

“JUSTICE FUTURES”: FORENSIC INVESTIGATION AND THE POTENTIAL FOR TRANSFORMATION IN ERITREA

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Abstract: This article addresses the role of the dead and disappeared and the potential for forensic investigation of atrocities in the context of an evolving transitional justice debate and framework for Eritrea. As one possible component of transitional justice, forensic investigation represents an especially potent modality to document the physical evidence of atrocities, help establish truth and accountability, and catalyse deeper conversations about justice, reconciliation, repair, access to resources, and socio-political transformation. This discussion is especially relevant as human rights proponents continue to debate the implications of findings by the Human Rights Council that Eritrean authorities have committed or enabled crimes against humanity and whether these should culminate in a referral to the International Criminal Court.

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Introduction

Contemporary Eritrea is marked by mass out-migration, political violence, militarisation, economic hardship, and the haunting spectre of death. The forces that limit and take lives are manifold: renewed armed conflict in neighbouring Tigray, Ethiopia; humanitarian disasters of drought and food insecurity; imprisonment and torture in police stations, military camps, and makeshift container cells; extra-judicial execution and enforced disappearances; trafficking of asylum seekers for ransom and the illicit trade in organs; detention, deportation, and sometimes torture in countries of transit or putative refuge; and the watery graves of migrants swallowed by the Mediterranean Sea. Since Eritrea's *de facto* independence in 1991, not counting incidents that took place during the long history of the country's war for independence, multiple massacres have also occurred in Eritrea.

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This article addresses the role of the dead and disappeared and the potential for forensic investigation of atrocities in the context of an evolving transitional justice (TJ) debate and framework for Eritrea. Importantly, these atrocities and the need to confront them cannot be limited to the national territory or a specific time period. This includes the current conflict in Tigray, in which massacres allegedly involving Eritrean troops have occurred. Our focus in this essay, however, is on Eritrea as both a national territory and a transnational terrain.

Government loyalists and regime apologists aside, most Eritreans of conscience and their allies still turn hopeful eyes towards a future beyond the necropolitical (Mbembe 2011; see also Ferrándiz and Robben 2015) regime that justifies the wanton abuse of human life in the name of nationalist self-determination, victimisation, and exceptionalism. In such a putative future, however, will accountability be sought and justice be done? By whom, and for whom? According to what modalities? For what purposes, and with what desired outcomes? Amid a polarised state of denial, in which well-documented human rights abuses are cast by the government, its supporters, and a global anti-refugee regime as “fake news,” or “fabrications,” or just “not that bad” (Treiber and Redeker Hepner 2021) how are facts to emerge, and with what consequences? Would they usher in repair and reconciliation or further fragmentation and conflict? What might a transformative politics of life (Redeker Hepner 2020) look like in the wake of wanton death?

Scholars, advocates, and survivors have debated for decades how societies transition from periods of violent conflict and what the possibilities are for a meaningful post-conflict transformation. Within the repertoire of strategies for establishing factual historical records, accountability, and justice are forensic investigations of human remains for both evidentiary and humanitarian purposes. Whether to locate and investigate clandestine burials, identify the remains for judicial evidence and/or return them to kin, or to help bring perpetrators to justice, forensic anthropology and archaeology have played a powerful, if contested, role in reckoning with the legacies of violence (Elgerud and Kim 2021).

Our central argument is that considering forensic investigation in the context of an evolving transitional justice framework for Eritrea catalyses deeper conversations about justice, reconciliation, repair, access to resources, and socio-political transformation. Although we cannot address all these issues in depth here, we aim to begin such a conversation by arguing that the anticipation and infrastructural planning for an Eritrean state and society that respects

the rule of law, protects fundamental rights and freedoms, and holds violators accountable – what we call “justice futures” – should include inquiries into the dead and disappeared. As one possible component of transitional justice (judicial and non-judicial institutions and practices brought to bear on societies confronting, and seeking to recover from, legacies of violence), forensic investigation can be a potent modality for documenting the physical evidence of atrocities. This discussion is especially relevant as human rights proponents continue to debate the implications of findings by the UN Commission of Inquiry on Eritrea (COIE) that Eritrean authorities have committed or enabled crimes against humanity and whether these should culminate in a referral to the International Criminal Court (Mekonnen 2016).

Of course, neither forensic investigation nor transitional justice are panaceas.¹ Adopting a careful process of on-the-ground research among families and communities is essential to discover what “justice” means to whom, and whether, when, and how forensic inquiries could or should play a role. An ethnographically driven “integrated approach” (Kim 2018; Redeker Hepner and Steadman, 2022), informed by the technical and medico-legal dimensions of forensic science, but which prioritises local knowledge and contexts, grapples with contradictions, and leaves open the possibility that forensic investigation or other interventions may do more harm than good, is essential. That such research is currently impossible in Eritrea does not prevent us from considering these issues.

In the following section, we acknowledge the anticipatory nature of our endeavour, which we present in the form of a “justice futures” exercise. We also discuss the imperative of advance planning for Eritrea’s future transitional justice process, taking into account teleological assumptions and pitfalls inherent in the concept of “transition,” and the impossibility of on-the-ground engagement in Eritrea at this time. We then revisit Eritrea’s troubled history of human rights violations, focusing mainly on the post-independence history of the country under the ruling party’s hegemonic variant of nationalism. We focus on the different meanings and categories of the dead and the disappeared, with emphasis on specific case studies of massacres and enforced disappearances and death in prison of well-known personalities. Our discussion of gross violations is not limited to incidents that took place in Eritrea; we also address the plight of the trafficked, the smuggled and the drowned, mostly those in the Sinai Desert and the Mediterranean Sea

1 A large body of scholarship has interrogated forensic procedures in relation to post-conflict justice and the various cultural, legal, and scientific assumptions on which they rest (e.g., Rosenblatt 2015; Wagner 2008; Kim 2018; Elgerud and Kim 2021; Hoehne and Bedoya Sánchez 2020).

(what we call the “landscapes and diasporas of the dead”). In the fourth section, we return to the core issues of Eritrea’s future transitional justice plan with respect to the element of potential forensic investigation. We conclude with reflections on our key points and raise further questions provoked by prevailing critical scholarship of forensic investigations in other post-conflict and transitional justice contexts. Importantly, our aim is not to promote the necessity of forensic inquiry, but to draw on its potential application as a way of furthering debates about Eritrea’s future.

From Past Harms to “Justice Futures”

In all conflicts, as atrocities take place physical and other forms of evidence, from human remains to social memories, inevitably accrue. Cultural practices, local institutions, and international resources constitute repositories for post-conflict justice and reconciliation. Yet whether and when these reap accountability on behalf of victims and aggrieved survivors depends on complex political, legal, and cultural conditions. Perhaps most important for societies enmeshed in or emerging from periods of violent conflict is the ability to imagine and anticipate the potential for post-conflict transformation and begin forging its foundations in the present. Most societies emerging from long periods of conflict under violent regimes face devastated infrastructures and compromised political and judicial systems, necessitating planning for the future.

For the people of Eritrea, whether at home or in diaspora, anticipation has motivated collective struggle for generations. The 1961–1991 war of independence was waged on the basis of claims to national self-determination and the uncompromising demand for future statehood. The eventuality of independence required massive sacrifices by virtually all Eritreans. For some this meant exile and alienation, for others submission and suffering, and for a symbolically powerful subset, martyrdom through death.² It also embodied and exacerbated ethno-national, religious, gendered, and political divisions, precipitating violence within and between the Eritrean People’s Liberation Front (EPLF), and its successor, the PFDJ, the Eritrean Liberation Front (ELF), and society at large. At the same time, the achievement

2 Official nationalist ideology monopolises the definition of martyrdom, applying it only to those who died in loyalty to the Eritrean People’s Liberation Front (EPLF) or the People’s Front for Democracy and Justice (PFDJ). However, those who have died in opposition to the regime may also be seen as martyrs, sacrificing their lives for a different definition of freedom. The attribute “martyr” has also been applied to those who died in military service, including from disease, accidents or allegedly shot while fleeing, in order to disguise death and desertion during conscription.

of independent statehood following the 1993 referendum represented the fulfilment of a fundamental goal shared across these divisions.

