

**FORENSIC ARCHAEOLOGY  
AND HUMAN RIGHTS  
VIOLATIONS**



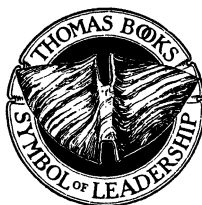
# FORENSIC ARCHAEOLOGY AND HUMAN RIGHTS VIOLATIONS

*Edited by*

**ROXANA FERLLINI, B.Sc., M.A., RFP**

*Co-ordinator M.Sc. Forensic Archaeological Science  
Institute of Archaeology  
University College London  
London, United Kingdom*

*(With 15 Other Contributors)*



**CHARLES C THOMAS • PUBLISHER, LTD.**  
*Springfield • Illinois • U.S.A.*

*Published and Distributed Throughout the World by*

CHARLES C THOMAS • PUBLISHER, LTD.  
2600 South First Street  
Springfield, Illinois 62704

This book is protected by copyright. No part of  
it may be reproduced in any manner without written  
permission from the publisher. All rights reserved.

© 2007 by CHARLES C THOMAS • PUBLISHER, LTD.

ISBN 978-0-398-07734-1 (hard)  
ISBN 978-0-398-07735-8 (paper)

Library of Congress Catalog Card Number: 2006051293

*With THOMAS BOOKS careful attention is given to all details of manufacturing  
and design. It is the Publisher's desire to present books that are satisfactory as to their  
physical qualities and artistic possibilities and appropriate for their particular use.  
THOMAS BOOKS will be true to those laws of quality that assure a good name  
and good will.*

*Printed in the United States of America  
UB-R-3*

**Library of Congress Cataloging-in-Publication Data**

Forensic archaeology and human right violations / edited by Roxana Ferllini ;  
with 15 other contributors.

p. cm.

Includes bibliographical references and index.

ISBN-13: 978-0-398-07734-1

ISBN-10: 0-398-07734-7

ISBN-13: 978-0-398-07735-8 (pbk.)

ISBN-10: 0-398-07735-5 (pbk.)

1. Forensic anthropology. 2. Forensic sciences. 3. Human remains (Archaeology) 4. Human rights. 5. Crimes against humanity. 6. Political atrocities. 7. Crimes scenes. 8. Criminal investigations. 9. Medical jurisprudence. I. Ferllini, Roxana.

GN69.8.F64 2007  
614'.17--dc22

2006051293

*To*

*Mark Goode for his never-ending support.*

*To*

*Professor Emeritus C. Melvin Aikens*

*of the University of Oregon*

*whose teaching and guidance gave me the opportunity*

*to discover the wonderful world of archaeology.*



## CONTRIBUTORS

**Patricia Bernardi, Licda.**

*Forensic Anthropologist  
Argentine Forensic Anthropology Team  
Buenos Aires, Argentina  
www.eaaf.org*

**John Cerone, B.S.E., J.D., LL.M.**

*Associate Professor of Law and Director  
Center for International Law & Policy  
New England School of Law  
Boston, USA*

**Corrine Duhig, B.A. M.A. Ph.D. (CANTAB.) M.I.F.A.**

*Senior Lecturer  
Faculty of Science and Technology  
Anglia Ruskin University  
Cambridge, United Kingdom*

**Peter Ellis M.A., M.B., BChir, FRCPA, MRACMA, FFFLM (UK)**

*Director of Forensic Medicine  
Institute of Clinical Pathology and Medical Research,  
Westmead, New South Wales  
Australia*

**Roxana Ferllini, B.Sc., M.A., RFP**

*Co-ordinator M.Sc. Forensic Archaeological Science  
Institute of Archaeology  
University College London  
London, United Kingdom*

**Luis Fondebrider, Lic.**

*Forensic Anthropologist  
Argentine Forensic Anthropology Team  
Buenos Aires, Argentina  
www.eaaf.org*

**Ana María Gómez López, B.A., M.A.**

*Legal Representative and Community Relations Coordinator  
EQUITAS, Equipo Colombiano Interdisciplinario de Trabajo Forense y Asistencia  
Psicosocial.  
(Colombian Interdisciplinary Team for Forensic Work and Psychosocial Services)  
Bogotá, Colombia  
www.equitas.org.co*

