Bodies as Evidence

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The so-called Arab Spring began in Tunisia in 2010 with a wave of pro-democracy protests. In March of the following year, in the company of my young daughter (Aziza) and my best friend we went to visit my father in the town of Zarzis in the south of the country. Upon arriving, in the morning, and being curious about the changes that had taken place, I suggested driving to the city. My father came running, urging us to take blankets, mattresses, water, and bread with us. I frowned. “Well, you see, we have all these refugees from Libya and they need help.” Together we started filling our small van with stuff from our house. At the next store we bought bread and water.

Arriving in the city center, we first visited a school where hundreds of men, guest workers from Egypt who had to leave Libya,
were hanging around waiting to hear whether there would be a flight home. Outside, local Tunisians were carrying huge pots with the lunch meal inside the school. After delivering half of the goods, we drove further to a cultural center nearby. Many more people were hanging around—apparently tired or restless. We entered the center and we found ourselves in the main theater room—filled with men: sleeping, walking about, or having conversations in a dim voice.

I quickly found myself in an animated discussion with a growing group of men, first talking about the situation in Libya, then in Tunisia, but soon they addressed a question to me in a harsh tone: where is the international community? A local Tunisian wondered why local people were the sole caregivers for the refugees. The open discussions about politics were new to the ear, but the problem of refugees within the international order was already evident.

In Europe, attention quickly turned away from political transformations, justice, or democracy and toward concerns over security. Indeed, the world watched as the hopes of the Arab Spring crashed on the rocks of European shores in the form of the bodies of refugees fleeing disruption and violence. In large part, security concerns drive the European response to the refugee crisis: efforts to secure Europe using various identification technologies, from travel documents to surveillance drones. However, EU border control also includes humanitarian policies and aspirations, and, between border security and human security, we find the problem of the dead migrant’s body. Over the past number of years, several thousand persons have perished en route to Europe. On the one hand, the dead bodies are a problem of evidence in the context of forensic identification. On the other hand, the dead bodies are the evidence of failed politics and policy. In this chapter I attend to the emergent forensic infrastructure surrounding dead-bodies-at-the-border, and explore the ethics of care for borders and for bodies-at-the-border in contemporary Europe. In this sense, the chapter resonates with and pushes further the line of reasoning about surveilling injured migrants extended by Ieva Jusionyte in this volume.

I propose that when encountering dead-bodies-at-the-border, forensics as it stands offers a messy and contingent set of logics, tools, methodology, and devices. The analysis of an emerging forensic infrastructure and of its selected deployment for identifying migrants’ bodies offers a different but important perspective on the human crisis unfolding in the Mediterranean. This chap-
ter discusses who is included or excluded from processes of identification, and explores the significant points of contestation and the measures used to protect the EU border against transgressions by the bodies of Others. I show how the refugee crisis has shifted the focus of hegemonic political discourse in the EU away from the vulnerabilities of migrants or even citizens to the vulnerability of borders. The obsession with borders-at-risk produces a division between living and dead migrants. While Europe includes the living through biometric surveillance and a system for the stringent management of identities, dead bodies are often left unattended or are quickly buried. They appear as illegitimately stretching the limited resources of receiving countries. Moreover, their stages of decomposition challenge the wisdom of forensic science, while their significant numbers challenge current border protection regimes. The dead body then is not just a provocation, or reminder of the human crisis, but an active participant in processes of rethinking what counts as evidence and what evidence might unfold about concrete histories and more general the human condition.

Vulnerable Borders

One month after the commencement of the “Arab Spring,” the European external border control agency, Frontex, sent out a press release headed “Hermes 2011 starts tomorrow in Lampedusa” (Frontex 2011). Joint Operation Hermes began when Frontex responded to a request by the Italian government for assistance in dealing with the Mediterranean migration crisis. One of the roles taken on by Frontex was the surveillance of vessels carrying migrants on the open seas and measures to prescreen intercepted migrants. The joint operation also involved Europol, the European police agency, which helped the Italian authorities to identify possible criminals among those who reached the Italian coasts (Carrera et al. 2012). Immediately, one could see a blending of the categories of migrant and criminal. An Italian governor even argued that they were “illegal, clandestine, wearing brand-name sneakers and Western looking jackets and holding mobile phones in their hands” and thus should not be considered eligible for international protection (Campesi 2011, 6).

