informational and thought-provoking.

Sincerely,

A handwritten signature in cursive script that reads "Kate Kelsch".

Kate Kelsch  
New Tactics Project Manager

## Introduction

Over the last fifteen years, the scientific investigation and documentation of human rights violations has become a valuable tool in the search for truth and justice in societies emerging from periods of political, ethnic and religious violence. Forensic expertise has served human rights investigations led by official justice systems of states, historical truth-seeking processes, international tribunals and commissions and human rights NGOs.

A forensic scientist can answer some questions with a certain degree of precision:

- ◆ Was the person tortured?
- ◆ What was the cause of death?
- ◆ Was the death accidental or intentional?
- ◆ Can the unearthed bodies be positively identified?

Such answers offer victims' families and the judicial process convincing proof of what happened. In an objective, concrete way, scientific analysis complements the testimony of a witness, a photograph or a document related to an incident. This kind of scientific evidence may prove to be fundamental for a ruling on whether an accused person is innocent or guilty. In cases of rape, for example, it can be crucial to discover traces of semen that can be compared with the genetic pattern of the accused person.

In recent years, the application of the forensic sciences has had a significant impact in countries where abuses were committed by the government or agencies connected to it, be it for political or other reasons. Official versions of events, often false, can be contrasted with physical evidence and their analysis. This allows a tribunal to establish, for example, that a group of people was executed, and in fact did not die in an armed encounter.

In this tactical notebook we show how families of victims, their communities and the organizations that they form—human rights NGOs—can use the forensic sciences in their struggle for truth and justice and prevent the impunity that those responsible for human rights abuses often enjoy.

### THE HISTORICAL AND POLITICAL CONTEXT

From the early 1960s to the present, thousands of people around the world have been arrested and tortured. Others have been kidnapped and never again seen by their families. Thousands of bodies have appeared, and continue to appear, with signs of gunshot wounds, machete wounds, mutilation and other terrible forms of death. In hundreds of villages, especially in remote areas, there are clandestine mass graves containing the bodies of disappeared persons. Over the years, some graves have been exhumed, but the vast majority are still undiscovered. In countries like Guatemala, Rwanda, the Democratic Re-

public of Congo and Cambodia, to name only a few notorious cases, the dead and disappeared number in the hundreds of thousands.

Though most cases of human rights abuse are political in nature, ethnic and religious conflicts deepen the level of complexity. Perhaps the most troubling aspect of these cases is the involvement of governments and of organizations formed or protected by states that carry out policies of kidnapping, torture and executions. While a whole range of armed insurgent groups and movements have also committed these crimes—the Sendero Luminoso in Peru, for example—the responsibility of a government is different, since it is the state which represents legality and is the repository of the “legitimate” use of force.

The effects of violent social processes are catastrophic, not only for victims' families, but also for society as a whole. The rupture of the juridical order, the destruction of institutions and the curtailment of freedom of expression are the most well-known aspects of these processes. For the families of disappeared persons, however, the suffering is compounded. From the beginning, the uncertainty about whether a loved one is dead or alive is agonizing. When a disappearance is the result of political violence, isolation is added to this doubt. After an earthquake or a plane crash, for instance, the search for bodies is usually led by the state. In normal times, families turn to state agencies for information and are offered support and psychological counseling. As society mobilizes on their behalf, the tragedies of families are included in a collective experience of loss. But where the state itself is responsible for the disappearance, families suffer much greater uncertainty, isolation, anguish and sometimes even public ridicule. Further, families face the very real prospect that those responsible for the disappearance—usually state security forces—will hide the detained person and may even attempt to eliminate all traces of the body after death.

### USING SCIENCE TO INVESTIGATE THE PAST

As violent periods come to an end, authorities are replaced by new officials and victims' families call for investigations of disappearances and deaths and for trials of the responsible parties. Truth commissions—either national or international—tend to pursue a historical line of inquiry, while tribunals are oriented towards the judicial system. It may also be necessary to establish a reparations program. Regardless of the mechanism used, the forensic sciences can play a key role during each step in the search for the truth about the dead and disappeared.

Forensic scientists from a number of countries, for example, recovered the bodies of Bosnians killed by Serbs in the Bosnian village of Srebrenica in 1995. Their careful exhumation and analysis of the recov-

ered remains resulted in scientific evidence that supported witnesses' testimony to a massacre of 8,000 people.

Similarly, the Guatemalan Commission for Historical Clarification (Comision de Esclarecimiento Historico) ordered the exhumations of several mass graves in the late 1990s. Despite years of intimidation in which victims and local residents could not even say out loud that bodies were buried nearby, and despite attempts to tamper with the grave sites, these results provided clear evidence of the atrocities committed by the Guatemalan army in the 1980s.

### WHAT ARE THE FORENSIC SCIENCES?

A real-life forensic investigation is not as simple as something you might see on the Discovery Channel or a TV detective show. A single hair or a bullet rarely resolves a case, but instead is incorporated into a wider multidisciplinary investigation in which experts from many professions help the process of justice. Their work is geared to providing a legal body—a prosecutor, for example—with elements that serve to support or refute testimony or documents—a letter left behind by a victim, for example. In most cases, this scientific information comes from the analysis of physical evidence, whether biological (a cadaver, skeletal remains, a bloodstain, saliva on an envelope) or nonbiological (projectiles, synthetic fibers and other objects relevant to an investigation).

Physical evidence can be very important to the legal process. In contrast to witness testimony, physical evidence is more difficult to manipulate for the benefit of any party to a dispute. The conclusions must be measurable and based on a series of demonstrable steps accepted by the scientific community. Such scientific methods provide a greater degree of certainty than that of a personal testimony.

To achieve this certainty, the expert witness must have integrity and independence. He or she must be free of any pressure to draw a particular conclusion and not be dependent on either party to a dispute. Such independence is particularly important because often the official forensic experts are part of the very same state system that committed the violation.



The archeological exhumation of a mass grave in El Salvador. Photo courtesy of EAAF.