**John Hunter, B.A., Ph.D., MIFA, FSA, RFP**

*Professor of Ancient History and Archaeology  
Institute of Archaeology and Antiquity  
University of Birmingham  
Birmingham, United Kingdom*

**Eva-Elvira Klonowski, M.Sc., Ph.D.**

*Senior Forensic Anthropologist  
International Commission on Missing Persons  
Sarajevo  
Bosnia and Herzegovina*

**Kaisa Lalu, MD, Ph.D.**

*Senior Medical Examiner, Specialist in Forensic Medicine  
State Provincial Office of Southern Finland  
Helsinki, Finland*

**Andrés Patiño Umaña, B.A.**

*Forensic Anthropologist  
Laboratory and Fieldwork Coordinator  
EQUITAS, Equipo Colombiano Interdisciplinario de Trabajo Forense y Asistencia  
Psicosocial.  
(Colombian Interdisciplinary Team for Forensic Work and Psychosocial Services)  
Bogotá, Colombia  
www.equitas.org.co*



**Juha Rainio, MD, Ph.D.**

*Research Fellow  
Institute of Legal Medicine  
Catholic University of the Sacred Heart  
School of Medicine  
Rome, Italy*

**Antti Sajantila, MD, Ph.D.**

*Professor, Vice-Director  
Department of Forensic Medicine  
University of Helsinki  
Helsinki, Finland*

**Barrie Simpson, B.A.(Hons), M.Sc. CertED**

*Hon. Research Fellow (Forensic Archaeology)  
Institute of Archaeology and Antiquity  
University of Birmingham,  
Birmingham, United Kingdom*

**Mark Skinner, Ph.D., D.A.B.F.A.**

*Professor of Biological Anthropology  
Department of Archaeology  
Simon Fraser University  
Burnaby  
British Columbia, Canada*

**Mr. Ron Turnbull**

*Chief Security Advisor  
UNICEF - Sudan  
formerly  
Head of Evidence Unit  
International Criminal Tribunal for the former Yugoslavia  
The Hague, Netherlands*



## PREFACE

The investigation of human rights abuses is becoming a more public and current issue on a global basis. Never before in recent memory has such a cross section of the world population been abused physically, emotionally, economically and militarily. Resultantly, vast areas of concern have been raised on the part of governmental and non-governmental agencies, human rights organizations, and also increasingly, interested members of the general public.

Open and rampant abuses directed against humanity fill our television screens and newspapers, and cross our daily thoughts and conversations. On a professional level, human rights workers and investigators have never been more necessary. As events unfold across the world, dedicated and often courageous professionals give of their time and expertise, in order to investigate such atrocities. This may place such individuals at odds with the motivations of the parties responsible for the issues that they are asked to analyze, often placing them at great personal risk.

There is also a higher purpose at stake with such work, which resides beyond the world of political and public opinion; the simple need for justice, healing and closure on the part of those who still remain after the fact, to mourn the needless loss of their loved ones. Human rights work in such circumstances should transcend the boundaries of mere conjecture and opinion. In its proper context and purest essence, such work should be intended to instil and nurture the healing process.

Forensic archaeology and forensic anthropology are now accepted as vital mechanisms in the machinery of investigating international human rights violations. It was with a wider perspective in mind that I decided to embark upon the production of this volume. I considered sincerely that there was, and still remains, a need for such issues to be brought into a more focused global context, in order to foster greater general understanding about the work that such professionals engage in, and

the positive effect that their work can engender if approached with professionalism, and also the most vital element, personal sensitivity.

All the contributors to this volume live, or have worked in, areas of the world within situations that most individuals can scarcely imagine. The insights and work that they offer within this book is a testament to their skill, tenacity and courage. Progress, and working against the norms that we are often dealt with, does not come without risk. It is my sincere hope that those who learn and are inspired by the work of such individuals, contained within these pages, will take this to heart. Positive change truly does begin with understanding.

Roxana Ferllini  
2007

## ACKNOWLEDGMENTS

The creation of this volume would not have been possible without the valuable time and effort made by many fine contributors. By giving freely of their knowledge and experience, and weaving the same into the many pages they have written, valuable insights will be passed on to those interested in forensic archaeology and human rights issues. Also, to the many peer reviewers who gave unselfishly of their time to offer professional comments and suggestions, my sincere thanks.

