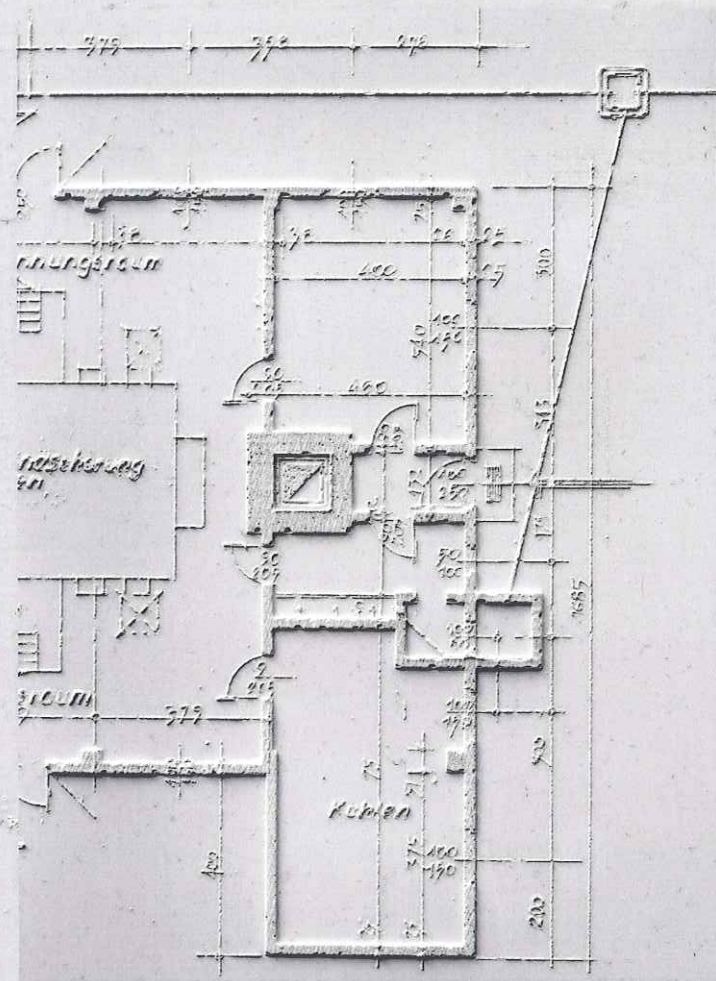


Zuzanna Dziuban (ed.)

Mapping the 'Forensic Turn'



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Mapping the 'Forensic Turn'

Engagements with Materialities of Mass Death in Holocaust
Studies and Beyond

Beiträge des VWI zur Holocaustforschung
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Cover: Trial plaster cast of a part of the plan of Crematorium 4 in Auschwitz made for *The Evidence Room*, shown at the 2016 Venice Architecture Biennale. Based on the book *The Case for Auschwitz* (2002) by Robert Jan van Pelt, *The Evidence Room* was designed by Donald McKay, with Anne Bordeleau conceiving and overseeing the creation of 70 plaster casts of blueprints, drawings, minutes of meetings and letters attesting to the genocidal intention of the Auschwitz gas chambers and crematoria.

Cast: Siobhan Allman, Anna Beznogova, Anne Bordeleau, Anna Longrigg, and Alexander Vilcu.

Photo: Fred Hunsberger.

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Memory Politics and Forensic Practices

Exhuming Bosnia and Herzegovina's Missing Persons¹

With a landscape of once clandestine, now marked and, in many cases, exhumed gravesites, Bosnia and Herzegovina still bears the scars of a war 20 years past.² Amid the various forms of post-war intervention and repair, exhumations are part of its fraught path towards reckoning with that past, as missing persons represent objects of care for seemingly disparate spheres of scientific, religious, political and social activity. These recovery efforts have spanned decades and divided publics; they have also required significant resources, especially given the nature of the crimes perpetrated and the disposition of victims' remains. An estimated 23,000 or 70 per cent of the missing have been recovered and returned to surviving kin to date, with just under 15,000 of them identified through the use of DNA.³ The results have had a profound impact on Bosnian society: in unearthing the war's victims, exhumations fuel its memory politics.⁴ Indeed, in many ways, reassembling the remains of Bosnia's missing provides an apt metaphor for the country's troubled efforts to reassemble its post-war body politic and its communities of surviving kin, both at home and abroad: the ongoing yet elusive pursuit of an end to the war's destructive legacies.

1 Some of the ideas presented in this paper arose from personal experiences gained through participation in the exhumation of sites in Bosnia-Herzegovina on behalf of the International Commission on Missing Persons, through the work on the ERC funded Gender of Justice project (grant no. 313626), and the Horizon 2020 project UNREST (grant no. 693523) neither of which should be construed as necessarily endorsing the views expressed here.

2 In this chapter, we refer at times to Bosnia and Herzegovina alternately as Bosnia or BiH, the abbreviation for Bosna i Hercegovina in Bosnian/Croatian/Serbian.

3 Jeremy Sarkin/Lara Nettelldorf/Max Matthews/Renee Kosalka, Bosnia and Herzegovina. Missing Persons from the Armed Conflicts of the 1990s. A Stocktaking, Sarajevo 2014, http://www.icmp.int/wp-content/uploads/2014/12/StocktakingReport_ENG_web.pdf (1 September 2016).

4 For a comparative analysis of the politics of post-conflict exhumations, see Francisco Ferrándiz/Antonius C. G. M. Robben (ed.), *Necropolitics. Mass Graves and Exhumations in the Age of Human Rights*, Philadelphia 2015.