Historically, medicine has been the scientific discipline *par excellence* in medical-legal investigations. The traditional disciplines of the forensic sciences include:

- ◆ forensic pathology
- ◆ forensic odontology
- ◆ toxicology
- ◆ forensic genetics
- ◆ forensic psychology

Disciplines relatively new to the legal context include:

- ◆ archaeology and anthropology—which involve the recovery and analysis of skeletal remains and associated evidence;
- ◆ forensic taphonomy—the study of changes in the body following death and its interactions with the environment, including flora and fauna (entomology), which can indicate how long a person has been buried in a location; and
- ◆ forensic engineering—the analysis of buildings, which can establish the causes of a fire or an explosion, including “criminalistics” who analyze objects, fluids and documents related to a crime scene.

### THE ROLE OF ANTHROPOLOGISTS IN HUMAN RIGHTS INVESTIGATIONS<sup>1</sup>

Forensic anthropologists have played an important role in human rights investigations during the last two decades. Prior to the junta trials in Argentina, human rights investigations generally relied only on witness testimony and documentary evidence. The introduction of scientific evidence has provided a new dimension. Since then, judicial bodies ranging from



national courts to the UN War Crime Tribunals have recognized and accepted forensic scientific evidence as a valuable tool in the pursuit of human rights and justice.

Although many forensic sciences (e.g., pathology, odontology, genetics) contribute to these investigations, forensic anthropology generally plays a central role. Forensic anthropology applies the physical anthropologist's knowledge of human variability to medicolegal problems. Beyond this specialized focus, most forensic anthropologists have had academic training as well as some fieldwork in archaeology and cultural anthropology. Victims of such abuses are often buried anonymously in common, and often clandestine, graves. A grounding in archaeology is thus useful in finding and excavating graves that may contain the commingled bones of many victims. Further, training in cultural anthropology provides some insight and sensitivity in dealing with families and communities oppressed by the violence. This is especially valuable when those affected belong to non-Western societies.

#### **THE USE OF SCIENCE IN AN ONGOING CONFLICT SITUATION**

In addition to helping establish the truth about past conflicts and abuses, forensic sciences are used in the daily course of criminal justice investigations. For example, if a prisoner in jail in Turkey asserts that he is being tortured, a forensic doctor can physically examine him to establish the truth. In current conflicts in Colombia or the Middle East, forensic anthropologists analyze remains to identify victims or, when the bodies are in bad condition, to establish the cause of death, which can be crucial when there are allegations of extrajudicial executions. Forensic experts could also visit graves sites—for example, in Darfur, Sudan—to attempt to establish size of the graves and determine how many people are buried there.

In the case of an ongoing conflict, a human rights NGO proposing to initiate forensic investigations may face more difficult political realities. Depending on the conflict and the potentially controversial role of the state, it may be difficult to obtain official permission for such investigations. Depending on the nature of the perpetrators and their level of impunity, initiating such investigations can also involve substantial security risks.

#### **Example 1: El Salvador: The El Mozote Massacre<sup>2</sup>**

From December 6 to 16, 1981, the Salvadoran army conducted "Operation Rescue," in the northeastern province of Morazán. It had two objectives: first, to force guerrillas of the *Frente Farabundo Martí para la Liberación Nacional* (FMLN) from the area and destroy their clandestine radio station and, second, to eliminate FMLN supporters among the civilian popu-

lation. Spearheading the operation was the elite Atlacatl Battalion, a U.S.-trained and equipped counterinsurgency unit.

According to several witnesses, the guerrillas left the area after a few ambushes and encounters with the army. On December 9, the army arrived in El Mozote. Soldiers killed the villagers, destroyed their houses, burned their fields and slaughtered their livestock. They then used the village as a base from which to launch daytime attacks on five other nearby villages, in which they massacred residents and destroyed homes and fields. Having been alerted by the El Mozote massacre, many inhabitants of these outlying villages managed to escape. Each night survivors returned under the cover of darkness to inter as many victims as possible in common graves at the sites where they were found. Most survivors escaped across the Honduran border to United Nations refugee camps; others joined the FMLN or took refuge in other regions of El Salvador.

Even though major international press sources, such as the *New York Times*, reported on the massacre, neither the Salvadoran nor the U.S. governments supported or allowed any investigation. The villages remained largely abandoned until 1989, when many survivors began to return. El Mozote itself remained nearly deserted until several years later. These events, known as the "Massacre of El Mozote," became the object of intense debate in both El Salvador and the United States.

Despite the refusal of both governments to support further investigations into the incident, human rights groups continued to press for an investigation. In 1989, at the request of local organizations from Morazán, *Tutela Legal*, the Human Rights Legal Office of the Archbishop of San Salvador, launched an investigation of the massacre. This NGO spent several months in the region interviewing relatives of the victims and witnesses of the incidents. After analyzing all the information, *Tutela Legal* concluded that about 800 villagers had been killed and that over 40 percent of the victims were children under ten years of age.

In October 1990, *Tutela Legal* helped several survivors of the massacre initiate a legal suit against the army. To help build their case, *Tutela Legal* planned to conduct exhumations in the El Mozote area and requested the assistance of EAAF. EAAF members made a preliminary trip to El Salvador in 1991, but the investigation was blocked when judicial officials refused to grant permission to exhume. Despite such difficult political challenges, *Tutela Legal* was able to initiate an investigation and prepare the "field" for the moment in which the political situation changed.

## INVESTIGATIONS AFTER THE CIVIL WAR

In early 1992, shortly after the Salvadoran government and the guerrilla army had signed a peace agreement, Tutela Legal again invited EAAF to assist with its investigation. An EAAF team returned to El Salvador and spent three months making preparations and conducting preliminary investigations. With the help of survivors we were able to locate some of the graves, gain some idea of the number of bodies in each, and prepare lists of possible victims. As a part of this preliminary investigation, we also completed the “pre-mortem form” with physical information on the victims, searched in local papers for information about the incident and tried to cross-reference all the information and develop a hypothesis about who could be buried in each grave. We encountered many bureaucratic obstacles used as delaying tactics by various officials opposed to the investigation. After these were overcome, we were finally named as official expert witnesses in the El Mozote case. However, the Supreme Court and the local judge overseeing the case again denied permission to start exhumations, and the EAAF team returned to Argentina. Finally, in the fall of 1992, the United Nations Truth Commission for El Salvador opened the way for exhumations and appointed EAAF members as technical consultants. We were directed to conduct the excavation of Site 1 in the hamlet of El Mozote. At the same time Tutela Legal remained a key part in the investigation, not only because of their early involvement but also because the local population trusted them—but not the local justice.

