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THE INVESTIGATION OF HISTORIC MISSING PERSONS CASES – GENOCIDE AND ‘CONFLICT TIME’ HUMAN RIGHTS ABUSES

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ABSTRACT

The twentieth century has been described as the ‘age of extremes’ (Hobsbawn 1994), due to the large number of cases of genocide and human rights abuses during ‘conflict time’ (Baille 2012). In some countries, systematic methodologies have been developed in order to locate the bodies of missing persons, resulting in the successful identification and re-internment of these remains. However, there are many cases in which the victims of genocide and human rights abuses are still missing decades and even centuries after the crimes were perpetrated. This chapter will consider: the various reasons why search and recovery programmes might not be undertaken in relation to historic genocide and human rights abuses; some of the political, social, ethical, cultural and religious issues that practitioners attempting to engage in such investigations should consider prior to formal initiation of an enquiry; and the range of interdisciplinary techniques that can now be drawn upon to locate body deposition sites.

34.1. INTRODUCTION

The twentieth century has been described as the ‘age of extremes’ (Hobsbawn 1994), due to the large number of cases of genocide and human rights abuses during ‘conflict time’ (Baille 2012). All around the world, acts of mass violence on the grounds of racial, ethnic, political

and cultural differences were perpetrated, resulting in the forced disappearance of tens of millions of people. This followed the turbulent nineteenth century, during which colonialism and prejudice led to mass violence. In the twenty first century, human rights abuses have taken new forms as a result of terrorist activity and radicalism. Genocide and human rights abuses are defined by their focus on mass destruction, injury, the removal or limitation of basic human needs (e.g. food, water, hygiene facilities, adequate living and working conditions, access to medical equipment etc.), forced labour, forced transfers and measures to prevent births (UN Convention on the Prevention and Punishment of the Crime of Genocide 1948). Genocide and human rights abuses will often also include the destruction of cultural property and limitations on cultural and religious life, although this has not yet been ratified by law (Sturdy Colls 2016a forthcoming; Lemkin 1944).

In some countries, systematic methodologies have been developed in order to locate the bodies of missing persons, resulting in the successful identification and re-internment of these remains. Additionally, there are now a broad range of techniques available to forensic archaeologists, anthropologists, pathologists and other scientists that can aid in the search, recovery and identification of other types of buried or concealed evidence. The successful application of these approaches has been demonstrated in domestic missing persons cases in many countries - in particular, the UK, the USA and The Netherlands (for examples, see Chapters 18 and 27; Groen et al. 2015; Hunter et al. 2013). Since the late 1990s, they have also been widely applied to the investigation of genocide e.g. in Bosnia, Croatia and Kosovo (as part of searches for victims of the Yugoslav War), and in the aftermath of terrorist attacks e.g. following the World Trade Center 9/11 attacks in the USA (for examples, see Chapters 31-33; Hanson et al. 2015; Hanson 2015; Budimlija et al. 2003).

However, there are many cases in which the victims of genocide and human rights abuses are still missing decades and even centuries after the crimes were perpetrated. Although, in some cases, this is due to successful attempts by perpetrators to hide their crimes, the main reason why missing persons remain missing is because no or little attempt has been made to find them. There are a number of complex reasons why this might be the case, many of which will be discussed in this chapter. There has been little discussion in published literature about the lack of parity between investigations of historic genocide and human rights abuses worldwide. Previous studies have tended to focus on one particular crime, rather than considering the broader temporal and spatial connotations of missing persons investigations in these contexts.

This chapter will consider the various reasons why search and recovery programmes might not be undertaken, with a particular focus on twentieth century mass violence, on the basis that it is important to understand these issues if we are to move forward with missing persons investigations relating to historic crimes in the future.¹ Prior to this, the first part of the chapter will consider the impact of long-term missing persons cases relating to historic acts of mass violence on the families and communities of the missing. It will also review the widespread political, social, ethical, cultural and religious issues that practitioners attempting to engage in such investigations should consider prior to formal initiation of an enquiry. In the author's experience, being aware of these issues prior to initiating investigations has facilitated search and recovery programmes in areas previously averse to such work. It has permitted the development of more suitable field methodologies and allowed work to be carried out ethically and sensitively; an approach that is absolutely necessary in environments that are still often divided and fragile. The chapter will conclude with a series of recommendations for the future, centred around a number of case studies. It is the intention of this contribution to demonstrate that there are now a wide range of interdisciplinary techniques that can be drawn upon to locate body deposition sites in such a way that the sensitivities surrounding mass violence can be accounted for.

34.2. MISSING "THE MISSING"

Because of the toll on people and their environment, genocide and human rights abuses fracture societies. Many societies that have experienced these crimes will never truly recover. However, finding out what happened to the missing is usually regarded as an essential step in post-genocide rebuilding. When a missing person is known to be deceased, the importance placed upon finding their body is likely to be considerable. This issue was extensively discussed by Williams and Crews (2003) and in the context of domestic cases in Chapter 9 in this volume, but it will be briefly re-addressed here in light of recent advances in developing ethical approaches to the investigation of mass violence. In short, finding the body of a loved one will

¹ Of course, this discussion cannot possibly capture all of the nuances involved in the study of socio-historic conflict and it is recommended that practitioners who intend to initiate investigations examine the case-specific issues that surround the event with which they are concerned.

usually be seen as an essential part of the grieving process, religious life, social justice, remembrance and ensuring the crimes are not forgotten.

34.2.1. Cycles of Grief and Hope

When missing persons are known or suspected to be deceased, even after a long time has passed since a person disappeared, the importance of locating a body will not diminish. In many cases, the sense of urgency will actually increase on the basis that those who knew the deceased wish to find out what happened and provide an adequate burial place for the missing in their own lifetime. As observed by Holmes (2008) in domestic missing persons cases, family members' lives will likely become consumed by the uncertainty surrounding what happened to their loved ones and they may become trapped in a cycle of grief and hope (see also Chapter 9, this volume). The same patterns can be observed with disappearances in the course of mass violence and they may be exacerbated in the absence of multiple family members and friends. As Kumar (2001: 70) notes 'in psychological terms, the mourning for a person who has "disappeared" is more attenuated than for a person who is known to be dead, even where that person died a violent death'. The failure of governments and other agencies to undertake searches for missing persons will often exacerbate the anguish felt by relatives; anguish that the fate of their relatives is being forgotten or deliberately ignored, that the evidence of the crimes have not been laid bare and that their community remains marginalised. For example, the wives of the men who went missing during the war in Lebanon from 1975-1990 describe the additional distress caused by the government's failure to initiate searches:

'I never imagined that we'd hear nothing about him. I was hoping that he'd come back, despite fearing that they might tell me he was dead or in Israel...Why won't they tell us whether they are dead or alive? This was always on my mind...and I still wonder if they're dead? Where are they buried?' (Yakinthou 2015: 4).

Family members of people taken during the Spanish Civil War described the ongoing pain felt by many members of their family, ninety years after the conflict began:

'To her last, my mother bore the anguish of not knowing what had happened to Jesús. She yearned to meet the child that they had stolen' (Burnett 2009).