From questions of territory to personnel, the conditions of the county's violent past have dictated the processes of locating, exhuming, identifying and returning the missing. The war in Bosnia and Herzegovina broke out on 1 March 1992 and included several factions, with battles waged between the Army of the Republic of Bosnia and Herzegovina (ABiH) and the Army of Republika Srpska (VRS), and between ABiH and the Croatian Defense Council (Hrvatsko vijeće obrane or HVO). As front lines shifted, so did alliances: when the Washington Agreement was signed in 1994, ABiH and HVO united in their fight against the VRS and retook swaths of territory controlled by the Republika Srpska forces. By the war's end, which was marked by the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina (more commonly known as the Dayton Accords), nearly 100,000 casualties were recorded and some 31,500 people were designated as missing.⁵ These disappearances were mostly a result of mass executions and burials in mass graves across the country and in neighbouring territories, but especially in the areas of Donje Podrinje in eastern Bosnia and Krajina in the western part of the country. Indeed, the war's missing persons (*nestale osobe*) fit within the broader pattern of crimes perpetrated throughout the three-and-a-half-year conflict; reports of grave breaches of the Geneva Conventions captured systemic campaigns of violence perpetrated in BiH territory, including incidents of torture, sexual violence and mass killings. On 6 October 1992, for example, just months into the war, the UN Security Council adopted Resolution 780, establishing a Commission of Experts to analyse and examine allegations of these breaches and violations of International Humanitarian Law in the territory of former Yugoslavia, especially in BiH.⁶ In its Final Report, published in 1994, the Commission provided the first list of 187 alleged mass graves they had uncovered across the territories of BiH and Croatia, including, among others, several graves in Prijedor and one in Srebrenica.⁷

As they are throughout the region of former Yugoslavia,⁸ the numbers of missing persons in Bosnia and Herzegovina remain a highly contentious and politicised issue. This is exacerbated by a lack of official and verified data, even though the 2004 Law on Missing Persons in Bosnia and Herzegovina provides for the establishment of the Central Records of Missing Persons (Centralna evidencija nestalih osoba, CEN). CEN was created through the consolidation of 13 previous lists and databases of missing persons collected by various actors in Bosnia such as the Federation Commission on Missing Persons, both Bosniak and Croat contingents, Republika Srpska Office for Missing and Detained, the State Commission on Missing Persons, the International Committee of the Red Cross (ICRC), Physicians for Human Rights (PHR) and the International Commission on Missing Persons (ICMP). According to the Missing Persons Institute in Bosnia and Herzegovina, the state body in charge of running CEN, there are 34,964 persons recorded as missing in CEN. Over a decade after CEN's establishment, however, this number is still subject to debate, as officials seek to exclude cases that fall outside the mandate of the Missing Persons Institute as prescribed by the Law on Missing Persons, i.e. non-1990s war-related disappearances. Thus the figure will likely decrease to an estimated 31,500.⁹

Arguably, the most political aspect of the CEN records is the ethnicity of missing persons, which, framed as an index of victimhood, has been used to impugn the objectivity and neutrality of the process of identifying the missing in Bosnia and Herzegovina.

5 According to the ICRC's definition, a missing person is anyone whose destiny is unknown as a result of armed conflicts, or due to internal violence. ICRC, 'The Missing. ICRC Progress Report, Geneva 2006', https://www.icrc.org/eng/assets/files/other/icrc_002_0897.pdf (1 September 2016). For the estimates of the number of missing persons, see ICMP, Bosnia and Herzegovina, <http://www.ic-mp.org/where-we-work/europe/western-balkans/bosnia-and-herzegovina/> (1 September 2016).

6 United Nations Security Council, Resolution 780, 6 October 1992, <http://www.ohr.int/other-doc/un-res-bih/pdf/s92r780e.pdf> (1 September 2016).

7 United Nations Security Council, S/1994/674, 27 May 1994, <http://www.his.com/~twarrick/commxyu5.htm#Debut> (1 September 2016).

8 The most striking example is from February 2015, when Serbian Prime Minister Aleksandar Vučić attended the inauguration of the Croatian President Kolinda Grabar-Kitarović. During Grabar-Kitarović's inaugural speech, in which she vowed that Croatia would do all it could to facilitate finding and identifying the approximately 1,600 still missing persons in Croatia, Prime Minister Vučić stated that more Serbs are missing than Croats in Croatia. This started a political storm as Ivan Grujić, Deputy Minister for Missing Persons within the Ministry of Defence, stated that the official list of missing persons for Croatia, compiled and published in cooperation with International Committee of the Red Cross (ICRC) and the Serbian Commission on Missing Persons, lists some 930 Croats and some 600 Serbs as missing, with additional 200 citizens of Serbia having gone missing in Croatia who were not included in that tabulation. On the Serbian side, the head of the Serbian Commission for Missing Persons, Veljko Odalović, stated that while he was not disputing the number of missing Croats, he did dispute the number of missing Serbs in Croatia – namely, he noted that the Serbian Commission has records of additional 629 missing Serbs from Croatia that were not reported as missing to the Croatian Red Cross nor the ICRC, but to Serbian Red Cross alone. Elvir Mešanović/Katarina Brečić, 'Ovo su pravi podaci o broju nestalih Srba i Hrvata [These Are the Real Data on the Number of Missing Serbs and Croats] in: N1, 16 February 2015, <http://hr.n1info.com/a29396/Vijesti/Ovo-su-pravi-podaci-o-broju-nestalih-Srba-i-Hrvata.html> (3 November 2016); Branka Travić, 'Srbi i Hrvatska. Kada će nestali biti konačno prebrojani [Serbia and Croatia. When Will the Missing Finally Be Counted?]', in: Radio Slobodna Evropa, 17 February 2015, <http://www.slobodnaevropa.org/a/srbija-i-hrvatska-kada-ce-nestali-biti-konacno-prebrojani/26854294.html> (3 November 2016).

9 By the end of August 2016 20,667 records have been verified. Vesna Bešić, 'Međunarodni dan nestalih: 121 godinu od rata u BiH još nije pronađeno oko 7.000 nestalih osoba [International Day of the Disappeared. Even 21 Years After the War 7,000 Missing Persons are Still Unaccounted for]', in: Anadolu Agency, 30 August 2016, <http://aa.com.tr/ba/analiza-vijesti/međunarodni-dan-nestalih-i-21-godinu-od-rata-u-bih-jos-nije-pronadeno-oko-7000-nestalih-osoba/637705> (1 September 2016).