The transition to the People's Front for Democracy and Justice (PFDJ) single-party regime in the years following independence was marked by the ongoing suppression of sub-national identities and loyalties in the name of *hade hizbi hade libi* (ሓዲ ህዝቢ ሓዲ ልቢ), “one people, one heart” in Tigrinya. But the consolidation of PFDJ's nationalist hegemony has long competed with alternative visions of different possible futures, including return and reintegration for exiled ELF fighters and affiliates; implementation of the country's “controversial” constitution of 1997, democratisation and the rule of law; a broad inclusion of the multigenerational and multicultural global diaspora; the realisation of civil and political rights, including freedom of religion, conscience, expression, and association; and for many, reconciliation and social repair to accompany promises of post-war economic reconstruction and development. The outbreak of the border war with Ethiopia in 1998 pre-empted many of these efforts and intensified regime-directed militarisation and authoritarianism. However, alternative visions and projects have persisted and even proliferated under the conditions of violent repression, widespread and systematic human rights violations, and massive out-migration that have characterized Eritrea since the early 2000s. Although most of these organised efforts have occurred in diasporic contexts, the transnationally networked nature of the Eritrean state and society (including online; Bernal 2008), and the country's ever-deepening international entanglements (despite the government's isolationist stance), have informed an anticipated future beyond the PFDJ-dominated present.

But when the future becomes the present, how will Eritreans reckon with the past? Although members of the opposition-in-exile, as well as global Eritrean human rights proponents and their allies, have been debating and organising with respect to future forms of reconciliation and accountability in a post-PFDJ Eritrea, no well-defined framework for transitional justice has yet emerged (Redeker Hepner 2020; Mekonnen 2009; Mekonnen 2013) with the exception of some initial blueprints, such as that of the Eritrean Law Society (ELS), shared in an international conference organised in April 2019 by the London-based Eritrea Focus. The very temporality of the concept of transition proves problematic, however; it suggests that societies arrive at a discernible moment or breaking point that marks the liminal, or transitional, phase. Yet, rarely do such dramatic breaks occur. Even events like a coup d'état or the toppling of a regime arise from a longer trajectory, representing a protracted culmination rather than a sudden cataclysm. Whether a social, political, and legal infrastructure exists to help midwife the “post-conflict”

period proves another matter. This infrastructure, and transitional justice models generally, must emerge from local conditions and priorities rather than be imposed from outside (see Hoehne and Abdullahi 2021).

Much literature in critical transitional justice studies has wrestled with the teleological assumptions embedded in the very concept of “transition” and even “post-conflict,” especially as societies that have not undergone a regime change at all, such as Uganda, or liberal democratic countries in the global North with legacies of settler colonial violence, such as Canada, adopt transitional justice frameworks. That many examples of transitional justice have also failed to precipitate necessary change, moreover, has imparted considerable scepticism into an erstwhile celebratory discourse (DeGreiff 2020). As post-apartheid South Africa struggled with tenacious, racialised economic inequality, for instance, it revealed the inherent limitations of a Truth and Reconciliation Commission focused on political wrongdoings and forgiveness over the redistribution of resources (Besteman 2008; Wilson 2001). As the Canadian government mandated a Truth and Reconciliation Commission to address legacies of structural violence against First Nations peoples, indigenous communities themselves viewed it as a top-down deflection that failed to resonate with their needs and demands (Kim 2014). Cambodia’s transitional justice process, and especially the Khmer Rouge Tribunal, has proven so removed from the everyday lives and experiences of genocide survivors that scholars now describe it as a “justice façade” (Hinton 2018). In Rwanda, official narratives of truth and memory, forged during *gacaca* and other trials, have themselves turned limiting and repressive (Bouwknegt 2016; Thomson 2013). And in northern Uganda, survivors of the decades-long war between the Lord’s Resistance Army (LRA) and the government of Uganda look with increasingly bitter scepticism on the national Draft Transitional Justice Policy as it remains unimplemented under the more than three decades’ reign of President Yoweri Museveni and the National Resistance Army that perpetrated so much physical and structural violence (Kim and Redeker Hepner 2019).

Clearly, transitional justice does not presuppose a predictable universal path from repression to democratic reform, let alone accountability or social and economic repair. As a recent comprehensive assessment of transitional justice in Somalia and Somaliland notes, TJ models

must involve a large section of the population, focusing on ordinary people and the realities of their daily lives. It should be designed and implemented from the ‘bottom’ up. Donor and in-

ternational agencies should avoid being a visible and driving force as it may work at cross-purposes, undermining popular trust and legitimacy in the pursuit. (Hoehne and Abdullahi 2021: 8)

Indeed, Eritrea's transitional justice (TJ) process must by necessity be anticipated, debated, and planned. This is no small feat for a society that has been globally dispersed and socio-politically fragmented, where mistrust of institutions and of international actors characterises both daily life and the arc of social history, where dissidents have been driven out, detained without charge, and extra-judicially executed. Much of the Eritrean legal expertise that can help formulate a transitional justice process has been exiled, disrupting the distinctions between local, national and international. But Eritrea is not alone in these experiences, and a wealth of possibilities exists that may inform a transitional justice approach, from South Africa to Sierra Leone to Somaliland. Although a fuller review is beyond the scope of this article, comparative examples of forensic investigations and identifications of the dead and disappeared illustrate the unanticipated impacts and the need for more than a "toolkit" approach to justice. Before addressing "justice futures" in the Eritrean context, however, we must consider the different categories, contexts, and time periods of death and disappearance and the "afterlives of violence," or the ways violent experiences continue to shape individual biographies, collective identities, and national communities (Bernal 2017: 23).

Landscapes and Diasporas of the Dead

The landscape of the Eritrean dead and disappeared is simultaneously local, transnational, and global, and remains tethered to specific periods and moments of political upheaval. It is also a largely unexplored terrain insofar as the ruling regime has rendered the enumeration and recognition of the dead and disappeared a dissident political act: an extension of the erasure of personal and individual suffering (Bernal 2017). The silencing of discussion around political and politicised mortality, and the efforts of those who demand to name and publicly memorialise the dead and disappeared, as well as the extra-judicially imprisoned (the socio-politically dead),³ beco-

3 See, for example, the extensive and continually updated report, "Political Prisoners, Prisoners of Conscience, and Other Forcibly Disappeared Citizens in Eritrea," created by activist and writer Ahmed Raji and published by the opposition media and research group Awate Team (2020), which carries the headline: "Remembering is an act of defiance." Also notable is the reported arrest of "scores of young people" over the death of imprisoned community leader and dissident Musa Mohammed Nur as reported by *Africa News* (2018).

mes especially significant when considering how they might be incorporated into future transformations and transitional justice efforts. Later, we will address specific potential sites where forensic investigation of human remains may be possible. But first we sketch a brief contextual “map” of the Eritrean dead and disappeared, highlighting how they are simultaneously a local, regional, global and transnational phenomenon that reflect the twin realities of political violence and displacement.

