

All That Remains : Identifying the Victims of the Srebrenica Massacre

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Late in the afternoon of July 11, 1995, the Bosnian Serb army, under the command of General Ratko Mladic, seized the northeastern Bosnia town of Srebrenica. Declared a "safe area" by the United Nations two years earlier, the predominately Muslim community had swollen from a prewar population of 9,000 to over 40,000, many of whom had been "cleansed" from elsewhere in Bosnia. As Mladic's troops swarmed over the town, the women, children, elderly, and many of the men took refuge two kilometers away in the United Nation's Srebrenica headquarters, staffed by a Dutch battalion, in the village of Potocari. Meanwhile, the remaining Srebrenica men and boys- some 10,000 to 15,000- fled through the woods on foot, trying to reach Muslim-controlled territory, nearly 40 miles away.

Over the next three days, as the United Nation's response shifted from miscalculation to military blunder, leaving the Srebrenica population and the Dutch battalion in an indefensible position, General Mladic's army carried out the worst war crimes committed on European soil since World War II. Intent on cleansing the world's first "safe area" of all the Muslims, his army began in Potocari by separating the women and children, who were herded onto buses for a harrowing journey to Muslim-controlled territory, from the men, who were never seen by their families again. Thousands of other men and boys, who had fled on foot, were attacked or captured and executed by the Bosnian Serb Army. By July 13, 1995, thirty-six hours after the siege of Srebrenica began, the Bosnian Serb Army had "cleansed" all 40,000 Bosnian Muslims from the United Nations's "safe area."

Most women and children made it to Bosnian Muslim-controlled territory outside the town of Tuzla. From collective centers and hastily erected tents, they began the wait for their missing loved ones. Today, nearly six years later, the missing from Srebrenica have returned only in body bags. After one of the largest, most extensive, and historically unprecedented forensic investigations, over 4,000 body bags have been recovered from the fall of Srebrenica. However, despite a huge forensic operation, only 100 have been identified, and families continue to be torn between the hope that their missing are alive and the ever-increasing fear that they are dead.

The overwhelmingly undressed need of the families to learn the fate of their loved ones stems from several legal, scientific, political, and institutional factors. Taken together, these interrelated pediments point to the need for national and international institutions to respond to the surviving victims of genocide and other forms of mass murder more effectively in the future.

On November 16, 1995, four months after the fall of Srebrenica the chief prosecutor for the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, Richard Goldstone, issued charges of genocide against General Mladic and his civilian superior, Radovan Karadzic. The ICTY, with jurisdiction over all crimes committed during the 1992-1995 war in former Yugoslavia, dispatched its senior scientific expert, William Haglund, and a forensic team, assembled by the Boston-based Physicians for Human Rights (PHR), to begin the excavation of the mass graves.

As the forensics experts began the complicated process of exhuming the mass graves of Srebrenica, the survivors continued to fervently insist that their missing were alive. Rumors spread through the centers that their missing were languishing in Bosnian Serb prisons or working as forced laborers in mines across the border in Serbia. Cruel scams were played out on desperate families, with meaningless but costly information peddled to them on the whereabouts of the missing.

The International Committee of the Red Cross (ICRC), in accordance with its mandate, inspected prisons and alleged places of hidden detention in Bosnian Serb prisons and elsewhere in former Yugoslavia, including Serbia, as part of the Dayton Accords but found no men from Srebrenica. The organization also compiled a list of over 20,000 people who had gone "missing" on one side or another during the war in Bosnia.

Working with local Bosnian Serb authorities, the ICRC received information on the fate of over 400 men from Srebrenica. In an effort to end the uncertainty and allow the families of these missing men to exercise their right as kin of the deceased, the ICRC communicated this information to families in the form of a "death attestation." In addition to ending the tortuous uncertainty, these documents were intended to help the next of kin obtain legal benefits such as pension. But the death attestation program caused a backlash; many, although not all, of the families were unwilling and unable to accept a "paper death." They claimed that their missing were being written off, that the search for places of hidden detention was inadequate, and that information was no substitute for bodies. The ICRC discontinued the death attestation process but, reaffirming its commitment to families of the missing, continued to inspect alleged places of hidden detention and provided families with credible information on the fate of their missing made available by Bosnian authorities.