While CEN was envisioned as an apolitical database, the fact remains that official forms for reporting missing persons,¹⁰ adopted in 2009, still require family members to declare their missing relative's ethnic affiliation. This bureaucratic insistence on ascribing ethnonational identity posthumously invites strategic appropriation by political elites, especially in the case of victims exhumed and identified who then are repeatedly tabulated and compared by their ethnicity. One of the dominant postwar narratives of such ascription and appropriation invites a comparison of Bosnian Serb and Bosniak losses – asserting that fewer Serb victims are being exhumed and identified than Bosniak ones. Various stakeholders in Republika Srpska (RS) have been making this claim for a number of years now, and it has gradually gained traction in high-level diplomatic circles. For example, the European Commission's (EC) 2010 Bosnia and Herzegovina Progress Report concluded that "the modest number of exhumed and identified Serb victims is a concern."¹¹ Though language flagging perceived preferential treatment has not been used in previous or subsequent EC reports and one might be tempted to view it as a one-off assessment that nevertheless contributes to the overall deterioration of Bosnia and Herzegovina's political situation, the 2010 report raises concerns about impartiality. Indeed, such criticism echoes RS insinuations of a "biased and one-sided approach with Bosniak victims being prioritised over Serb and Croat victims",¹² while the much higher success in identifying those missing from the 1995 Srebrenica genocide attests to Bosniak stakeholders' privileging Srebrenica victims over all others, including other Bosniak missing.¹³

Concerns about the politicisation of missing person counts also colour perceptions of ongoing exhumations and identification efforts. This comes as no surprise, given the ethnonational strictures placed on the very institution tasked with accounting for the country's missing, namely the Missing Persons Institute (MPI) of Bosnia and Herzegovina mentioned above. Created in 2008, the Institute was meant to collapse two often diametrically opposed, entity-specific commissions, the Bosniak and Bosnian Croat-controlled Federation and the Bosnian Serb-controlled Republika Srpska, into one body. The unification aimed to move the postwar missing persons recovery efforts beyond the limiting question of ethnicity – that is, to enable a single institution to account for all Bosnian missing persons (versus local commissions searching for their own, e.g., Bosniak, Bosnian Croat, or Bosnian Serb missing). But a mere five months into MPI's man-

date, its Serb members had left to join a newly formed Republika Srpska Operational Team, a third institution¹⁴ in the Bosnian-Serb controlled entity dealing with the issue of the missing.¹⁵

Such tensions and infighting persist several years on, as politics routinely overshadow MPI's day-to-day work. Take, for example, the November 2012 exhumation at Alipašin Most in central Sarajevo. Despite the fact that sterile soil (indicating an absence of human activity in the area) had been reached on all sides of the presumed gravesite, one of MPI's three-member directorate, Milutin Mišić, insisted: "We are unsure of why we reached the so-called sterile soil within the area we nominated and therefore we feel that it is possible there are more human remains there."¹⁶ Sure enough, after an extensive media campaign, including appearances on live talk show to decry the discrimination of Serbs victims in Sarajevo by politically mobilised members of family associations, and pressure applied to the State Prosecutor's Office, an exhumation of the same area was re-ordered for June 2013. This time, the area of investigation was significantly increased (100 metres by 30 metres, to a depth of five metres), and the new team assembled to lead the exhumation included a Serb investigator representing the Prosecutor's Office and a Serb court-appointed pathologist from Banja Luka. Despite these measures, only two rib bone fragments were recovered in the area of the original exhumation and only sterile soil was dug up in the extended area.¹⁷ In both cases, the human remains recovered were transported to a mortuary in the Serb part of Sarajevo, East Sarajevo, given their presumed ethnicity. The expanded exhumation and transport of remains to the Serb mortuary facility made manifest the ethnonationalist politics still at work within the Institute. In this case, the political implications were that the Serb victims were discriminated against and that an ethnicity-oriented body, such as the RS Operational Team, was necessary to account for the missing.

10 Official Gazette of BiH, 'The Rulebook for Central Records of Missing Persons of Bosnia and Herzegovina', 80/09, 13 October 2009.

11 EU Commission Staff Working Document, Bosnia and Herzegovina 2010 Progress Report, 9 November 2010, http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/ba_rapport_2010_en.pdf, 22 (20 November 2016).

12 Maria O'Reilly, *Catastrophe, Memory and Gendered Activism. Peacebuilding in Post-Conflict Bosnia-Herzegovina*, PhD Thesis, 2014, 214.

13 Ibid., 214–215.

14 The other two institutions being the Coordination Team for War Crimes and Missing Persons of Republika Srpska, and a Republika Srpska Centre for the Research on War Crimes.

15 TRIAL (Track Impunity Always), Additional Information on the Follow-Up of the Concluding Observations Bosnia and Herzegovina (CCPR/C/BiH/CO/1), Sarajevo, 2010. Today these institutions have been merged into a single institution.

16 Tina Jelin-Dizdār, Neophodno završiti priču o svim nestalima u Sarajevu [It is Imperative to Finish the Story of All the Missing in Sarajevo], in: Radio Slobodna Evropa, 2 December 2012 <http://www.slobodnaevropa.org/content/kontroverze-oko-broja-ubijenih-srba-u-sarajevu/24786512.html> (1 September 2016); Radio-Television of Republika Srpska, Окончана екшумација на Алипашином пољу [Exhumation in Alipašino Polje], in: RTRS, 16 November 2012, <http://www.rtrs.tv/vijesti/vijest.php?id=74425> (1 September 2016).

17 FENA, Počela ekshumacija na Alipašinom Polju, nađeni fragmenti ljudskih kostiju [Exhumation in Alipašino Polje Starts, Bone Fragments Uncovered], in: Klix.ba, 3 June 2013, <http://www.klix.ba/vijesti/bih/pocela-ekshumacija-na-alipasinom-polju-nadjeni-fragmenti-ljudskih-kostiju/130603053> (1 September 2016); SRNA, Pronađeni skeletni ostaci ljudskog tijela na Alipašinom Polju [Human Skeletal Remains Recovered in Alipašino Polje], in: Klix.ba, 5 June 2013 <http://www.klix.ba/vijesti/bih/pronadjeni-skeletni-ostaci-ljudskog-tijela-na-alipasinom-polju/130605036> (1 September 2016).

