

Launch of the AAAS Science and Human Rights Coalition
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Per Mercedes Doretti

First, I'd like to say that Mercedes is deeply sorry she could not be here tonight, and to let you know that her daughter is recovering without any problems. As a testament to Mercedes' strong commitment to the mission of the Coalition, namely bringing the scientific and human rights communities together, she had already completed her speech, which I will now read...

Good evening.

My name is Mercedes Doretti. I am an anthropologist, and a co-founder and full-time member of the Argentine Forensic Anthropology Team, EAAF. I would like to thank the Science and Human Rights Program of the American Association for the Advancement of Science for inviting me to be part of this panel. I would also like to apologize for my not being here with you tonight, and thank Raymond Pettit for taking my place and reading these thoughts.

EAAF is a scientific, not-for-profit, non-governmental organization that applies the forensic sciences - mainly forensic archaeology, anthropology and genetics - to the investigation of human rights violations around the world. The team began work in Argentina, in 1984 and since then, it has worked in more than 40 countries in the Americas, Africa, Asia and Eastern Europe.

I was asked to reflect on the relationship between science and human rights. In my experience working on the investigations of human rights violations across cultures, religions and political situations, I have observed an almost universal need to recover the remains of victims and to provide them a public, official reburial ceremony, allowing families to mourn their death, and having a strong healing effect. There is also a strong demand for justice and acknowledgement of past abuses in many countries emerging from periods of severe human rights violations.

Over the last two decades, scientists have been crucial in strengthening the human rights movement, adding physical evidence to testimonies in criminal investigations, identifying remains of victims, determining how victims died, and presenting all this evidence in court. In particular, the recovery and identification of the remains of victims of human rights violations has been paramount in providing solace to families of victims, communities and societies as a whole.

Science and scientists provide not only support, but also legitimacy, and credibility to the human rights movement, to witnesses of atrocities, to survivors of massacres, and to local activist and lawyers, who, at great risk, believe and represent victims but seldom have physical evidence to solidly prove their case.

In addition, for us, being constantly submerged in fieldwork, the permanent dialogue with scientists producing new advances in human identification, on methods to locate

clandestine graves, and improvements in trauma, toxicology, and ballistic analysis, to mention just a few fields, has proven enormously rewarding, enabling us to offer the best science to often the most disenfranchised families and communities. And scientists have often been extremely generous with their time and knowledge and their engagement in assisting people they sometimes don't even know, meaning not only the victims and their families, but also us.

Finally, scientists working in countries under safer and sometimes more developed conditions, can provide support, encouragement and protection to local scientists that would like to get involved by providing their services to human rights organizations and investigations on human rights violations, but for a variety of reasons are unable, including fear of losing their jobs or their lives, or being isolated by their own colleagues, or academic and scientific local institutions, among other concerns.

EAAF members have experienced this first hand. In the early '80s, the Human Rights and Science program of the American Association for the Advancement of Science was among the pioneers, encouraging scientists to apply their knowledge, and time to the human rights field, particularly in the formation of our organization. The team is a strong believer in the importance of the creating networks of scientists working or supporting human rights investigations and assisting each other.

But to have a fair and independent inquiry when it comes to the investigation of human rights violations is much more difficult and infrequent compared to "normal" criminal investigations. It is not a secret to any of us, that investigating and prosecuting human rights violators has proven harder than perhaps any other type of crime. This often implies constraints and seemingly endless negotiations within the political framework in which we have to work, outside of the protection of academia, research or governmental institutions, and has often been a deterrent for scientists to get involved in the human rights field. I would like to discuss these points further, in the hope that exploring them may make it easier to overcome them.

I would like to illustrate these points by describing the beginning of the application of forensic sciences to human rights investigations in Latin America, the founding of EAAF and of other similar organizations, and the challenges we face.

At the start of the '80s and into the '90s, Latin American countries began to move toward reinstating democratic governments. With the establishment of democracy came the immediate need to investigate the human rights violations of the recent past. The extremely limited role of judicial bodies, and often the complicity of forensic experts within those bodies, was questioned. It became clear that improvement in the administration of justice was crucial to reinforcing the new democracies. During the last two decades, trials of perpetrators have been held at the national and international levels. Although these investigations led to the conviction of guilty parties in some countries, in others amnesty proclamations allowed those responsible to avoid conviction, even when investigations were and still are being carried out.

