
Archaeologies of the Contemporary Past

Victor Buchli and Gavin Lucas

With contributions from:

Margaret Cox, Mercedes Doretti, Luis Fondebrider, David H
Ian Hodder, Jean-Pierre Legendre, Teresita Majewski, Lauren
Olivier, William Rathje, Michael Brian Schiffer, Greg Steve
Laurie Wilkie, Sarah Winter and the Ludlow Collective (D
L. Bryant, Phil Duke, Jason Lapham, Randall McGuire, Paul
Reckner, Dean Saitta, Mark Walker and Margaret Wood).



London and New York

Science and human rights*

Truth, justice, reparation and reconciliation, a long way in Third World countries

Mercedes Doretti and Luis Fondebrider

Introduction

From the 1960s onwards, a number of different revolutionary movements developed in the so called Third World. In response, many governments embarked on a systematic repression of the groups involved. But to a large extent, civilians not involved in any of the parties in conflict became the main victims. So it was that a new era of violence began, in which the kidnapping, torture and assassination as well as the disappearance of thousands of people became a political strategy for a number of governments. In the countries that suffered such repression, the consequences have been profound and long term, not only within those families directly affected, but throughout society.

The precise patterns of repression varied from one region to another. They ranged from summary assassinations to the more refined system of illegal detention centres (a sort of updating of the concentration camps established during the Second World War).

With these various forms of repression, a new language emerged as the international media searched for ways to describe the methods used. There were 'death squads' in Brazil, Peru and Central America, 'scorched land policies' in El Salvador and Guatemala, 'famine as a weapon of war' in Mengistu's Ethiopia, and 'forced disappearance of persons' in Central and South America, including Argentina.

In Latin America, atrocities of this type were mainly perpetrated by military and dictatorship regimes, in the regions and against the sectors of society where guerrillas were more active. In Central America, the poorest population in the countryside, mostly indigenous peoples and the peasantry were the most affected. However, in Argentina, Chile and Brazil, repression was more directed at the urban working and middle classes.

By the mid 1980s, many of the countries that had suffered severe violations of human rights began to develop democratic processes. This in turn brought about a need to review the past, to determine the truth about what had happened, to try those responsible for the acts of violence, and to find a way of reconciling society with its recent history. In particular, the search, recovery and analysis of

the remains of the disappeared and massacred people became a major humanitarian and legal issue. Reviews of the past were carried out in a number of different ways, predominantly through the creation of special commissions of inquiry, known as Truth Commissions¹ (government-run in the cases of Argentina, Philippines, Chile, Haiti, and South Africa; UN-run in the cases of El Salvador and Guatemala) and through the trials by national courts (in Argentina, Ethiopia and Bolivia) or international courts (for the former-Yugoslavia and Rwanda). Paradoxically, just as these mechanisms were being established, the same governments often passed laws preventing or limiting the indictment of those responsible for past violations of human rights and in more than one case, general amnesties were declared for such offenses.

Nevertheless, since the 1980s, the scientific documentation of these human rights violations, mostly by using forensic archaeology and anthropology, has become a valuable instrument for the analysis and understanding of the recent past in nations that have undergone periods of political violence.

The Argentine case

One of the first countries to face this problem was Argentina. It was there that forensic anthropology was first used directly in the legal investigations of massive human rights violations. Between 1976 and 1983, the military government caused the 'disappearance' of approximately 9,000 individuals. Typically 'disappearance' occurred with the kidnapping of a victim by security forces, followed by torture in a clandestine detention centre and finally assassination. The victims were then buried, unidentified, in cemeteries, or dropped from airplanes into the sea.² The government denied the existence of disappeared people and the families were never informed about their fate.

With the restoration of democracy in 1983, the relatives of thousands of disappeared people demanded to be told what had happened to their loved ones, and this demand formed an integral part of the restoration of the democracy. In response, the State attempted to provide answers in a variety of ways – through the creation of a truth commission,³ known as the CONADEP, and by putting those mainly responsible for 'disappearances' on trial. But from the outset, it became clear that truth, justice and reparations were hard to achieve within a weak democracy. Despite the fact that leading 'junta' members were condemned to life in prison and other sentences, the trials could not pursue those further down the line of command. After several military uprisings, the government passed laws limiting and finally ending further trials on human rights violations

1 P. Hayner, 'Fifteen Truth Commissions – 1974 to 1994: a Comparative Study', *Human Rights Quarterly*, The Johns Hopkins University Press, 1994, vol. 16, pp. 597–655.