To Mr. Stuart Laidlaw, photographer of the Institute of Archaeology, University College London, my sincere thanks for his professionalism and never-ending patience on countless occasions, when seeking his advice and technical support with the formatting of illustrations for this volume.

I wish to give my sincere thanks to Charles C Thomas, Publisher for providing the opportunity to develop this book, and for their valued and kind assistance during the maturation of the project.

Finally, I thank my husband Mark Goode, and my friends and colleagues who gave their constant support.



# CONTENTS

	<i>Page</i>
<i>Preface</i> .....	xi
<i>Chapter</i>	
1. HUMAN RIGHTS VIOLATIONS, PAST AND PRESENT: CONSEQUENCES AND INTERVENTIONS .....	3
<i>Roxana Ferllini</i>	
2. THE NATURE OF INTERNATIONAL CRIMINAL LAW AND IMPLICATIONS FOR INVESTIGATIONS .....	24
<i>John Cerone</i>	
3. INTERNATIONAL FORENSIC INVESTIGATIONS: LEGAL FRAMEWORK, ORGANISATION, AND PERFORMANCE .....	55
<i>Juha Rainio, Kaisa Lalu and Antti Sajantila</i>	
4. CRIME-SCENE MANAGEMENT AND FORENSIC ANTHROPOLOGY: OBSERVATIONS AND RECOMMENDATIONS FROM THE UNITED KINGDOM AND INTERNATIONAL CASES .....	76
<i>Corinne Duhig and Ron Turnbull</i>	
5. ARCHAEOLOGY AND THE FORENSIC PATHOLOGIST .....	101
<i>Peter Ellis</i>	
6. FORENSIC ANTHROPOLOGICAL INTERVENTIONS: CHALLENGES IN THE FIELD AND AT MORTUARY .....	122
<i>Roxana Ferllini</i>	

7. FORENSIC ANTHROPOLOGY IN BOSNIA AND HERZEGOVINA: THEORY AND PRACTICE AMIDST POLITICS AND EGOS .....	148
<i>Eva-Elvira Klonowski</i>	
8. WHO IS MISSING? PROBLEMS IN THE APPLICATION OF FORENSIC ARCHAEOLOGY AND ANTHROPOLOGY IN COLOMBIA'S CONFLICT ...	170
<i>Ana María Gómez López and Andrés Patiño Umaña</i>	
9. FORENSIC ARCHAEOLOGY AND THE SCIENTIFIC DOCUMENTATION OF HUMAN RIGHTS VIOLATIONS: AN ARGENTINIAN EXAMPLE FROM THE EARLY 1980s .....	205
<i>Patricia Bernardi and Luis Fondebrider</i>	
10. HAPLESS IN AFGHANISTAN: FORENSIC ARCHAEOLOGY IN A POLITICAL MAELSTROM .....	233
<i>Mark Skinner</i>	
11. PREPARING THE GROUND: ARCHAEOLOGY IN A WAR ZONE .....	266
<i>John Hunter and Barrie Simpson</i>	
<i>Index</i> .....	293



**FORENSIC ARCHAEOLOGY  
AND HUMAN RIGHTS  
VIOLATIONS**



## **Chapter 1**

# **HUMAN RIGHTS VIOLATIONS, PAST AND PRESENT: CONSEQUENCES AND INTERVENTIONS**

ROXANA FERLLINI

### **BACKGROUND**

**O**n a global basis, contempt or violence has been directed, at one time or another, against civilian populations residing in many different countries and regions. Such behavior manifests itself in a variety of manners, and to different degrees, in part depending upon socio-cultural practices, political agendas and the interventions, or lack of, on the part of other nations. Such violations of human rights are varied in nature and occurrence, being evident under times of war, and also in periods of internal social turmoil. Resultantly, the methods by which such issues are investigated must be necessarily diverse, with a multi-disciplinary approach often being required in order to effectively complete the tasks at hand to the satisfaction of all parties. Such work may take place within the scope of a small community, involve a specific ethnic group or relatively few individuals, or be required on national scale. The consequences under investigation may be due to direct attacks against a specifically targeted group, or conversely, abuses meted out against innocent bystanders who may not be directly involved in such conflicts, but who still suffer as a result of the greater consequences, during or after the fact.