As Renshaw (2010:50) reports:

‘The Argentinean writer Ernesto Sabato said “the dead die once, the disappeared die every day”. It [the failure to find missing persons] is an ongoing crime and this maintains a state of active tension between a population and its government’.

When relatives decide to give up their search, or where descendants for whom the crimes perpetrated are in living memory pass away, the effects of genocide and the uncertainty surrounding missing persons may still remain for generations thereafter. The child of a young woman who went missing during the conflict in Nagorny Karabakh in 1993 echoes the sentiments of many child survivors:

‘the worst thing about this pain is that the more you grow up, the stronger it gets. The fact that you have no mother and there is no idea of what has happened to her really kills’ (ICRC 2015e).

Others may be in denial or feel that they are in a ‘painful limbo’ because the fate of their relatives remain unknown. This is particularly prevalent in cases where murders, people trafficking, forced labour and child kidnappings occur simultaneously. In these cases, the possibility that individuals may in fact still be alive cannot be ruled out until evidence e.g. a body, is found to the contrary. A recent case in Argentina - where Ignacio Montoya Carlotto was found alive, 36 years after his pregnant mother was taken by a State death squad – aptly demonstrates that some long-term missing persons cases can sometimes result in families being reunited (Guñi 2015). In other cases, relatives may assume that their loved ones are deceased given the amount of time that has passed without their safe return:

‘My grandmother lost her partner in World War II in a concentration camp... the way that she came to the knowledge that he was killed was quite simply that he did not return after the war...So from a very early age I was conscious of this issue, of missing people who disappear and are never seen again’ (Courtney Angela Brkic 1997).

In the absence of calls by family members to initiate searches, it becomes easier for governments to avoid identifying the fate of missing persons.

34.2.2. Individual and Community Activism

If survivors, family members and communities feel that there is a lack of interest in pursuing searches for missing persons, they may become activists or initiate their own investigations (Chapter 9, this volume). This is particularly prevalent in relation to historic cases of genocide and conflict, since they may feel that these are the only potential options which may lead to the successful identification of graves.

Advocacy of Truth and Reconciliation Commissions, within whose purview searches for graves would be undertaken, has been particularly common. Following the creation of such a committee in South Africa, many African countries have stressed the need for a similar approach in relation to genocide and conflict in their own territories. For example, in Namibia, the 'Breaking the Wall of Silence' committee has suggested a similar approach and, in the absence of a government-led commission, has sought to raise awareness of the crimes perpetrated by the Swapo leadership, most notably the torture and killing of 700 detainees in Angola in the 1970s and 1980s (Saul and Leys 2010; Melber 2003). However, they have faced resistance in the form of a lack of cooperation from the Swapo government, who have repeatedly failed to open their archives concerning these events. In the decades after the Second World War, several searches for mass graves of victims of Nazi and Soviet terror were initiated across Europe because of repeated calls by relatives to find the graves of their loved ones (Sturdy Colls 2015; Rosensaft 1979; Mant 1950). Likewise, in Bosnia-Herzegovina, families continue to be activists in order to ensure an ongoing commitment to searches and exhumations, although many argue that:

'we don't need any more commissions or any other new institutions in addition to the ones we have. We only need those which already exist to carry out their work properly' (Adisa Tihic in Djokic and Ker-Lindsay 2010).

Organisations such as the International Committee of the Red Cross (ICRC) and Human Rights Watch have worked with relatives across the world to document genocide and mass violence, and advocate the need for scientific investigations into the atrocities.

Ongoing pressure by family members may eventually result in commissions being created and, ultimately, searches being carried out. The recent examples of exhumations of mass graves

from the 1965-66 conflict in Indonesia (McGregor 2010), the 1982-2000 episodes of mass violence in Peru (Lacabe 2008), the 1936-1939 Spanish Civil War (Renshaw 2011) and Communist-era mass graves in Eastern Europe (The New Observer 2013; Ossowski et al. 2013; Jankauskas et al. 2005), provide just a few examples.

If relatives feel that the authorities are not doing enough to initiate investigations, it is not uncommon that they will carry out their own searches. Countless examples of this can be cited here from the Holocaust (Sturdy Colls 2015), Rwanda (Totten and Ubaldo 2011), Bosnia-Herzegovina (BBC 1999) and Iraq (Steele 2008) to name but a few. In 2009 in Timor Leste, veterans instructed the army to begin exhumations of the bodies of those who died during the Indonesian military occupation from 1974-1999 in the continued absence of a cross-government initiative to undertake searches (Kinsella and Blau 2013).

Whilst exhumations like this may result in discoveries and reburial, in the absence of qualified forensic or archaeological practitioners, evidence will be lost, remains may be damaged, identities will unlikely be confirmed, misidentifications may be made and people unaccustomed to handling corpses will be confronted with the remains of the dead. All of these instances could be avoided if methodical, scientific investigations were initiated.

In a more “forensically aware” era, family members may resort to alternative methods in an attempt to initiate searches for the missing. The author regularly has letters and emails from family members of Holocaust victims who send photos, maps and documents in the hope that additional information about burial locations can be provided and that archaeological work will be undertaken. In relation to historic genocides and conflict where prosecutions of offenders are unlikely to be undertaken, archaeologists may find themselves subcontracted to undertake search and recovery efforts by families (Case Study 1).

34.2.3. Impact on Communities

Because of the nature of mass violence, cycles of hope and anguish are also often experienced on a larger scale by the wider communities from which the victims came. This can result in short- and long-term epochs of demographic, social and economic stagnation followed by equally varied periods of unrest and renewed attempts to encourage search efforts. For example, in Srebrenica in Bosnia, the wives and mothers of men thought killed by the Serb

forces in 1995 (but whose bodies have never been found) continue to be affected by the absence of several generations; children are without their fathers, families are without their chief earners, women are without children and the community is defined by ambiguous loss. Likewise, the community in mourning continues to be placed on a world stage during the annual burial services that are held in Potačari cemetery for the victims that have been identified in the course of the year. Kumar (2001: 71) provides a detailed overview of the economic, social and psychological impact of mass violence during civil wars on women in Bosnia-Herzegovina, Cambodia, Georgia, Rwanda and Guatemala, noting that in the latter country:

‘in traditional Mayan society, widows normally have a sanctioned status within the community, where they enjoy respect and support. However, the complex and seemingly arbitrary nature of the violence stigmatized many war widows who, as a result, did not receive the economic and emotional help they needed from their villages and extended communities’.

This problem was compounded when the bodies of the missing men had not been found. This is reflective of many societies throughout the world where the failure to locate the body of a missing person will prevent a legal declaration of death and the associated support that should follow this. The presence of suspected, but unconfirmed, clandestine burial sites and the fear of disturbing human remains may also present economic inhibitors, as areas of land may be designated as unavailable for development or agricultural activities. For example, in Zimbabwe, a large number of burnt houses and mass graves exist as a result of mass violence since the 1960s (Silika 2015). Access to these areas in general (as well as for development purposes) has been restricted due in part to a fear that the spirits of the dead haunt them (Fontain 2010). This situation is certainly not aiding the country, which is already suffering extreme poverty, famine and drought. In Guatemala, many women ‘report ongoing and imperative dreams’ in which ‘the spirits [of the deceased] cannot be disposed of – they form a new sort of patrol, becoming another terrifying presence, persecuting the living’ because exhumations and reburials according to religious have not taken place (Kumar 2001: 70). Many families want graves to be found and are haunted by the fact that the remains of their loved ones are within collective graves dug by the perpetrators. Following the recent exhumation of her father’s remains, Ascension Mendieta stated:

'it has always troubled me how he may have fallen into the grave - face up, face down...Now we can give him a decent burial like everyone deserves. Not just dumped in there like a dog' (Reuters 2016).

