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## **Reflections on preserving the skeletonized remains of unidentified persons as a historical record of the violence in Colombia**

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### *Introduction*

This document seeks to address the question of skeletonized remains that are classified institutionally as *unidentified persons* using the concept of *historical patrimony*<sup>1</sup>, understanding skeletonized remains as “texts” that shed light on specific events in the history of violence in Colombia. Focusing particularly on those remains that display violent trauma and that may belong to disappeared persons<sup>2</sup>, three fundamental arguments are put forth: First, there is a need for a more concerted effort to preserve the biological material, for humanitarian and judicial purposes. Second, there is a need for more appropriate regulation of the handling of skeletonized remains of unidentified persons, not just in a medical-forensic or administrative framework that corresponds to the local government, but from a cultural approach as patrimony, acknowledging the historical value of this material for the country. Finally, gains in the use of digital radiology make it possible today to electronically preserve the information in the bones, which should supplement the public forms of official records, making possible access to electronic information in formats that can be consulted quickly, without necessarily handling the remains. Recognition of skeletonized remains of unidentified persons as historical patrimony should lead both to their physical preservation as biological material and the official recording and radiographic digitalization of these remains, considering them as archives that are repositories of past events essential for understanding and clarifying the forms of violence in Colombia, and for dignifying the victims, in relation to their memory and their surviving families and communities.

### *Why should the skeletonized remains of unidentified persons be considered historical patrimony in Colombia?*

The main justification for recognizing the skeletonized remains of unidentified persons as Colombian historical patrimony is that like all archeological remains, they help us understand the past.

To date, the discussion of skeletonized remains as historical patrimony in Colombia has taken place strictly in relation to archeological skeletonized remains, as part of a global trend to repatriate indigenous remains to their descendant populations<sup>3</sup> and to protect indigenous communities.<sup>4</sup> That

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<sup>1</sup> The term “historical patrimony” is used to refer to “historical heritage:” the word “patrimony” is privileged over “history” to preserve correspondence with the term in Spanish, *patrimonio histórico*.

<sup>2</sup> In this article, *disappearance* is understood to encompass both the definition of “*enforced and involuntary disappearance*” established by international human rights legislation, particularly the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly on December 21, 2006, which recognizes this crime carried out by state agents or other forces or persons with their acquiescence, as well as those considered “missing,” defined by the 1949 Geneva Conventions as persons whose whereabouts are unknown in an internal or international conflict because of the actions committed by any of the parties to the conflict.

<sup>3</sup> The article “The reburial issue in the twenty-first century,” in the book *The Dead and their Possessions: Repatriation in Principle, Policy, and Practice* (edited by Cressida Fforde, Jane Hubert and Paul Turnbull, London, UK: Routledge, 2002, pp. 1-16), in which Jane Hubert and Cressida Fforde present the state of the art in initiatives to repatriate archeological remains globally, beginning with the initiative of the United States and Oceania in the 1990s, and its subsequent expansion to the Americas, Asia, and Africa. That article also considers the needs of family members in massive disasters and persons disappeared in conflicts in Africa, South America, and Eastern Europe.

<sup>4</sup> See the UNESCO document, *Principles and Guidelines for the Protection of the Heritage of Indigenous Peoples*, E/CN.4/Sub.2/1995/26, November 22, 1999.

proposition is not intended to draw an equivalency between the skeletonized remains of unidentified persons and archeological remains, ignoring the immediate implications for victims' families, which require suitable temporary conservation of those victims' remains by the authorities, while timely work is done to identify and return them to their families. Rather, it is considered that the contemporary nature of the skeletonized remains of unidentified persons does not make them any less valuable as patrimony for reconstructing events in Colombia's history, particularly events in the context of the violence of recent decades. To that end, special norms and measures of protection are needed, similar to those that apply to the skeletonized remains of prehistoric, pre-Columbian, and colonial populations.<sup>5</sup>