By the end of 1996, the tribunal investigators had unearthed approximately 517 bodies and "disarticulated" body parts, autopsied them in a makeshift morgue to determine cause and manner of death, and carefully preserved incriminatory evidence such as ligatures and blindfolds. The bodies- all unidentified- were then released to the custody of the Bosnian authorities who, lacking the means to grapple with Srebrenica identifications, placed them in an abandoned tunnel cut into a hillside in Tuzla. The ICTY had decided that it was unnecessary for them to establish the identity of the dead victims of Srebrenica. The evidence of the circumstances surrounding their deaths would be enough to build their case against the principal perpetrators of the Srebrenica massacre.

Similarly, in 1996, Tribunal prosecutors waived their right to collect the so-called surface remains scattered along the "trail of death." Defense lawyers, they reasoned, could argue that at least some of the victims recovered from the trail may have been killed during armed confrontations with the Bosnian Serbs. Instead, a U.N.-supported team of Finnish forensic scientists, followed later by a Bosnian forensic team, began surface recoveries and in that first year collected approximately 300 individual and commingled sets of remains from the trail. These remains were taken to the Tuzla hospital, autopsied, and, owing to the lack of the local political will and means for identification, stored on the floor of the hospital morgue.

Identifying the dead from Srebrenica was proving more difficult than naming the remains exhumed from other and smaller mass graves in Bosnia and Croatia. To begin with, a large "cohort" went missing on July 11, 1995, in Srebrenica, leaving over 7,000 possible identities for every victim recovered. Over 95% were men who had been stripped of potential leads to their identity, such as personal documents. Compounding the statistical odds against narrowing down the potential identity of a body to a manageable list, tribunal investigators discovered that many of the mass graves had been hurriedly re-exhumed with earthmoving equipment and re-deposited in secondary graves. In this process of trying to hide the crimes of Srebrenica, the remains were disarticulated, commingled, mangled, and crushed.

All other mass graves from the war were smaller, and few, if any, had, been subjected to re-exhumation. Although occasionally technically challenging, such as the recovery of nearly a hundred victims from a 70-meter-deep mine shaft down which they had been disposed, the identification process for small graves was less daunting. These other graves were linked to a time, place, and occasionally a witness, and approximately the same number who had disappeared were recovered from the grave. With a small set of possible identities and a roughly equal number of remains, physical features alone were usually sufficiently distinctive to identify

approximately 80% of these remains to the satisfaction of local forensic pathologists.

Given the complexity of the Srebrenica identifications, realizing the importance of scientifically sound identifications for families who felt betrayed by the international community, and absent a local political will to serve the Srebrenica survivors, PHR began what evolved into an extensive effort to develop an identification system for the Srebrenica remains. PHR established an office in Tuzla in 1996 for its humanitarian programs that were separate from, but supported in principle by, the ICTY and trained local staff to interview the relatives of the missing to gather information useful for future identifications and computerize the data so it could be used effectively. This antemortem database included such things as the missing person's age, gender, stature, clothing and personal effects at time of disappearance, medical and dental history, tattoos and old fractures-anything that could distinguish one individual from another. PHR also developed a community-based outreach program to channel information, such as place of exhumations, number of recovered remains, and complexities of identifications, to those most desperately concerned and yet least informed- the families of the missing

In 1997, responding to more of the forensic void elsewhere in Bosnia, where at least an additional 15,000 had gone missing, PHR, which is primarily a human rights fact-finding group, not traditionally a capacity-building organization, expanded its presence in Bosnia and provided to all local entities- Serb, Croat, and Bosnian Muslim- forensic training, equipment, and documentation of the local exhumation process.

Also in 1997, with no identification effort underway, no family's uncertainty put to an end, and over 500 exhumed from Srebrenica-including remains recovered with strong leads such as distinctive jewelry or personal papers- PHR began the Srebrenica Identification Project. PHR trained Bosnian staff to follow up on leads, work closely with victim families, and provided mitochondrial DNA analysis to conclude cases for which physical features were not sufficiently conclusive. In mid-1997, PHR provided local forensic pathologists with the scientific evidence necessary to conclude the first set of Srebrenica identifications. The families of the identified invariably changed through the long process, moving from their fervent belief that their missing were alive to a certainty that their loved one's body had been identified.