The site consisted of the ruins of a small (4.3 x 6.4 meter) one-room adobe building, *el convento*, which had stood next to the village church. Its walls had collapsed inward, leaving a meter-high mound of debris that included its charred roof timbers. Removal of this revealed, lying on the floor, the commingled skeletons of 141 individuals, 134 of whom were under the age of twelve. The adults consisted of six women and one elderly man. Fetal bones were found within the pelvic basin of one of the women. Along with remnants of clothing were dolls, marbles, toy cars, religious medals and crosses, and a few small coins.

A total of 245 spent cartridge cases were recovered. Most were found in the southwest corner of the room, indicating that the shooters were most likely standing close to this area. The cartridges were submitted to U.S. archaeologist and ballistics expert Dr. Douglas Scott; with the exception of one, all of them were fired from 5.56 NATO caliber firearms. Dr. Scott found that the cartridges appeared to have been fired from U.S.-manufactured M-16 automatic rifles. All of the cartridge cases bore head stamps of the Lake City Arms Plant located near Independence, Missouri, a U.S. Army provider. Firing pin impressions and ejection marks indicated that at least twenty-four fire-

arms were represented among the recovered cartridge cases (Scott 1993). Various sources claim that the Atlacatl Battalion was the only Salvadoran army unit to use this type of rifle at the time of the massacre.

Two hundred sixty-three bullet fragments were recovered from within the building. Most were concentrated in the northeast side of the room, opposite the corner where the cartridges were found. Most were embedded in the bones of the victims or in close relationship to them. In nine cases, bullets had penetrated the floor directly under gunshot wounds of the skull or thorax, showing that these victims were lying on the floor and the shooter was standing over them. (Fondebrider et al. 1993). While some children may have been shot outside and their bodies later dumped in the building, the recovered ballistic evidence shows that the number of rounds fired inside was sufficient to account for all of the deaths (Snow et al. 1993).

After exhumation, the skeletons were removed to a morgue in San Salvador for more detailed examination. The team was joined by Dr. Snow and two other American forensic experts, forensic pathologist Dr. Robert Kirschner and forensic radiologist Dr. John Fitzpatrick. While gender is difficult to determine in immature skeletons, the team used the few clues available along with associated clothing and personal effects to conclude that about 55 percent of the 134 child skeletons were female. Osteological and dental age determination showed that these children ranged in age from birth to about twelve years, with a mean of 6.8 years, and all of the victims, including the seven with crushing injuries, had exposure to fire (Snow et al. 1993).

The findings at Site 1 were among the principal bases for the UN Truth Commission’s conclusion that the Salvadoran army had committed a massacre in El Mozote and five nearby villages, resulting in the deaths of at least 500 persons and probably many more. The report also included the names of high-ranking officers in the armed forces of El Salvador who were responsible for the operation. The findings of the commission prompted the Clinton Administration to publicly rectify the U.S. State Department’s former position that the massacre had never occurred. In El Salvador, the Atlacatl Battalion, which had committed the massacre, was officially disbanded, though its members were placed in other army units.

## General considerations

As the El Mozote example shows, the investigation of a case of human rights violations is much more complex than an ordinary criminal case. In El Salvador, it was the state that killed hundred of persons



and then tried to block the investigation. The challenges are thus both technical and political.

Diverse experiences in other contexts have taught us that the following issues must be considered before starting a forensic investigation:

### **1) THE EXHUMATION OF GRAVES IS NOT JUST A TECHNICAL OPERATION**

Before sending in a forensic team, the authorities and NGOs involved must consider the potential psychological, judicial, political, economic and humanitarian consequences of exhuming and possibly identifying human remains. The results of an NGO's probing to determine whether someone was executed by the police or died in a confrontation could lead to severe judicial and political consequences for the government—an outcome for which the NGO must be prepared.

An NGO must also plan for the powerful psychological impact that exhumation has on victims' relatives. In Guatemala, for example, the experts on psychological support collaborate with forensic anthropologists before, during and after the exhumation.

### **2) UNDERSTANDING THE LOCAL CONTEXT IS CRUCIAL**

Forensic scientists must consider and respect the local context, including the ethnic, religious and political relations in the affected communities and the dynamics of the specific conflict. In a country where most of the population is Muslim, for instance, there are specific restrictions about the treatment of a dead body, and a proposed autopsy could be rejected. These issues must be studied in advance and in close communication and collaboration with the population and its religious leaders.

### **3) FAMILIES ARE CENTRAL TO THE PROCESS**

The families and communities of the victims are a central and fundamental part of any investigation, before, during and after the actual forensic work. It is important to keep them informed of the true possibilities of success in the investigation and not create false expectations. In places diverse as Guatemala, Colombia, Peru, Argentina, the Philippines, the former Yugoslavia, Ethiopia, Zimbabwe, Cyprus or Kurdistan, where the most affected populations are indigenous people and peasants living far away from the big cities, the experience of forensic scientists has shown that the process of exhumation is a fundamental step for the community and the families, not only in terms of their search for truth and justice, but also as a cultural and religious turning point.

In most cases the community and the families help the investigators with logistical matters and security, and provide fundamental pre-mortem information. Sometimes the families travel long distances to be

present during the exhumations. Unless investigators take the time to talk with families, important data may be lost forever.

People from all different cultural, ethnic and religious contexts have lived through the experience of having a loved one kidnapped and never seen again. A relative may have simply left the house and never returned. They then pass years or even decades with no information about what happened. It can become a critical psychological and emotional necessity to see how the body is exhumed from a clandestine grave and to follow the results of the investigation. Families want to know what happened, when, where and why. It is the first concrete information they have received about the plight of their loved ones.

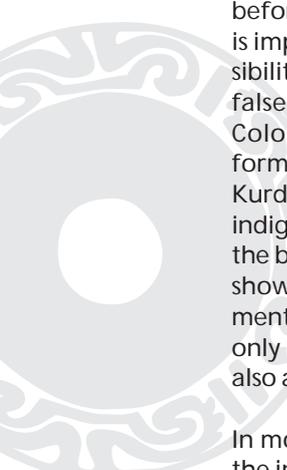
### **4) THE LEGAL CONTEXT MUST BE CLEARLY DEFINED**

The use of forensic science in the documentation of human rights violations has created new situations and questions that are beyond the experiences of most people. Given this unexamined territory, it is essential to have a clear sense of the kind of case at stake. We need to understand whether the objective is to build a judicial case or whether it is preferable to simply retrieve the remains for humanitarian reasons, for the families and communities. Short-term interests should not, however, negate the possibility of reaching long-term goals. While there may be no current prospect of a judicial case, the investigation should plan for the possibility of a case in the future.