The well-known underregistration in Colombia has made it impossible to identify positively the remains found in official search and exhumation activities, since this depends on the compatibility between the information on the remains and the allegations of disappearance. This holds equally for victims of disappearance, as can be shown by the difficulties identifying the skeletonized remains recovered by the recent exhumations by the Office of the Attorney General (Fiscalía General de la Nación) in the context of implementing Law 975 of 2005<sup>6</sup>; at present the volume of these remains outstrips the Fiscalía's storage capacity.<sup>7</sup> These remains may meet the same fate unidentified remains have met with historically in Colombia: they are deposited indefinitely in municipal and parish cemeteries, where they may be preserved in variable conditions, not always with reliable security, sometimes in individual graves and crypts, but on many occasions in mass graves.<sup>8</sup> Many of the skeletonized remains exhumed are moved from mass graves in the Colombian countryside, only to be buried in mass graves at the rear of the municipal and parish cemeteries.

While most of the skeletonized remains exhumed in the last two years from clandestine cemeteries in Colombia are not being identified by the proper technical means, the remains and associated evidence found at the graves contain valuable information on the conditions surrounding these deaths. Interpreting the signs of violence inscribed in the skeletonized remains of unidentified deceased persons uses specialized methods from forensic anthropology and archeology to extract as much information as possible on what happened to the person before and after dying. Such an analysis of the remains, along with the personal effects and other articles at the scene of the burial, makes it possible to understand not only the manner of death, but also other practices such as deprivation of liberty, extrajudicial execution, and torture, in addition to the sequence of acts inflicted, the instruments used, and the conditions surrounding the death.

In other words, these persons' bones contain "text" on the reality of what happened to them, supplemented by official records and digital radiographic information; they become essential archives for the historiography of violence in Colombia.<sup>9</sup> Such an understanding of the remains also presupposes

<sup>5</sup> Law 397 of 1997 in Colombia, at Article 6, indicates: "The Archeological Patrimony is constituted by such movable and real property that originated from disappeared cultures, or from the colonial period, as well as those human and organic remains related to those cultures. That patrimony also includes the geological and paleontological elements related to the history and origins of man." For more information, see <[www.icanh.gov.co](http://www.icanh.gov.co)>.

<sup>6</sup> The consolidated report on exhumations as of December 7, 2007, by the National Unit of Justice and Peace (Unidad Nacional de Justicia y Paz) of the Office of the Attorney General recorded 1,119 corpses found, only 87 of which have been positively identified and so handed over to the families. See <[www.fiscalia.gov.co](http://www.fiscalia.gov.co)>.

<sup>7</sup> The lack of adequate space to store and analyze the large number of remains exhumed by the Office of the Attorney General in Colombia has caught the attention of international press. See, for example, the article by Frank Bajak, "Colombia overwhelmed by surge in exhumations of disappeared," *Associated Press*, August 1, 2006.

<sup>8</sup> For a descriptions of unidentified remains in Colombia from a forensic perspective, see the article "Who is missing? Problems in the application of forensic archaeology and anthropology in Colombia's conflict," by Ana María Gómez López and Andrés Patiño Umaña, published in *Forensic Archaeology and Human Rights* (ed. Roxana Ferllini, Springfield, USA: Charles C. Thomas Publisher, 2007, pp. 170-204).

<sup>9</sup> That perspective finds support in the conservation of archives and historical archeology. A perspective on the contributions of the forensic study of physical evidence to historical reconstruction of events is developed in the article by Judith E. Edelman, "The Lincoln car, the Kennedy chair, and the study of objects," in *Archives, Documentation, and Institutions of Social Memory*, edited by Francis X. Blouin, Jr. and William G.

bringing together scientific methods of obtaining biological information with social conceptions of the body<sup>10</sup>, which would make it possible to look at this material from other academic perspectives.<sup>11</sup> Since there is not always testimony from witnesses or survivors of violent events, and in many cases there is no official documentary record of such events, or access to it in those cases in which it does exist, the skeletonized remains thus constitute the main – and often the only – first-hand source of information on the forms and characteristics of the violence that has existed historically in Colombia. The only way to have access to that truth is through what is left of these victims – their remains – which should be analyzed so that this information can become part of the history that is told, and, in the process, become part of Colombia's historical memory.