The fear of hauntings by the deceased, the creation of liminal spaces where people dare not go, and inhibitors to economic and social life are common bi-products of mass violence across the world when graves have not been officially located, exhumed or marked (for further examples, see: the Ukraine in Desbois 2004; Poland in Sturdy Colls 2014, ch.4-5; for Romani fears relating to ghosts and burial sites, see Kigar 2012).

34.2.4. Religious and Cultural Considerations

The right to have a marked burial site, in accordance with one's religious customs, has been recognised as a primary human right (ICRC 2015a; Roagna 2012). Yet, this right has not been afforded to millions of people that have died in the course of historic acts of mass violence. This can have a considerable negative impact upon individuals and communities. For example, in Guatemala, the failure to locate the graves of the missing has means that 'survivors are unable to establish the post-life relations with loved ones that are essential to the maintenance of family and community coherence' (Kumar 2001: 70). If a formal burial service has not been carried out to mark the passing and internment of the deceased, this can cause significant distress to family members and lead to long-term fears about the fate of the deceased in the afterlife (when the latter is believed in) (Green and Green 2006).

Forensic archaeological and anthropological methods can facilitate the location of burial sites so that victims of human rights abuses can be afforded a funeral or commemoration service in accordance with their religious beliefs. However, in order to do so, renewed search and exhumation efforts must be handled in such a way that the religious and cultural beliefs of the people with a connection to the atrocities are considered. For example, in Jewish culture, the desire for a 'perpetual burial place' means that disturbance of bodies buried within graves is strongly discouraged by Halachic Law, regardless of whether they were interned there legally or illegally (Christians 2008: 8). Less Orthodox Rabbis have permitted exhumations, allowing remains to be moved if they are being reburied in Israel or if they are under threat from disturbance (Sturdy Colls 2015, ch.3); thus demonstrating that, even within the same religious group, opinions concerning death and burial may be markedly different. There is also likely to

be variation amongst different sects of the Christian faith. Although, as a general rule, Christians believe bodies should be buried in sacred ground, exceptions may be made if it is felt that the excavation of human remains is disrespectful or when sites of mass violence, because of their nature, are co-opted as sacred spaces (ibid). Cultural approaches to death and burial must also be considered and, as with many tribal cultures, it should not always be assumed that these beliefs will be written down. In many religions, there are strict laws about having contact with the deceased and so practitioners must consider where bodies will be stored if exhumations are to be carried out (Perera and Briggs 2008; Green and Green 2006). The latter is particularly important in Hindu and Muslim culture. It is also important to have plans in place which make it clear what scientific investigations will be undertaken post-excavation and at what point remains will be released to families for religious ceremonies to begin. Certain religions may object to scientific testing of human remains e.g. Jehovah's Witnesses, Judaism and Islam, although positions on this may vary in cases involving unlawful killings and so these issues should be discussed with local leaders before investigations are carried out. This approach is necessary in relation to all stages of the search and recovery process.

Good communication with communities and families is vital. It should not simply be assumed that families will want exhumations, nor that particular religious customs should be followed. For example, for some people, the prospect of disturbance of the grave through excavations and exhumations, further adds to the trauma they have experienced. Rose Marie Mukamwiza and Emmanuel Murangira describe how they have witnessed survivors becoming hysterical at reburial services in Rwanda because they believed that what they were witnessing was the massacre of the victims themselves (Totten and Ubaldo 2011, 33 and 93). For others, it disturbs or violates the deceased. Methodologies should be developed with local religious and cultural beliefs in mind, accounting also for the fact that the law may override religious objections or wishes. Long-term plans must be put in place before investigations begin in order to ensure the appropriate treatment and commemoration of victims. If bodies are to be exhumed, how will they be handled? How will scientific process account for religious and cultural beliefs? How will remains be analysed? What are the implications of the investigation for religious and cultural beliefs? How and where will they be reburied? What access will family members have during this process? How can science and religion work together to competently and ethically resolve the fate of missing persons? Who will care for the burial site in the future? How will the process of identification be handled? How will any ethical issues

that arise in the course of genetic testing be approached? These are just a few of the vital questions that must be posed before, during and after search and recovery efforts take place. Further suggestions for adapting methodologies to account for religious and cultural beliefs are included in Case Study 1 and Sturdy Colls (2015).

34.3. WHY DO GENOCIDE AND HUMAN RIGHTS CASES “GO COLD”?

Depending upon the circumstances of the mass violence, witnesses may provide evidence concerning the murder and forced disappearance of individuals and groups straight away. Other physical evidence may also be instantly available. Therefore, the need to initiate a search and recovery programme may also be immediately apparent. There are a number of reasons, however, that searches may not be initiated or that cases may go “cold” which will be discussed below. Likewise, there are a number of factors connected to the passage of time which continue to limit the ability to search for the missing, even decades after, which are also discussed.

34.3.1. Law and Guidance

34.3.1.1. International Law

International law now asserts that family members of people missing as a result of conflict have ‘the right to know’ whether or not their loved ones are alive or dead. The International Committee of the Red Cross provides a comprehensive overview of the various legislation which confirms this (ICRC 2015a, b, c, d) and so only a summary will be included here. Essentially, international law stipulates that ‘each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate’ (ICRC 2015d).

After the war crimes and genocide perpetrated during World War II, the *Geneva Convention* (1949) was ratified, confirming that States must address the enquiries of family members searching for missing persons and put adequate plans in place to search for the missing (ICRC 1949). In 1974, the United Nations General Assembly reaffirmed that ‘the desire to know the fate of loved ones lost in armed conflicts is a basic human need which should be satisfied to the greatest extent possible’. The International Committee of the Red Cross (2015d), the

Council of Europe (2014), the European Parliament (1995, 2007), the European Court of Human Rights (2015) and various other agencies have developed legislation that stresses the necessity to locate missing persons following armed conflicts and genocide, and/or initiated prosecutions against states that have failed to do so. The identification of missing persons has been defined as a 'basic dignity' for all people, regardless of their origins, circumstances or religious beliefs (Haglund 2002: 245). As the International Commission on Missing Persons (ICMP) (2014) have argued, 'the problem of missing persons does not respect borders, whether persons are missing as a result of conflict, human rights violations, disasters, organized violence, or refugee flows and migration. For this reason, the issue of the missing is increasingly being understood as a global challenge that demands a structured and sustainable international response as opposed to uncoordinated, *ad hoc*, situation specific approaches'. The *International Convention for the Protection of all Persons from Enforced Disappearance* (2006) clearly indicates that 'concealment of the fate or whereabouts of the disappeared person' is illegal and all States that have signed this convention have a duty to locate missing persons (United Nations 2006). Therefore, international law, guidance and provision have been developed, particularly over the course of the last two decades, in order to ensure that search and recovery efforts are initiated in the immediate aftermath of mass violence.

