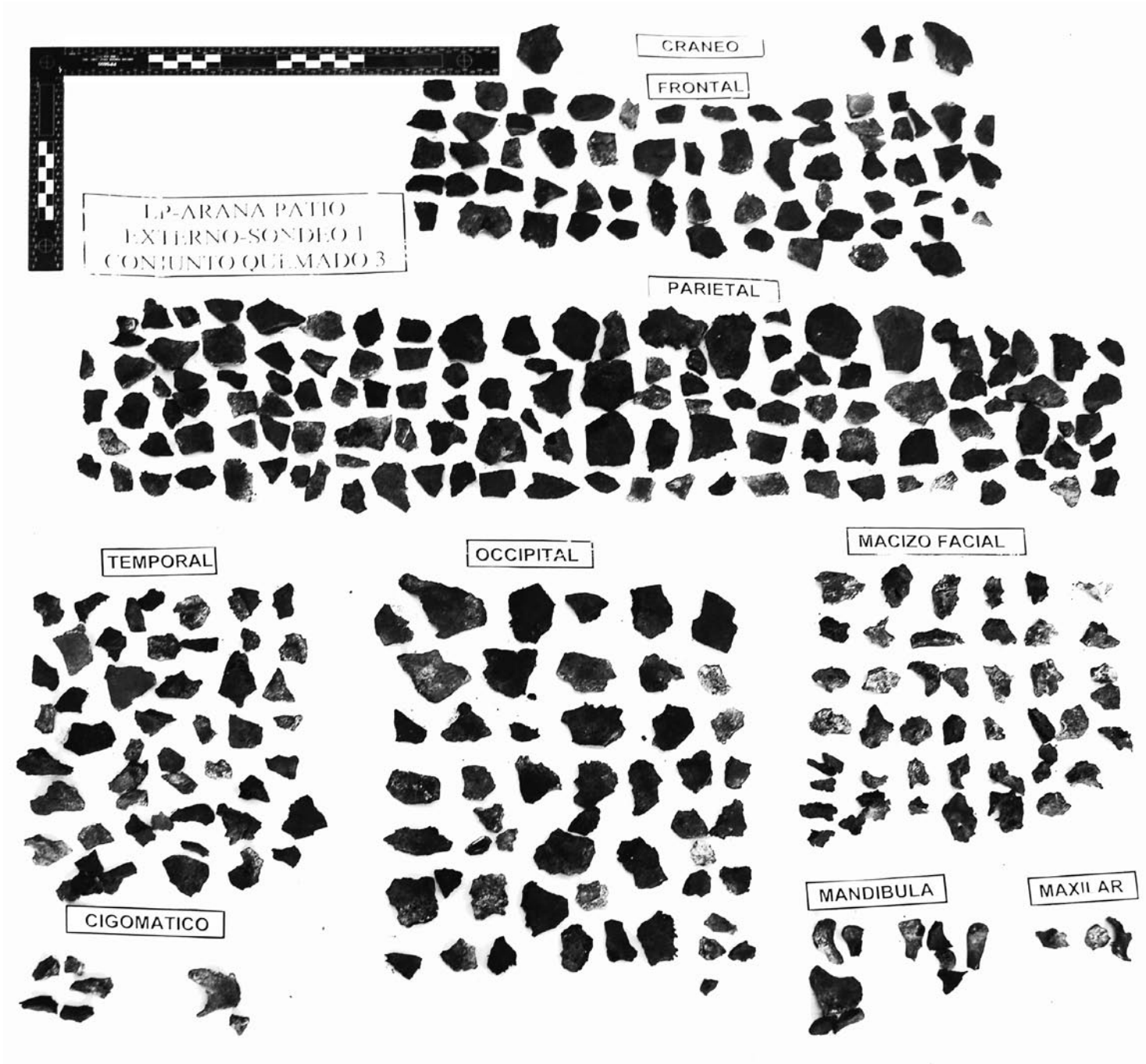




Argentine Forensic Anthropology Team

EQUIPO ARGENTINO DE ANTROPOLOGÍA FORENSE





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2007-2009 TRIANNUAL REPORT

Covering the period January 2007 to December 2009

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Introduction

The Argentine Forensic Anthropology Team (*Equipo Argentino de Antropología Forense, EAAF*) is a non-profit non-governmental scientific organization based in Buenos Aires, with small offices in New York and Córdoba, and representations in Rosario, Tucumán, Mexico and South Africa. The team was founded in 1984 in response to the need to investigate the disappearances of at least 9,000 people by the military regime that ruled Argentina from 1976 to 1983. Through the application of forensic sciences—mainly forensic anthropology, archaeology and genetics—and in collaboration with victims’ relatives and investigative bodies, EAAF aims to shed light on human rights violations, contributing to the search for truth, justice, reparation, and prevention of future abuses.