### *Proposed means of preservation*

The preservation of these remains of unidentified persons, then, understood as part of the historical patrimony, becomes a matter of public interest in three areas:

- ☒ Adequate handling and conservation of biological material, which requires measures to organize and protect remains in the municipal and parish cemeteries, and elsewhere where the skeletonized remains of unidentified persons are found.
- ☒ Preserving, properly filling out, and accessing official judicial and medical-forensic records, which requires promoting the conservation of these documents, particularly the Single Registry of Corpses (RUC: Registro Único de Cadáveres), and in the event that these are not available, obtaining information on the remains to ensure these forms are filled out.
- ☒ The digital radiographic documentation of the skeletonized remains, which requires promoting creating tomography files and visualizing biological information in three-dimensional electronic formats, which will be used in keeping with strict criteria for handling data.

Following are the initial general recommendations for these three areas of action, which can serve as a foundation for future regulations, public policies, and academic projects.

### Adequate handling and conservation of biological material

In any place where skeletonized remains or biological samples are conserved, verifiable measures of protection should be implemented for all the biological material and genetic samples extracted from skeletonized remains, following international recommendations in this area.<sup>12</sup> In addition, the mechanisms for conserving remains must guarantee safe and individual storage for each of the remains, clearly inventoried including a record of their location. To this end:

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Rosenberg (Ann Arbor, USA: University of Michigan Press, 2007, pp. 245-252). In addition, Pedro Paulo A. Funari wrote on the necessary relationship between history and archaeology in Latin America, specifically mentioning forensic archaeology and anthropology, in his article "Archaeology, History, and Historical Archaeology in South America," *International Journal of Historical Archaeology*, Vol. 1, No. 3, pp. 189-206, 1997). Finally, Robert L. Schuyler wrote on the integration of archeological findings, historical documents, and ethnographic information in "Archaeological remains, documents, and anthropology: A call for a new culture history" (*Historical Archaeology*, Vol. 22, No. 1, pp. 36-42, 1991).

<sup>10</sup> That proposal is along the lines of the book *The Body as Material Culture: A Theoretical Osteoarchaeology*, by Joanna R. Sofaer (Cambridge, UK: Cambridge University Press, 2006), which constitutes perhaps the first explicit reading of the social significance of archeological human remains, where one seeks to integrate social readings of the body with studies of the skeleton from bioarchaeology.

<sup>11</sup> For example, the social, cultural, and political significance of the bodies of persons assassinated and disappeared due to sociopolitical violence and of forensic efforts has been a topic of study for sociocultural anthropology, as shown by the ethnographic studies *The Political Lives of Dead Bodies* by Katherine Verdery (New York, USA: Columbia University Press, 1999) and *Bodies of Evidence: Burial, Memory, and the Recovery of Missing Persons in Cyprus* by Paul Sant Cassia (New York, USA: Berghahn Books, 2005). For an example of this type of research in Colombia, see Elsa Blair, *Muertes violentas: La teatralización del exceso* (Medellín: Universidad de Antioquia, 2005) and María Victoria Uribe, *La antropología de la inhumanidad: Un ensayo interpretativo sobre el terror en Colombia* (Bogotá: Editorial Norma, 2004).

<sup>12</sup> See UNESCO, International Declaration on Human Genetic Data, October 16, 2003, particularly Article 12.

- There must be rigorous documentation of the handling of skeletonized remains, beginning with the correct individualization of the remains for purposes of adequate packing and labeling, safe transportation and storage, and strict documentation of what happens from exhumation of the remains until they are sent to official laboratories.
- In case they cannot be identified, there must be documentation on the official deposit of skeletonized remains of unidentified persons in authorized warehouses or in external sites, such as ossuaries, crypts, and graves in municipal and parish cemeteries.
- Regulation is needed for handling the skeletonized remains of unidentified persons in municipal and parish cemeteries; the cemeteries should be required to preserve the areas designated for unidentified persons, and to perform secure individual burials or storage. The cemeteries should keep inventory of the entry and exact location of remains.
- Regulations are needed to limit the destruction of the skeletonized remains of unidentified persons, particularly those that show signs of violence.
- Regulations are needed for donations and loans of skeletonized remains of unidentified persons to third persons (for example, universities with medical schools and anthropology departments).