However, whilst international law acknowledges the importance of missing persons investigations, millions of people remain missing worldwide as a result of historic cases of mass violence. As noted above, much of this legislation has only been developed in the last twenty years; thus it post-dates many of the war crimes and genocides of the twentieth century. In some cases, such as the crimes perpetrated in Cyprus as part of the Turko-Cypriot War and in the Balkans during the Yugoslav Wars, this legislation has been applied retrospectively and missing persons enquiries have been initiated (see Chapter 31 for examples). However, investigations have not been initiated under the auspice of this legislation with regards earlier examples of human rights abuses, such as the Holocaust and the crimes perpetrated by the Soviet regime in Eastern Europe. The more time that passes since genocide and war crimes were carried out, the less likely it becomes that these laws will be enforced. In cases of civil unrest that results in genocide or war crimes, the international community may be particularly reluctant to intervene, especially years after the violence has concluded, for fear of political unrest.

The international law regarding persons missing as a result of armed conflict also only apply to the nations and states that have both signed and ratified them. There are many nations throughout the world that have failed to do so whilst others have signed these declarations, but have failed to comply with them. For a variety of reasons discussed throughout this chapter, the international community may also fail to force them to do so. For example, Zimbabwe has signed and ratified the Geneva Convention yet there has never been a large-scale investigation into the disappearances of more than 50,000 people from four periods of violence between 1966 to 2016 (Sachikonye 2011). In fact, an examination of the list of countries that are signatories to the *Geneva Convention* reveals the worrying reality that the majority have both seen episodes of mass violence during armed conflict and genocide immediately before and/or since the law was ratified, and the majority have failed to locate the graves of missing persons resulting from these occurrences (Wikipedia 2015). In the case of some countries, the failure to initiate investigations, or for the international community to enforce the law, also applies to episodes of recent mass violence. In light of this, it is perhaps unsurprising that more historic cases have not been (re)examined.

Therefore, despite the fact that knowing the fate of loved ones is seen as a 'basic dignity', there is no universal law that states that it must be afforded to *all* victims of genocide and human rights abuses resulting from conflict (Haglund 2002: 245). The laws that are in place do not necessarily get applied retrospectively, nor are they always enforced in cases of more recent violence. This is one of the reasons why we find ourselves in a position in the twenty first century whereby we have the adequate methods to locate missing persons on the one hand, and a failure to do so in many cases on the other.

34.3.1.2. National Laws

In the absence of enforced international law, the fate of persons missing as a result of genocide and conflict is often governed by the national laws. Legal statutes relating to searches for persons missing as a result of genocide and conflict vary considerably between different countries. Many States have their own legislation governing the need to resolve the fate of missing persons who have been the subjects of genocide and human rights abuses (for examples, see Organisation of American States 1969; African Commission on Human and Peoples' Rights 2015; ICMP 2004), although (as with international law) they may not be applied to historic cases of genocide and conflict.

When no specific legislation exists, some countries will approach the cases of persons missing as a result of these scenarios in the same way as domestic missing persons enquiries. Others will have specific references within legislation that indicates how searches for war crimes victims should be approached. There is considerable variation between countries in terms of the number of years missing persons cases are considered to be of “forensic significance”. Many countries, such as the UK, stipulate a potential seventy- to hundred-year investigation window since this is puts crimes within “living memory”. Others place a much shorter time window on investigations; for example, in Portugal, fifteen years after death, bodies become “archaeological” by law and so missing persons enquiries will not be initiated. An examination of the legal approaches to missing persons in a given country may offer some clues as to why investigations into genocide and war crimes have not been initiated if such statutes exist. That said, even when specific references to war crimes exist, countries may:

1) Still choose not to readdress historic cases of genocide and conflict - Particularly when a general knowledge of the crimes exists, or when investigations (no matter how limited) were carried out in their immediate aftermath, historic genocide and war crimes may not be considered a police or legal matter. However, since they will undoubtedly remain sensitive, they are often not classed as “archaeological” either; thus, they fall into the grey area between history and memory in legal and societal terms. A recent investigation by the author in Alderney in the British Channel Islands highlights this situation. Despite the fact that considerable new evidence has been presented that suggests that mass graves are present on this island as a result of Nazi persecution, further archaeological investigations have faced opposition and the police have declined to investigate the matter further (Carr and Sturdy Colls 2016, forthcoming).

2) Grant exceptions to war crimes cases and so investigations may still be initiated decades after persons went missing - Croatia’s approach to crimes perpetrated by the Nazis and Ustaša during World War II (Šlaus et al. 2012), and Poland’s approach to Holocaust-era crimes, provide just two examples (Ossowski et al. 2013).

A comprehensive review of the legal positions of a wide-range of countries throughout the world, in relation to the treatment of human remains, is provided in Márquez-Grant and

Fibiger (2012) and further discussion on the issue of the legal parameters of war crimes investigations is included in Sturdy Colls (2015, ch.3).

34.3.2. Politics

Many of the key reasons why searches may not be initiated relate to politics, both within the countries concerned and internationally. Many instances of genocide and human rights abuses occur within 'conflict time' or in the immediate aftermath of war when the political situation remains uncertain (Baille 2012). As such, access to the country concerned may be impossible or severely restricted. It may not be safe for investigative teams to enter and governments may be swift to prevent this if they were party to the violence. If the conflict continues for years after particular instances of genocide and human rights abuses occur, search and recovery efforts may be prohibited (Hunter and Simpson 2007). By the time investigative teams are allowed to enter, knowledge concerning burial locations may have been lost, witnesses may have passed away or may not be willing/able to speak, landscape change may have masked burial sites, and emphasis may have shifted towards prosecution of offenders or reconciliation and rebuilding. In the aftermath of war and conflict, access to countries may continue to be restricted. Travel restrictions, lack of infrastructure, pressing humanitarian concerns for the living e.g. medical care, housing etc., an absence of trained personnel, military activities, a lack of legislation and a range of other reasons may result in the dead being forgotten, or at least not prioritised.

When searches do take place, emphasis may be placed on finding military personnel over civilians (ibid; Rosensaft 1979; Mant 1950), on providing proof that a crime took place (as opposed to the thorough investigation of a grave site) or on commemorating (rather than individually locating) the dead. It may take time for facts to emerge and pressure may not immediately be placed upon governments by the international community to provide access to both sites and documentary evidence. Archives may remain sealed and the media or other activists may not become aware of missing persons until sometime after the conflict has ended. Smaller-scale acts of violence may also be overshadowed by larger-scale atrocities, either within the same country or elsewhere in the world. The shootings carried out by both the Nazis and the Soviets during World War II provide one such example as these killings continue to be forgotten and investigated to a lesser extent because of the emphasis on the death and concentration camps (Sturdy Colls 2015, 2012).