From Martyrs to Massacres

The most well-known and officially sanctioned category of the dead is that of the martyrs called ሰማእታት or *sema'itat* in Tigrinya: the freedom fighters and the occasional acknowledged civilians who perished during the 1961-1991 Eritrean war of independence. Of all categories of the dead, these are the most readily recognised in name and deed, with official memorials and an annual commemoration on June 20. They are what we might call the “sanctioned dead,” those that the current regime celebrates in its nationalist narratives. In summarising the collective suffering and sacrifice of the nation, the martyrs also render insignificant or “unspeakable” the personal losses of countless millions, a phenomenon that Bernal describes as “a secondary form of violence” (Bernal 2017: 23). In their very sanctioning, however, the martyrs are also a politicised and exclusive category, reserved for those whose loyalty at the time of their death rested with EPLF or PFDJ in particular. Those Eritreans who died in other modes of resistance or loyalty – fighting on behalf of ELF, or as members of internal reform or dissident movements such as *menka'i* (መንካዕ) or *yemin* (የሚን) – are by definition excluded, as they were framed as “traitors” to the EPLF and therefore to the nation for which the latter claimed exclusive representation. Importantly, however, the EPLF – later the PFDJ – did not officially announce the names of those martyred during the long war until after independence (Bernal 2013: 251).

Also assiduously erased by the official sanctioning of the martyrs are those who died in the post-independence period due to political violence, repression, and subsequent armed conflict. Among them are the younger military conscripts who perished in the 1998–2000 Ethiopian-Eritrean border war, the so-called *warsay* (ዋርሳይ), or “heirs” to the pre-independence generation of fighters, the *yike'alo* (ይካሎ), or “all powerful.” The Eritrean government has never released a comprehensive list naming those killed during the war and its unconfirmed report of 19,000 casualties is thought to be drastically

underestimated. Included in this account in particular are victims of extra-judicial killings that still take place in the Eritrean army. In a counterpoint to the regime's official silence, the opposition media organisation Awate.com published its *Martyrs' Album* in 2005, an online war memorial that reclaimed the symbolism of the sanctioned dead reserved for EPLF martyrs in a subversive act of symbolic appropriation and "audacious political intervention" (Bernal 2013: 250).

If the names and circumstances of life and death have largely been erased or absorbed into symbolic categories within a larger contested nationalist narrative, even more repressed are the stories of civilians who died as collateral damage as the result of armed conflict. Among these are countless examples of people killed by the occupying Ethiopian forces, a history which has yet to be fully uncovered but remains keen in Eritrean social memory (EPDP 2020). Also of major significance are those actively targeted and eliminated for imputed dissidence in the post-independence period by the Eritrean regime itself. Massacre events stand as major known examples, in which the state or its agents executed veterans, civilians, and conscripts. These, too, form part of the landscape of Eritrea's dead and disappeared.

As Mekonnen's (2009: 87–90) previous work has discussed, the earliest post-independence incident of mass killing occurred at Mai Habar, related to a protest of disabled war veterans that took place on 11 July 1994. In the incident, an unknown number of protestors were shot dead, allegedly while peacefully protesting and demanding an immediate meeting with President Isaias Afwerki (who refused to meet them), in order to discuss fundamental issues related to their vulnerable situation as disabled war veterans (*Democratic Eritrea* 1996: 10). A few years later, in early 1997, another mass killing occurred, in a touristic valley known as Durfo located in the outskirts of Asmara towards the port city of Massawa. Victims of this massacre were suspected of having links with Islamist militant groups reportedly working to overthrow the government (Mekonnen 2009: 112). Contextualised and supported by an Amnesty International (2004: 16) report stating that "Muslims, especially in the western areas bordering Sudan, have often been suspected of links with predominantly Muslim-armed Eritrean political opposition organizations based in Sudan," the Awate Team (2013) published this specific description of the Durfo Massacre online:

On January 23, 1997, with a secret order from Abraha Kassa, the chief of the National Security Office of Eritrea, and under the direction of President Isaias Afwerki, security forces rounded up

150 Eritrean Muslim men under the guise of being collaborators with the Islamic Jihad movement. They were picked from their homes and workplaces. News coming from Asmara has confirmed that, six months after they were taken in custody, with the knowledge of both [Abraha Kassa and Isaias Afwerki] they were executed on 18 June 1997 from 8:20 p.m. to 2 a.m. the next day. With due considerations for the security aspects of this information, we will release a follow-up [on the news]. (Awate Team 2013)

A similar tragic case is that of the Qarora Massacre in April 1997. Qarora (also spelled as Kerora) is a town in the northern part of Eritrea, at the border with Sudan. The region is the traditional place of the Tigre people, the second largest ethnic group in Eritrea, and a predominantly Muslim community.⁴ According to a report by the official monthly newsletter of the Eritrean Liberation Front-Revolutionary Council⁵ (ELF-RC 1997), twenty civilians, including six teachers, were allegedly killed for similar reasons as those at Durfo, specifically, that the government was fighting “insurgent” groups that were operating from military bases in Sudan. The ELF-RC (1997) narrated the details:

In April 1997, the troops of the government of the People’s Front [the ruling party], entered the town of Qarora in Sudan. They had a list of names of individuals who are members of opposition groups and accordingly rummaged around the whole town in search of those people. The number of people who have been massacred in such circumstances has reached around 39. Most Eritreans residing in Qarora are refugees who have fled their homes during the massacres of previous Ethiopian rulers. (*Democratic Eritrea* 1997: 13)

Although not officially acknowledged or denied by the government (like many other allegations), the most plausible reason for the massacre is that the victims were suspected of cooperation with those “insurgent” groups. Whatever the case, there does not seem to be credible evidence to substantiate any possible claim on the part of the government that it acted in a manner proportional to any potential threat posed by armed opposition groups based in Sudan (Mekonnen 2009: 113).

In another incident, an alleged massacre in a village called Mai Dima was reported in 2008 by a former mid-level military intelligence officer who claimed

4 Within the Tigre ethnic group, there is a small segment known as *mensa'* (መንሳዕ), who are Christians.

5 The ELF-RC was an exiled political organisation that was driven out of Eritrea in the early 1980s by the EPLF, the forerunner to the PFDJ.

to have direct knowledge on the matter in his capacity as a former member of the intelligence unit that implemented the massacre. The victims were summarily accused of sympathising with and supporting an armed opposition group known as the Democratic Movement of the Liberation of the Eritrean Kunama (DMLEK), a group which fights for the rights of Eritrean Kunama, one of the smallest ethnic groups in Eritrea. The movement, led by the exiled politician Qernelios Osman, was reportedly engaged in the past in armed “insurgency” against the Eritrean government, by launching small scale military offensives from its old base in Tigray, northern Ethiopia (the Regional State of Tigray) (Mekonnen 2009: 87).⁶

The religious and ethno-regional dimensions of the massacres at Durfo, Qarora, and Mai Dima demonstrate how the Eritrean regime views sub-national allegiances as markers of real or latent disloyalty and dissidence.⁷ The killing of protesting veterans at Mai Habar, however, reveals the extent to which disloyalty within the ranks of the military and veterans remains equally threatening. Similar patterns characterise the targeting of military conscripts. Eritrea’s controversial national service program involves prolonged and coerced military conscription without formal pay, in which context various forms of gross human rights violations take place, including detention, beatings, torture, rape and extra-judicial killing. On 4 November 2004, fifty-four detainees rounded up in a military sweep and held at Adi Abeito prison reportedly died, many of them shot dead by guards, while trying to push over a wall and flee.⁸ Less than one year later, on 10 June 2005, military personnel reportedly shot and killed 161 young people at Wia Military Camp who were trying to escape (US Department of State 2006). In the case of Adi Abeito, the government acknowledged only two deaths and characterised them as “outlaws” (VOA 2004).

Political Prisoners, Deaths in Detention, and the Cost of Signposting a Grave

Although the enforced disappearance or extra-judicial execution of dissidents predates independence and is not limited to Eritrea proper, the most well-known examples today include the dissenting members of the PFDJ’s Central Committee, known as the G-15, and broader sympathisers; journalists with

6 Mekonnen’s account in this regard is based on information that was posted then on Asmarino.com, authored by the former intelligence officer cited above.