#### Preserving, properly filling out, and accessing official judicial and medical-forensic records

It is important to encourage authorities to fully and rigorously fill out forensic forms, which must be preserved and made accessible to the public. Since the quality with which these forms are filled out varies depending on the academic credentials of the official in charge and the professional human resources in rural areas of the country, one should consider alternative mechanisms for recording information in the Form for the Single Registry of Corpses (RUC). In addition to the RUC, the following should be preserved and made available for public access<sup>13</sup>:

- Official act of removal of the body, documenting the date, place, and exhumation of remains, along with the persons in charge of that procedure.
- Field diary, documenting in writing the archeological activities and findings during the exhumation, along with the persons responsible for it.
- Photographic and audiovisual record documenting, with photography and video, the archeological activities and findings made during the exhumation.
- Autopsy protocol, recording the cause and manner of death by means of an autopsy performed by a pathologist.
- Laboratory analysis, recording the findings of other investigations (anthropological, dental, genetic, ballistic, etc.) that add to the analyses of traumas and associated evidence, in addition to making identifications from skeletonized remains.

#### Digital radiographic documentation of the skeletonized remains

Before getting into the specific matter of digital radiography, one should bear in mind that there are many cemeteries where the skeletonized remains of unidentified persons are buried haphazardly, and with poor documentation, and where, in addition, the information contained in official records on such remains is scant. In these cases, one must:

- organize and classify unidentified remains, which entails the individualization and individual

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<sup>13</sup> This point requires further discussion in light of the Colombian Code of Criminal Procedure. Nonetheless, to the extent that those documents do not mention accused or possible perpetrators of these events, one can consider this information to be material of public interest. For example, the forensic documentation of exhumations by the U.S. organization Physicians for Human Rights may be found at the Open Society Archives in Budapest, Hungary, and are accessible to the public (see <[www.osa.ceu.hu](http://www.osa.ceu.hu)>). In addition, there are other Latin American initiatives to open up official documentary information on human rights violations, such as the work at the Historical Archives of the National Police of Guatemala and the inclusion of the archives of the Argentine military dictatorship by UNESCO in the Memory of the World registry in June 2007. For more information, see <[www.unesco.org/webworld/mow](http://www.unesco.org/webworld/mow)>.

- burial or storage, with clear inventory entries including a record of their location, and,
- in the event that there is no correctly filled out RUC form for these remains, one should be filled out, and the opportunity should be used to come up with a professional assessment of the remains, so as to conserve that information in the official records.

Universities with anthropology departments or medical schools are called on to perform the tasks entailed in organizing and classifying remains at cemeteries, providing a public service to the community and the judicial authorities. There are many examples of conservation of historical cemeteries by anthropologists and archeologists worldwide, which can provide a framework for such efforts.<sup>14</sup> In addition, academic institutions can play a lead role in recording skeletonized remains by creating tomography files and visualizing biological information in three-dimensional electronic formats, an international academic trend that is picking up steam, given its contribution to the handling of biological information without having to preserve remains in laboratories or museums.<sup>15</sup>

The advantages of having digital radiographic files are that they:

- keep information on skeletonized remains in formats that are easy to access, and that facilitate the transfer of information;
- optimize processes of forensic identification and analysis<sup>16</sup>, in which one avoids unnecessary manipulation of remains, since images can be consulted before removing the remains from their place of storage; and,
- facilitate the analysis of micro-structural trauma of skeletonized remains, which are imperceptible by a visual examination.