Giuseppe Campesi (2011) has argued that the initial emergency was “fabricated” by Italy in order to draw on EU assistance. However, the EU embraced the emergency to implement far-reaching policies for the future management of the European borders. One of the policy aims was to upgrade the Schengen
Information System (sis) to allow for new EU-wide automatic biometric entry/exit monitoring (within the EU). Another far-reaching technology aimed at the external borders of Europe is EUROSUR, introduced in the late 2013 as a pan-European border surveillance system with three main objectives: 

a) to reduce the number of irregular migrants entering the EU undetected, 
b) to reduce the number of deaths of irregular migrants by saving more lives at sea, and 
c) to enhance the internal security of the EU as a whole by contributing to the prevention of cross-border crime.

EUROSUR could form a “system of systems” giving all the Member States’ border-control authorities access to a secure and decentralized information-sharing network resulting in a full picture of events at the EU external borders. (FRONTEX 2012)

The Mediterranean border is the testing ground for this system of systems. On May 30, 2013, the Greens in the European Parliament issued a press release to coincide with the Parliament and European Council agreement on EUROSUR:

The general focus of the EUROSUR system [aims] to seal off Europe’s borders, using intrusive new technologies (like drones and satellites). This skewed approach to immigration misses the point. EUROSUR aims to prevent refugees even setting off from North Africa towards Europe, with cooperation agreements with countries in the region either established or planned to ensure this. In practical terms, this means the EU is effectively shifting its borders to countries that lack an asylum system and may not even be signatories to the Geneva Convention. (Keller 2013)

The Greens proposed that the monitoring system under EUROSUR could be used to come to the rescue of refugees in distress at sea, which would at least give the system a human face, so they argued. However, EU governments did not accept this proposal. While EU Member States will have to inform each other and FRONTEX if they are aware of refugees in distress, there is no requirement to increase the use of patrol boats in areas that are dangerous for refugees. This makes it clear that refugees are configured primarily as a threat, while Europe and especially the European borders are increasingly perceived as vulnerable entities in need of protection.

The current configuration of migrants and borders is undergoing more radical change in response to the Syrian refugee crisis. In December 2015 the European Commission proposed a far-reaching “Border Package” in the form
of the European Border and Coast Guard, also called “the Agency” (European Commission 2015). The tasks of the Agency, which by now has become the synonym for Frontex, go beyond the management of the external borders: it will have its own equipment and huge resources, such as a 1,000 permanent staff members, aimed at identifying and addressing weak spots in the borders. The Agency, as the commission conceives it, will have a dazzlingly broad mandate, jeopardizing the sovereignty of individual Member States. This is the very reason that some Member States (especially in the southern and eastern areas of Schengen) have blocked the proposal. In practice, this meant that the proposal had to be watered down in some ways. However, the general direction of the proposal, especially seen in the light of current public debates in the wake of the terrorist attacks on Paris and Brussels, was assured, and it was thus implemented in October 2016. Critics have argued that the proposal is protecting borders rather than people (Online Focus 2015). However, it is also important to acknowledge that border management regimes are not simply about exclusions but also implicate European citizens. One of the mandates of the Agency is the intensification of the systematic surveillance of European citizens entering and exiting the Schengen Area. At the border, biometric passport data may be compared to various databases, from the Schengen Information System and the Interpol Stolen and Lost Travel Documents Database to relevant national systems. The rationale for this? “It is estimated that five thousand EU citizens have traveled to conflict zones and joined terrorist groups such as ISIS. When they have come back to Europe, some of these returning foreign fighters have been involved in recent terrorist attacks” (European Commission n.d.). While the proposal concerns all European citizens, its focus today is certainly on the ethnic Other. This is explicit in the press release announcing the proposal for the Agency: “In response to the recent tragic attacks in Paris and the growing threat from foreign terrorist fighters, the Commission has swiftly taken action to accelerate work and implementation of measures under the European Security Agenda. Today’s proposal responds to the need to reinforce security controls at the EU’s external borders” (European Commission 2015). This measure will inevitably lead to ethnic profiling. Because whereas the checks at airport will be comprehensive, it is advised that “if, however, systematic checks at certain land or sea borders would have a disproportionate impact on the flow of traffic . . . Member States can, based on risk assessments, decide to carry out only targeted checks” (European Commission n.d.).
Obviously economic concerns, and one could say property rights, are made dominant over civil rights, that is, the rights of citizens to be treated equally by state authorities. More generally, casting the borders as vulnerable leads to a particular framing of the problems that have been surfacing in the Arab world and Europe since the early 2011. As a result, the border has become the matter of concern: the prime locus for managing the people wanting to enter Europe as well as those who are already in it, including European citizens. This focus on the border has taken a perverse bend in the deal between the EU and Turkey. While the policy language was about “providing better care for the refugees and improving the management of the stream of people,” it is common knowledge that on the ground in Turkey the situation for refugees from Syria has been devastating (FRONTEX 2011). Rather than a concerted effort to improve the shelter and lives of refugees, the deal can be seen as an example of the externalization of the problem, that is, the problem of leaky European borders.