7 These killings also raise critical questions about the definition and specified rights of indigenous peoples, a topic outside the scope of the present article.

8 See various sources cited in Mekonnen (2009, 87-88) and a report by War Resisters’ International (2005).

private media; and leaders and lay members of banned religious entities. Included in this category is the death in prison of prominent individuals, such as journalist Fessahaye Yohannes (alias Joshua), whose plight was reported by Amnesty International in 2007. He reportedly died in a secret prison in January 2007 as a result of severe ill-treatment and denial of medical care (Amnesty International 2007). Many other examples abound, from Haile Duru'e Welde-tensae and Aster Yohannes to Mattewos Habteab and Medhanie Haile, but the unknown cases undoubtedly outnumber the known ones.

Including forensic investigation in a future transitional justice policy in Eritrea can therefore take into account the need to identify numerous unmarked graves throughout the country, of those killed in different contexts, and most importantly, in the act of perpetrating grotesque human rights violations. Although much research demonstrates that the relationships among forensic recovery, "closure," and legal or political accountability are far from straightforward (e.g., Alonso et al 2016; Crossland 2000; Rojas-Perez 2017), and also vary considerably according to cultural and religious beliefs and practices (Elgerud 2022 forthcoming), international humanitarian law facilitates the "right to know" as one remedy available to families and communities:

According to the Geneva Convention, Additional Protocol I, Article 32, families have a right to know the fate of their loved ones. As such, recovery for the sake of surviving family members serves a legal purpose as much as a non-judicial humanitarian purpose. Moreover, according to Interpol's 1996 resolution of the 65th session of the General Assembly, all human beings have a right to identity even after death. (Elgerud and Kim 2021: 595)

The uncertainty of the locations and fates of the imprisoned and disappeared provoke varied responses among families and society at large, from the painful sense of "ambiguous loss" (Boss 1999) to efforts to resist the invisibilisation of the extra-judicially killed. According to eyewitness accounts, clandestine graves and knowledge of their whereabouts is widespread, if repressed. The following story, extracted from over one hundred written testimonials handed over to the COIE,⁹ comes as a vital illustration of the extent to which individuals can go to render visible such killings, despite recognition that it cost them their own lives. This case study is a typical example of "an erased circumstance of death" in the country's landscape of the dead and disappeared. The narrator (cited here under the assumed name of Berihu) is a former company leader

9 The submissions were collected by an ad hoc task force of Eritrean diaspora grassroots movements in which Mekonnen was a member, representing the Eritrean Law Society (ELS).

in the Eritrean army, who was once stationed at the Badme frontline during the 1998-2000 border war. He narrates four separate cases of extra-judicial killings of conscripts he knew while he was in the army, including the fate of a soldier executed on the basis of a newly introduced military edict announced to his unit on 25 July 1998, after he attempted to escape during a period of hospitalization for diarrhea. Berihu opposed the edict and resisted its implementation by refusing to send executioners from his platoon. Although unable to prevent the killing, Berihu signposted the grave of the victim, noting that he was the only child of deceased parents:

His father was killed in 1981 during the liberation war. His mother was hanged in prison by the former Ethiopian Government in Eritrea. He grew up with his aunt. In his words, shortly before the extra judicial execution, he mentioned this clearly and pleaded for mercy, claiming that he was the only child to his deceased parents. The killers did not care. (see Footnote 9)

In the Eritrean highlands, from which Berihu and the victim hailed, there is a well-known tradition that the life of the only surviving child of deceased parents should be preserved at any cost. Understood in terms of the family's vulnerability to ጸገታ (*tsanta*, Tigrinya for extinction), the killing of such a person is regarded as exceedingly cruel. Prompted by this societal value, Berihu tried his best to save the life of the victim. When this was impossible, he resorted to signposting his grave, for which Berihu himself was imprisoned (and later escaped). There are countless such stories of undignified burial in the Eritrean army, and the government has continued to refuse the release of the names of those killed either in action or under the guise of military discipline, including the military's "shoot to kill" policy for attempted deserters. While the positive identification of individuals in a forensic investigation depends on several factors (addressed below), particularly on the availability of a family DNA reference sample, its possibility represents the potential for repatriation of at least some of these individuals' remains, the gathering of medico-legal evidence to substantiate eyewitness testimony, and hope for families of the missing who may be suffering from ambiguous loss and wish to know the fate of loved ones.

The Trafficked, the Smuggled, and the Drowned

Thus far we have sketched the landscape of the dead and disappeared in Eritrea relative to internal trajectories of political violence and repression. However, the scale and geographical spread of Eritrean suffering emanating from

these core causes inherently links death and disappearance to displacement and diaspora. Insofar as armed conflict, militarisation, and repression have made Eritrea one of the top refugee-producing nations in the world for almost twenty years, the problem of politicised mortality is simultaneously local, regional, and transnational. Eritrea's "diaspora of the dead" likewise emerges as a by-product of the global migration crisis, which includes not just the causes for migration from Eritrea, but also the coordinated efforts among refugee sending, transit and receiving nations in order to contain, control, and subvert mobility, and the entangled efforts to profit from it. As already miniscule opportunities for refugee resettlement overseas and other legal migration pathways have shrunk, and as the global north has increasingly offshored migration controls by engaging in partnerships with corrupt and abusive regimes, such as Italy's pact with Libya, Eritrean migrants have been forced to rely on smugglers or expose themselves to the grave risks of trafficking.

Over the past decade, literature documenting the horrific circumstances facing Eritreans in the Sinai, trafficked for the illicit trade in organs, detained in Libya and elsewhere under abject conditions, abducted from camps and deported, and undertaking extremely perilous journeys across the sea – sometimes all of these in combination in a single person's experience – have proliferated (Van Reisen, Estefanos and Rijken 2014; Van Reisen and Rijken 2015; Van Reisen and Mawere 2017; UN Monitoring Group 2011). The remains of these victims, and others like them, as well as those who have simply disappeared, form focal points in overlapping conflicts and crises. First is the fractious political struggle between the Eritrean regime, which casts migrants as victims of global north "pull" factors and criminal smugglers, and Eritrean transnational activists and their allies who hold the Eritrean regime accountable for the "push" factors leading to migration and point to a failing global migration regime that forces such risky journeys. Also at issue is that personnel within the Eritrean regime and military allegedly participated in the trafficking of migrants for their own monetary gain, entered into alliances with regional and European governments (such as the Khartoum Process, IMO 2014) as part of the global migration regime's efforts to contain migration, and enabled brutal regimes in countries of transit to abuse migrants with impunity. Finally, missing and recovered migrant bodies illustrate in macabre detail the fallout from a global mismanagement of migration in a world obsessed by racialised borders and boundaries (Fassin 2011). In this way, the bodies of migrants – both present and absent – stand in for an Eritrean transnational body politic fractured, even dismembered, by both internal and external forces (Berhane 2021). The perpetrators, mo-

reover, become ever more complex: global north countries, for instance, are equally responsible for the atrocity of mismanaged migration.

