

ABSTRACT

Forensic anthropology is most often employed in localized criminal cases or investigations; however, it is also involved in the investigation of human rights violations and mass violence. The involvement of forensic anthropologists in international cases of human rights violations and mass violence has increased significantly in recent years. There is still no generalized guideline as to how these investigations differ from regular casework. Forensic anthropologists typically enter these contexts without any previous experience or notion of what specifically to be prepared for. Through a critical literature review, this study aims to establish what methodological, political, and ethical considerations forensic anthropologists must make and/or be aware of when working in these contexts. While no two investigations are ever going to be the same, the literature, case studies and review articles alike, establish a general consensus and points regarding anthropological approaches. How forensic anthropologists conduct work in contexts of human rights violations and mass violence is undeniably different from how work is conducted in regular casework.

METHODOLOGICAL CONSIDERATIONS

- Significant disagreement between individual experts and forensic teams about what anthropological intervention should be
- **Consensus = investigations must involve a multidisciplinary approach**
 - Successful and meaningful investigation of mass graves is dependent upon an integrated knowledge of various scientific approaches
 - “Their successful location, and the maximization of buried evidence that might identify the nature of the crime, torture, and abuse, and which can lead to successful conviction, is based on an integrated knowledge of allied scientific approaches.”
 - Can include terrestrial geophysics, cadaver dog handling, pollen assemblages, soil analysis, entomology, taphonomy, facial reconstruction, etc.
- In regular crimes, there is usually only one victim, and the perpetrator is usually just one individual
 - In mass violence and human rights violations, there are thousands of victims, and the perpetrator is the state and its apparatus
- **Must often work or interact directly with stakeholders – includes victims’ relatives or loved ones**
 - Some argue that the relationship with victims’ relatives is the most crucial aspect of the work as it provides a starting point for investigations and identification efforts
 - Drastically different from most local/domestic criminal cases where forensic anthropologists rarely interact directly with stakeholders
- **“Praxis-oriented archaeology”**
 - Locating, identifying, and contextualizing the victims
 - Several principles guide the work on mass graves
 - 1) Archaeological, ballistic, traumatic, and skeletal data can test hypotheses related to what group is responsible
 - 2) extent of these practices can be evaluated by enumerating and identifying those in mass graves
 - 3) nature of these practices can be understood by recognizing the formation of the grave; whether traumatic injuries are consistent with a battlefield injury or specific style of execution, and the demographics of the victims



Anthropological investigation of a mass grave in Kibuye, Rwanda. Source: PHR 1996.



Clothing from victims laid out for relatives to identify. Source: PHR 1996.

INTRODUCTION

- Forensic anthropology is a subfield of biological anthropology that involves analyzing human remains, typically skeletal remains, in a legal setting
- Forensic anthropologists are asked to aid in investigations by providing a biological profile of the decedent
- Also are tasked with analyzing and interpreting skeletal trauma or pathology
- Most forensic anthropological work takes place in the context of local criminal investigation
- Mass violence and human rights violations differ significantly from individual criminal cases
 - Marked by need to conduct investigations following the forced disappearance and murder of thousands of individuals
 - Must make different considerations related to methodologies used, the political climate, and ethics not usually encountered in forensic anthropological work

POLITICAL CLIMATE

- Need to be aware of the political climate of where you are conducting work
- **The state you are working for/with is likely the same state that perpetrated mass violence, genocide**
- Because the state apparatus is usually at fault, **some may be uncooperative or openly hostile to investigators**
 - May still be residual conflict
 - State may limit funding, access, etc.
 - Complications with communications between agencies/etc. that slow down or limit the investigation
 - A lot of “red tape”
- General instability – distrust between locals and anyone with connections to the state
- Must be aware of the nature of any international investigations and the agendas they may have (i.e., top priority may not be identification and repatriation)



UN International Tribunal for the former Yugoslavia. Source: ICTY 1993.

CONCLUSIONS AND DISCUSSION

- **Conducting forensic anthropological work in contexts of mass violence and human rights violations is inherently different from regular forensic casework**
- Forensic anthropological work in these contexts requires the anthropologist to employ different methodologies, ethical frameworks, and take into consideration the inherently political environment in which they must work
- The sheer scale of deaths that are encountered is an additional source of emotional strain on individuals
- Forensic anthropologists working in these contexts for the first time often express feelings of ill-preparedness or unease
- **Understanding and acknowledging these differences may allow forensic anthropologists to be better equipped to work in contexts of mass violence and human rights violations**
 - **This understanding can inform how anthropologists conduct work and allow them to work ethically and effectively**



Temporary mortuary area where pathologists and forensic anthropologists conduct work - Kibuye, Rwanda. Source: Ferllini 2016.

BACKGROUND

- In recent decades, there has been a significant increase in the involvement of forensic anthropologists in international cases of mass violence and human rights violations
 - Growth fueled by research developments, organizational expansion, structural changes, increased availability of highly trained individuals
 - Practical application of forensic anthropology to these cases are correlated with the violent happening that have occurred in various parts of the world since the 1970s
- 1970s: Increased focus on forensic anthropology to be involved in investigations of mass violence and human rights violations
- June 1984: American Association for Advancement of Science sent a team of forensic scientists (mostly anthropologists) to Argentina to assist in human identification efforts in the aftermath of the military dictatorship
 - Formation of the Equipo Argentino de Antropologia Forense (EAAF or the Argentine Forensic Anthropology Team) – was first forensic anthropological team dedicated to these types of investigations
- EAAF pioneered many of the techniques and procedures used in other global investigations
 - Several other global organizations that focused on the location, exhumation, identification, and analysis of human remains emerged
 - International Tribunal for the Former Yugoslavia (ICTY)
 - Physicians for Human Rights (PHR)
 - International Commission on Missing Persons (ICMP)
- **Early 2000s: Now common for forensic anthropologists to work international cases involving mass violence & human rights investigations**



Comingled and incomplete human remains within a mass grave – Ras Al-Ain, Syria. Source: Ferllini 2016.

ETHICAL CONSIDERATIONS

- Balance between own beliefs, emotions, etc. and your responsibilities
- **Who are you most beholden to? The individuals you are trying to identify and their families or the state you are working for and are dependent on?**
 - Balance between individual identifications, communication with family members versus the need to gather and document evidence for criminal or civil trials
- Remain distinct from the state that is a likely suspect in cases of human rights violations and mass violence while still being required to communicate with and sometimes report to government organizations
- Some organizations mandate rules that prevent their experts from participating directly in prosecutions - instead, advocate for maintaining a clear separation between “humanitarianism” (recovery and identification of bodies to repatriate them to relatives) and “justice” (all aspects of criminal or civil prosecution)
 - Others argues that the two efforts cannot be separated
 - Is it more ethical to focus only on repatriation efforts or do these individuals deserve legal justice? How do you balance the two?

ACKNOWLEDGEMENTS AND REFERENCES

I would like to thank my capstone professor, Dr. Hirshman, and my peers for their support and role in the development of this project and the review process.

A complete bibliography is available and is attached as a separate document to this presentation.