With the return of democratic governments, Latin American archaeologists and anthropologists have been called on to assist in the recovery and analysis of evidence related to large-scale human rights violations in their countries. In some countries, violations continue to occur. Responses to this challenge have been the formation of

mostly non-governmental forensic anthropology teams in Argentina, Chile, Guatemala, Peru, and, most recently, Colombia.

Democracy returned to Argentina in the summer of 1984, after eight long years of dictatorship. As many as nine thousand people were disappeared by the state during that time, and no serious investigation had been allowed. It was generally known that many individuals had been thrown from airplanes into the Argentine Sea, and therefore their remains would probably be irretrievable. But many others were buried in anonymous graves in the “John Doe” areas of cemeteries all over the country. At the first opportunity, judges, relatives of disappeared people, forensic doctors, police, media personnel, and the curious gathered at cemeteries, frantically searching for remains of the missing.

Untrained cemetery personnel tried their best to recover skeletal remains, but the work proceeded unscientifically and the evidence necessary for identification and for legal cases against those responsible for the crimes was being destroyed. In all likelihood, the remains recovered in the excavations belonged to disappeared people, but no one knew to whom among the victims they might belong, to what episodes they were linked, or who specifically was responsible for their deaths. Furthermore, no one knew what to do with the remains once they had been recovered.

After several massive exhumations, the need for a scientific alternative to these procedures became obvious. The National Commission on the Disappearance of People (CONADEP), created in 1984 by newly elected President Alfonsín, and the Grandmothers of Plaza de Mayo, asked the Science and Human Rights Program at the American Association for the Advancement of Science for assistance. The AAAS sent a delegation of forensic scientists to Argentina, including Clyde Snow, one of the world’s foremost experts in forensic anthropology. Snow called for a halt to all unscientific exhumations and asked archaeologists and anthropologists to get involved. Under Snow’s direction, a small group of advanced anthropology, medical school, and archaeology students participated in exhumations in which data were properly collected, documented, and analyzed. The collected evidence served to convict several high-ranking military officials and to identify disappeared people and restore their remains to their families.

Clyde Snow returned to Argentina many times over the next five years. The volunteers he trained formed the Argentine Forensic Anthropology Team. After 1986, EAAF began working outside of Argentina, and a significant percentage of this international work has been to assist in forming the teams in Guatemala, Chile, Colombia, and Peru, among other countries. In the United States, the Science and Human Rights Program at the AAAS and Physicians for Human Rights supported these efforts and conducted training and forensic work themselves.

This has in turn led to a network of regional scientist collaboration. In 2003, EAAF was a co-founder of the Latin American Forensic Anthropology Association (ALAF). Because of the recent history of the region, most of its almost 100 members work on human rights investigations. ALAF has provided a space for engagement in academic and other kinds of debates that previously have been unavailable to us because our resources have been directed primarily toward immediate human rights crises and

inquiries around the world. This has improved the tools available for the investigation of human rights cases.

Within the context of a human rights case, the work of the forensic team often involves three steps: the preliminary investigation, the archaeological work, and the laboratory analysis. The preliminary stage, which is most distinctive in the human rights context, typically, includes the examination of state, judicial, police, and military files, cemetery and registration office records, and other kinds of documentation related to the case under examination, which has often not been collected before.

EAAF members spend considerable time interviewing witnesses and survivors and collecting information about the case as well as gathering ante-mortem or physical information about the victims for identification purposes. Human rights organizations and sometimes local judiciaries, if they have not been involved in the conflict, play a crucial role in finding eyewitnesses and putting a case together.

In order to collaborate and build relationships with local communities, EAAF promotes direct contact between the forensic team, local NGOs, and the presumed relatives of victims before the forensic work begins. This allows local people to understand the procedures that will be performed and to ask questions, and it gives EAAF the opportunity to consider local people's expectations, doubts, worries, and objections. In most cases involving political disappearances, the relatives of victims have been badly treated by officials, who often deny the very fact of the disappearance of their loved ones. It is important, we think, to reestablish a link of trust and respect.