As with any biological information, the handling of these images requires strict control, ensuring that the material is used only for humanitarian, investigative, and academic purposes, and not for commercial or any other purposes.<sup>17</sup> In addition, international recommendations on the preservation of digital patrimony should be heeded.<sup>18</sup>

### Conclusion

The preservation of unidentified skeletonized remains as historical patrimony involves many stakeholders, among them judicial and forensic medical institutions, such as the National Institute of Forensic Medicine and Forensic Sciences (Instituto Nacional de Medicina Legal y Ciencias Forenses) and the Office of the Attorney General, local authorities, and official entities that work on historical patrimony, such as Colombian Institute of Anthropology and History (Instituto Colombiano de Antropología e Historia). Working with skeletonized remains also requires the collaboration of parishes,

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<sup>14</sup> In this regard, it is worth consulting the text by Douglas H. Ubelaker and Erica B. Jones, *Human remains from Voegtly Cemetery, Pittsburgh, Pennsylvania* (Washington, DC: Smithsonian Institution Press, 2003). The Christ's Church-Spitalfields and St. Bride's Church cemeteries in London, United Kingdom, are valuable examples of preservation of cemeteries.

<sup>15</sup> The Open Scan Research Archive (ORSA) of the Museum of Archaeology and Anthropology of the University of Pennsylvania in Philadelphia, United States, is one example. It is one of the largest digital collections in the world, with more than 3,000 digitalized skeletonized remains, including the Samuel George Morton collection. For more information, see the website <[grape.anthro.upenn.edu/~lab/pennct/](http://grape.anthro.upenn.edu/~lab/pennct/)>.

<sup>16</sup> The use of digital radiographic information in forensic cases has increased in recent years, including in cases of persons disappeared in violent conflicts. Two articles that illustrate the forensic use of these technologies are "Radiographic identification using the clavicle of an individual missing from the Vietnam conflict" by Bradley J. Adams and Robert C. Maves (*Journal of Forensic Sciences*, Vol. 47, No. 2, pp.369-373, 2002) and "Use of digital imaging in the identification of fragmentary human skeletal remains: A case from the Republic of Panama" by Ann Ross (*Forensic Science Communications*, Vol. 6, No. 4, accessed on the internet).

<sup>17</sup> UNESCO, International Declaration on Human Genetic Data, op. cit.

<sup>18</sup> See UNESCO, Charter on the Preservation of Digital Heritage, October 17, 2003. One should also see the article by Yola de Lusenet, "Tending the garden or harvesting the fields: Digital preservation and the UNESCO Charter on the Preservation of the Digital Heritage," (*Library Trends*, Vol. 56, No. 1, pp. 164-182, 2007).

ecclesiastic offices, hospitals, and local government offices, in addition to the authorities in charge of administering cemeteries. Finally, universities with anthropology departments or medical schools play a fundamental role, not only in supporting the authorities and cemeteries in their work, but also for offering alternative technologies for scientific documentation.

Nonetheless, one should keep in mind that while the project of upholding the value of unidentified skeletonized remains as patrimony represents a gain for Colombian society to the extent that it makes it possible to know the recent history of violence in Colombia, its main objective is to guarantee better conservation of remains to benefit the victims' next-of-kin, among them, the family members of the disappeared in Colombia. So long as there is not an effective cross-reference between biological information contained in unidentified skeletonized remains and records of reports of disappearances so as to reach a positive identification, the skeletonized remains should be preserved as patrimony, so as to prevent the loss or mishandling of these remains. No doubt such a resource would optimize the possibility of finding disappeared persons whose skeletonized remains are recovered by the authorities, only to lie in official warehouses or be buried as anonymous corpses throughout the country.

In summary, the proposal that the skeletonized remains of unidentified persons be given the status of historical patrimony in Colombia is intended to guarantee, first, that they be handled and conserved as tangible patrimony up until the moment they are returned to the families. In addition, recognizing that the skeletonized remains of unidentified persons provide information concerning the history of violence in Colombia also confers on them the status of intangible patrimony, as they become part of Colombian history and culture. This is a way to restore dignity to the unidentified skeletonized remains of victims of violence in Colombia, which are evidence of the recent historical events in the country.