In October 2013, for example, a shipwreck off the Italian island of Lampedusa that killed 368 Eritreans was especially tragic and poignant insofar as the Italian Prime Minister, Enrico Letta, announced that the dead migrants were thenceforth Italian citizens, even as survivors were being arrested and detained by authorities (M'Charek and Casartelli 2019: 748; Rygiel 2016). Meanwhile, the Eritrean regime rallied for their repatriation, pronouncing them hapless victims of a systematic effort by Europe to lure people away from Eritrea. A largely volunteer team of Italian humanitarians, from firemen to forensic anthropologists, subsequently worked to recover, clean, assemble, and attempt to identify the remains, recognising their “human citizenship” through forensic carework even as their dignity had been denied by the systems that created and mismanaged their forced migration (M'Charek and Casartelli 2019). These efforts were part of a larger evolving infrastructure in some European countries, led by the International Committee of the Red Cross/Crescent, to help families search for the missing and identify recovered remains. To date, few remains of dead migrants from the Lampedusa and related disasters have been identified; and at least one study has found that Eritreans in Germany have not participated extensively in such externally-sponsored efforts to help locate their missing loved ones.¹⁰

The “Right to Know” the whereabouts of the dead and disappeared, whether due to conflict, repression, or migration, is not a new element in the world of human rights or humanitarianism. It remains especially crucial in terms of forensic humanitarian action, that “distinctive variant of humanitarianism [that]... entails the exhumation of mass graves in the effort to establish, forensically, the individual and collective identities of the dead victims of mass atrocity, and the causes of their deaths” (Moon 2014: 49). Clearly, local meanings of death and proscriptions on the treatment of bodies must be explored and families’ and communities’ interests need to be prioritised. For a variety of reasons, some of them logistical, others political or cultural, not all categories of Eritrea’s dead and disappeared might be recoverable – let alone identifiable – according to forensic scientific methods, a limitation that must be realistically communicated to survivors. But forensic investigations in other contexts have

10 See Spadolini 2019. Reasons include suspicion and distrust of institutions associated with authority and governance as well as political division within the Eritrean diaspora and fear of the transnational reach of the Eritrean regime. However, individual Eritrean activists and kin groups remain tightly linked into networks of communication with migrants and each other that help track people’s whereabouts (Belloni 2016).

also illustrated the particular potency of both the process and the evidence for addressing issues ranging from accountability to reparations (see Horsti 2018; Kim and Redeker Hepner 2019; Koc-Menard 2014; Walker 2010). Can the very anticipation of forensic investigation into some of the specific incidents discussed here shape Eritrea's "justice futures" and, if so, how?

Forensic Investigation and Transitional Justice

Death may be a biological universal, but historical, political, and cultural contexts shape its meanings and the beliefs and practices associated with burial and mourning (Robben 2004). The dead also possess immense symbolic power, especially during and after periods of conflict and upheaval, as they literally embody the trajectories of violence. Human remains and their disposition – from clandestine mass graves to highly ritualised public funerals – register politics and power among the living, and actual bodies may become the terrain on which further struggle plays out. A prolific literature on the "political lives of dead bodies" (Verdery 1999), and their symbolic and evidential power (Crossland 2013), has amassed in recent years (e.g., Anderson and Martin 2018; De León 2015; Ferrándiz and Robben 2015; Rojas-Perez 2017; Rosenblatt 2015). Among the focal points of the literature has been the role of both the identified and unidentified dead, as well as the missing and disappeared, in the context of transitional justice efforts.

Through critical, historically and ethnographically grounded analyses, researchers have documented tremendous variation, and similarities, in how the living reckon with political violence and seek accountability vis-à-vis the dead. Unsurprisingly, forensic anthropology and archaeology have informed and shaped these debates insofar as the scientific techniques of recovery and identification remain highly specialised skills. Specific parameters govern the process of initiating and carrying out a forensic investigation. First, an investigation must be invited and approved by an appropriately empowered judicial body, ideally one that can protect it from political interference by biased actors. Sound historical and ethnographic research must be conducted to determine families' and communities' perspectives on the dead, as well as where graves are located and who may be buried there. Graves that contain known victims with living relatives who are willing to provide DNA reference samples, and for which eyewitness testimony is available, have a much higher rate of successful individual identification. Archaeological methods can then be applied in order to systematically locate and excavate human remains. Documentation and interpretation of trauma on remains and pres-

ervation of all evidence, including clothing, bullet casings, and other items within the burial context, must all be curated under a strict chain of custody protocol, and stored in a secure facility. For human remains, this may include a morgue or laboratory with adequate electricity and access to DNA storage and analysis capabilities. Physical infrastructure like passable roads must be available in order to bring any necessary excavation equipment to the sites. Reports created by forensic specialists should be made available and accessible to families, communities, and medico-legal personnel. This basic technical approach is common to most investigations (Fondebrider 2015; see also Redeker Hepner et al. 2018: 148–149; Schmitt and Mazoori 2017; Kim, Elgerud and Tuller 2020; Fondebrider and Scheinsohn 2015) and is relevant to future discussions within the context of an Eritrean transitional justice process. However, preceding any of these steps should be an extended period of ethnographic fieldwork on the ground in which local meanings of the relationship between death, disappearance and justice must be understood, the needs of families and communities centered, and the potential impacts of forensic investigation addressed. And although such work is currently impossible in Eritrea, it is essential to adopt an “integrated approach” that “requires not just knowledge of forensic anthropology, but of post-conflict reconstruction, transitional justice, and context-specific cultural practices” (Kim 2018: 35).

Even in the absence of forensic investigation, however, considerations of the dead and disappeared can inform expectations for post-conflict redress and transitional justice. Providing basic information and simply asking survivors to consider forensic intervention brings important matters to the fore, revealing whether it is possible and desirable (and why, where, and for whom or what purposes), and what measures must precede it. Northern Uganda serves as a particularly relevant example. In a long-term study carried out in Acholiland, the site of the 22-year civil war between the Lord’s Resistance Army rebels and the Government of Uganda, a team of anthropologists with skills in ethnographic and forensic archaeological methods has worked since 2012 with local Ugandan researchers and survivor communities in order to address the myriad ways that improper burials such as mass graves and displacement camp graves impact economic, social, and spiritual recovery from the war.¹¹ Among the most important findings to date has been methodological as well as ethical: the need for careful, in-depth work with families

11 The team is led by Tricia Redeker Hepner and Dawnie Wolfe Steadman, and includes Jaymelee Kim, Hugh Tuller, Julia Hanebrink as core members. Lucia Elgerud, Deo Komakech, Wilfred Komakech, Godfrey Okot, Jeffrey Opiyo, Joshua Oballim, Jr., and others have contributed extensively.

and communities to address with them the unfamiliar practices, possibilities, and parameters of forensic investigation is essential for a meaningful dialogue regarding the interfaces among science, culture, religion, politics, and justice (Redeker Hepner and Steadman 2022).

After ten seasons of fieldwork, the question of whether mass graves or other improper burials can or should occur in Acholiland, precisely where and for what purposes, remains unanswered. But a research process that centers the role and impacts of the dead and disappeared on the living, and articulates questions about the social, political, and spiritual dimensions of a possible forensic intervention, has helped clarify survivors' needs and priorities. The Uganda project illustrates that the latter are absolutely essential to the ability of forensic science to contribute to forms of justice and reconciliation in terms defined by those most impacted. Moreover, a lack of consensus about whether to conduct such an investigation, for what purposes, and according to what cultural and religious norms, can bedevil families and communities. These can result in potentially traumatic consequences when not adequately addressed prior to any excavations or identifications (Wagner 2008).

Ugandan survivor communities have explored with researchers whether the opening of graves and the identification of remains would or would not help them address the paramount issue of economic recovery, which they see as central to justice and reconciliation, given the loss of infrastructure, livestock and land due to war, displacement, and the presence of graves (Kim and Redeker Hepner 2019). The researchers have also located and documented graves or atrocity sites using basic archaeological mapping techniques and discussed with survivors how this could provide leverage to demand reparations under the National Draft Transitional Justice Policy by transforming intangible experience and memory into tangible evidence (Elgerud and Kim 2021). Further discussions have focused on whether identifying individual remains for reburial may aid the spiritual recovery of those who suffer from ambiguous loss or attribute hallucinations, spirit possession, and physical or mental illness to their improperly buried relatives, or to unknown remains encountered while working the land or building (Redeker Hepner et al. 2018). This survivor-centered, ethnographic approach has been integrated with the more practical and logistical questions driven by the parameters necessary for forensic investigation. Countries that lack robust physical, scientific, and/or judicial infrastructures – from accessible roads and reliable electricity, morgues and DNA-capable laboratories, and independent judiciaries that can mandate and safeguard the gathering of such evidence from political interference – require additional layers of preparation and planning.