The PHR Srebrenica Identification Project had no authority or control over the remains and other crucial resources, such as a morgue, and so depended on the goodwill of international institutions, like The Hague tribunal, as well as national resources, such as the tunnel storage facility, local forensic pathologists, and Tuzla's hospital morgue. However, absent both a political commitment to Srebrenica identifications and a sense of the system necessary to achieve scientifically sound identifications, the goodwill and cooperation of these actors were frequently missing. The hospital, for instance, refused access to its morgue and would not allow its pathologists to engage in Srebrenica autopsies. This created a bottleneck in PHR's identification system, which was compounded by the recovery of an additional 2,000 bodies and body parts from the ICTY's 1998 Srebrenica exhumations and the lack of a place to put them. Protesting lack of funding for the remains already in custody, officials in charge of the tunnels of remains from Srebrenica refused to accept more bodies. Without proper storage facilities, the 2,000 body bags' bodies were left in containers in a parking lot, which angered the family associations. Without access to the tunnels or, for that matter, parking lot containers, the recovery of surface remains came to a virtual halt.

By 1998, many of the Srebrenica survivors began to acknowledge that their missing might be dead. They despaired over the slow pace of the exhumation process and demanded that the remains be recovered for their loved ones and to demonstrate the nature and scale of the crimes committed. The survivors wanted the world to acknowledge that they had been victims of genocide, and the remains provided their proof. But the ICTY's timetable for exhuming the Srebrenica graves held the unearthed remains essentially hostage to prosecutorial priorities and The Hague's logistical capacity. Survivor voices had little, if any, effect of the pace of the investigations.

In late 1998, with over 3,000 Srebrenica body bags and about only 30 identifications, PHR, which had unsuccessfully lobbied local authorities for a dedicated Bosnian identification team, proposed that the international community assist Bosnian authorities to establish a locally operated Srebrenica identification system that included a local forensic pathologist, adequate facilities, and a DNA lab. In early 1999, with funding by the International Commission on Missing Persons from the former Yugoslavia (ICMP), established by President Clinton in 1996 to help families of the missing through political lobbying, funding exhumation and identification programs, and family association support, a local team, led by a Bosnian forensic pathologist, was in place. With all components of an identification system focused and coordinated on Srebrenica identifications, the rate of Srebrenica identifications increased dramatically. The following year, ICMP completed the new storage and morgue facility and began an ambitious plan of developing DNA labs in Bosnia with the intent of developing a DNA reference database of all of the families of Bosnia's missing and identifying the Srebrenica remains through matching DNA of the remains to it.

Today, PHR has left Bosnia while a local and national effort to exhume and identify the victims of Srebrenica continues, as it should. Such a search for the missing may serve as an active reminder to the families that the crimes committed against them have not been forgotten. The process of recovery and proper storage of the remains also bestows dignity on the memory of the missing and can better facilitate the reintegration of the dead into society through identification and reburial. The identification of the remains can help families of the missing obtain a means of release from the torment of uncertainty and open a way forward through grief and mourning. From a larger, societal perspective, memorializing the remains can help shape the communal grieving process and underscore the symbolic significance of the fall of Srebrenica for generations to come. Finally, collecting and examining the remains to determine the cause and manner of death can serve as a powerful antidote to revisionism and set the stage for justice.

So far, the Srebrenica remains have not been managed in a way that best meets these goals. Fundamental questions of who "owns" the Srebrenica remains, isolated and narrow institutional agendas that bypass the importance of identification, and inaccessible information that deprive families of their right to know what is happening to the body of their son, their husband, or their father, prolongs the families' painful uncertainty. The lack of balance and clarity between humanitarian versus judicial goals and local versus international roles and responsibilities continues to plague the recovery and identification process, and is a sign of the failure of the involved actors to comprehensively comprehend the meaning of the missing to community from which they were lost.

The response to the Srebrenica tragedy has shed light on the multidimensional nature of the aftermath of large-scale war crimes. Many of the involved institutions are beginning to appreciate the moral imperative and operational complexity of responding effectively to this post-atrocity landscape. There is a movement underway to organize an international conference on the missing that will capture the accumulated wisdom of past efforts worldwide and begin the process of developing a comprehensive model for recovering and identifying the remains of the victims of large-scale atrocities. Without such an approach, the fate of the victims - both living and dead - of such atrocities, not only in Bosnia but also in places such as Rwanda, East Timor, and Kosovo, continues to hang in the balance.