However, the problem resists externalization and is coming back at us in the form of recurrent media reports and, importantly, the bodies of people who have died in their attempt to reach European territory. They are the material evidence of a failed politics. As silent witnesses, they cannot be subjected to the surveillance and governance of refugees. Their presence is a transgression in two senses. While they trespassed the border, they also announce EU’s politico-ethical failure.

Waste at the Border

In order to introduce the problem of people dying at the borders of Europe, I wish to ponder waste as an interesting object of evidence. Waste is precisely interesting because in its material form it mediates between various entities and worlds that tend to be kept apart, such as the living and the dead migrants, Europe and its Others, care and surveillance. Waste is not simply a residue in need of expelling, but rather a recursive process and thus symbolically and materially involved in the management of social relations; what is turned into “rubbish tends to have the ability to return” (Hetherington 2004, 159). Here I want to attend to waste in the form of a collection of well-known objects that index specific relations and resist divides that are constantly performed when thinking about the refugee crisis through the lens of borders.

In February 2016, I was in Thessaloniki (Greece) on a research visit. At the
time, between thirteen and fourteen thousand people were trapped in Idomeni Camp, a site to which we had not been granted access. Instead, we were taken on a guided tour to a freshly opened camp just outside Thessaloniki. As we were walking around, apart from the endless numbers of taxis ready to take refugees for extremely high prices to the border, everything seemed disturbingly normal. The camp was reminiscent of a camping site, where children were playing or being entertained while adults were hanging around, chatting or smoking cigarettes. I spotted a typical, golden-colored first aid blanket on the track in front of my feet. It was simply litter, laying about. Waste. All of a sudden, and with incredible force, the aluminum blanket articulated the purpose of the place, providing refuge for people who had fled their countries. This power of litter made wonder about the work that waste is doing in the context of the so-called refugee crisis. From that moment on, I started to notice waste pictured in newspapers. Alongside the blankets, the orange-colored life jacket has now assumed an iconic force. These jackets, which are bought in their thousands in cities in Turkey and Libya, are now found on the beaches of Europe. I encountered a third instance of waste as I was doing fieldwork in the south of Tunisia. When I was at the office of the Tunisia Association for Fisheries and standing in front of a wall covered with pictures portraying dramas on the sea, I found myself staring at a picture that showed driftwood from the wreckages of boats used to transport refugees. At this moment, Slah Eddin M’charek, a leading figure in that association, described a nearby island littered with driftwood, all from the shipwrecks. Slah Eddin told me first about the countless times that he and fishermen returned to the port just after sailing out, because rather than catching fish they would end up rescuing people from drowning. He also told me about the numerous bodies that they found in the sea over the years. “You can smell the dead bodies from 800 meters or so,” he explained. “It is now getting better because the coast guard is doing a much better job, but the number of bodies that we were seeing and the smell. It was just horrible. I can’t describe the smell. Just repulsive.” So this is another instance of waste, namely smell.