Over time, priorities will likely shift, resulting in increased and decreased levels of interest in finding the missing. Regime changes may sometimes lead to new calls to undertake investigations, as perpetrator regimes fall or are forcibly removed, and as officials open to the idea of searches come to power. Following the collapse of Communism across much of Eastern Europe in the early 1990s, many of the new governments in countries in Eastern Europe called for investigations into the atrocities perpetrated in their territories by the Nazi and Soviet regimes. In Vilnius, this approach resulted in the excavation and analysis of the former Gestapo and KGB Headquarters, where the remains of 706 individuals were found in 1994-1995, and a further 18 individuals were found in 2003 (Jankauskas et al. 2010). More recently, in Papua New Guinea an official policy, regarding the need for searches for the 20,000 persons missing as a result of the 1989-1997 war, has been issued. However, although a regime change resulted in this policy finally being adopted, it is likely to still be a long time before searches are actually undertaken (ICRC 2015f). Political leaders may also undergo shifts in policy during their time in government. Ferrández (2013: 39) has argued that:

‘societies eventually need to confront head-on the most disquieting elements of the past and...political strategies that privilege sweeping such history ‘under the rug’, while potentially effective for discrete periods of time, may be altogether more destabilizing in the long term’.

Recent exhumations of civil war victims in Spain are said to be the result of this recognition and a desire to come to terms with the past. A similar trend existed in Germany in the 1960s when rebuilding and recognition of the past were recognised as contingent on each other (Bernbeck and Pollack 2007). International pressure may also lead to searches for graves, as with recent cases in Columbia and Sri Lanka (ICMP 2016; McGillem 2014). Just as quickly as changes to political regimes can permit access to killing sites, they can also restrict access. Sites connected to the Armenian genocide which are now in Syria, a country which has been plagued by civil war in recent years, serves as just one example (Case Study 3). Ongoing, or a resurgence in, prejudice towards the group(s) affected by the genocide or conflict may also explain a lack of investigation. This is particularly true when the prejudice is state led, supported or tolerated. The current political status of nation states can also impact upon whether or not they are forced to undertake enquiries into historic acts of genocide and mass violence. For example, some have argued that Britain’s lack of investigation of deaths that occurred under their colonial rule reflects the fact that Britain has been successful in

'airbrush(ing) and disregard(ing) our past' (Monbiot 2012) by instead presenting itself as 'a beacon of tolerance, decency and the rule of law' (Sandbrook 2010; see also Lawson 2014).

Additionally or alternatively, governments may claim that they are committed to investigating mass violence, even setting up commissions for the purpose, when in fact these claims are simply a tactic to delay searches. This is particularly common when those who perpetrated the violence remain in positions of power (Case Study 2).

34.3.3. Issues of Time

The old adage that 'time heals old wounds' will not always be true in the context of mass violence, as many of the examples provided throughout this chapter demonstrate. Even when crimes pass from living memory, it may not be deemed desirable to readdress historic crimes (Sime 2013). However, in other cases, time may be exactly what is needed before investigations of genocide and conflict can be undertaken. Archaeologists and anthropologists may, therefore, become involved in historic genocide investigations for a variety of reasons connected to the passage of time.

Many episodes of violence that sit "between history and memory" may be too painful for governments and communities to address (Sturdy Colls 2015; Harrison and Schofield 2010). When they cross the threshold, so to speak, into being part of the distant past there may be increased interest in examining them. This may take the form of a legal investigation - when a desire to prosecute offenders still exists - or a humanitarian investigation, where the focus remains on finding the missing. An upsurge in interest in historic acts of violence by second, third, fourth or even later generations of victims' or survivors' family members may finally result in searches being initiated. The ageing and passing of survivors is also often cited as another reason why investigations begin decades after crimes were perpetrated. The more widespread and recent interest in locating Holocaust sites using forensic and archaeological methods provides a good example (Sturdy Colls 2015). Decisions to erect memorials, build museums or undertake other forms of development may warrant archaeological intervention, either as part of a desire to locate the remains that will be commemorated or via necessity, due to the legal obligations during the planning process (see Sturdy Colls 2015, ch.3 for examples). Research projects are more likely to be initiated after some time has passed, especially when the legal statutes of the prosecution of offenders are no longer in existence.

Communities may be quick to embrace this research when they feel the plight of missing persons has been ignored for decades; for example, women in the Ukraine speak of their wait for someone to come along and take an interest in finding World War II mass shooting sites (Desbois 2008). Media and public pressure may emerge as a response to a sense of injustice that so much time has passed and crimes have still not been examined. New witnesses may come forward, no longer fearful of the repercussions of speaking about their experiences, and archives may be opened. Alternatively, the government may be forced to confront missing persons cases because of the serendipitous discovery of remains because of natural or man-made landscape change (for an example, see Susa 2007).

34.3.4. Issues of Scale, Infrastructure and Technological Capability

The large-scale nature of genocide and human rights abuses resulting in death offers another explanation as to why searches for body deposition sites and individual identifications may not have been carried out. Crimes of this nature, committed before the 1980s, pre-date many of the advances in forensic investigation, forensic archaeology and forensic anthropology. DNA testing, the use of non-invasive archaeological recording and detection methods, and many of the methods of analysis of human remains that are widely used today simply did not exist or were not commonly used. Hence, it was simply not possible to investigate crimes like the Armenian genocide, the Holocaust and the crimes perpetrated under the Soviet Communist regime in the same way as the crimes in Bosnia, Kosovo, Iraq and the like were examined in the 1990s. Many countries that experienced violence throughout the twentieth century did not have the infrastructure to investigate mass violence fully and emphasis was instead placed upon proving that a crime took place, rather than on the location and identification of individual missing persons. This was certainly the case in the aftermath of the Holocaust in light of the unprecedented large-scale killings that occurred and the attempts by the perpetrators to hide their crimes (Sturdy Colls 2015, 2012).

Genocides like this, that took place across borders, also presented the additional challenge of locating and identifying individuals from a range of different countries and, in the absence of adequate communication systems and an over-arching organisation like the International Commission on Missing Persons, this would have been impossible. In many countries, this lack of infrastructure remains and may in part at least explain why further investigations have not been carried out. A recent example from Namibia highlights how a lack of knowledge

concerning new technologies may be provided as a reason for a lack of investigations: when skulls of victims of the Namibian Herero and Nama genocide of 1904 were discovered in the archives of a German university in 2008, the secretary of the Ovaherero Ovaherero/Ovambanderu Council for Dialogue on 1904 Genocide (OCD-1904), when asked about the possibility of DNA testing, stated: 'we are unaware of that method, but might consider it once we find out more about it' (Weidlich, undated). The perception that perpetrators destroyed the evidence of crimes or the perception that any evidence that could be found has already been found, coupled with a lack of knowledge concerning modern advances in forensic archaeology, anthropology and technology, may also account for the lack of interest in investigating historic crimes.