2 Although there is strong evidence revealing that the latter procedure was also applied to living persons.

3 Specifically, in Argentina, the CONADEP (Comisión Nacional sobre la Desaparición de Personas).

* This chapter is dedicated to Dr Clyde C. Snow, PhD.

from the previous military regime. In 1989, another democratic government, gave a final presidential pardon releasing from prison those previously condemned.

The use of science

It was within this context, that forensic archaeology and anthropology began its collaboration in the pursuit of justice in Argentina. It was a collaboration that centred around the search for and identification of the bodies of the missing, who in many cases lay buried anonymously in cemeteries.

At the beginning of democracy, judicial authorities searching the remains of disappeared people employed existing forensic services. Unfortunately, in practice, this meant that neither archaeologists nor anthropologists⁴ were involved in exhumations, which were instead carried out by gravediggers and firemen with no special training. Similarly, the studies of the human remains were carried out by forensic scientists lacking experience in the analysis of skeletons. As a result, remains were destroyed, evidence lost and only a very small number of victims were identified.

It became clear that greater rigor was required and working methods would have to change. The CONADEP and the GrandMothers of Plaza de Mayo, a local human rights organisation, requested help from the Science and Human Rights program of the American Association for the Advancement of Sciences – based in Washington DC – which, in 1984, sent a group of seven forensic scientists to Argentina. Among them was Dr Clyde Snow, an eminent forensic anthropologist who in the 1970s began to employ archaeologists in the recovery of skeletal remains.

Forensic anthropology and human rights investigations

Forensic anthropology is the application of the physical anthropologist's knowledge of human variability to medico-legal problems.⁵

The United States pioneered this collaboration between physical anthropologists, archaeologists and law enforcement agencies. In 1939, US physical anthropologist W. Krogman published the 'Guide for the Identification of Skeletal Remains' in the Federal Bureau of Investigation bulletin. Shortly after the Second World War, forensic anthropology techniques were used on a mass scale to identify remains of soldiers killed in action. Later, they were used to single out American soldiers killed in the Korean and Vietnam wars. However, there were very few precedents for these techniques for systematic investigations

⁴ It must be said that archaeologists and anthropologists, in most cases, while knowing it was an exceptional situation, did not offer their help. Consequently, in Argentina as in many other countries, poor results were obtained at first.

⁵ C.C. Snow, 'Forensic Anthropology', *Annual Reviews Anthropology*, 1992, vol. 11, pp. 97–131.

of contemporary cases of massive human rights violations. In this sense, Dr Snow's work in Argentina was truly pioneering.

When he first arrived in 1984, Dr Snow called for a halt to all non-scientific exhumations and requested archaeologists from the Argentinian Anthropological Association.⁶ But the Argentine archaeological community was not prepared for the challenge of this kind of work. With few exceptions, archaeologists did not participate in this effort, despite the fact that the country has a number of internationally known archaeologists. Several reasons could be raised to explain this, such as fear, being emotionally too close to the people killed, and non-scientific interest. But we have to accept that the digging up of graves containing the remains of people killed by the premeditated actions of the State raised numerous reservations, even more so when such violence had been carried out by the same State to which the archaeologists belonged.

The few, mostly student, Argentine anthropologists and archaeologists who started to take part in these investigations under the guidance of Dr Snow found themselves operating in a totally new world. This involved working alongside judges, policemen, gravediggers and, most importantly, the relatives of the victims.

First, archaeologists had to persuade various members of the judicial system – from judges to forensic scientists and policemen that the same scientists they sometimes saw on television excavating archaeological sites thousands of years old, could also play a role in these investigations. Secondly, by placing their trust in the scientists, the relatives of the victims introduced them to the daily reality and emotional trauma of those families whose loved ones have been forcibly 'disappeared'. Finally, the very objects of study assumed a new dimension, they ceased to be skeletons with cranial deformations related to cultural practices, or wounds produced by arrowheads. Instead, they were individuals with the same habits and customs as those of the archaeologists, often of the same or similar age, whose bodies frequently showed gunshot wounds to the head. Moreover, they were people the scientists might have known, directly or indirectly, by sharing the same social group, education and even political ideology.