One could say that these instances of waste are merely traces that require oral testimonies or authoritative voices as to reveal a convincing story of what happened. However, waste is also material evidence when it comes to borders and bodies. It is evidence of European borders and the bodies of people who did not make it into Europe. Waste also speaks to a methodological aspect of forensics. Not simply as a scientific (objectifying) method of ordering and connecting traces to events. Eyal Weizman, Tavares Paulo, and Susan Schup-
pli (2010) have suggested viewing forensics as the art of bringing evidence in front of the forum. Here I want to expand this proposition by suggesting to view forensics as the art of paying attention—a way of pausing with material traces and attending to the ways they hold desperate places and times together. Material traces thus do not simply represent something that has become invisible—for example, bodies that have sunk to the bottom of the sea—but are devices that are active, performative. Waste folds in itself various practices that through forensic attention can be unfolded and taken into account. It might thus invite us to ponder movements and circulations of humans and things as well as the ways in which those circulations have been halted (M’charek 2016). With Kevin Hetherington (2004; see also De León 2015) we could think of waste as an absent presence. What then are the absences that are folded into the presence of waste? Here I want to discuss three absences, but there are many more to ponder. One of the absences marked by the first aid blanket is the work of care that has been ubiquitous during the refugee crisis. Whereas state institutions seem surprised and reactive, citizens, in more or less organized fashion, reached out to refugees and extended care. This work of care and the scale on which it operates tend to be invisible (e.g. Puig de la Bellacasa 2011). Although I do not wish to romanticize care, because there are also enough examples in refugee camps and elsewhere where it has become problematic, its politics cannot be underestimated. The first aid blanket is a material evidence of care for people on the move. It is also material evidence of another version of care, namely, the care for the border. As indicated above, numerous political actors cast the borders of Europe as vulnerable and in need of more care. In this way, the blanket brings into proximity the care for borders and the care for bodies that could not be stopped by, or could not even make it to, the border.

Whereas the blanket could be seen as evidence of care for that which cannot be quantified in monetary terms, namely, life, the orange life jacket I want to briefly suggest, folds in itself the economics of human trafficking and of illegality. The piles of the jackets left behind testify to the incredible amounts of money that people have paid in their attempts to reach Europe. As Ruben Andersson (2014) argues, illegality is not only the product of border management regimes but is also productive of myriad entrepreneurial and economic relations. Attending to the life jacket—although it is paradoxically an object that is close to the individual body, and one that could be seen as an exemplary representation of that which is good—might, because of its visible excess (the piles and piles of these orange objects), point us to the economic
costs and revenues at stake. The life jacket thus holds together different values: the value of life and the economic value of migration.

Similarly, one might approach smell as waste and as evidence of death. It folds in itself both the high number of deaths as well as the attempts to prevent people from dying, such as search and rescue operations of Mare Nostrum, the efforts of NGOs such as Sea Watch, or the work of coast guards in different countries. Smell brings together bodies in a pertinent and visceral way. It brings together dead and living bodies. The bodies of dead migrants and of those who aim at stopping them from dying. The rest of this chapter is devoted to a discussion of the deaths at the border.

According to the Deaths at the Borders Database, 3,188 people died attempting to reach Europe between 1990 and 2013. However, these numbers have increased dramatically since the uprising in the Arab world, and especially with the devastating ongoing war in Syria. The International Organization for Migration (IOM) estimates that between 2011 and June 2016, at least thirteen thousand people died or went missing. And, again, the numbers went up dramatically in the second half of 2016. In a recent report, Médecins Sans Frontières (MSF) shows that people are taking the deadliest route to Europe, namely, crossing the Mediterranean basin from Libya to Italy, due to a lack of other safer options (Médecins Sans Frontières 2016).