In many of the places where these investigations take place, there is a power vacuum. Far away from capital cities the state's presence may be diffuse, and legislation on procedures for exhuming and analyzing human remains may not exist. Who has custody over the gravesite? Where should the remains be stored? Who has authority to analyze them? Such questions must be addressed by the NGO and the forensic experts before the process begins.

Professional assumptions regarded as standard in the United States and Europe often cannot be made. For example, if the excavation of a grave will take more than one day, the site should normally remain under police custody when investigators are not present. It can be difficult to comply with this requirement if the site is tough to access. It might even be too dangerous for a police officer to stay overnight. Such dilemmas are common when the UN is not involved.

Often a compromise is reached. Some standards are met while others are not, and this has costs. If the investigation is meant to provide legal evidence, procedural errors—like gaps in the chain of custody—can make it harder to argue for the legal validity of the evidence. If members of an NGO retrieve some evidence—a bullet, for example—from the crime



scene because they are worried that it will be hidden by the police, this important piece of evidence cannot later be introduced in the official investigation. Similarly, if a grave is opened without an official authorization, the results may later be declared invalid.

In some contexts, such as Zimbabwe today, it is impossible to have a judicial process. Those responsible for the killings in Matebeleland are still in power. With such an apparently hopeless political challenge, there may appear to be less need to follow correct procedure carefully. But in the future that political situation may change, and if all legal requirements for an investigation are followed carefully, there will be usable evidence against the perpetrators in the future.

#### **5) SECURITY MUST BE CAREFULLY EVALUATED**

In this work, security is very important, not only for the witnesses and relatives but also for the investigators and grave sites. Since perpetrators may still reside near the site of an investigation, outside researchers who arrive at the site and are seen talking with witnesses of a massacre may be putting their own lives at risk. As a result, an NGO must be very careful in approaching witnesses.

In Guatemala during 2003, for instance, the Guatemalan Forensic Anthropology Foundation was subjected to repeated threats, provoking urgent alerts in their defense around the world. Such threats sometimes forced them to interrupt their investigations. In Colombia, several investigators from the Fiscalía General de la Nación have been killed during the work on the site of a massacre.

#### **6) SPECIALISTS SHOULD BE INDEPENDENT**

In every case, but especially in those where state agents are implicated in the crimes, it is essential to work with forensic specialists who are independent of the state. This guarantees the transparency of the process and builds confidence among families. This independence has two aspects. First, there should be no formal affiliation with the state. Second, the actual work of the investigation must be independent of political or other pressure that could result in biased results. For example, when a prisoner is found hanged in his cell in a jail, the official state doctor will usually perform the autopsy. While his work may be professionally sound, it will not be credible to the family because he is affiliated with the official system, and they will ask that a second autopsy be performed by someone from outside the state.



Families of the disappeared in Guatemala praying in front of boxes containing remains exhumed from a clandestine grave. Photo courtesy of EAAF.



A member of the forensic team interviewing relatives in Iraqi Kurdistan. Photo courtesy of EAAF.

In conclusion, human rights violations are not ordinary crimes, but extraordinary, massive and systemic violations, in which the state is often the main perpetrator. In many third world countries and fledgling democracies, political and executive powers can constrain the functioning of the judiciary, impeding the way that justice is investigated and administered. Thus there is always a risk that forensic analyses carried out by local professionals may be compromised.

Further, in transitional situations, the search for truth about the past has societal implications that go beyond official justice. Post-conflict societies have a deep need to establish a new relationship of confidence between the state and its citizens, and investigations of past "truths" are a crucial element in this. The families of victims tend not to trust functionaries of the same state that abducted their loved ones, even if a new regime is in power. The state itself can benefit from the use of independent investigators, showing sensitivity to the past and a need to slowly rebuild this confidence.



## How the work is planned

Any forensic investigation must be composed of the following three steps:

- a) *Preliminary investigation.* This includes interviews with witnesses, relatives of the victims, local authorities and perpetrators; collecting and analyzing any available documents related to the events under investigation (cemetery records, police files, newspapers); and setting up a database for the information in order to cross-check the data and establish hypotheses about the case.
- b) *Archaeological investigation.* This involves surveying possible grave sites, interviewing primary witnesses of the burials and, finally, exhuming the bodies and any other associated evidence.
- c) *Laboratory analysis.* This involves anthropological study of the remains in order to establish cause of death and, when possible, to positively identify the victim.

In practice, the stages cannot always be carried out in this sequence, and they sometimes overlap. In the case of bodies found in clandestine graves, for example, the second stage is carried out first, and the fieldwork starts once a working hypothesis has been established. In other cases, the body is found immediately after death, and the forensic investigation gets under way after it has been recovered, at the same time as laboratory analyses are carried out.

The three stages are closely related, and in spite of the fact that they are conducted by specialists from different fields, the approach to the investigation must be multidisciplinary. Unfortunately, this multidisciplinary relationship is not always fully recognized. On one hand, medical experts are expected to perform a variety of tasks outside their sphere of expertise, but on the other, legal authorities, medical experts and police forces often fail to discuss the general analysis of the case.

Forensic researchers, no matter what their field, serve as technical assistants to the legal authorities, who order the investigative measures they consider relevant. Unfortunately, if the legal authorities are unaware of what researchers can learn from a body or a bloodstain at the site where the body was discovered, they will not be able to accurately judge whether the expert report submitted is complete.

## How can NGOs apply the forensic sciences?

Human rights defenders and members of NGOs don't all need to become forensic scientists, but they should learn how to take advantage of the services of a forensic expert. In addition, in situations where NGOs are promoting or collaborating with a forensic investigation, there are crucial tasks before, during and after the investigation that the NGO can carry out. If

we look at the NGO's role in a holistic way, it involves several stages, including:

- a) diagnosing the need for and setting the parameters of a potential forensic investigation
- b) building relationships with local authorities and communities
- c) finding allies who could assist with the project
- d) assisting with the collection of data before and during the investigation
- e) creating a multidisciplinary team of professionals to assist in the work
- f) helping to coordinate or support an integrated investigation within the context of broader human rights objectives
- g) disseminating the results of the investigation

Let's examine each of these tasks.