Such ethnonationalist partisanship frustrates scientific and technological discourse in Bosnia and Herzegovina, and, in this regard, follows broader patterns of political gamesmanship that pervade every aspect of life in postwar Bosnia and Herzegovina. In this article, we consider the context from which these competing agendas, tabulations and allegations of bias emerge: focusing first on the material labour of disposition (how the mass graves themselves were created) and the forensic practice of reassociation (how bodies were exhumed, reassembled, and identified), and, second, on the social experiences of surviving kin, we argue for a more nuanced understanding of the scientifically complex and politically fraught process of accounting for the missing. With Bosnia and Herzegovina often held up as an example of successful forensic intervention into a post-conflict society – from its exhumations to the DNA-led identification process developed in response to the phenomenon of primary and secondary mass graves – it is important to underscore the inherently fragmented and drawn-out nature of caring for the war's still absent victims.

Disassembling the Pieces

Although there are myriad definitions of what constitutes a mass grave, in the case of Bosnia and Herzegovina, such sites typically “contain many bodies, that are often jumbled and incomplete from individuals who were murdered and secretly hidden by agents of the state or civilians during times of war or civil conflict”.¹⁸ Most of the mass gravesites in Bosnia and Herzegovina relate to the July 1995 Srebrenica genocide in which over 8,000 Bosniak (Bosnian Muslim) men and boys were captured and killed at the hands of VRS and Serbian forces. The public discovery of mass graves in August 1995 by U.S. Central Intelligence Agency aerial images of the region¹⁹ led the perpetrators to hide their crimes. During the months of September and October 1995, the VRS started digging up most of these mass graves to scatter the victims' remains into several smaller, associated graves in more remote locations, creating assemblages of related mass graves.²⁰



Location of secondary mass grave (Liplje 1) marked along the route of the commemorative Peace March (Marš mira), 9 July 2013.

Photo: Sarah Wagner.

18 Mark Skinner/Djordje Alempijevic/Marija Djuric-Srejic, Guidelines for International Forensic Bio-archaeology Monitors of Mass Grave Exhumations, in: *Forensic Science International* 134 (2003) 2-3, 81-89, here 82, footnote 4.

19 See Samantha Power, "A Problem from Hell". America in the Age of Genocide, New York 2003, 391-442.

20 Admir Jugo, Primena forenzičkih tehnika na masovne grobnice u Bosni i Hercegovini [Application of Forensic Techniques to Mass graves in Bosnia and Herzegovina], in: Grupa Spomenik, Matemati Reasocijacija [Mathematics of Reassociation], Belgrade 2011, 35-39.

Primary mass graves, graves where bodies of those killed en masse were originally buried, were dug up by heavy machinery – a process that has since been termed “robbing”.²¹ The remains were then transported elsewhere in order to conceal the crimes, the graves and their contents. Such sites are known as “disturbed” or “robbed” primary mass graves. The site where the dislocated remains are subsequently buried is known as a “secondary” mass grave.²² On rare occasions, these secondary mass graves were also robbed, and the remains re-distributed to other locations to make a tertiary mass grave.²³ This phenomenon of robbing mass graves and subsequent reburial of remains from within them in related secondary and tertiary locations is unique to Bosnia and Herzegovina – that is, a specific form not encountered in other contexts of armed conflict.

In a forensic sense, these graves are quite different from one another, with primary graves easily distinguishable from subsequent graves. Primary graves are generally characterised as including complete human remains. There might be some commingling and repositioning of remains due to decomposition and lack of reverence for their deposition within the grave feature, but typically they contain complete remains and artefacts. Once the grave is made, the content of a primary mass grave includes mixed natural soil from the location along with clumps of unmixed original local soils. Secondary mass graves manifest the destructive processes of natural decomposition compounded by the purposeful, violent disruption of victims’ remains. With body parts disarticulating as the flesh dissipates, the act of grave robbing further sunders and destroys bodies; bones fracture and break apart as the machine digs the grave fill. These now highly disarticulated remains and the grave fill are loaded onto trucks that transport them to secondary locations, up to 50 kilometres away, initiating the process of commingling of human remains. Robbing graves in this manner was no easy task: given the distances between graves, investigators from the Prosecutor’s Office of the International Criminal Tribunal for the former Yugoslavia (ICTY) estimated that “it would have taken at least two full nights and several trucks to move the bodies to the secondary gravesite”.²⁴ The intentional disturbance has posed a great challenge to recovering and identifying the missing, processes that “were chief among the goals of repair and reconstruction” in post-war Bosnia and Herzegovina.²⁵