A well-defined transitional justice policy can help frame forensic inquiry as one among many possible modes of post-conflict investigations and transformations. It is therefore helpful to briefly outline here some of the basic features of such a future model of transitional justice in which context the specific parameters of forensic investigation can be worked out. While such a framing should ideally occur in tandem with careful research on the ground, exploring communities' and families' knowledge, needs, and priorities, a policy framework can help create the conditions for such work to occur. Some of the transitional justice features we discuss here were most recently articulated in a concise policy document jointly prepared by the Eritrean Law Society (ELS) and the newly established Eritrean Research Institute for Policy and Strategy (ERIPS), in a document entitled "Tentative Reflections on the Restoration of a Fully Functioning System of Administration of Justice in Post-Dictatorship Eritrea" (March 2021). The observations discussed below heavily rely on those "tentative reflections."¹²

First and foremost, a future transitional justice policy of Eritrea needs to give utmost priority to the restoration of a fully functioning system of administration of justice – operating under conventional parameters of the independence and impartiality of the judiciary (Teitel 2000). An independent judiciary is one of the most important bulwarks against the abuse of government power, or in other words a pre-requisite for respect to the rule of law.¹³ The major pillars of the administration of justice in Eritrea (the courts, the public prosecution authority and the police) have been deliberately rendered ineffective, thus enabling the abuse of government power and the violation of citizens' rights and freedoms. In this context, the primary victim has indeed been the very ideal of the rule of law itself.

Taking an optimistic view of a transitional period that unfolds in the context of a relatively stable political order, Eritrea will be expected to adopt a transitional justice policy that adequately addresses the need for accountability for gross human rights violations committed at least since the country's *de facto* independence in 1991. This may have to be complemented by efforts at national reconciliation, including among and between diaspora-based political forces. A central element of this effort shall be restoring public trust

12 Permission to reproduce the most relevant sections of the "tentative reflections" was thankfully granted by ELS and ERIPS.

13 For the purposes of this article, the concept of rule of law is understood as a principle of governance in which government action is subjected to the requirements of the supremacy of the law, equality before the law, accountability to the law and avoidance of arbitrariness, among several other factors. See Report of the UN Secretary-General (2004).

in the institutions of the administration of justice: the judiciary (courts), the public prosecution authority and the police.

Eritrea's forthcoming transitional period and government must make it possible for the country to address the legacies of the prevailing dictatorship in a more responsible way, including addressing the issue of a re-establishment of the rule of law through an all-inclusive national process. In this context, there has to be accountability for gross human rights violations in a way that satisfies not only the needs of victims but also the requirements of post-conflict healing, including the intricacies of the early transitional period to democracy – a period of time often characterised by a high level of insecurity and uncertainty about the future.

Therefore, one of the most daunting challenges of the forthcoming transitional period would be that of inculcating a rule-of-law-abiding political culture. For this to happen in Eritrea, robust planning and reform are needed in the area of Security Sector Reform (SSR), Security Sector Governance (SSG) and Judicial Sector Reform (JSR). SSR is related to “cleaning” key state institutions from elements that are in one way or another associated with the perpetration of gross human rights violations in the past. SSG is related to improving the conditions in which the sector is governed. JSR is mainly that of reforming the administration of justice (mainly courts, the public prosecution authority and the police).

For JSR, there is also a need to enhance the capacity of existing and future judicial officers, public prosecutors, the police force, and others by providing tailor-made capacity building programmes focusing specifically on the protection and promotion of human rights, including how to address large-scale prosecutions. It is here that provisions for the development of forensic expertise and requisite scientific infrastructures, as well as guidelines for medico-legal practice, can be outlined. The legal profession also needs to be reinstated by launching a national body of accreditation and association of legal professionals. In this regard, the Eritrean Law Society (ELS), the only association of Eritrean jurists and lawyers presently operating in exile, can serve as a stepping-stone to the next level of engagement once the requisite elements of political transition materialise.

In the meantime, adequate preparatory work needs to be done by researchers and diaspora-based Eritrean actors, in terms of analysing and building consensus on major issues of national concern, such as constitutionalism, minority rights, language issues, potential options for a devolution of government power (federal or non-federal, centralised or decentralised system

of governance), and so on. The articulation of potential options needs to be carried out in periodic reviews, consultations and deliberations with like-minded stakeholders of diaspora-based democratic forces, who also need to harmonise their efforts, by bringing their resources together more effectively. This is also important in order to avoid a duplication of efforts by various initiatives doing almost the same thing but in different ways. The more daunting immediate task is that of dismantling the dictatorial political order in Eritrea and in its ashes ushering in the foundation for a stable and sustainable democratic order. This is the cardinal call of the time.

Conclusion: Justice Futures in Eritrea and Beyond

Our aim in this essay has been to demonstrate that the legacy of politicised death and disappearance can inform and deepen considerations about the practice and promise of justice in Eritrea's future. While there is much more to unpack, our goal has been to show that raising the possibility of future forensic investigation stimulates a deeper and more critical analysis of a future transitional justice process. As DeGreiff (2020: 252) has noted, irrespective of the "success" of any specific measures, "transitional justice makes an important contribution to making victims 'visible,' to giving them a space and a voice in the public sphere that they often lacked before."

The task of preparing for a post-necropolitical future has become even more daunting, and urgent, as war again engulfs the Horn of Africa. Allegations of widespread atrocities committed against civilians (especially in Tigray) by Eritrean troops, Ethiopian soldiers, and ethno-regional militias raise further questions about how and when Eritrea's transition will come about and what will follow it. Indeed, any blueprints for transitional justice processes will likely need to expand beyond national territories to include a regional scope, and considerations of forensic analysis may be redirected towards the more internationally visible crimes associated with the war. At the same time, we have argued for a transnational approach to transitional justice that can engage the multi-layered diaspora communities as well as the "diaspora of the dead." The highly dispersed nature of Eritrean society and the realities of exile disrupt the territorial bias in approaches to transitional justice that fetishise "the local."

Should forensic investigations occur in Eritrea and, if so, where should they begin, and for what purposes? Before such questions can be answered considerable research on the ground must be done in order to understand

local perspectives, needs, priorities, and conditions. These questions should also be explored with reference to the technical parameters of forensic investigation and the evolving transitional justice framework. For example, if families and communities prioritise the positive identification of individuals, then sites must be chosen where the potential for scientific success is high. That is, the interred victims should be a “closed” population, known to survivors; eyewitness testimony should be available to help locate the site and interpret the context; and living relatives of victims willing to provide DNA reference samples must be participants in the process. Beyond these parameters, the site needs to be accessible to the kind of equipment required to conduct an excavation and secure enough to maintain a chain of custody over recovered remains and other physical evidence. More importantly, however, the choice of sites and the context of the violence that occurred there communicates important political messages that in turn will impact the broader trajectory of justice. Sites like Durfo, Qarora, and Mai Dima, for instance, highlight religious, regional, and ethnic elements of violence, whereas clandestine burials at secret prisons like Eira-Eiro, where deceased members of the G-15 and journalists were allegedly buried, sends a different kind of message of political reckoning and accountability. Identifying the remains of military recruits killed at Adi Abeito holds yet another meaning with respect to the targeting of youth in the context of militarisation. And some remains are probably unrecoverable and unidentifiable by forensic methods, such as those who died at sea, in foreign detention centres, or en route through the Sinai.