### A) INITIAL DIAGNOSIS

In a situation where the state, for political reasons, is not already investigating a past crime, or may itself be the perpetrator, it will often be the human rights NGOs taking the first steps. NGOs may be working to call public attention to past abuses, to combat impunity through prosecutions, or to promote legislation to prevent the repetition of such crimes. They may develop programs on human rights education so that citizens don't lose their sense of history, or represent victims seeking the truth about individual cases. In any such situation, an NGO may decide that scientific evidence might further its objectives.

The first step is to carry out a diagnosis of the case—to analyze the political, judicial and religious context to determine whether a forensic investigation is feasible and appropriate. This will involve many questions, for example:

- ◆ Is there a transitional or legal process that might use such evidence?
- ◆ What are the requirements of the penal code?
- ◆ Is there a prosecutor who would recognize this kind of evidence?
- ◆ Are there structural or political barriers to using such scientific data? For instance, from the religious perspective, in some countries there are very specific rules for dealing with bodies and autopsies are not allowed.
- ◆ Is there a local forensic profession or system? For example, in some African countries where the development of the forensic system is very poor, the NGO might need to approach members of the highest tribunal to try to persuade them of the importance of forensic work.
- ◆ Are there any security risks? Will former perpetrators retaliate against such campaigns? Are there allies who can help protect against such risks?
- ◆ Are the families and communities supporting such an investigation? It is essential to evaluate the expectations of the families and members

of the community about this kind of work and to understand their desires, doubts and troubles.

## **B) BUILDING LOCAL RELATIONSHIPS WITH AUTHORITIES AND COMMUNITIES**

A forensic investigation involves both the communities of the victims and authorities from the state. NGOs are often the crucial link between these two key groups. Human rights NGOs need to understand the ways of the community and develop relationships of trust with the victims and their communities. In Sierra Leone and the Democratic Republic of Congo, for example, before approaching the relatives of the victims it was necessary to meet with village chiefs to explain the investigation and to ask for authorization to talk with the relatives. Similarly, in Latin America church leaders—from national bishops to local priests—have been important in promotion of investigations and building necessary relationships.

While there may be great distrust in a community toward any “official” collaboration, a forensic investigation often has its greatest impact as an “official” investigation, promoting institutional and structural change. NGOs can help bridge this gap in confidence, educate victim communities about the processes of change and promote debate about their relationships with the state.

The NGO can simultaneously play a role vis-à-vis the state. On the one hand the NGOs are pushing the state to fulfill its responsibility and thus collaborating in a legal process. At the same time, the NGOs pressure the state to be accountable for its actions and in so doing stand up for its victims.

## **C) FINDING ALLIES**

Projects of this kind have many potential allies. Though far from exhaustive, the following list outlines the kinds of people and institutions who can help.

*Judges, prosecutors and lawyers:* Legal authorities decide whether or not an investigation can proceed, and with the right allies, it can be possible to move forward with investigations that will be important and precedent-setting, even in situations that are politically challenging. Every legal community, even those with the worst elements of injustice and impunity, will have some ethical professionals who are interested in justice and willing to offer some support to the noble objectives of human rights. A judge who is willing to help can have a great impact when it comes to securing permissions. A friendly lawyer can offer crucial advice about the future use of evidence.

*Forensic and criminalistic doctors:* Medical professionals carry out the forensic tasks. On the one hand there are independent international groups like EAAF. In addition, however, many countries are home to pro-

professionals with the necessary independence. Finally, in cases such as in Guatemala and Peru, it might be a priority of the human rights movement to develop a local NGO with professional expertise in this field.<sup>3</sup>

*Religious and community leaders:* Religious leaders are usually in close contact with the needs of their communities and can quickly mobilize members. At the same time, religious authorities often have an influence with governmental authorities that secular organizations lack. If there are security risks associated with such campaigns, for instance, it has often been church NGOs led by bishops or other church authorities who have been able to propel such investigations forward. On a local level, religious leaders are key to understanding and respecting the local culture—an issue of special importance when dealing with the question of death and the treatment of dead bodies.

*Political parties:* Forensic investigations are often part of political transitions that work to contribute to an end to impunity. Since transitions often require further reform and new legislation, an integrated campaign can benefit from political allies with skills in these areas. In addition, politicians are often in a position to make decisions (good or bad) about an investigation.

*Educational system:* Educators are crucial in the formation of public opinion and in deciding how recent history will be taught. Since these investigations will form a fundamental piece of society’s vision of the truth of its past, it makes sense for human rights NGOs to integrate their investigations with human rights education.

*Foreign embassies:* Diplomats exert international political pressure on reluctant governments and may provide needed expertise and additional funds.

*Local and international NGOs* can support the plan of action for the investigation.

*The United Nations and regional organs* can participate in the implementation of investigation plans or even carry them out.

Each of these actors and institutions can be either an ally or an opponent for a human rights organization that promotes a forensic investigation. For this reason, it is important to work with them at each stage of the process. Strategies for building such alliances will differ depending on whether the NGO already has contacts in these sectors. NGOs can strengthen these alliances by approaching professional organizations and offering workshops about the project geared towards certain professions.



In 1992, when we visited El Salvador to investigate the case of El Mozote, we met with members of the supreme court to address the necessity of an independent investigation. We met with the director of the local medicolegal institute to present a work plan and met several times with the judge in charge of the case. We visited several European embassies to garner support and to pressure the government. Simultaneously, Tutela Legal, the local NGO who called us, met with people and institutions in the country and abroad, in order to create an umbrella of support for the investigation.

Occasionally some sectors of a society feel that cases of disappearance should be left in the past. They fear an investigation could open wounds—wounds that in fact were never closed—or that the disappearance is important only to the relatives. The alliance-building process helps to overcome such reluctance to participate in the investigation.

#### **D) ASSISTING WITH THE COLLECTION OF DATA BEFORE AND DURING THE INVESTIGATION**

Some investigative tasks will require external expertise, but others can be accomplished with the internal resources of the NGO. In particular, activists can carry out the tasks involved in the preliminary investigation, such as compiling testimony, creating a timeline of the period when the events took place and locating surviving relatives.