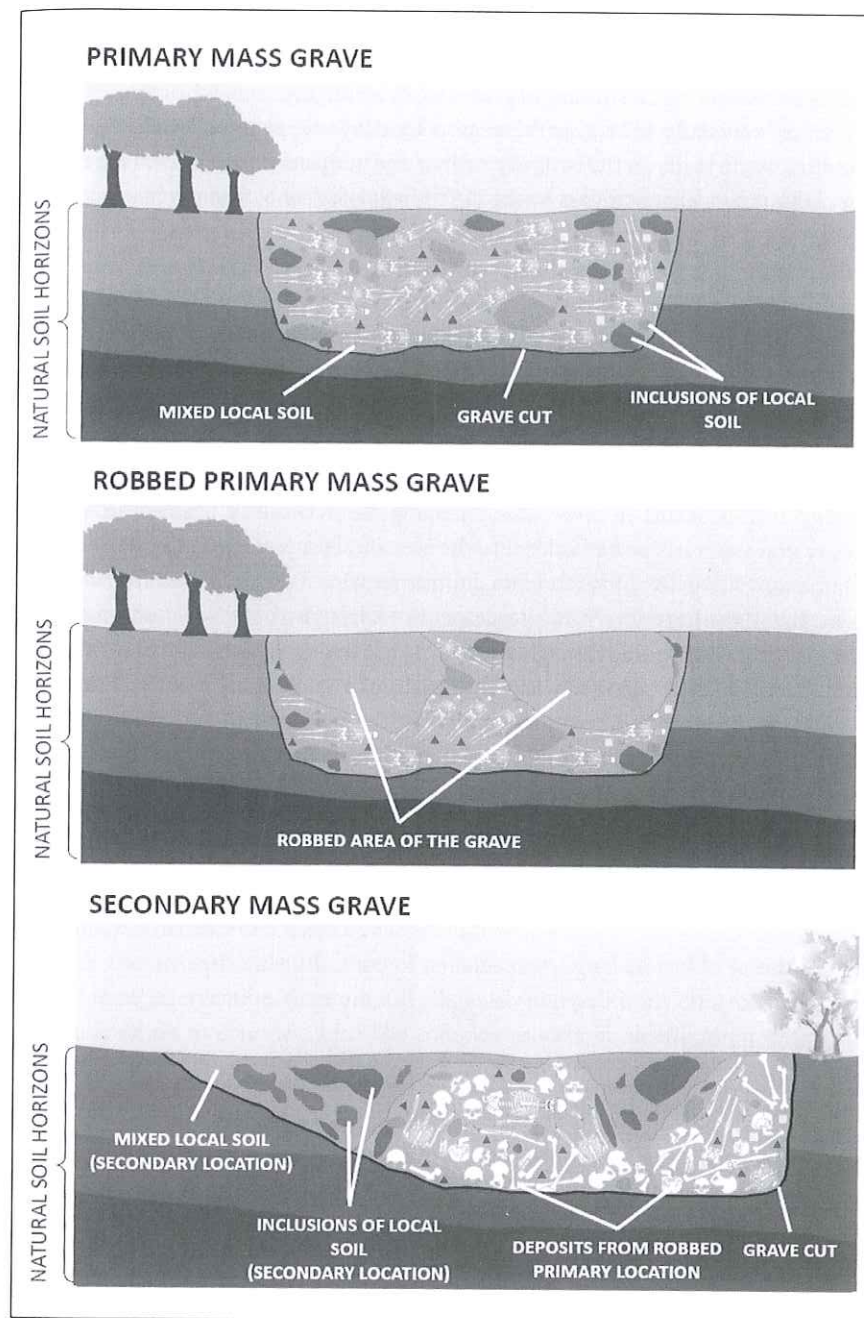
21 Richard Wright, *Exhumations in Eastern Bosnia in 1998*. Report to ICTY, Hague 1999, 18.

22 Ibid.

23 Edwin Huffine/John Crews/Jon Davoren, *Developing Role of Forensics in Deterring Violence and Genocide*, in: *Croatian Medical Journal* 48 (2007) 4, 431-436.

24 International Criminal Tribunal for the Former Yugoslavia, Case No. IT-98-33-T, <http://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf> (1 September 2016).

25 Sarah Wagner, *Srebrenica’s Missing and Korean War Casualties Compared*, in: Ferrándiz/Robben (ed.) *Necropolitics*, 119-160, here 123.



Robbing and redistribution of primary and secondary graves. Copyright: Admir Jugo.

Over the past several years, forensic personnel working in Bosnia and Herzegovina have established the relationship between primary and secondary mass graves through various methods. Original linking of graves, especially in the case of the July 1995 fall of Srebrenica, was conducted within the scope of legal investigations undertaken by ICTY. These links were made on the basis of evidence and artefacts uncovered during excavations: ballistic evidence analysed by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and ligatures and blindfolds uncovered in mass graves and analysed by the Netherlands Forensic Institute (NFI). Further evidence came from University of Exeter professor Anthony Brown's analyses of soil and pollen samples collected from different locations. Finally, and most conclusively, the relationship of primary to secondary mass grave sites has been verified through results of DNA analysis whereby body parts exhumed from different locations in graves and from different graves altogether were linked through matching DNA profiles.²⁶

These links established that there were five separate assemblages of graves related to the July 1995 genocide in Srebrenica. Mapping the network of primary-secondary-tertiary grave sites has proven critical to the identification process: out of 407 different exhumations sites related to Srebrenica, human remains were uncovered from 93 mass graves and 314 surface sites.²⁷ The perpetrators' violent, disruptive disposition of their victims' remains, including through secondary and tertiary mass graves, meant that traditional forensic methods were relatively unsuccessful in the early postwar years. Success in the Srebrenica cases eventually came from the widespread application of forensic genetics. To date, of the 6,930 individuals identified from the July 1995 fall of Srebrenica, 103 were identified using traditional methods, and 6,827 individuals were identified through the use of the DNA technology.²⁸ Of the latter group (DNA-based identifications), 1,700 individuals were from more than one grave,²⁹ with one particular individual re-associated from as many as five different grave sites.³⁰

26 Admir Jugo/Sari Wastell, *Disassembling the Pieces. Reassembling the Social. The Forensic and Political Lives of Secondary Mass Graves in Bosnia and Herzegovina*, in: Elisabeth Anstett/Jean-Marc Dreyfus (ed.), *Human Remains and Identification. Mass Violence, Genocide and the "Forensic Turn"*, Manchester 2015, 142-174.

27 ICMP, *Srebrenica Figures as of 18 June 2015*, http://www.icmp.int/wp-content/uploads/2015/07/2015_07_02_Srebrenica_Infographic_web_ENG.pdf (20 November 2016).

28 Ibid.

29 Matthew Vennemeyer, *An Analysis of Linkages between Robbed Primary Graves and Secondary Graves Related to Srebrenica Missing*, 21st International Meeting on Forensic Medicine Alpe-Adria-Pannonia Book of Abstracts, Sarajevo 2012, 66.

30 Dušan Janc, *Srebrenica Investigation. Update to the Summary of Forensic Evidence – Exhumations of the Graves and Surface Remains Recoveries Related to Srebrenica and Žepa*, April 2010. Report to ICTY, Hague 2010.

Reassembling Identities

The forensic work of identifying these remains and returning them to families for proper burial is extremely complex in the case of the Srebrenica missing because the victims represent a very homogenous group in anthropological terms. All of those exhumed from mass graves related to the July 1995 crimes have similar demographics: they belonged to a displaced, economically underdeveloped population, with a large number reported missing (over 8,000). They are mostly males between 17 and 45³¹ (individuals commonly referred to as men of a "fighting age") and there is generally inconclusive information in terms of antemortem medical and dental records due to the victims' social, cultural and/or economic status.³² Dental records are available for less than ten per cent (roughly 600) of those reported missing.³³ All of these factors severely limit the use of non-DNA-based (or more "traditional" forensic) methods normally applied in processes of "reassociation" (re-assembling mortal remains) and identification. In fact, had DNA not been utilised as a powerful tool in the forensic arsenal of the Srebrenica exhumations, these remains might have never been identified.