Forensic investigations comprise a range of disciplines. Forensic anthropology uses methods and techniques from physical anthropology and forensic medicine to investigate legal cases involving skeletal or almost skeletonized remains. Forensic archaeology applies traditional archaeological methods to legal contexts. Investigations also involve other disciplines including forensic pathology, odontology, genetics, ballistics, radiology, social anthropology, and computer sciences, among others. EAAF applies various methods from these fields to exhume and identify victims of disappearances and extra-judicial killings, and return remains to relatives of victims. It further presents evidence of violations and indications of patterns of abuse to relevant judicial and non-judicial bodies, and trains local professionals and non-governmental organizations in forensic techniques. EAAF members serve as expert witnesses and advisors to local and international human rights organizations, national judiciaries, international tribunals, and special commissions of inquiry, such as truth commissions.

Founding of EAAF

The first exhumations of the remains of people who had disappeared during the military dictatorship in Argentina (1976-1983) were carried out hastily and often in a non-systematic manner when democracy returned in 1984. They were ordered by judges investigating crimes committed by the military junta, and supervised by official forensic physicians who watched as cemetery workers without forensic experience exhumed graves. In 1984, the National Commission on the Disappearance of Persons (CONADEP) and the Grandmothers of Plaza de Mayo, a local human rights organization, reached out to the American Association for the Advancement of Science (AAAS) for technical expertise and advice. In May 1984, a delegation of US forensic scientists gathered by the Science and Human Rights Program of the AAAS went to Argentina to provide assistance in conducting exhumations and analysis of bone remains. They found several hundred exhumed, unidentified skeletons stored at several medical legal institutions. Many bags contained the bones of more than one individual. The delegation called for an immediate halt to the exhumations because of improper exhumation, storage, and analysis.

One of the delegation members was Dr. Clyde Snow, one of the world's foremost experts in forensic anthropology. Dr. Snow called on archaeologists, anthropologists, and physicians to begin exhumations and analysis of skeletal remains using traditional archaeological and forensic anthropology

techniques. A group of archaeology, anthropology and medical students volunteered to help the foreign delegates conduct the first exhumations using scientific methods. With the support of victims' relatives, and under the guidance of Dr. Snow, some of the students continued to apply forensic sciences to investigate cases of political disappearance in Argentina. Dr. Snow returned to Argentina over the following five years, to provide training to the founding members of the Argentine Forensic Anthropology Team (EAAF) and helping to form the organization. To this day, Dr. Snow and EAAF continue to work together on other projects and in different countries.

Following Dr. Snow, EAAF is among groups that pioneered the application of forensic sciences to the documentation of human rights violations. In 1986, the team began to expand its activities beyond Argentina and has since worked in more than 40 countries in the Americas, Africa, Europe, and Asia.

The team's work is guided by principles of international human rights and humanitarian law, and the fundamental belief in the respect for individual and collective rights to truth and justice. One of EAAF's guiding principles is to maintain utmost respect for the perspective and concerns of victims' relatives and communities, and to work with them closely through all stages of the exhumation and investigation process. The team's work is further grounded in the understanding that the identification of remains is a great source of solace to families suffering from the disappearance of a loved one.

EAAF also provides training to forensic professionals, human rights groups, associations of families of victims, and others to strengthen their ability to carry out independent investigations. Furthermore, EAAF works for the improvement of international and national forensic protocols, transparency of criminal investigations, and the inclusion of independent forensic experts in human rights investigations.

Current Developments

Over the past 27 years, EAAF has grown considerably, especially since 2007, which marked the beginning of the Latin American Initiative for the Identification of the Disappeared (LIID) in Argentina. As a result of LIID, EAAF has been able to incorporate its own genetics laboratory, and significantly increase the application of genetic testing in many of the team's investigations. In addition to twelve core members, EAAF currently works with many other staff members, consultants, volunteers, and students in a variety of fields, ranging from preliminary investigations, excavations, laboratory work, genetic testing, and the organization's documentation program. EAAF has recently established small representation offices in Mexico and South Africa, based on growing demand for assistance in these regions.

This report, covering three years of EAAF's work from 2007 to 2009, provides a brief overview of the organization's activities during the period. Individual reports on selected projects, such as LIID, or EAAF's long-term work in northern Mexico, among others, are being published separately.