For some genocides and conflict situations, the exact death toll was not known at the time and, in the absence of large-scale searches or ongoing difficulties in the location concerned, is still not known. For example, Reeves (2009: 173) conducted a comprehensive survey of the number of deaths in Darfur between 2003 and 2006 but observed that 'we may never know just how "staggering" genocidal mortality has been in Darfur, or will be' because of the nature of the genocide there. With regards many of the genocides and conflicts already mentioned in this chapter, the exact number of missing and deceased persons is not known. This uncertainty makes planning a strategy for future investigations extremely difficult, particularly in terms of determining how far-reaching these should be and for how long they should continue. In these circumstances, decisions should be made based on a thorough analysis of archive materials, witness testimonies and other source material (e.g. photographs, aerial imagery, audio-visual materials), drawing upon search design protocols developed by forensic archaeologists in a domestic context. These approaches are outlined in Chapter 18 of this volume and in Hunter et al. 2013. It may be necessary to accept that establishing numbers may be an impossible, or at the very least a long-term goal, and it is certainly important to remember that as much value should be placed on locating one individual as thousands of missing persons whose locations were not known.

34.3.5. Financial Pressures

The financial pressures that the investigation of genocide and conflict exerts on governments and communities may also explain why search and recovery efforts for missing persons are not always conducted. For example, the recovery of the victims of the 9/11 terrorist attacks,

cost 970 million US dollars. The number of victims killed within a single Holocaust concentration or death camp, or at an individual massacre site during this period, usually exceed this number. Historians currently estimate that more than 20,000 camps existed during the Holocaust alongside tens of thousands of individual massacre sites. When we consider that other genocides and mass killings were happening simultaneously to the Holocaust across Eastern Europe, and the fact that these represent just some of the episodes of mass violence undertaken across the world during the twentieth century, the impact of the scale and financial burden of investigations becomes apparent. Put like this, it is perhaps easier to comprehend why large-scale searches have not been carried out for victims of historic genocides and conflict. For countries suffering poverty, famine, economic downturns and other forms of hardship in the present, allocating funds to the investigation of past violence is unlikely to be a priority.

34.4. FUTURE CONSIDERATIONS

The investigation of body deposition sites arising from conflict, particularly mass graves, is an extremely complex undertaking due to the various political, social, religious, ethical and logistical challenges they present. These challenges have been extensively reviewed in other chapters in this volume (Chapters 30-33) and by other authors (e.g. Hanson et al. 2015; Hunter et al. 2013, ch.8; Cox et al. 2008), so they will not be repeated at length here. However, historic cases of genocide and conflict present a number of additional challenges to practitioners in addition to these when investigations aimed at locating the missing take place decades later. As noted above, many of these challenges relate to the reasons why investigations have not been undertaken earlier. Further challenges and potential solutions will be presented below in order to demonstrate how advances in forensic archaeology and anthropology can be successful in resolving historic missing persons cases when these challenges are taken into account.

34.4.1. Non- and Minimally-Invasive Approaches

Forensic archaeologists and anthropologists now have a wide range of non- and minimally-invasive methods at their disposal when searching for the graves of missing persons. These methods can assist in searching for graves and, if required, they can limit the amount of ground disturbance (in the form of traditional archaeological excavation) or remove the need for it

altogether. Methods include: archival research; the analysis of aerial imagery, satellite imagery and photographs; complex mapping using Geographical Information Systems (GIS); reviewing and collecting witness testimony; walkover survey and the observation of taphonomic indicators; remote sensing using advanced GPS, LiDAR (laser scanning) or Total Station technology; photogrammetry; micro-robots; and documenting below-ground remains using geophysical survey techniques. For technical information about each of these methods, the reader is referred to Chapter 18 of this volume and Sturdy Colls (2015). These methods may prove invaluable in investigations of historic genocide and human rights abuses in particular because of their ability to: offer new ways to locate sites (which were likely unavailable when the crimes were perpetrated), compensate for some of the challenges these investigations involve e.g. politics, religion, lack of access etc. (see examples below), survey and document large areas, and provide digital data that can be used to raise awareness of the crimes perpetrated and/or as part of judicial or reconciliation proceedings. The following examples illustrate some potential approaches and applications of these techniques, and their benefits:

Case Study 1: Adampol, Poland

In 2015, an investigation was undertaken by the author in at the site of a former Nazi labour camp in Adampol, Poland, where an unknown number of victims were believed to have been used as forced labour, many of whom were systematically executed or died as a result of the harsh working and living conditions they endured. The investigation was undertaken by the author at the request of the family of a survivor and some of the victims. The family wished to determine the location of mass graves in the vicinity of the camp and, having become familiar with the author's forensic archaeological investigations at the death and labour camps in Treblinka (also in Poland; Sturdy Colls 2015a, 2015b, 2014), they requested that a similar methodology be employed in Adampol. This methodology was specifically tailored to account for the fact that excavation of the mass graves was not permitted by the Rabbinical authorities in Poland on account of the fact that the missing persons thought to have been killed in Adampol were Jewish. Jewish Halacha Law forbids the disturbance of human remains buried in a grave, except under exceptional circumstances (see Section 34.2.4).

A combination of non-invasive methods was used including: archival research, the analysis of maps, plans and aerial photographs, interviews with witnesses, the inspection and collection of airborne remote sensing data, walkover survey, forensic search methods, field survey using

a Total Station, geophysical survey (using a Ground Penetrating Radar; Figure 1) and data analysis in a Geographical Information System (GIS). This resulted in the successful identification of the locations of probable mass graves from four periods of violence, a new account of the camp's history and greater understanding of the experiences of the people who lived and died there (The New York Times 2016; Sturdy Colls 2016b, forthcoming) (Figure 2). This was the first detailed investigation of the area ever to take place and it was facilitated by a methodology that accounted for the religious and scientific importance of the site. The author, the religious authorities, the families of the victims and the local community are now engaged in discussions regarding the long-term protection of the mass graves and whether any further in-field investigation is required.

Figure 1: Ground Penetrating Radar (GPR) survey being undertaken in Adampol, Poland (Copyright: Caroline Sturdy Colls)

Figure 2: Ground Penetrating Radar (GPR) results showing one of the probable mass graves identified in Adampol, Poland (Copyright: Caroline Sturdy Colls)

Case Study 2: Zimbabwe

Zimbabwe, located in southern Africa, witnessed several episodes of mass violence during the twentieth and twenty first centuries. Resistance to British colonial rule led to conflict throughout the 1960s and 1970s, during which it is estimated that 30,000 people were killed (Sachikonye 2011). From its independence in 1980 until 1987, genocidal acts (sanctioned by the ruling ZANU-PF party) by the Fifth Brigade throughout the Matabeleland provinces resulted in the deaths over a further 20,000 people (Phimister 2008). Since 2000, mass violence and violent acts against individuals have occurred, particularly in the run up to, and post-, elections (Ndlovu 2008). Most recently, Human Rights Watch (2010, 2009) have highlighted that killings are occurring in the diamond-mining areas following their militarisation by the ZANU-PF government in 2008 (Figure 3). The exact number of people who have gone missing or are known to have been killed since 2000 is unknown. Mass graves, mine shafts, burnt houses and other clandestine sites have been used to dispose of the bodies of the victims (Silika 2015).