The DNA-led process of tracing, excavating and exhuming missing persons in the Balkans has significantly changed efforts to locate and recover the missing and facilitate their return to the families. It has been especially critical in the Srebrenica cases, where DNA has been used to reassociate commingled body parts within and between graves (primary, secondary, and tertiary), and to identify remains which can then be returned to surviving kin and undergo sanctified, witnessed burial. The importance of this approach cannot be overstated. Given the high rate of disarticulation and commingling of bones between and within graves, multiple instances of reassociation may be required for an individual set of remains. Many cases have been recovered from multiple mass graves, and single individuals have had up to 43 different bone samples submitted for DNA analysis in order to complete an identification.

While the successful identification of remains may signal an end to scientific, even medico-legal, intervention, there are still religiously and politically informed choices of commemoration to consider. After the complex process of identification, which can exist in tension with the needs and resource requirements of the forensic evidence sought

31 Boris Mijatovic, 'Statistical Evidence' for the Investigation of International Crimes, in: *Bulletin de la Société des sciences médicales du Grand-Duché de Luxembourg* (2006) 2, 327-339.

32 Cheryl Katzmarzyk/Rifat Kešetović/Kerry-Ann Martin/Edin Jasaragić/René Huel/Jon Sterenberg/Adnan Rizvić/Mark Skinner/Thomas J Parsons, *The Lukavac Reassociation Center. A Model for a Multi-disciplinary Approach in the Examination of Commingled Remains*, in: *Proceedings of the American Academy of Forensic Sciences* (2010) 16, 413-414.

33 Laura Yazedjian/Rifat Kešetović, *The Application of Traditional Anthropological Methods in a DNA-led Identification Process*, in: Bradley J. Adams/John E. Byrd (ed.), *Recovery, Analysis, and Identification of Commingled Human Remains*, Totowa 2008, 271-284.

by prosecutorial institutions, there enters yet another consideration. In a country where ethnic, political and religious identities are often fused, commingled remains of the secondary mass graves prove a particular sort of conundrum for religious communities that seek to represent both the individual dead and the groups to which they belong. While families might want to memorialise their individual murdered loved ones, they will likely do so in ways that re-ascribe identity to those individuals as members of a specific collectivity. In this sense, the aggregating force of the mass graves finds its echo in the commemorative care of the missing, which itself begins long before coffins are interred and tombstones erected.

Assembling the Social, Reconvening Kin

Just as forensic efforts seek to reassemble fragmented human remains (in the Srebrenica case, piecing skeletal elements back together from the disparate sites of primary and secondary graves) and to re-establish individual identity, the return of those remains also brings surviving kin and the larger community together for acts of remembering and caring for the dead. The identification and commemoration of the missing present a means for post-war reckoning with the past in which recovered remains help reconstitute familial ties severed by the initial violence and, in some instances, subsequent displacement. For families of the missing, this reassembly often unfolds piecemeal and over several years, as they engage step by step in the identification process and later make decisions regarding the disposition of their loved one's remains.

Regardless of the timeframe, families' responses to the disruptive uncertainty of a "missing person" – by no means unique to Bosnia and Herzegovina – are deeply personal and thus inherently idiosyncratic. Indeed, while some relatives have become visible advocates for their missing loved ones, pushing for accountability through campaigns of "truth and justice",³⁴ others have engaged with the identification process to varying degrees and at different stages. However (in)direct or (ir)regular their involvement, family responses have tended to follow an emotional trajectory that oscillates between the poles of hope and fear. This is particularly true in the Srebrenica case. Given its complex network of mass graves and prevalence of incomplete, commingled remains, reactions are often pegged to gradually unfolding knowledge – or its absence – about the fate of their loved ones and the possibility of recovery, identification and sanctified burial. For example, in the weeks and months following the fall of the United Nations "safe area", Srebrenica families clung to hope that their loved ones somehow survived the

³⁴ This phrase (*istina i pravda*) is the slogan for the Tuzla-based Association of the Women of Srebrenica (Udruženje "Žene Srebrenice" Tuzla).



Peaceful monthly protest waged by the Women of Srebrenica (Žene Srebrenice), 11 May 2004.
Photo: Sarah Wagner.

rumoured executions and would return from the enclave alive. This hope gradually turned to fear, and eventually anger directed at national and international authorities for their failure to prevent the slaughter or account for their missing.³⁵

With time, the identification process has held out a different hope for both Srebrenica families and other surviving relatives of missing persons in postwar Bosnia, albeit one tinged with the heart-breaking acceptance that the phrase "missing person" no longer implied the possibility that their loved one would return alive. That families have been able to participate in the resolution of their missing person's fate has helped foster a sense of agency that wartime events, especially displacement, had so diminished. Most understand that in order for their loved ones to be identified, they will need to at least contribute to the accounting efforts by providing antemortem data and submitting family blood reference samples to be used for DNA matching. To date, blood samples have been collected for some 23,800 missing persons. Furthermore, before the identification can legally be completed, a representative of the missing person's family is required to agree

³⁵ Sarah E. Wagner, *To Know Where He Lies. DNA Technology and the Search for Srebrenica's Missing*, Berkeley 2008, 91-92; Adam Rosenblatt, *Digging for the Disappeared: Forensic Science after Atrocity*, Stanford 2015.

to and sign for the positive identification of their loved one's remains. Thus, broadly speaking, individualised acts of providing bits of information, droplets of blood, and final signatures, offer surviving kin a means to reconstitute their family, namely its missing members, bone by bone, grave by grave.

