

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Enforced Disappearance in Latin America: Taking Stock

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Webcast

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The Forensic Anthropology Foundation of Guatemala, also known as FAFG (*Fundación de Antropología Forense de Guatemala*), is a forensic organization that applies science at the service of families to search for and identify people who are Disappeared. FAFG's multidisciplinary forensic system responds to the families' needs for truth, justice, and to find their loved ones.

Enforced disappearances generate long lasting, negative effects on the families of the Disappeared. The need for truth and dignity has driven families on an endless search with very limited results. It is important we recognize that Guatemala is the only country (represented in this hearing) that does not have a Commission. While there was a truth commission, there has been no follow up. Therefore, the only search and identification process available in Guatemala is through civil society. In this situation, we are forced to do all of our investigations as criminal investigations. Even though these search and identification processes can be completed under a humanitarian or accountability objective, it is important to understand that the forensic process is the same. Searching, finding, and identifying the Disappeared is a long term process that can take decades and depends on the trust of the families, access to information, proper forensic techniques, and access to the locations where Disappeared persons can be found alive or the graves where their bodies are hidden.

As cases of Disappeared persons are so difficult to resolve, it is important to share and learn from regional and global experiences; especially how we build trust with families, how to locate graves, find and use information, how to determine cause of death, whether for accountability or for the purpose of truth - families want to know everything that happened to their loved one - how to extract DNA from old damaged skeletal remains, how to structure a family reference information system, and how to involve and communicate with families. Identifications are the desired results. It is very important to be able to give these bodies back to the families. Through this experience, we must understand what has worked and what has not worked. The focus must center on creating

dedicated, autonomous, focused teams, institutions, or efforts to search for and identify the Disappeared.

As we have heard today, the number of Disappeared persons is massive and the problem is ongoing. Using the current, traditional forensic systems has not worked. Just in the 4 countries represented in the hearing, there are approximately 200,000 disappeared persons, and this figure does not consider the other effects of the conflicts. For example, in Guatemala there were 200,000 victims, 160,000 of them are known to be killed and 40,000 of them are Disappeared. Plus, if you count over 80,000 in Colombia, over 73,000 in Mexico, and over 10,000 in El Salvador. How many of these people have actually be found, identified, and returned to their families, even though there have been ongoing forensic effort working on this for decades? At this time, it is important we dedicate time and effort to take account of what needs to be done to go forward.

FAFG has been fortunate to exchange knowledge and experiences with Commissions and mechanisms recently established in the region to search for Disappeared persons: CONABUSQUEDA (*Comisión Nacional de Búsqueda de Personas Desaparecidas en el Contexto del Conflicto Armado*) in El Salvador, UBPD (*Unidad de Búsqueda de Personas Desaparecidas*) in Colombia, and CNB (*Comisión Nacional de Búsqueda*) in Mexico. Through these exchanges, we've come to better understand the circumstances that these national Commissions are working in and the dynamic of coordinating with the traditional forensic systems in each country. They must rely on working with the local traditional forensic systems. The limitations have proven to have a negative effect on the end results, which is meeting the families' needs. We must then question if the Search Commissions then have what they need? Are the forensic institutions ready to answer these calls to support the search Commissions? Do they have what is necessary at their disposal? Do they understand that these cases have been unresolved for decades, and just equipment, forensic experts, and labs do not equal identifications?

Resolving these cases requires the understanding that it is one process. Search and identification is a continuous and interdependent forensic process, and it should not be divided. I say that because if you look at the mandates of all these recent Commissions that have created, (while most of them are humanitarian) they are all 'Search Commissions.' What we want to be able to do is search and identify. When creating search commissions and separating the identification portion of the process, it limits their ability to actually continue on one individual process and give families results. For example, one identification can lead to the understanding of patterns, the hypothesis of more identifications, lead to understanding many other things happening around one identification. Forensic experts should be leading the decision making process. Instead the information should be available for the experts to make the decisions and follow these leads that can generate identifications.

There are many lessons, there is definitely a way forward, and these cases can be resolved. But we must learn from the regional and global experiences. The forensic process must include the families and earn their trust, emphasize how to access and manage information, how to make that

information available to the experts (including classified information), consider the impact of dedicated teams focused only on these cases, and how to generate or create teams that only do these cases (and do not get pulled off of these cases due to political reasons or lack of resources). In addition, the dedicated process must include innovative technologies, and of course, the transparent, respectful, and timely communication with families.

My recommendations to the Tom Lantos Human Rights Commission and Congress are:

1. Advocate for the safe and respectful participation of families.
2. Promote proper information flow and access to classified information.
3. Support the development of dedicated forensic teams and institutions in country. Specifically build local capacity for these cases.
4. Advocate for the incorporation of new technology, specifically for the search and identification of the Disappeared.
5. Allocate dedicated support and resources to Search Commissions.
6. Promote and support regional and global experience sharing and lessons learned.
7. Support civil society organizations that accompany families and provide legal and psychosocial support.
8. Continued support and resources to independent civil society forensic organizations specially where there is no State-led efforts.

With that said, I want to thank Congressman McGovern. Although there are many advances in Guatemala, we have identified over 3,500 people that were Disappeared, there are still tens of thousands of people that we are searching for. As FAFG is now also working in Colombia, Mexico, and El Salvador, it is evident that we have to create these focused forensic processes and that we must include the families in every step of the search and identification. We will not be able to do it alone. For these reasons, I am so glad for the opportunity to share this panel with my colleagues and yourself, and I sincerely thank you for your support and for bringing this up for a meeting in Congress.