Considering forensic investigation as a component of transitional justice catalyses a deeper discussion of priorities for Eritrea’s “justice futures.” Both forensic investigation and a future transitional justice framework for Eritrea, and the relations between them, are tethered to enormously complex issues that cannot be separated from history, culture, politics, religion, and the highly diverse meanings families and communities may assign to even basic terms like “justice” and “truth.” As Hoehne and Bedoya Sánchez (2020) forcefully argue, the difficult and laborious work of social and political reckoning cannot be replaced or substituted with “fetishisation” of forensic anthropology and archaeology. That is, scientific investigation for both evidentiary and humanitarian purposes cannot be an end in itself, but rather a means through which richer engagement with justice is sought.

References

- Africa News*. 2018. "Young Eritreans Arrested over Funeral of Man who Died in Prison, March 9. Available at: <https://www.africanews.com/2018/03/09/young-eritreans-arrested-over-funeral-of-man-who-died-in-prison/>.
- Alonso, Alexandra Delano, Pablo Dominguez Galbraith, and Benjamin Niennass. 2016. "Bringing the Dead Back into Society: An Interview with Mercedes Doretti." *Social Research: An International Quarterly* 83(2): 511–530
- Amnesty International. 2004. "'You Have No Right to Ask': Government Resists Scrutiny on Human Rights." AI Index: AFR 64/003/2004, May 2004.
- Amnesty International. 2007. "Prisoners of Conscience: Special Focus Cases," http://www.amnestyusa.org/Prisoners_of_Conscience/Fessahaye_Yohannes/page.do?id=1101236&n1=3&n2=34&n3=53.
- Anderson, Cheryl P. and Debra L. Martin (eds.) 2018. *Massacres: Bioarchaeological Interpretations of the Human Past: Local, Regional, and Global Perspectives*. Gainesville: University Press of Florida.
- Awate Team. 2003. "The 'Executed': No Smoking Gun, but Plenty of Circumstantial Evidence." Formerly available at: <http://www.awate.com/cgi-bin/artman/exec/view.cgi/11/1090> (Accessed 13 March 2003).
- Belloni, Milena. 2016. "'My Uncle cannot say 'No' if I reach Libya.' Unpacking the Social Dynamics of Bordercrossing among Eritreans heading to Europe." *Human Geography* 9(2): 47–56.
- Berhane, Fiori Sara. 2021. "Eritrea: a diaspora in two parts. Memory, Political Organizing, and Refugee Experiences in Italy." PhD dissertation, Department of Anthropology, Brown University.
- Bernal, Victoria. 2008. "Eritrea On-Line: Diaspora, Cyberspace, and the Public Sphere." *American Anthropologist* 32(4): 660–675.
- Bernal, Victoria. 2013. "Diaspora, Digital Media, and Death Counts: Eritreans and the Politics of Memorialisation." *African Studies* 72(2): 246–264.
- Bernal, Victoria. 2017. "Diaspora and the Afterlife of Violence: Eritrean National Narratives and What Goes Without Saying." *American Anthropologist* 119(1): 23–34.
- Besteman, Catherine. 2008. *Transforming Cape Town*. Berkeley: University of California Press.

- Boss, Pauline. 1999. *Ambiguous Loss: Learning to Live with Unresolved Grief*. Cambridge: Harvard University Press.
- Bouwknegt, Thijs B. 2016. "Unravelling Atrocity: Between Transitional Justice and History in Rwanda and Sierra Leone." In Ügür Ümit Üngör (ed.) *Genocide: New Perspectives on its Causes, Courses and Consequences*. Amsterdam: Amsterdam University Press, pp. 219–252.
- Crossland, Zoe. 2000. "Buried Lives: Forensic Archaeology and the Disappeared in Argentina." *Archeological Dialogues* 7(2): 146–159.
- Crossland, Zoe. 2013. "Evidential Regimes of Forensic Archaeology." *Annual Review of Anthropology* 42: 121–137.
- De Greiff, P. 2020. "The Future of the Past: Reflections on the Present State and Prospects of Transitional Justice." *International Journal of Transitional Justice* 14: 251–259.
- De León, Jason. 2015. *The Land of Open Graves: Living and Dying on the Migrant Trail*. Berkeley: University of California Press.
- Elgerud, Lucia M. M. K., and Kim, Jaymelee J. 2021. "Mapping the Intangible: Forensic Human Rights Documentation in Post-Conflict Uganda." *International Journal of Human Rights* 25(1): 594–615.
- Elgerud, Lucia M.M.K. 2022. "We Have Remained Patient: Forensic Human Rights Anthropology in Post-Siad Barre Somaliland. PhD dissertation, Department of Anthropology, University of Tennessee (forthcoming)
- EPDP. 2020. "From Ona to Mai Kadra: Region's Endless Massacres," *Liberty: Bi-monthly English Organ of the Eritrean People's Democratic Party (EPDP)*. November-December.
- Eritrean Law Society and Eritrean Research Institute for Policy and Strategy. 2021. "Tentative Reflections on the Restoration of a Fully Functioning System of Administration of Justice in Post-Dictatorship Eritrea." Available at: <https://erips.org/tentative-reflections-on-the-restoration-of-a-fully-functioning-system-of-administration-of-justice-in-post-dictatorship-eritrea/> (Accessed on 12 May 2022).
- Fassin, Didier. 2011. "Policing Borders, Producing Boundaries. The Governmentality of Immigration in Dark Times." *Annual Review of Anthropology* 40(1): 213–226.

- Ferrandiz, F. and A.C.G. M. Robben (eds.) 2015. *Necropolitics: Mass Graves and Exhumations in the Age of Human Rights*. Philadelphia: University of Pennsylvania Press.
- Fondebrider, Luis and Scheinsohn, Vivian. 2015. "Forensic Archaeology: The Argentinian Way." In W.J. Mike Groen, Nicholas Márquez-Grant and Robert C. Janaway (eds.) *Forensic Archaeology: A Global Perspective*. New York: John Wiley & Sons, pp. 369–378.
- Fondebrider, Luis. 2015. "Forensic Anthropology and the Investigation of Political Violence." In F. Ferrandiz and A.C.G. M. Robben (eds.) *Necropolitics: Mass Graves and Exhumations in the Age of Human Rights*. Philadelphia: University of Pennsylvania Press, pp. 41–52.
- Hinton, Alexander. 2019. *The Justice Facade: Trials of Transition in Cambodia*. Oxford: Oxford University Press.
- Hoehne, Markus V. and Abdullahi, Abdurahman M. 2021. "Assessing the Scope and Parameters for Transitional Justice in Somalia." *Somalia Stability Fund*. Available at: <https://stabilityfund.so/resource/assessing-the-scope-and-parameters-for-transitional-justice-in-somalia/>.
- Hoehne, Markus V. and Bedoya Sánchez, Shakira. 2020. "'Forensic Fetishism' and Human Rights after Violent Conflict: Uncovering Somaliland's Troubled Past." In K. Seidel and H. Elliesie (eds.) *Normative Spaces and Legal Dynamics in Africa*. London: Routledge, pp. 19–40.
- Humphries, Rachel. 2013. "Refugees and the Rashaida: Human Smuggling and Trafficking from Eritrea to Sudan and Egypt." UNHCR Research Paper.
- IOM. 2014. *EU-Horn of Africa Migration Route Initiative* (Khartoum Process). Available at: <https://www.iom.int/node/103009>.
- Kim, Jaymelee J. 2014. "They Made Us Unrecognizable to Each Other: Human Rights, Truth, and Reconciliation in Canada." PhD dissertation, Department of Anthropology, University of Tennessee.
- Kim, Jaymelee J. and Tricia Redeker Hepner. 2019. "Of Justice and the Grave: The Role of the Dead in Post-Conflict Uganda." *International Criminal Law Review* 19(5): 1–26.
- Kim, Jaymelee J., Lucia Elgerud and Hugh Tuller. 2020. "Forensic Archaeology and Anthropology Sensitization in Post-Conflict Uganda." *Forensic Science International*, vol. 306.