Many families have sought more direct involvement. Some attempt to uncover the fate of their missing loved ones by actively seeking information from presumed perpetrators and witnesses. Relatives have also searched for and exhumed remains of their presumed missing loved ones on their own accord, or have worked as volunteers alongside official forensic personnel during exhumations. These engagements take the form of both individual quests and acts of advocacy on the part of family associations. The motivation for such endeavours is varied. Some families have expressed frustration with the length of the process for finding their loved ones and have taken it upon themselves to search for information on the whereabouts of the remains of the missing, while others have launched legal claims against the state, taking them as far as the UN Human Rights Committee.³⁶ Examples include families of missing persons from Hadžići and Vogošća near Sarajevo, who have shared information with the Missing Persons Institute and pressured both the Institute and the Prosecutor's Office to act on such information. In places like Prijedor and Višegrad, which are located in the Bosnian-Serb controlled RS, such actions are taken due to families' distrust of officials, especially police officers, some of whom are also purported perpetrators. In Brčko, a multi-ethnic independent district in Bosnia, some families, citing a specific wartime event from a nearby village, have sought a more active role in the search for their missing, because ethnicity – in this case Serb missing and Bosniak and Croat perpetrators – is especially fraught.³⁷ Regardless of motivation, these families' dedication endures, pushing them to gather information about events that took place during the war and the fate of their loved ones, and at times to go as far as locating and talking to presumed perpetrators and witnesses.

In some instances, family engagement derives from the most unlikely of circumstances. 2010 saw a malfunctioning of the Bajina Bašta dam on the border of Bosnia and Herzegovina and Serbia, and repairs required a significant lowering of the water level of Lake Perućac near Višegrad. The area in and around Višegrad was an infamous repository for bodies during the war, with those killed being thrown into the river and collecting in the lake itself. The lowered water level presented an unprecedented opportunity for recovery and was seized on by the Bosnian and Herzegovinian institution as a chance to conduct exhumations of human remains. Time was limited: pressure for the dam to

be reactivated mounted with each passing day, and the area for searching for and exhuming human remains was large (with each bank stretching some 52 kilometres). The Association of the Families of Missing Persons from Višegrad put out public calls for volunteers to help with recovery efforts. The two and a half months of exhumation brought buses with up to 200 volunteers to the site; volunteers – most of them family members looking for the missing loved ones – worked side by side with the exhumation team to uncover as many bones as possible. Many family members explained that they felt as though they had to come and help. The circumstances and memory of their loved ones demanded it of them.

A similar urgency appears in the well-publicised case of Hajra Ćatić, whose active participation in the process of locating and identifying the missing became a source of tension among forensic personnel working in Bosnia and Herzegovina. Ms Ćatić was already a well-known figure in the Srebrenica community, having served as president of the Tuzla-based NGO Women of Srebrenica (*Žene Srebrenice*) since its founding. Ms Ćatić lost her 26-year-old son Nino during the fall of Srebrenica. He was among the column of men and boys who fled the enclave, moving through the woods and minefields towards Tuzla in an attempt to reach “free territory” – territory controlled by the Army of Bosnia and Herzegovina. Like many in the column, he went missing. Based on information Ms Ćatić had gathered, her son's body was presumed to be in one of the minefields along the column's route. No official exhumation could be undertaken as the area had yet to be de-mined. In 2012, Ms Ćatić and her son's friend, unwilling to wait for authorities to start the exhumation, entered the mine-riddled woods where her son had been last seen, to look for his remains. While searching she uncovered a skull, which, she explained, she “put in a bag and took back [with her]. It stayed in my study for eighteen months before anyone came to pick it up.”³⁸ Local forensic personnel resented the intrusion into (if not indictment of) their work and thus were reluctant to engage with her discovery. For Ms Ćatić, waiting has come to define her experience as the mother of a missing person – waiting for officials to act; waiting for news of her son; waiting for the moment when she might finally lay his remains to rest. In the absence of these actions and results, she fears denial will take root: “I worry that if Nino's remains are not found, and it's not proved that he was killed, then in a few years someone could try to deny that he was murdered, and deny what happened here. It would be as if they murdered him a second time.”³⁹

36 United Nations International Covenant on Civil and Political Rights, Human Rights Committee, Communication No. 1997/2010, http://www.worldcourts.com/hrc/eng/decisions/2014.03.21_Rizvanovic_v_Bosnia.pdf (6 November 2016); Communication No. 2003/2010, http://www.worldcourts.com/hrc/eng/decisions/2014.07.17_Selimovic_v_Bosnia.pdf (6 November 2016).

37 Interview given to the authors in Brčko, 22 August 2015.

38 Julian Borger, Srebrenica Massacre 20 Years On in: *The Guardian*, 3 July 2015, <https://www.theguardian.com/world/2015/jul/03/srebrenica-massacre-20-years-on> (17 November 2016).

39 Dan McLaughlin, Bosnia's Valley of Death Still Seeking Answers Two Decades Later, in: *Al Jazeera America*, 5 July 2015, <http://america.aljazeera.com/articles/2015/7/5/still-seeking-answers-in-bosnias-srebrenica.html> (6 November 2016).

Commemoration Politics

For some communities, Srebrenica and Prijedor especially, the missing have become powerful points of assembly and their memory an important means of combating opposing ethnonational narratives of victimhood or denial. In Bosnia and Herzegovina, commemorative events take place around major wartime sites, predominantly those connected to atrocities against Bosniak populations, from smaller-scale annual gatherings in cities like Bratunac, Vlasenica, Višegrad and Zvornik to the larger ceremonies held in Prijedor⁴⁰ and at the Srebrenica-Potočari Memorial and Cemetery. How these commemorative events are organised has been guided in part by religious practice and necessary improvisations thereof. In the Bosniak community, for example, where efforts to identify remains were accelerated by the success of DNA testing in the early and mid-2000s, forensic specialists and family representatives sought input from the Islamic Community (*Islamska zajednica*) of Bosnia and Herzegovina. Its leaders crafted a theological response to questions of what and when to bury, drawing on Sharia law to argue that even one bone could be accorded proper burial rites within Islamic tradition, namely that granted to martyrs (*šehidi*). It was also decided that a permanent tombstone (*nišan*) could be erected for each victim killed because of his or her perceived membership to the ethnoreligious group, regardless of whether remains were ever recovered. The tombstones themselves establish the missing within a post-war collectivity, re-ascribing social – here, ethnoreligious – identity through their specific form, as well as through the uniform inscription: “And do not say of those who are slain in the way of Allah that they are dead. Instead, they are living, but you perceive not.”