In the south of Zimbabwe hundreds of people were killed in the 1980s by President Robert Mugabe's government. Over several years, a local NGO working in Matabeleland visited each small village and surveyed possible grave sites to produce a list of victims. While not forensic experts, these NGOs collected the initial information necessary for a future investigation.

Similarly, in the Philippines, we have worked with a local NGO called FIND (Families of the Victims of Involuntary Disappearance). Before our arrival, they documented 1,661 cases of disappearances over the last 30 years. They visited regions where the disappearances happened, such as Camarines Norte, Bicol, Negros Occidental and Mindanao, and marked on a map the grave sites pointed out by the local population. As a result, when we arrived we had a map with the distribution of the graves and information about each case. We collaborated with the investigative team of FIND to analyze the information, helped them develop a new data form for collecting and improving the information and worked with them on developing new forms for collecting additional data.

The data forms are crucial. Forensic investigation involves a great deal of specific information that a layperson may not know to ask about. Since forensic specialists often work to identify bodies and match

them to description of people who have disappeared, forensic anthropologists have designed detailed pre-mortem questionnaires to help in the collection of information.<sup>4</sup> (A sample form is included at the end of this notebook.) These questionnaires not only inquire about the events surrounding the person's death or disappearance, they also gather as many physically descriptive details data about the person as possible, from birthmarks to sizes of clothing to left or right-handedness. Family members are asked to describe the shape of the bone structure, their beards and eye color, and any other details they can remember. Questions about the person's lifestyle—such as how much and what the person smoked, what he or she did for a living and a woman's total number of pregnancies—can provide additional clues. Data must scrupulously be collected about every accident and medical event in the person's history, for even certain apparently mild diseases can leave identifying trails in the victim's body. Information about bone fractures and their medical treatment can help identify someone, and dental history is of vital importance. If dental records are not available, family members' descriptions of the shape of the victim's teeth, the knowledge of a cavity, a fractured tooth, or more complicated treatments all yield useful evidence. Blood samples from relatives are crucial for identification, because when there is not enough pre-mortem data, the genetic analysis of the blood and the recovered bones can confirm or refute a victim's identity.

Similarly, there is a need to collect geographical data from witnesses to a burial, as this can help identify the location of clandestine cemeteries and hasten the painstakingly careful processes of exhumation.

The data collection process can be a truly joint effort between the local community or human rights group and the forensic specialists. When forensic specialists can first train them in exactly what to ask, the NGOs can work in the community and effectively collect the data needed.

#### **E) GATHERING TOGETHER A MULTIDISCIPLINARY TEAM OF PROFESSIONALS**

Forensic investigations require the assistance of professionals with diverse skills who can work with the human rights NGO as consultants, as part of the university system or in other capacities. The most important professionals for this type of investigation are:

- ◆ computer experts, who can assist in creating databases that process and correlate data
- ◆ lawyers, who can take a case to the tribunal and introduce independent forensic experts
- ◆ social anthropologists, who can evaluate the characteristics of a community and interview the families
- ◆ forensic anthropologists, who can carry out the exhumation of a grave and try to identify the recovered remains

- ◆ forensic doctors, who can establish whether a body shows signs of torture and how a person died
- ◆ psychologists, who can offer counseling to surviving victims and families

#### **F) INTEGRATING THE INVESTIGATION WITH BROADER HUMAN RIGHTS OBJECTIVES**

A good example of the integration of all these disciplines can be seen in the work of the Foundation for Forensic Anthropology of Guatemala (FAFG), an NGO that has been working since 1992 to investigate mass graves in the country.

The NGO CONAVIGUA (National Council of Guatemalan Widows) asked FAFG for assistance. CONAVIGUA knew the local people and the victims in the communities and had developed with them the relationships needed for collecting information. FAFG collected the data, which was entered into a database created for FAFG with the help of computer experts. At the same time, a lawyer from CONAVIGUA went with villagers to present the case to the judge and asked for an exhumation. A psychologist and a social anthropologist coordinated with CONAVIGUA to initiate a series of visits to the village where the exhumations were planned. After several meetings, and with the authorization of the judge, the forensic anthropologists exhumed the grave, analyzed the remains and worked to identify the victims.

As a result of this process, some families learned about the final resting place of their loved ones and laid to rest years of anguish. CONAVIGUA helped its members in need. Finally, CONAVIGUA and other human rights NGOs used the information uncovered by the investigation to support broader campaigns trying to confront deep-seated impunity in Guatemala and promoted prosecutions for past violations and reforms to prevent their repetition in the future.

#### **G) DISSEMINATING INVESTIGATION RESULTS**

The truth serves both the victim and the judicial process. However, when there has been a history of systematic human rights abuses, the truth uncovered in human rights investigations should also serve the broader objective of transforming society. The process of education for human rights is vital to this process.

States have frequently tried to delegitimize human rights groups and victims by labeling them “subversive,” “political,” “biased” or even “crazy.” The legitimizing impact of a scientifically credible investigation can play a vital role in public education. Both human rights groups and the national education system can build the results of such investigations into their public education, countering the years of discrediting publicity that victims have had to endure.

The scientific credibility of the process also allows human rights groups to reach out to people and groups who might previously have been reluctant to take human rights issues seriously and to create new allies for the struggle against impunity.

This process of disseminating information can take all of the many avenues that NGOs have at their disposal. NGOs may choose to use the media, to create publications and other art forms aimed at diverse audiences and to build better contacts with official and private educational systems. The overriding goal is to ensure that these histories become a part of society’s memory and offer compelling lessons for the future.

#### **Challenges for the NGO**

The successful implementation of a program of forensic investigation by a human rights NGO involves a series of medium- and long-term challenges:

*Satisfying the needs of the relatives of the victims and their communities.* Very often the needs and expectations of the victims are not completely understood by the NGO. For example, the desire for justice is not always the highest priority for a family. They may be afraid of the consequences of bringing the perpetrator to justice. The NGO, on the other hand, has with a wider perspective with more far-reaching goals and may see this objective as the most fundamental.

In other cases, a village affected by disappearances and killings may be marginalized and suffering economically. The arrival of an NGO from the city may create expectations not only of the exhumations, but also for reconstruction, jobs, food and economic growth. NGOs must be prepared for conflicting expectations.