- Koc-Menard, Nathalie. 2014. "Notes from the Field: Exhuming the Past After the Peruvian Internal Conflict." *International Journal of Transitional Justice* 8(2): 277–288.
- M'charek, Amade and Casartelli, Sara. 2019. "Identifying Dead Migrants: Forensic Care Work and Relational Citizenship." *Citizenship Studies* 23(7): 738–757.
- Mbembe, Achille. 2011. *Necropolitics*. Durham, NC: Duke University Press.
- Mekonnen, Daniel R. 2009. *Transitional Justice: Framing a Model for Eritrea*. Saarbrücken: VDM Publishing.
- Mekonnen, Daniel R. 2013. "Contested Versions of Collective Memory in Postindependence Eritrea." *African Conflict and Peacebuilding Review* 2(3): 151–170.
- Mekonnen, Daniel R. 2016. "The Case for Crimes against Humanity in Eritrea: Assessing the Reports of Two UN Fact Finding Missions." *Journal of International Humanitarian Legal Studies* 7: 221–256.
- Moon, Claire. 2014. "Human Rights, Human Remains: Forensic Humanitarianism and the Human Rights of the Dead." *International Social Science Journal* 65: 49–63.
- Raji, Ahmed. 2020. "Political Prisoners, Prisoners of Conscience, and Other Forcibly Disappeared Citizens in Eritrea." 2020-Eritrean Prisoners' List, 27 August. Available at: <http://awate.com/2020-eritrean-prisoneres-list/>.
- Redeker Hepner, Tricia and Dawnie Wolfe Steadman. 2022. "Bedeviling Binaries: An Integrated and Dialectical Approach to Forensic Anthropology in Northern Uganda. In Roberto C. Parra and Douglas H. Ubelaker (eds.) *Anthropology of Violent Death: Theoretical Foundations for Forensic Humanitarian Action*. West Sussex, UK: Wiley & Sons, Limited. (Forthcoming)
- Redeker Hepner, Tricia, Dawnie Wolfe Steadman, and Julia R. Hanebrink. 2018. "Sowing the Dead: Massacres and the Missing in Northern Uganda." In Cheryl P. Anderson and Debra L. Martin (eds.) *Massacres: Bioarchaeological Interpretations of the Human Past: Local, Regional, and Global Perspectives*. Gainesville: University Press of Florida, pp. 136–154.
- Redeker Hepner, Tricia. 2009. *Soldiers, Martyrs, Traitors, and Exiles: Political Conflict in Eritrea and the Diaspora*. Philadelphia, PA: University of Pennsylvania Press.

- Redeker Hepner, Tricia. 2020. "On the Boundaries of Life and Death: Notes on Eritrea and Northern Uganda." *African Conflict and Peacebuilding Review* 10(1): 127–142.
- Report of the UN Monitoring Group on Somalia and Eritrea, Pursuant to UN Security Council Resolutions 751 (1992) and 1907 (2009), S/2011/433, July 18, 2011.
- Report of the UN Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post Conflict Societies*, 2004. Available at: <https://www.un.org/ruleoflaw/blog/document/the-rule-of-law-and-transitional-justice-in-conflict-and-post-conflict-societies-report-of-the-secretary-general/>.
- Robben, Antonius C.G.M. (ed.) 2004. *Death, Mourning and Burial: A Cross-Cultural Reader*. 2nd edition. London: Wiley-Blackwell.
- Rojas-Perez, Isaias. 2017. *Mourning Remains: State Atrocity, Exhumations, and Governing the Disappeared in Peru's Postwar Andes*. Stanford: Stanford University Press.
- Rosenblatt, Adam. 2015. *Digging for the Disappeared: Forensic Science After Atrocity*. Palo Alto: Stanford University Press.
- Rygiel, Kim. 2016. "Dying to live: migrant deaths and citizenship politics along European borders: transgressions, disruptions, and mobilizations." *Citizenship Studies* 20 (5): 545–560.
- Schmitt, Stefan, and Mazoori, Dallas. 2017. "Jurisdiction, Privacy, and Ownership: DNA Technology and Field Dynamics in Conflict-Related Mass Fatalities." *Genocide Studies and Prevention* 11(1): 55–81.
- Spadolini, Linda. 2019. "Assessing the search for missing migrants within the Eritrean community in Germany. A qualitative analysis and recommendations to social organizations and the community." MA thesis, Intercultural Conflict Management, Alice Salomon Hochschule, University of Applied Sciences, Berlin.
- Teitel, Ruti. 2000. *Transitional Justice*. Oxford: Oxford University Press.
- Thomson, Susan. 2013. *Whispering Truth to Power: Everyday Resistance to Reconciliation in Post-Genocide Rwanda*. Madison, WI: University of Wisconsin Press.

- Treiber, Magnus and Tricia Redeker Hepner. 2021. "The immediate, the exceptional and the historical: Eritrean migration and research since the 1960s." *Canadian Journal of African Studies / Revue canadienne des études africaines*, 55(3): 563–583. DOI: 10.1080/00083968.2021.1871638
- US Department of State, Bureau of Democracy, Human Rights, and Labor. 2006. International Religious Freedom Report.
- Van Reisen, Mirjam and Rijken, Conny. 2015. "Sinai Trafficking: Origin and Definition of a New Form of Human Trafficking." *Social Inclusion* 3(1): 113–124.
- Van Reisen, Mirjam, and Mawere, Munyaradzi (eds.) 2017. *Human Trafficking and Trauma in the Digital Era: The Ongoing Tragedy of the Trade in Refugees from Eritrea*. Bamenda, Cameroon: Langaa RPCIG.
- Van Reisen, Mirjam, Estefanos, Meron, and Rijken, Conny. 2014. *The Human Trafficking Cycle: Sinai and Beyond*. Oisterwijk: Wolf Legal Publishers.
- Verdery, Katherine. 1996. *The Political Lives of Dead Bodies: Reburial and Postsocialist Change*. New York: Columbia University Press.
- VOA. 2004. "Interview with Mr. Ali Abdu," November 9, 2004.
- Wagner, Sarah. 2008. *To Know Where He Lies: DNA Technology and the Search for Srebrenica's Missing*. Berkeley: University of California Press.
- Walker, M.U. (2010). "Truth Telling as Reparations," *Metaphilosophy* 41(4): 525–545.
- War Resisters' International. 2005. "Thousands of People Held at Adi Abeto Army Prison." 1 November. Available at: <https://wri-irg.org/en/story/2005/thousands-people-held-adi-abeto-army-prison>.
- Wilson, Richard. 2001. *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*. Cambridge: Cambridge University Press.
- ዲሞክራሲያዊት ኤርትራ፡- "አሰንባዲ መቸዘፍቲ ኣብ ቃሮራ፡" ሕታም ቁ. 23 ሚያዝያ-ሰነ 1997 (*Democratic Eritrea*. "A Shocking Massacre in Qarora." Issue No. 3, April-June).
- ዲሞክራሲያዊት ኤርትራ፡- "ክልኣይ ዓመት ዝኸሪ ደማዊ ጭፍጨፋ ማይሓባር፡" ሕታም ቁ. 19 ሰነ-ሐምለ 1996 (*Democratic Eritrea*. "Second Anniversary of the Mai Habar Massacre." Issue No. 19, June-July).