In most cases, the initial request for the involvement of forensic anthropologists and archaeologists comes from human rights NGOs and associations of families of victims, not from the judiciary, the medical examiners' offices, or the government. This is consistent with the fact that in many countries Latin American countries, the majority of abuses were or are committed by the state, and new democracies have limited political power or will to investigate them.

In many ways, a forensic investigation is a more restrictive framework than an academic one. The work is conducted under a judicial system or special body with a mandate that basically establishes what will be done and the questions or points of expertise that must be addressed. We do not dictate the rules of engagement, or what cases are to be investigated. These decisions which are often the results of balance of forces during transitional moments—although neither do we passively accept these decisions; if they compromise the integrity of an inquiry, we can always cease our work, an action we have taken when no other ethical recourse was available.

We have a limited amount of time, normally a few weeks, to do our work, and we have to maintain a chain of custody for the evidence as well as confidentiality of findings and discussions. We are nominated as expert witnesses, and as such we may be cross-examined by other experts or a defense lawyer, which implies that we must refrain from speculation when interpreting the evidence. Often it is difficult to make the judicial community understand the limits of certainty in our discipline. For example, standard deviations in establishing age at death on the basis of skeletal remains, may often be a problem. Information about cause and manner of death is not always clear or absolute when one works only with skeletal remains. Independent forensic experts are often

called not only because a country lacks specialists but also because institutions that should have conducted investigations did not do their job or are suspects in the same crimes. And yet for legal reasons, forensic teams working on human rights cases may have to work with representatives of those very institutions. It can be uncomfortable to work outside of academic institutions or in situations where tension with official institutions exists.

Working on forensic and human rights cases often comes with complicated emotional baggage because of the close contact with families. As part of our work we often share extremely intense, private moments with people we hardly know, and then we rarely see each other again. A clear current of affection often exists between anthropologists and relatives of victims—a strong and peculiar bond. But we know extremely little about each other. From both sides, the memory that binds us may be too painful for us to stay in contact.

From a scientific standpoint, EAAF has come a long way since its beginning. With the generous support of genetic laboratories, since 1991 EAAF has been able to utilize genetic technology for the identification of the remains of human rights victims in a limited number of cases. Using advances in genetic technology resulting from the need to identify the victims of the Balkan War and the Sept 11th attack, EAAF is finally conducting its first massive genetic program in Argentina, as part of the Latin American Initiative for the Identification of the Disappeared. The program is shared with other nongovernmental forensic teams in Peru and in Guatemala, and should dramatically increase the number of identifications of disappeared people. Moreover, EAAF is in the final stages of completing its own genetic laboratory in Argentina. The lab will be dedicated to processing human rights cases from Argentina and other countries where EAAF works, as well as serving as a training center for other geneticists interested in applying their skills to the human rights field.

In Latin America, the origins and practice of forensic anthropology has been drastically different from those of developing countries. Forensic anthropologists in Latin America have pioneered several areas of forensic sciences and human rights investigations. At EAAF, when we initially started our work twenty years ago, we needed to distance ourselves from legal-medical systems and other governmental institutions that had reportedly committed crimes 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 the domestic incorporation of it, we now work toward incorporating international protocols for human rights work into domestic criminal procedures. In a way, then, in the past two decades we have come full circle

Forensic findings in human rights investigations may have political consequences, because the crimes under investigations were politically motivated. The parties involved often tend to politicize their actions to justify them and to prevent investigation and prosecution. Without being disingenuous about what's at stake, we can say that scientists involved in human rights investigations are, in a way, returning to the principle that every crime has to be investigated, regardless of motive. And this is a fundamental piece in the return to the rule of law.

Working on human rights investigations is not an easy road. It is full of obstacles, many frustrations, failures and is often emotionally overwhelming. But to be able to assist a specific family in the identification of the remains of their loved one, to hear that they are finally at peace, that they have a place to bring flowers has been among the most rewarding experiences of my life.

Thank you