Notably, the overwhelming majority of families of the Srebrenica missing whose remains have been identified have chosen to bury their loved ones in the collective cemetery at the Srebrenica-Potočari Memorial: 6,377 have been interred there as of 11 July 2016,⁴¹ while some 226 individuals have been buried apart from the memorial centre, in family plots located on or near pre-war residences, for example. Of that number, 113 individuals were identified and buried before the Srebrenica-Potočari Memorial and Cemetery held its first mass funeral and burial in March 2003, before surviving kin had the opportunity to bury their relative in the collective space. Over a decade later, the nearly full cemetery illustrates the families’ and larger community’s desire to recognise both individual and collective loss, with the successful identification of remains enabling the living to care for the souls of the dead. In this sense, the annual 11 July commemoration repairs the social fabric of the Bosniak community of mourners through the centre’s

40 Hariz Halilovich, *Beyond Sadness. Memories and Homecomings among Survivors of ‘Ethnic Cleansing’ in a Bosnian Village*, in: *Memory Studies* 4 (2011) 1, 42–52, here 44.

41 For the most current figures, see the Srebrenica-Potočari Memorial and Cemetery website, <http://www.potocarimc.org/index.php/memorijalni-centar> (6 November 2016).

communal rituals: tens of thousands of people, overwhelmingly Bosniaks, convene in the open spaces of the Srebrenica-Potočari Memorial and Cemetery to partake in and witness the burial of victims whose remains have been identified over the previous year.⁴²

Like other parts of this process, commemorations are also not devoid of political (mis)use. From a *place* of commemoration visited by families and the community year-round, the Srebrenica memorial has slowly transformed into an *event* that serves as a catwalk for politicians and international “VIP” invitees, including Ambassadors in BiH, representatives of international organisations and foreign dignitaries. Cordoned off in the so-called VIP section, the international and national political elites take primacy over families and the community, with political speeches and acts routinely eclipsing the more solemn work of burying the dead. A prime example is the twentieth anniversary commemoration in 2015. The entire ceremony was overshadowed by the attack on Serbian Prime Minister Aleksandar Vučić, the result of mounting animosity and political spin in the run-up to the commemoration. Bosniaks viewed Vučić as both a wartime



The Srebrenica Potočari Memorial and Cemetery, 10 July 2013.

Photo: Sarah Wagner.

42 Typically, there are four or five hundred coffins being interred in individual plots within the collective cemetery, though this number is gradually drawing down as the number of annual identifications decreases.

perpetrator of crimes (recalling video footage of him visiting RS Army positions around Sarajevo during the war) and a post-war instigator of hate who issued an international warrant for the wartime Srebrenica commander Naser Orić weeks before the twentieth anniversary. As Orić had already been acquitted by the ICTY, the Srebrenica community and its vocal NGOs saw Vučić's legal pursuit of the Bosniak commander as a direct provocation and violation of the victims' memory, and warned that the Serbian leader would not be welcome. Thus, however disappointed, few were surprised that Vučić came under such violent attack at the memorial centre that day.

For all its ceremony, 11 July is not the sole cause of Srebrenica's political controversies *per se*. Post-war demographics and control over the municipality – the very land where the memorial centre and cemetery are located – have proven equally contentious. At no time is this more explicit than during municipal and specifically mayoral elections. Bosniaks had maintained political control of Srebrenica's City Hall since 1997 due to electoral laws allowing displaced persons to vote according to pre-war residence. By 2012, this control was under threat, giving rise to a civic initiative known as *Prvi mart* (literally, March First), which called for Bosniaks all over Bosnia and Herzegovina to register as residents of Srebrenica and vote for the Bosniak mayoral candidate. Initiative advocates built support with the charge that a Serb mayor of Srebrenica would amount to a second genocide in Srebrenica. The rhetoric proved decisive, if divisive: upon Bosniak candidate Čamil Duraković's election as mayor, RS Prime Minister Milorad Dodik warned that while Srebrenica might remain Bosniak this time around, Serbs would take it back in the next election. Four years later, in 2016, his claims came to fruition when a Serb candidate who trafficked in genocide denial and was supported by all Serb parties in the RS soundly beat incumbent Duraković. The results shook the Srebrenica community, and its NGOs were quick to wonder what the Serb electoral victory would mean for the 11 July commemoration. In turn, right-wing Bosniak politicians started using Srebrenica to showcase the need for Bosniak unity and protection of Bosniak "vital national interests", under the guise of concern for the Bosniak minority in Srebrenica. Lost in the post-election maelstrom was local residents' insistence that "Srebrenica is neither Bosniak nor Serb, but of all those from Srebrenica",⁴³ and the long standing inter-ethnic friendships⁴⁴ would trump incendiary ethno-nationalist rhetoric offered by those living outside of Srebrenica.

Mayoral elections and the questions they invite as to who controls how the past war is remembered and how its victims, in particular its missing, are cared for underscore Bosnia's lingering unease – its still incomplete reckoning with the legacy of violent conflict and crimes carried out in the name of ethnonational politics. They also raise the unsettling possibility that exhumations beget (re)exhumations; that tombstones are only as permanent as the body politic that erects them and insists on the meaning of their inscriptions. The contentious political discourse surrounding sites of wartime atrocity and post-war commemoration, such as Srebrenica, Prijedor, and Višegrad, colours the work of recovering and identifying remains, with the presumptive impartiality of forensic science often impugned and its results called into question – if not for its validity, then for its bias towards one ethnonational group over another. In this regard, for all its successes, the exhumations and identification efforts of Bosnia and Herzegovina offer lessons in the persistent, and at times deeply divisive, politics of memory interwoven into the fabric of the missing persons issue.

43 Sadik Salimović, Srebrenica nije ni srpska ni muslimanska, već svih Srebreničana [Srebrenica Is Neither Serb Nor Muslim, But for All Srebrenicans], in: Radio Slobodna Evropa, 5 November 2016, <http://www.slobodnaevropa.org/a/srebrenica-nezira-sulejmanovic/28097727.html> (6 November 2016).

44 Marija Arnautović/Sadik Salimović, Željčina i Sadikova jutarnja kafa u Srebrenici [Željka and Sadik's Morning Coffee in Srebrenica], in: Radio Slobodna Evropa, 19 October 2016, <http://www.slobodnaevropa.org/a/srebrenica-zivot/28063183.html> (6 November 2016).