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Ivana Wolff (2010-2011)

REPRESENTATIVE

South Africa

Claudia Bisso

Objectives of EAAF's Work

- Apply forensic sciences to the investigation and documentation of human rights violations.
- Provide this evidence to courts, special commissions of inquiry, and international tribunals.
- Assist relatives of victims in their right to truth and justice by providing an independent forensic investigation and the possibility to recover the remains of their loved ones so that they can carry out customary funeral rites and mourn.
- Collaborate in the training of new teams and forensic professionals in other countries.
- Conduct seminars on the human rights applications of forensic sciences for humanitarian organizations, judicial systems, and forensic institutes around the world.
- Strengthen the field by participating in regional and international forensic activities.
- Contribute to the historical reconstruction of the recent past, often distorted or hidden by the parties or government institutions that are themselves implicated in the crimes under investigation.



Objectives

Countries Where EAAF

- Angola
- Argentina
- Bolivia
- Bosnia
- Brazil
- Chile
- Colombia
- Croatia
- Cyprus
- Democratic Republic of Congo
- East Timor
- El Salvador
- Ethiopia
- French Polynesia
- Guatemala
- Haiti
- Honduras
- Indonesia
- Iran
- Iraq
- Iraqi Kurdistan
- Ivory Coast
- Kenya
- Kosovo
- Lebanon
- Mexico
- Morocco
- Namibia
- Nepal
- Panama
- Paraguay
- Peru
- The Philippines
- Republic of Georgia
- Romania
- Sierra Leone
- South Africa
- Spain
- Sri Lanka
- Sudan
- Togo
- Uruguay
- Venezuela
- Zimbabwe



Has Worked 1984-2009



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COVER DESIGN AND TRI-ANNUAL REPORT LAYOUT

Amy Thesing

Recommendations

Based on our experiences working as forensic anthropologists for truth commissions, special commissions of inquiry, and national and international tribunals, we would like to put forward a number of recommendations. We think that the effectiveness of these institutions can be improved through the following:

1. Improve the relationship between families of victims and forensic teams.

We strongly recommend direct contact between forensic teams and the relatives of victims. In many cases involving human rights violations, particularly in cases of political disappearances, the relatives of the victims have been mistreated by officials, who often deny the very fact of the disappearance of their loved ones. It is important to reestablish this link of trust and respect.

1.1 Facilitate the right to truth for families of victims.

Forensic investigators should assist victims' families whenever possible by (1) facilitating access to sites where investigations are being carried out; (2) providing basic information before, during, and after the forensic work, informing them of the many possible outcomes of any given forensic investigation (i.e., the likelihood of locating or identifying remains), and taking into account their expectations; (3) considering and addressing their concerns, doubts, questions and objections; and (4) promoting the means to provide them with the results of forensic investigations, following international recommendations and forensic protocols.

1.2 Seek consensus from families and/or communities for exhumations and respect cultural and religious funeral rites.

Investigators should request the families' and/or affected communities' approval in cases when there are no legal constraints, and when the identities of the bodies to be exhumed are known or strongly suspected. EAAF's experience in different countries, involving diverse cultures, religions, and political situations has shown that exhumations and reburial ceremonies relating to human rights violations have a strong healing effect on families of victims and communities. However, in some situations, families do not want exhumations. In other cases, exhumations must be performed respecting

relatives' or communities' cultural and religious practices with regard to the dead, such as reburial ceremonies. If these issues are not taken into account before embarking on a forensic investigation, the work may fail and produce more suffering for those we are trying to assist.

In cases of total opposition to exhumation from victims' families or communities, there still are non-conflicting ways to document human rights violations. From a legal standpoint, this is often possible as (1) most tribunals and commissions will only order forensic work in a very select number of cases; and (2) to prove a massacre took place, for example, not all of the victims' remains need to be found and examined. From historical and documentation standpoints, we can often provide an estimation of the number of victims through other means.

2. Create mechanisms to continue the recovery and identification process beyond a commission's or tribunal's mandate.

The time in which a truth commission or tribunal operates tends to be very short in comparison with the time necessary for exhumations and identifications of victims in a given conflict. Thirty-five years after the peak of the repression in Argentina, for example, EAAF is still working on the search for the disappeared. Similarly, the work in Chile and Guatemala will continue for years. Most commissions do not set up mechanisms or include in their recommendations specific ways to continue the work after their investigations come to an end. At times, the forensic work continues with difficulties and interruptions, and in other circumstances, it ends with the commission. However, locating and identifying the victims is a right of their families and an obligation of the parties involved in a conflict. It is also an essential first step in the process of reparation that helps a society to deal with its tragic past. We encourage commissions to provide specific guidelines in their final recommendations in order to

continue the process of finding and identifying the victims of human rights violations after their initial work is completed.