*Making sure that isolated communities have a voice and a presence in the national and international context.* Most human rights violations are committed in isolated communities. An NGO, big or small, provides a channel for local communities to express their ideas, feelings and needs to a wider audience. When forensic work takes place, the results as well as the needs of the affected communities must be shared in order to have a stronger impact.

*Funding a forensic project.* While some forensic investigations are large, time-consuming endeavors that are supported by official bodies and have the funds to employ multiple outside experts, this can hardly be said for the majority of investigations. Indeed, it has created the perception among some NGOs that forensic investigations are prohibitively expensive. In reality, however, forensic work is not intrinsically more costly than other investigations. Much of the work can be done by the staffs of the organiza-



tions taking on the project. The use of outside experts does not have to be more costly than the salaries of other human rights workers.

The basic equipment required for the most technical aspect of the investigation—the exhumation of a grave and analysis of the remains—is inexpensive and can be bought in a normal hardware store. Depending on the condition of the bodies, further work might be done in a local mortuary or a hospital. The key is to have a forensic specialist to guide the efforts. In Ethiopia, for example, we investigated several mass graves, primarily using hammers, plastic bags, shovels and trowels. The recovered bodies were analyzed at the mortuary of the Red Lyon Hospital in Addis Ababa.

Genetic analysis is probably the most expensive tool in this kind of investigation, since the technology is time-consuming and few labs have the capacity to do the work. EAAF is urging governments to make this analysis more available and affordable for human rights investigations. In general, however, a forensic project can be initiated with a modest amount of funds—just as with other initiatives.

Finally, some forensic investigations really are long-term projects. These projects often involve multiple investigations where there is a great deal of abusive history to uncover—a national transition, for instance. In such cases, it is important to build a sustainable project with ongoing, long-term capacity. While this does require expertise in securing project funds, the stability of a long-term project can increase the credibility of the NGO in the eyes of donors, the judiciary, politicians and, of course, the victims.

### **Recommendations for official tribunals or truth commissions<sup>5</sup>**

The experience of forensic human rights investigation has often focused on special tribunals and truth commissions. Many of the same points mentioned above, however, are also relevant for these institutional short-term processes. Based on our experience working in and advising many of these initiatives, we believe their effectiveness would be improved by doing the following:

- ◆ Improve the relationship between families of victims and forensic teams.
- ◆ Support families' right to truth by (1) giving them access to investigation sites, (2) informing them in advance of possible outcomes, (3) taking their concerns into account and (4) providing them with the results.
- ◆ Seek family approval before exhumations.
- ◆ Create mechanisms to continue the recovery and identification process after the mandate of a temporary commission or tribunal ends. Most temporary institutional timelines are far too short for exhumations of all the victims to be

completed. But families have the right to locate and identify those remains.

- ◆ Improve contacts between forensic experts and local judiciaries.
- ◆ Improve access to DNA analysis.
- ◆ Protect possible killing and burial sites.
- ◆ Preserve crucial evidence and forensic reports for possible ongoing or future investigations. Human rights investigations do not always achieve justice immediately. With new international mechanisms and political change, old cases can be brought back to trial, so vital evidence must be preserved.
- ◆ Create witness and informer protection programs.
- ◆ Provide counseling or psychological support for persons who testify and for families and friends of victims before, during and after exhumations.
- ◆ Provide counseling or psychological support for staff members who receive testimonies.
- ◆ Promote the incorporation of international forensic protocols for human rights investigations into domestic criminal procedures.
- ◆ Maintain contact with local human rights organizations.

### **Creating local teams and training local forensic experts**

In countries where massive human rights violations have occurred and forensic work is needed, it is vital to reinforce existing forensic units and help train new local teams. In most of these countries, the work of identifying victims takes decades. International teams will usually spend only a limited amount of time during each mission, and only for a few years. A national team can dedicate itself full-time to this work.

In many of the countries in which we work, forensic sciences are undeveloped or almost nonexistent, and in most of them, the use of archaeological and anthropological techniques is unheard of. The use of physical evidence in court is generally limited, and most testimony is oral. Therefore, by reinforcing or creating a national forensic team, there is usually an improvement in criminal procedures and in the rule of law.

National teams that serve the victims' families and their communities are more effective than international experts. They speak the same language, are from the same culture, have lived through similar experiences and often have a strong commitment to improving the rule of law in their countries. National teams were successfully created in 1989 in Chile and in 1992 in Guatemala. This demonstrates that even in small and very poor countries, it is possible to develop the expertise to build effective teams.

## Conclusion

The scientific documentation of human rights violations is a powerful tool in the fight against impunity and the search for truth and justice. For victims and communities who have lost loved ones and received few real answers from official sources, the possibility of exhuming a grave and finding the remains of a child, or discovering whether a family member was tortured while in prison, can bring some relief to their extended anguish. At the same time it is an important step towards bringing the perpetrators to justice.

There is no time limit on the search for loved ones. In Argentina, 28 years after the killings, the relatives and even the younger generations keep looking for the graves. In Indonesia, elderly relatives still remember and ask to find the bodies of those killed in 1965. In Spain, the relatives of those killed during the 1930s civil war and ensuing Franco dictatorship are now exhuming graves, more than 65 years after the killings.

Science should not be an isolated field of knowledge, known only by “experts” or prosecutors. Rather, it must serve the victims and provide our global society with the real stories of those who died needlessly. NGOs can use science to pursue their broader mission of promoting and protecting human rights, maximiz-

ing the quality of their investigations and bringing solace to victims, relatives and communities.

After working in more than 32 countries we have seen that, in spite of amnesties or political calls for reconciliation, what the relatives and communities want is truth, reparation and justice, and to this end science can play a central role in achieving that.

## NOTES

<sup>1</sup> Mercedes Doretti and Clyde C. Snow. “Forensic Anthropology and Human Rights: The Argentine Experience,” in *Hard Evidence: Case Studies in Forensic Anthropology* by Dawnie Wolfe Steadman (ed.), Prentice Hall.

<sup>2</sup> Doretti and Snow.

<sup>3</sup> For example, Fundación de Antropología Forense de Guatemala (fafg@fafg.org).

<sup>4</sup> For the full questionnaire, write to eaaf@velocom.com.ar.