However, the large number of people dying in the sea is by no means new. For years, fishermen and other local people in Italy, Greece, Spain, as well as in Tunisia, Libya, and Morocco confronted the human tragedy of failed migration. Data show an increasing number of shipwrecks, but accurate figures on the bodies that wash ashore are hard to come by. As the Amsterdam-based migration scholars Tamara Last and Thomas Spijkerboer argue, “There is a general paucity of information about those who have died attempting to cross the southern external borders of the European Union (EU) without authorization, especially when compared with the amount of data generated about the arrival, interception, rescue, detention and deportation of migrants—statistics that can serve to justify funding and intensification of border control” (Last and Spijkerboer 2014, 85). The lack of reliable information hinders policy makers or makes it possible for them to avoid the issue. As Leanne Weber (2010) argues, the lack of official numbers contributes to the acceptance of border-related deaths through a regime of self-evidence, suggesting this is a “natural” consequence of certain processes or even individual choices. As Tamara Last and Thomas Spijkerboer (2014) show, popular interest in and increasing public awareness of migrant deaths in the Medi-
Mediterranean are rather recent. A case in point is the shocking picture of the
dead body of three-year-old Aylan Kurdi, found on a Turkish beach, which
sparked a global outcry over the tragedy unfolding in the Mediterranean ba-
sin. Indeed, the international media attention led to the boy’s identification.
But what of the identities of the thousands and thousands other dead people?
As Iosif Kovras and Simon Robins (2015) have argued, while living migrants
are some of the most heavily monitored individuals in the EU, dead migrants
seem to merit almost no attention from the authorities. Thus, little has been
said or done about the identities of the dead. Who are these people?

Dead-Bodies-at-the-Border

To whom do the dead-bodies-at-the-border belong? Although shipwrecks
with high numbers of casualties constantly make the headlines in European
media, and though this has contributed to a general framing of the refugee
crisis as a humanitarian crisis, attention directed at the deaths tends to fade
quickly. The question of who the dead are has thus received surprisingly lit-
tle attention. I raised this issue with representatives of the United National
High Commissioner for Refugees (UNHCR) and MSF while in the south of
Tunisia. Upon questioning about the contribution of MSF to the management
of bodies, Fadi Khatib, the coordinator of MSF in Zarzis, kept elaborating on
the first-responder training that his organization gives to local fishermen,
together with training on hygiene and the use of protective suits and gloves.
“Of course,” it occurred to me during this interview, “your concern is with
the living; with public health, the prevention of infectious diseases that bod-
ies may cause. For you these bodies are containers of diseases.” Fadi’s face
relaxed, “Yes, in fact that is our main concern, our main concern is with the
living,” he answered. Given this lack of attention, one could say, the bodies
did not enter the realm of forensics. They did not demand attention and en-
gagement from society.

The lack of accountability for dead-bodies-at-the-border stands in stark
contrast to the painstaking work that Western authorities put in identifying
the bodies of Western citizens in cases of disasters. A clear example is the
Dutch concern with the body parts of the passengers on Malaysia Airlines
flight MH17, which was shot down near the Ukraine on July 17, 2014. However,
there are numerous other cases, such as the identification of the victims of the
September 11 terrorist attack in the United States (Toom 2016), or the identi-
fication of the victims of the Tsunami of 2004 in the Indian Ocean. As many commentators have observed with reference to the latter, there was a clear hierarchy seen in whose bodies were prioritized during the identification process, and it is perhaps of no surprise that the bodies of Western nationals were at the top of the list (e.g., Merli and Buck 2015). There are also examples from conflict situations, such as the identification of the remains of the estimated eight thousand men and boys killed in the Srebrenica massacre in Bosnia-Herzegovina in 1995. Whereas the identification of Western victims of the tsunami was mostly based on dental examinations, in the case of Srebrenica forensic DNA moved to center stage. In 2001, the International Committee of Missing Persons (ICMP), the organization that was responsible for carrying out the identification process, received full political support and ample resources to erect laboratories and started to use DNA profiling alongside dental examination in order to identify the victims of the Srebrenica massacre (see Wagner 2008). The ICMP identified more than 80 percent of the victims.