3. Whenever possible, improve contacts between the independent forensic experts and the local judiciaries, prosecutors, judges, and lawyers.

It is essential to give presentations to local judiciaries and lawyers with basic information about how the forensic sciences, mainly forensic anthropology, genetics, and archaeology, can contribute to judiciary investigations. This also provides a valuable opportunity to discuss the way evidence is handled in a particular country, to discuss exemplary cases from other parts of the world, as well as local ones, and to understand the concerns of the legal community.

4. Whenever possible, train and promote local teams and local forensic experts.

The role of international forensic teams should not be limited to forensic investigation and analysis, but should also emphasize working with, training, and promoting local teams and local forensic experts. In countries where massive human rights violations occurred and forensic work is needed, it is vital to reinforce existing forensic units or help to train new local teams. This is essential for a variety of reasons:

- a. In most of these countries, the forensic work of identifying victims of violations takes decades. International teams will usually spend only a limited amount of time during each mission, and only for a few years; a national team can dedicate itself full-time to this work.
- b. In many of the countries where we work, forensic science is less developed or almost nonexistent, and in most cases, the use of archaeological and anthropological techniques is uncommon or absent. The use of physical evidence in court is, in general, limited and most testimony is oral. Therefore, by training or creating a national forensic team or forensic professionals who can address this problem, there is usually a general improvement in criminal procedures and, as a result, in the rule of law.

- c. National teams may serve the families of the victims and their communities in more effective ways as experts who speak the language, are from the same or a similar culture, have often lived through similar experiences, and often have a strong commitment to improving the rule of law in their countries.

At the same time, in cases where the national teams are governmental, it is always important to have independent local experts or teams as well, since many individuals involved in medical legal systems where massive human rights violations occurred have been complicit or unable to act independently during previous non-democratic regimes under investigation.

5. Whenever possible, maintain contact with local human rights organizations.

At the time of the occurrence of massive human rights violations in a given country, the judiciary normally loses much of its capacity to impartially investigate crimes committed by the state or by armed parties in a civil conflict. On the other hand, truth commissions are usually created in transitional moments, such as at the end of civil conflicts, wars, or state terrorism, for example. Thus, local non-governmental organizations (NGOs) often fill part of the gap. At times, at great risk to their members, they form a bridge between the investigative body and the witnesses, survivors, and relatives of victims. Even in democratic transitional moments, witnesses and relatives of the victims will frequently feel more comfortable releasing information to a local NGO or giving testimonies before a court of law or national or international commissions of inquiry with the support or mediation of an NGO. Truth commission investigators usually rely on the work of NGOs as a starting point for their investigations.

6. Improve access to DNA.

Informing relatives of a disappeared person that the remains being analyzed do not correspond to their loved one is very difficult. However, it is equally difficult to tell them that we are uncertain about whether these remains match their loved ones, and that, since we have no way to resolve this doubt, the remains must be placed in a box to be stored once again.

Traditional forensic anthropological techniques are limited when sufficient ante-mortem information cannot be obtained. This was often the situation until the early 1990s, when it became possible to recover DNA from skeletal remains. Genetic testing quickly became a critical tool in human rights investigations.

However, DNA analysis can be very expensive and time consuming when applied on a large scale. Few laboratories in the world have sufficient experience in processing bone and tooth samples, a more complicated process than extracting DNA from soft tissue. With few exceptions, these laboratories are not located in the countries where they are most needed. Since the early 1990s, EAAF has benefited from the generous *pro bono* work of laboratories in the United States, Canada, and the United Kingdom. In the early 2000s, EAAF raised additional funding for DNA analysis and began processing cases successfully through a private Argentine genetic laboratory, LIDMO. Still, only a limited number of cases could be accommodated annually. As a result, EAAF began a genetics initiative in Argentina in 2007, securing funding to expand the use of genetics on a massive scale. The conflicts in the Balkans and the September 11, 2001, attack on the World Trade Center left tens of thousands of individuals needing identifications, and as a result, important upgrades in DNA technology made processing bone samples faster and cheaper. EAAF has used these advances in its own initiative to conduct testing on difficult cases that had little hope of being solved until recently. Also, as part of this initiative, EAAF constructed its own genetics laboratory in Córdoba, Argentina, dedicated solely to working on human rights cases.