Another significant factor for archaeologists beginning such work was that in most cases, those people indicted for perpetrating the crimes under investigation were still at liberty. This made the context of their work even more complex.

Forensic anthropologists worked together with archaeologists to carry out the exhumation of human remains and associated evidence. Their excavation techniques basically coincide with those of traditional archaeology, but are aimed instead at the recent past in a legal context. In some countries this application is considered a sub-discipline called Forensic Archaeology. It is actually an interdisciplinary approach as pathologists, radiologists, odontologists and geneticists are often part of these investigations.

As a result of these circumstances, first in Argentina and later in other Latin American countries, forensic anthropology has developed a new profile through

⁶ Colegio de Graduados de Antropologica.

its application to a different field of inquiry to that which it had been applied before. Currently, forensic anthropology is used in human rights investigations in almost all Latin American countries as well in Eastern Europe and some Asian and African countries.

The different worlds of forensic anthropology

In the United States and Western Europe, where recent history has not been characterised by widespread political violence, the practice of forensic anthropology and archaeology is quite different. Archaeologists or anthropologists with forensic skills, usually work within the academic world and are occasionally asked by law enforcement agencies to carry out the search and recovery of a body. Afterwards, they analyse the remains and complete a report before returning to their usual activities. They do not receive many cases in a year and rarely – if ever – find a common grave containing several bodies. Also, their work is related to ordinary criminal cases resulting from the action of one or more individuals without political motivation.

By contrast, in the investigation of human rights abuses, forensic anthropologists act as independent expert witnesses for the judiciary. Often they carry out the technical details of the job and participate in other aspects of the case. This entails interviewing relatives of the victims and possible witnesses, studying judicial, police and military files, cemetery and hospital records, and ultimately reaching a hypothesis on the probable location of the person sought. In this context, the relationship with the victim's relatives becomes close by virtue of its day-to-day nature, and more important because it is based on mutual trust.

The role that the scientists assume in investigations of this kind results in part from a reversal of the usual relationship between victims' families and the State authorities on whom they would rely to conduct an investigation in normal circumstances. The relatives in question, in general, totally distrust State institutions, precisely because in most cases it was the State, albeit in a previous incarnation, that was responsible for the disappearance of their loved ones. Instead they rely on the support of human rights organisations and the work of independent scientists, which they hope will help them recover the remains of their loved ones.

Forced disappearance and relatives of victims

In the course of sixteen years of work in over twenty countries⁷ which have experienced periods of political violence, we have noticed that the impact of a

⁷ The EAAF has worked in the following countries: Bolivia, Brazil, Chile, Colombia, Peru, Uruguay, Haiti, El Salvador, Guatemala, Honduras, Panama, Croatia, Bosnia, Kosovo, Iraqi Kurdistan, Romania, East Timor, South Africa, Ethiopia, The Democratic Republic of Congo, Philippines and French Polynesia.

disappearance on a family shares similarities regardless of cultural, ideological or religious differences. The relatives of a detained disappeared first of all suffers the sudden kidnapping of a child, sibling or spouse, whom they never see alive again. They have no news of the victim and are left in total ignorance of the fate of their loved ones, not knowing if they are dead or alive, simply because the authorities responsible for the disappearance refuse to give them an answer. Moreover, the justice system does not investigate their cases and so for years they live in a state of limbo. Even in countries where the relatives know that most likely their loved ones have been assassinated, they still cling to the hope they may return alive. So long as there are no corpses, or concrete information about their death, there can be no funeral rites and no final answers. Thus, affliction, fear and deep fractures in family life are found in almost every case, and with it a desperate need to recover remains so that loved-ones may be properly buried and thereby close, if only partially, the circle of uncertainty.

During excavations, relatives often ask to be present throughout the entire process, and in some places such as Iraqi Kurdistan and Ethiopia – have even worked together with us, because they say that it helps fulfil their need to do something more for their loved ones. Archaeologists are mindful of the strict issues raised by their work, but they are also functioning within a much broader – if we may say – human landscape, because in many cases they become emotionally involved with the relatives and their stories. An environment of this kind has other side effects. Often, the forensic work becomes more transparent and understandable for the relatives of the victims when they are able to observe and ask questions of the forensic team.