Figure 3: A body is brought to the surface at Monkey William Mine about 200 km from Harare in 2011 (Copyright: P Photo/Tsvangirayi Mukwazhi)

The ZANU-PF government has reportedly undertaken several enquiries over the past thirty years, although they have refused to release the results of most of these claiming ‘the publication of the report could spark violence over past wrongs’ (United States Institute of Peace, undated). Some exhumations were undertaken by the government but a High Court Ruling claimed that they were undertaken illegally and without adequate forensic provision (The Herald 2011). In 2013, the government created legislation that would allow for a National Peace and Reconciliation Commission (NPRC), claiming transparency on the issue of mass killings and clandestine burials (Mwonzora 2013). However, the enquiries have not resulted in the identification of burial sites and, although it was legally created, the NPRC has yet to actually come into existence and begin its investigation (The Zimbabwean 2015). Whilst the government has claimed that these committees were created to conduct missing persons enquiries, the reality is that they have prevented other parties from investigating the atrocities and they have stalled enquiries. They have also diverted attention away from the crimes perpetrated by satisfying international calls for such committees to be created. In the absence of state-led enquiries, activists and international organisations have attempted to locate some of the burial sites but their work has been hindered by opposition and the lack of infrastructure for such investigations (Eppel 2006; Argentine Forensic Anthropology Team 2000, 1999).

In 2015, a non-invasive investigation, which aims to locate the body deposition sites relating to the various periods of violence in Zimbabwe, was initiated at Staffordshire University (Silika 2018 forthcoming; Silika 2015). This project aims to address the need to locate the remains of the missing, taking into consideration the religious and cultural needs to the victims, the communities from which they came and the communities who live in the vicinity of their burials (see Section 34.2.2 for a discussion concerning the approaches to death and burial in Zimbabwe). The methodology selected - which involves the use of aerial and satellite imagery analysis, the collection of witness testimony, archival research and the use of Geographical Information Systems (GIS) to locate and map body deposition sites – also accounts for the ongoing opposition to in-field research in Zimbabwe and security concerns (Silika et al. forthcoming 2016, forthcoming). At the time of writing, the project has only recently been initiated, but it is hoped that, by taking an approach which accounts for the sensitivities surrounding the political and social situation in Zimbabwe, a case can be made for more

detailed investigations in the immediate future and guidance can be provided to the government concerning how to do this according to internationally-recognised forensic standards.

34.4.2. Landscape Change

After a long time has passed since crimes were perpetrated, landscape change will undoubtedly have occurred in some form and this has the potential to impact upon the ability to locate body deposition sites. The extent of this landscape change will vary depending upon the location e.g. whether or not sites have been redeveloped or whether they have been protected, whether they are located within an urban or rural environment etc. The following case study demonstrates some of the challenges that may be posed by landscape change but also the successful application of forensic archaeological and anthropological methods, ninety years after the individuals buried with a grave went missing:

Case Study 3: Body deposition sites in Syria (Ferllini and Croft 2009)

Using a combination of walkover survey (during which scattered human remains were observed), archival research and the collection of witness testimonies, archaeologists identified the possibility that a mass grave existed in Tell Fakhriya, Ras al-Ain in north-east Syria, dating to the Armenian genocide. When forensic archaeologists and anthropologists undertook an investigation in 2007, they discovered that the site had been heavily disturbed by ploughing and other agricultural activity in the ninety years between deposition and investigation. This meant that the remains were heavily fragmented, scattered and commingled, and the team suspected that many of the bodies that were originally present within the grave had likely been removed in the decades since the war. Eighty skeletons were found within the grave and important observations were made concerning the circumstances surrounding the burials of the victims, who were believed to have been housed in a nearby internment camp. Forensic anthropologists had difficulty in estimating cause of death because only one skeleton displayed signs of peri-mortem trauma. Whilst this may have been because they died of starvation and other causes which do not exhibit themselves on bone, evidence of further trauma may have been masked by the post-mortem damage caused by the aforementioned landscape change.

As many other body deposition sites connected to the Armenian Genocide are now located within war-torn Syria, the landscape change affecting these areas is now even more extreme and the lack of access to the country as a result of the conflict makes locating them almost impossible at the time of writing. Because of the present situation in Syria and accompanying limitations on access, safety concerns and other international priorities, locating the graves of those killed in the more recent conflict is also impossible or extremely difficult. As it is not currently known how long this conflict and genocide will last, it is not impossible to imagine a situation where, in several decades time, far-reaching forensic investigations aimed at locating graves will be undertaken for the first time; by which time, further considerable landscape change will have undoubtedly occurred.

In some instances, it should be borne in mind when designing investigative methodologies that remains of victims who have been missing for some time may no longer be present in primary graves. Rather they may exist in secondary or tertiary graves as a result of attempts by offenders to further hide their crimes, because of post-war exhumations (done by professionals or by local communities) or due to post-war disturbance of primary graves which led to the exhumation and inhumation of remains.

34.4.3. Pro-active Approaches to the Investigation of Genocide and Human Rights Abuses

Research has shown that taking a proactive approach to the investigation of sites of mass violence yields considerably better results than reactive investigations. Reactive investigations often do not have the same freedom as proactive ones; time, access to resources, the availability and willingness of witnesses to provide evidence, and the scope of the permitted research may all be restricted in reactive investigations. During the author's own research into archaeological investigations of Holocaust sites, it was apparent that the projects that came about as a result of planned construction works at sites of mass violence had many more restrictions imposed upon them (Sturdy Colls 2015a). This resulted in an inability to fully examine sites and the individual structures, graves and other features they contained. Certainly independent researchers undertaking searches for humanitarian reasons or for general research purposes will have more freedom to investigate compared to practitioners who are bound by limitations imposed by the public or private institutions for which they are working.

If archaeologists and other forensic specialists are the ones undertaking and advocating the research, we may find ourselves in a position where we are also activists, acting (consciously or unconsciously) on behalf of - or in the absence of - victims, survivors and their relatives. Whilst this approach has its benefits, it is also not without its challenges. Carr and Sturdy Colls (2016, forthcoming) argue the importance of taking a cautious and considered approach to 'taboo heritage', which includes the issue of mass graves. They stress that, under the right circumstances 'alternative approaches by activists...may force discussions concerning those aspects of the past that have previously been ignored' but under the wrong circumstances, they can incite further conflict. Our work may also become politicized and difficult due to the involvement and competing wishes of different parties, including the family members that we initially tried to represent. The findings of investigations may fall under the scrutiny of witnesses and historians (particularly if well-established narratives are questioned), as well as those who deny that the crimes took place (Sturdy Colls 2015, ch.12). Steele (2008: 425) has also issued a word of caution on this topic:

'forensic archaeologists should see themselves as activist archaeologists - "using the past as a political means to change present social conditions" (Bernbeck and Pollock 2007:219). However, there are inherent tensions between a belief in forensic investigation as the objective pursuit of physical facts, the pursuit of justice as a force to advance social goals, and the complexity of human emotions'.

Therefore, practitioners must carefully consider how to strike a balance between all of the above elements when advocating investigations of historic genocide or conflict.