It is important to note that these cases not only concerned Western nationals or politically fueled Western concerns such as the case of Srebrenica, but that, in contrast to the dead-bodies-at-the-border, in all cases there was a more or less clear idea about where the victims came from. Passenger lists were available (MH17), dental records and associated documents were available (the 2004 Tsunami), or evidence was given by family members who were looking for their relatives (Srebrenica). From a forensic perspective, this means that bodies or body parts could be compared to so-called reference data in order to conclude that a particular body belonged to a particular person. Such reference data is mostly missing in the case of deceased in the Mediterranean Sea.

The above examples highlight the issue of forensic infrastructure: the kind of organization that needs to be in place to manage bodies and to arrive at identification. The work of the ICMP in Srebrenica provided such an infrastructure but one that was organized around DNA profiling. When it was introduced into the criminal justice systems of European countries and the United States, this technology was contested in terms of the reliability of DNA (does it really identify per se?). Questions were also asked about the soundness of the technology, that is, the infrastructural requirements and the enrollment of the different actors in such ways as to ensure their proper contribution to the production of a DNA profile (see M’charek 2000; Lynch et al. 2008; M’charek 2008; M’charek, Hagendijk, and de Vries 2012). When one thinks about a profile deemed legitimate in court, one has to consider the
movement of biological traces from the crime scene to police stations where they are registered, on to forensic laboratories where they are to be analyzed, and then on again to the courtroom where they are reported on and used as evidence in trial. All of the links in this chain had to be trained and reconfigured in line with the infrastructural requirement of DNA profiling (M’charek 2008; 2016). To transform bodily substances into DNA and DNA into numbers and numbers into evidence that could help identify a suspect in court, the contributions of the different actors along the chain had to be standardized and routinized. It is these highly standardized procedures together with the mindboggling numerical substantiation of the evidence (so-called matching probability) that has contributed to the enormous success of forensic DNA in criminal justice systems. Meanwhile, more than two decades later, it has become the gold standard in criminal investigation. In addition, DNA profiling has gained a solid position elsewhere, such as in the context of family reunification (Heinemann and Lemke 2013; C. G. M. Robben and Francisco J. Ferrándiz, this volume) and disaster victim identification (Wagner 2008; Toom 2016).8

However, as indicated above, in order to use DNA to identify a person, one must compare the DNA of that person to a reference population or to family members. However, in the case of the bodies of migrants and refugees there is no reference population readily available. Moreover, the geographical origin of the body is unclear (country, region, etc.), and even if this was clear, people have migrated from countries where the DNA infrastructure is obscured because of a lack of data or a reference databank. Added to this, dead bodies at the shore pose new technical issues even when other forensic anthropological techniques are used. Indeed, they challenge established limits of forensic science. When I attended the Seventh International Meeting of the New Mediterranean Academy of Forensic Sciences (nMAFS) in 2016, the Italian forensic pathologist Cristina Cattaneo gave details about the problems of identification (Cattaneo 2016). She noted cases in which victims had been in saltwater for long periods as a particular challenge: the bodies tend to be disfigured; putrefaction and skeletonization further complicate the process. In cases where bodies have not been in the water for too long and if the process of skeletonization did not kick in, the epidermis tends to detach from the body leaving the skin unpigmented and rendering all cadavers whitish, even especially in dark-skinned people. In such cases, fingerprints are no longer available because of the detached skin. Odontology (forensic dentistry) is also unavailable, because there is nothing against which to compare a dental profile. And
the same fate seems to hold for DNA. “We have to reinvent forensics anew,” Cattaneo stated. She gave the example of social media. Given the central role of the mobile phone and the use of social media such as Facebook and Instagram, mining these media might provide forensic means of equal importance to more conventional identification technologies. “People send pictures home. A label on their clothing or a hair-do might help identify them.” If it would be possible to link a label on a trouser to a picture out there in the cloud this might be crucial for giving a name to a body, Cattaneo explained.