Perpetrators may choose to employ a variety of tactics in order to terrorize civilian populations; sexual assault is a common strategy (Zakir, 2003), involving the purposeful denigration of women by the means of

rape. In many cases, the method of gang rape is chosen, and is often manifested in the unwilling presence of family members. Forced pregnancies are another tactic, resulting in the victims of such acts being shunned and stigmatized by their social group. Other consequences include the destruction of infrastructure and of private property, thereby effectively halting any possibility of continuing a meaningful daily existence. This latter tactic may compel those who are affected to be forced to survive under often protractedly extreme conditions. Such victims may suffer over considerable periods of time without adequate food, water, shelter, and also without the recourse of any manner of medical attention. In many cases, the injured may have survived initial abuses; however, for one reason or another after the fact, they subsequently succumb to starvation, disease, or from a lack of treatment to injuries that they may have sustained, creating in the process, a considerable pool of indirect deaths, separate from the initial event (Sandford, 2003). Such circumstances also serve to directly, or indirectly, cause the displacement of certain groups to different geographical areas, creating serious issues, not only for the refugees, but also creating turmoil and added pressures to host nations, many of which may also be experiencing their own internal problems, and often ill-equipped, or reluctant to deal with such added stresses. A case in point would be the massive exodus of refugees towards Goma in the Democratic Republic of the Congo (DRC), following the Rwandan genocide of 1994, which resulted in additional misery and suffering for those who had fled, and again, pressure on the part of the host nation. In the latter case, famine and disease resulted in the loss of approximately 30,000 lives, many of whom were buried en masse (Prunier, 2002).

Disappearances, forced detention, interrogation, torture, and summary executions that bypass any manner of legitimate judiciary procedure, may often be employed by the State against those considered to be its "enemies."

The deliberate displacement of children from their parents and common social group, or forcing that element of the population into armed conflict is another common type of human rights violation. As of 2004, it was estimated that approximately 30,000 children were involved within armed conflicts globally; many of them without recourse to any other option (Youth Advocate Programme International, 2004).

Armed conflicts take a toll not only on the targeted populations in question, but also create supplementary issues after the fact, such as

residual land mines and other unexploded ordnance that remain in place across the territories in question. Such hazards must then be contended with long after former events have concluded, consequently causing the death or mutilation of innocent victims in times of “peace,” and often rendering areas normally utilized for agriculture and other necessary activities to be highly reduced in scope. Contending with terror, intimidation and death casts a long shadow upon cultural, social and economic continuation. This often creates long-term psychological effects for those who were able to survive the initial process (Sack et al., 1999). As presented by Gómez López and Patiño Umaña in Chapter 8 of this volume, such persons, whether individual survivors or entire families, require much needed psychological assistance and sustained support in order to cope with the emotional scars left by the pain and suffering that they have sustained; however, some will continue to live in perpetual fear, often not being able to repair bonds of trust with respect to dealing with those in authority. The reconstruction of their lives becomes extremely challenging, due in part to the lack of the social and family network that they are accustomed to, and to the reduction of the community that they previously existed within.

When mass scale events transpire, a variety of changes will occur within affected communities, and also, in many cases, much farther afield. According to Sandford (2003) such modifications may be appreciated when conducting interviews with survivors, providing insights as to how the past and present are currently being perceived by a given population. Additionally, as a ramification of traumatic events, the language utilized to express their situation at any given moment in time is subject to change, that is, the language chosen may pass through a series of shifts with reference to the use of descriptive narrative that is chosen to describe and encode past events and present circumstances. Perceptions of self, family, community, and also future outlook are modified and expressed through such communication. New terms are often introduced, or the application of existing words or expressions, selected exclusively to express what has transpired by individuals who may have either suffered directly during possible atrocities, those who were indirectly affected, or persons who were relatively detached and distant observers to the events in question.

Some of the issues presented in this chapter may not pertain directly to those working in the field of forensic archaeology, or for other forensic specialists that become part of international missions that are convened