<sup>5</sup> Mercedes Doretti and Luis Fondebrider. “Perspectives and Recommendations from the Field: Forensic Anthropology and Human Rights in Argentina.” Presented at the 56th Annual meeting of the American Academy of Forensic Sciences, Dallas, 2004.



## Useful Resources

### APPLICATIONS OF FORENSIC ANTHROPOLOGY

- Doretto, Mercedes and Luis Fondebrider. "Perspectives and Recommendations from the Field: Forensic Anthropology and Human Rights in Argentina." Presented at the 56<sup>th</sup> Annual meeting of the American Academy of Forensic Sciences. Dallas, 2004.
- Doretto, Mercedes, Luis Fondebrider, Patricia Bernardi, and Anahi Ginarte. "Kotebe Archaeological Report." Special Prosecution Office of Addis Ababa, Ethiopia.
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- James, S. J. *Forensic Science, an introduction to Scientific and Investigative Techniques*. Ed. J.J. Norrdby. CRC Press, 2003.
- Rieff, D. *Crimes of War: What the Public Should Know*. Ed. Gutman, R. W.W. Norton, 1999.
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- Doretto, M. and C.C. Snow. "Forensic Anthropology and Human Rights: The Argentine Experience." *Hard Evidence: Case Studies in Forensic Anthropology*. Ed. D.W. Steadman. Prentice Hall, 2003.
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- Stover, E. and R. Shigekane. "The missing in the aftermath of war: When do the needs of victims' families and international war crimes tribunals clash?" *Magazine of the ICRC*, 84 (December 2002).

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- Steadman, D. W. and W. D. Haglund. "The anthropologist/archaeologist in international human rights investigations." Paper presented at the Annual Meeting of the American Academy of Forensic Sciences, Seattle, Washington. February 19, 2001.

### UNITED NATIONS DOCUMENTS

- Manual for the Prevention of Extra-Legal, Arbitrary and Summary Executions, ST/CSDHA/12 - 1991.
- Guidelines for the Conduct of United Nations Inquiries into Allegations of Massacres, DPI/1710, 1995.

### RESOURCES ON THE INTERNET

- American Academy of Forensic Sciences  
[www.aafs.org](http://www.aafs.org)
- ICRC Project: The Missing  
[www.themissing.icrc.org](http://www.themissing.icrc.org)
- Argentine Forensic Anthropology Team  
[www.eaaf.org](http://www.eaaf.org)
- Physicians for Human Rights  
[www.phrusa.org](http://www.phrusa.org)
- Human remains: Forensic sciences & ethics  
A workshop on the application of forensic skills to the detection and documentation of human rights violations (Durban, South Africa, July 3-5, 1998)  
[www.web.amnesty.org/ai.nsf/index/ACT750121999](http://www.web.amnesty.org/ai.nsf/index/ACT750121999)

## Questionnaire for Burial Sites

*Use one form for each grave*

Date: \_\_\_\_\_ Place: \_\_\_\_\_

Name of the person taking the information: \_\_\_\_\_

Name of the witness: \_\_\_\_\_

Address of the witness: \_\_\_\_\_

*Important questions to address before filling the form*

Did the witness participate in the burial?

Did the witness see the moment at which the body was buried?

Did the witness see the grave after the body was buried?

Did someone tell the witness that there was a person buried in the grave?

1) Name of the city/village and state in which the burial site is located, and date of the inhumation:

2) Location of the burial site (i.e. at the local cemetery, at a factory, on barren land or close to a military base, etc.):

3) Do we have the exact or approximated location of the burial site? Please describe the location as precisely as possible and draw a map or sketch of the burial site. Include GPS position if possible. Try to identify "reference objects" (an old tree, a wall, etc.)

4) Do we have eyewitnesses of the burial of the bodies? If yes, describe in detail how it was done: who brought the bodies; how was the grave dug; did the eyewitnesses participate in the burial; are the witnesses related to the victims, and if yes in what way (relatives, neighbors, friends, members of the same political party, union, church, etc.).

5) Type of grave: individual or multiple (more than one):

6) Dimensions of the burial site (approx.):

7) Depth of the grave (approx.):

8) Were the victims killed at the same place or close to the burial site, or in a different place with their bodies later dumped into the grave.

9) Features of the terrain: dry, wet, covered with water, grass, bushes, trees, rain season, etc.:

10) Information about the victims

a) Number of victims (specify whether it is the exact or an approximated number)

b) List of the names of the victims, and please specify if:

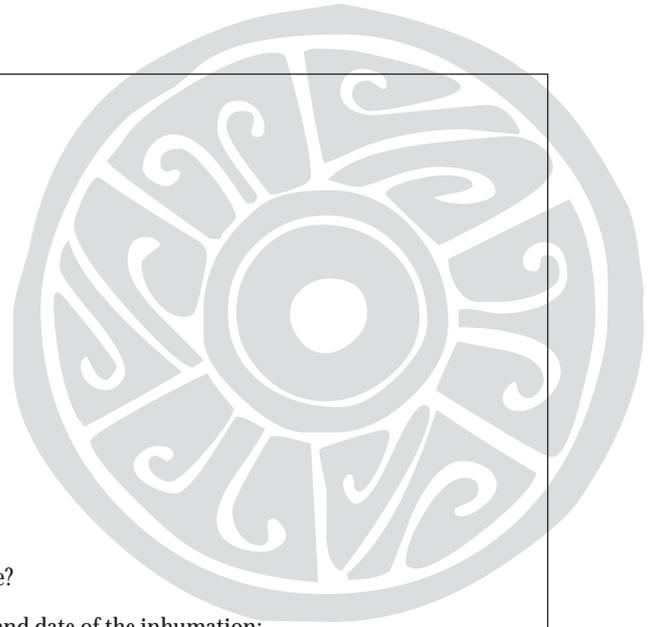
You are sure of the names, or if there is a suspicion of the names of the victims, or if you don't know the names but you know they belonged to a particular political, social, religious, etc. organization.

c) Are the relatives of the victims available? Please indicate the names of the victims' relatives who can be contacted for pre-mortem information

11) Alleged cause of death:

12) Reason why this burial site was selected to be exhumed (legal purposes, quality of the information, etc.):

Observations:



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forums for discussion with other human rights practitioners.



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