In addition, EAAF has focused on the creation of genetic blood banks, to keep samples in case testing becomes possible at some future point (if new gravesites are discovered) or if retesting is necessary for any reason, whether or not all relatives are present or alive. To address this problem in Argentina, beginning in 1998, EAAF began to collect three blood samples from each relative of a disappeared person who visited our Buenos Aires office. In 2008, EAAF signed an agreement with the Argentine Secretary of Human Rights for the creation of a databank for storing blood samples and genetic profiles from relatives of disappeared persons. EAAF

is promoting such governmental and non-governmental partnership in the collection and archiving of blood samples. Thus far, EAAF has collected nearly 7,500 total blood samples for the databank, from the families of almost 4,500 disappeared persons. This approach could become important in many projects, such as in countries where HIV is affecting large portions of the adult population.

7. Protect possible killing and burial sites.

Whenever possible, it is important to protect possible killing and burial sites if they are not to be investigated at the time of discovery. In this way, they will be available to families of victims and investigators working on future investigations.

8. Preserve crucial evidence and forensic reports for possible ongoing and future investigations and prosecutions.

Uncovering evidence of human rights crimes does not necessarily mean that justice is immediately achieved. Many human rights violations are investigated under a judicial framework but are not prosecuted—mostly because of amnesty laws that limit the role forensic evidence can play in judicial processes. However, as new mechanisms are developed in the field of international criminal law and old cases are brought back to trial (as in Argentina and Chile, for example) it is important that vital evidence, documental archives, and forensic reports be preserved by the court, human rights NGOs, truth commissions, and other institutions involved in pre- or related trial investigations, in order to be used as needed in future trials.

9. Create witness and informer protection programs.

In each commission or tribunal, there is usually a core group of ten to fifteen key witnesses to major incidents who provide information to investigative bodies and forensic teams. Often these individuals need protection, including, in some cases, eventual safe emigration to another country. In most cases, this type of commission has no mechanism for dealing with witness safety. An *ad hoc* measure may eventually be enacted, depending upon the commission's specific mandate, how it is interpreted, and the flexibility of the interna-

tional, national, and regional bodies that may assist in this process. Though setting up a Witness Protection Program is complicated, it is extremely important to include some sort of mechanism from the planning phase as a matter of course.

10. Provide counseling or psychological support for persons who testify, and for families and friends of victims before, during, and after exhumations.

These are all very difficult and painful moments involving complicated and unusual mourning processes, at the individual, community, and national levels. Community and/or individual counseling have already been developed by local NGOs in places such as Guatemala and Zimbabwe. We believe that contracting a local or regional NGO that is already familiar with the culture, language, religion, and individual situations of the victims will offer extremely valuable benefits to the families and communities involved. Local organizations usually also have a first-hand understanding of the political climates arising from conflicts. Finally, providing counseling through a local or regional NGO can also lead to a more effective reparations stage in the resolution of a conflict.

11. Provide counseling or psychological support for staff members who receive testimonies and for forensic personnel.

Sometimes the overwhelming weight of the testimonies of witnesses, victims, and their families can produce conflicting feelings of exhaustion, guilt, and depression in the researchers who are investigating atrocities for truth commissions. In some instances, international investigative missions have provided psychological support, but this is still the exception. Counseling may prove especially helpful when these commissions extend their work to a year or more, as they often do.

12. Promote the incorporation of international forensic protocols for human rights investigations into domestic criminal procedures.

The incorporation of international forensic protocols and guidelines for human rights investigations into domestic criminal procedures is essential. This will ensure that scientific tools and mechanisms developed for human rights investigations will have a more long-term effect. In support of this effort, the United Nations and the International Committee of the Red Cross (ICRC) have produced several documents relating to forensic science and human rights.

CONCLUSION

In Latin America, the origin and practice of forensic anthropology was drastically different from other regions. The Latin American experience resulted in the pioneering of the application of forensic anthropology to large human rights investigations. When we started our work twenty-seven years ago, we needed to distance ourselves from legal-medical systems and other governmental institutions that had reportedly committed crimes and/or had lost credibility during lengthy periods of human rights violations. We worked outside these organizations, incorporating new scientific tools for human rights investigations. In order to have a long-term effect, and taking advantage of increased interest in international criminal law and its domestic incorporation, we are now working towards incorporating international protocols for human rights work into domestic criminal procedures. In a way, then, in the past decades we have come full circle.