Conclusions

There is a sharp incongruence between the needs of truth and justice – as sought by victims' relatives and the more progressive sectors of society – and the imperatives of post-dictatorship governments. In most of the countries where we work, human rights abuses have affected large sections of society. To deal with these massive violations, Truth Commissions, and/or tribunals have been established by new governments to investigate them. Official investigations, however, are often closed once these commissions or tribunals finish their work. In most cases, these institutions exist for a very short period – one or two years – to investigate an enormous number of human rights violations. They are understaffed and underfunded and in many cases, must limit their investigation to a reduced yet representative number of cases. Also, these commissions exist within conditions strongly affected by the political pressures of weak transitional democracies. In some countries, investigations have led to the conviction of those responsible; in others, despite investigations and prosecutions, various amnesty laws have allowed the responsible parties to avoid conviction. Reconciliation without justice is being sought in many cases – an impossible alchemy in which the shadows of the past will stay, unresolved, in the

background. Moreover, many of the families of the victims are left with their cases unresolved.

We believe that investigations need to be carried on despite amnesty laws and beyond the mandates of *ad hoc* commissions and tribunals. If these investigations are to have a preventive effect or improve our societies in any way, it is by being able to find and analyse the different parts of truth of past atrocities, and thus, increase the level of knowledge and reflection on our present and future circumstances.

Forensic anthropologists, in this respect, in countries such as Argentina, Guatemala, Chile and elsewhere are allowed to continue working despite amnesty laws or/and after the mandate of special commissions of inquiry. The evidence collected in forensic investigations sometimes represents the possibility of moving from a matter of opinion to a matter of fact. It may not have the same effect as when these investigations are framed within the context of a truth commission or a tribunal, but on a smaller scale, it shares some of their positive historical and ethical goals: to help the families of victims and to help society set the record straight.

Acknowledgement

We would like to express our gratitude to Jorge Fondebrider, Paulette Farsides and Gerardo Gambolini for their help with the text and Vivian Scheinsohn for her initial call.

Bibliography

- Alex Boraine, Janet Levy and Ronel Scheffer (eds) (1994) *Dealing With the Past, Truth and Reconciliation in South Africa*, Cape Town: IDASA.
- W. M. Krogman and Mehmet Yasar Iscan (1986) *The Human Skeleton in Forensic Medicine*, 2nd edition, Illinois: Charles C Thomas.

Chapter 13

Forensic archaeology in the UK

Questions of socio-intellectual context and socio-political responsibility

Margaret Cox

Introduction

In 1996, when discussing forensic archaeology, Charles Thomas questioned whether some archaeologists were perhaps guilty of selling themselves short, or whether we might apply our skills in outer space! He considered that the ability of many to 'hypothesise inferences from visible, tangible evidence' (Thomas 1996: 14) was a skill that should be confidently deployed, not only in forensic archaeology but in any context, and that most of our techniques, both field and laboratory, are scientific, have much wider potential than we realise. He effectively reminded archaeologists that our approaches and expertise have relevance outside traditional archaeological frameworks, and questioned the frequent impression encountered of a precious and exclusive discipline, one with little social relevance and one not fit to face up to the challenges of 'final frontier' (ibid. 14).

While perhaps not living up to Thomas's expectations, there is little doubt that forensic archaeologists are working, if not at final frontiers, at least in a new arena: an arena providing new challenges and also research opportunities which may ultimately feed back into and inform archaeological sciences (Cox and Beckett 1999), geophysical techniques and recording systems. The past decade has seen the rapid development of forensic archaeology within the United Kingdom (UK). A type of forensic archaeology that has not solely been practised within the UK but also in a wider geographical context is the investigation of violations to human rights, for example in the location and excavation of mass graves in the former Yugoslavia and in Guatemala. The development and application of archaeological principles and methods to the investigation of serious crime have followed a different course in the United States (US) where it emerged earlier this century as a sub-discipline of forensic anthropology. In the US, forensic archaeology is limited in its application to providing a secure contextual framework for recovered human remains. In the UK it has a much wider application including the search and location of buried remains, their recovery, recording, facilitating other forensic sciences, and following the Criminal Procedure and Investigations Act (1996), the passive conservation and storage