34.4.4. Identification and Commemoration

When exhumations are undertaken, the identification of individuals may represent a considerable challenge in relation to historic genocide and war crimes. For bodies buried in mass graves, this will be particularly complex given the commingling of the remains that will often have occurred (Fowler and Thompson 2015). Bodies may be poorly preserved, it may be difficult and costly to extract DNA samples, and other traditional markers that assist with establishing identity, such as soft tissue, hair, clothing and other trace evidence, may long since have decomposed or degraded. The essential ante-mortem data needed for comparison will rarely have been collected in the aftermath of the conflicts and genocides that occurred in the first two-thirds of the twentieth century because of the absence of forensic protocols. Due to

the passage of time, this data will also be difficult if not impossible to acquire decades after the event. Information such as dental records, radiographs and medical histories, alongside hair samples or other materials bearing trace DNA - that are so important in modern missing persons enquiries (see Chapters 20-24, 26 and 27, this volume) - will rarely be available and will likely be long-since destroyed. In some countries, these records may never have existed in the first place. Investigation of historic human rights abuses will be dependent upon samples provided by relatives and, because of the often-skeletalised nature of remains in longer-term cases, on forensic anthropologists (Chapters 27 and 33, this volume). Again, this can be logistically complex because of the changes in geography that may have occurred since the crimes were perpetrated, because relatives may not wish to make themselves known or because they too may have passed away. If identification of individuals is not going to be possible, it is important that practitioners are clear about what else they are hoping to achieve by exhuming remains.

Investigations – like the 2008 exhumation at the Santa Cruz Cemetery in Timor Leste, which resulted in the positive identification of eleven victims of a massacre carried out there in 1991 – demonstrate that identification can still be possible after a considerable amount of time has passed when modern techniques in genetics and forensic anthropology are drawn upon (Blau and Fondebrider 2011). The ongoing work in Bosnia-Herzegovina, almost three decades after the genocide, also demonstrate how identifications may be possible even after a large amount of time has passed. On the basis that geneticists are now able to extract DNA from ancient remains, providing remains are well-preserved in historic genocide and war crimes cases, the extraction of DNA should also be possible. There now exists a wide range of other methods that can provide information to help establish identity, such as forensic anthropology (Chapter 27), facial reconstruction (Chapter 28), forensic odontology (Chapter 27) and the analysis of stable isotopes (Chapter 29). Even if individual bodies cannot be identified, it may still be possible to establish the fate of a missing person or learn more about those who were caught up in the genocide and conflict. In *Sturdy Colls* (2015a, ch.10), the author outlined how individuals might be identified via the presence of their name e.g. on objects, in graffiti etc., by items or other evidence that they left behind, or through making connections between archival materials and findings during archaeological surveys. The marking of previously unmarked burial sites, the creation of educational tools, and other forms of dissemination of the results of archaeological and anthropological investigations e.g. public lectures,

publications, exhibitions and the like, can all help highlight the stories of missing persons if they too are approached ethically and sensitively (Sturdy Colls 2015b).

34.5. SUCCESS FACTORS AND CONCLUSIONS

The issues involved in missing persons enquiries in the context of historic cases of genocide and human rights abuses are far more complex than just those outlined in this chapter. In every case where painful events that have resulted in mass atrocity are revisited - or in some cases examining for the first time - many years after they occurred, will undoubtedly present a broad range of political, social, religious, cultural and ethical challenges for forensic archaeologists and anthropologists. However, this chapter has sought to discuss the most common issues in the hope that practitioners considering involvement in these types of cases will use this as a guide when undertaking their own research in advance of operating in the field.

In general terms, the following factors will impact upon the ability to revisit historic cases of mass violence:

- International and national law regarding missing persons
- The political, social and financial situation in the country concerned
- The willingness of various “communities” with a connection to the site to support and allow planned work and the nature of community engagement on behalf of the practitioner
- The ability of practitioners to account for the religious and cultural issues relevant to the victims of the specific genocide or conflict scenario
- The availability of written, photographic and other evidence
- The availability of witness testimony in particular the ability to interview witnesses that are still alive in order to ask different questions directly relevant to potential searches and exhumations of graves
- The availability of ante-mortem information about the deceased
- The extent of landscape change
- The extent to which perpetrators attempted to hide their crimes (at the time and since)
- The size of grave and indicators present in the landscape
- The condition of the remains

Under the right circumstances and with a carefully planned methodology, even after a considerable amount of time has passed, it may be possible to:

- Locate human remains and other evidence associated with them
- Excavate graves and exhume remains (if this is permitted)
- Identify how graves were constructed and the configuration of human remains within them
- Determine whether or not a crime was pre-planned through an examination of the grave(s) and other contextual evidence
- Analyse whether any chemical agents or other materials were placed within the grave in order to accelerate decomposition in an attempt to hide the crime
- Examine the grave(s) for any further evidence that the perpetrators tried to hide or mark it/them
- Recover evidence that may assist in identifying victims and an understanding of how individuals died
- Recover evidence that may assist in identifying perpetrators/regimes responsible for the killings
- Examine patterns of behaviour and similarities/differences in disposal patterns between graves pertaining to the same conflict/genocide/act of violence.

More broadly, it may be possible to:

- Corroborate, challenge or fill in the gaps in witness testimonies – this in itself can be an important element in providing closure for witnesses who may have sought physical proof that what they witnessed was true for many years
- Provide (accurate) information concerning the crimes perpetrated, for the first time
- Reinter remains in individual or collective graves with markers bearing names/details of the crimes perpetrated (if exhumation has taken place)
- Mark graves for the first time/more accurately if the bodies are to be left in situ in the grave in which they were found
- Develop education and genocide prevention programmes which outline the crimes perpetrated and their effects.

Many of these will be possible to achieve even when excavation is not permitted or where individual identities cannot be established from human remains.

By taking a pro-active approach to the investigation of historic genocide and human rights abuses, and by developing methodologies which account for the various sensitivities that surround these investigations, forensic archaeologists and anthropologists should be able to make a significant contribution to resolving the fate of missing persons. By working with communities and drawing upon new technologies, we have the opportunity to approach missing persons enquiries in new and revelatory ways, to find new ways to commemorate the deceased and to develop alternative approaches to educating future generations about racial hatred and prejudice. In spite of its past failings (described in Section 34.3.1), international law does provide a framework in which investigations aimed at locating people missing in the course of historic human rights abuses could be initiated in the future. Archaeologists and anthropologists should do more to levy this legislation in the future, should survivors and family members wish for searches to be undertaken, and if negotiations fail at local level.

This chapter was deliberately chosen as the concluding chapter of this volume, in order to highlight how much more work is needed to ensure that the fate of missing persons can be resolved ethically and in a timely fashion. It also serves to reiterate the fact that the success of missing persons investigations will often depend more on political will, societal conditions, religious freedom/control and other issues specific to the context of the disappearance than the technological or methodological capability to undertake them. However, it is also positioned here to demonstrate how, if we take all of the issues posed by historic missing persons enquiries into account, it is possible to locate missing persons even after a long time has passed since their disappearance. If this can be done, against all odds, then this should provide hope for more recent missing persons enquiries in the future.

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