“Forensics has to be invented anew!” I wrote this statement down in my notebook during this meeting. It is of the greatest importance to open up the space of what we count as part of the forensic infrastructure and what we exclude, what we constitute as knowledge and whose knowledge we privilege in the process of reinventing forensics. In short, we must ask this question: what will the forensic infrastructure of identification of dead-bodies-at-the-border look like? Rather than answering this question in a conclusive way, the following will give some hints about this emerging infrastructure.

Emerging Forensic Infrastructures

It is surprising that the management of European borders is a concerted effort dealt with at the EU-level, whereas the identification of bodies is delegated to local authorities only. There is, however, an official process of identification used by EU countries around the Mediterranean Sea. It entails bodies receiving a unique identifying number that starts with the telephone country code (in accord with the Dublin Regulation to register migrants in the first country entered). Bodies are photographed (also paying attention to personal belongings such as clothing, shoes, bags, watches, cell phones, etc.) and examined by a coroner; identifying markers have to be recorded (tattoos, freckles, injuries or other bodily traumas) and DNA samples taken. In practice, however, the situation looks less ordered. In many countries, bodies are simply buried without registration, sometimes piled into one grave. It often happens that there is no coroner available to examine the body. During warm seasons there is typically a lack of morticians (to carry the bodies) or too little room in the hospital-morgue to store the bodies until registration is completed. For example, in the southern Tunisian town of Zarzis the hospital-morgue only has six places, yet there were several cases in which more than twenty bodies were found at the beach of Zarzis. In addition, hospital personnel are hesi-
tant to use an ambulance to carry the bodies because of possible health risk for their patients. In general terms, a proper management system that runs from finding the bodies on the beach to registration, examination, and burial is still to be established, resulting in bodies simply being buried without any additional information except for the date on which they were found. While the resources and procedures on the European side of the Mediterranean Sea are slightly better, Kovras and Robins (2016) describe a lack of properly delimited responsibilities:

The coast guard maintained that their responsibility is limited to collecting the dead body and transporting it to the hospital, after which responsibility lies with the district attorney. . . . The district attorney in practice assumes only a marginal role, typically declining any substantive investigation on the assumption that death was not caused by criminal activity, and then signing the relevant documentation to permit burial. . . . The body remains at the local hospital with the coroner, whose duty is limited to the examination of the corpse to establish the cause of death and carry out the autopsy. . . . When asked about the next steps, the coroner had no answer; he only revealed that a swift burial was necessary, as the hospital has no facilities to store bodies for more than a few days. The director of social services at the hospital informed us there is no budget available for burying dead “illegal” migrants, only for treating living migrants. . . . There is no standardized procedure to deal with a migrant body, and this policy vacuum legitimizes local authorities in denying their legal and moral responsibility to address the issue of identification. Most often relevant data found on the body—documents, tattoos, other identifying marks—are not systematically collected, analyzed and stored to support identification. Similarly, only a limited effort is made to collect other information—such as testimony from survivors of a shipwreck—that could advance this goal. (Kovras and Robins 2016, 41)

This long extract about the EU protocol shows the various actors who are in place to attend to the bodies of deceased migrants. However some actors and the crucial knowledge they could contribute are not included in the forensic infrastructure. For example, the information that could be provided by fellow travelers who survived the shipwreck, or the knowledge of fisherman or search and rescue volunteers, who are often first responders, is not included in the process of registration and identification.
Furthermore, the lack of responsibility for identification as well as the absence of central coordination for the management of bodies have been an issue for years among the forensic community. In November 2013, the International Committee of the Red Cross (ICRC) organized a conference in Milan initiated in collaboration with forensic scientists in Milan and attended by participants from of European Mediterranean countries. The conference addressed the coordination of work in order to facilitate identification. One of the outcomes of the conference was the drafting of a number of recommendations that are slowly shaping the infrastructure for the management of dead bodies. The recommendations appeared in the journal *Forensic Science International* and aimed to improve “forensic analysis, documentation and identification of dead migrants; for ensuring their dignified management and for bringing answers to the bereaved.” The following are the key recommendations:

- increasing the necessary political and institutional awareness and support, at national, regional and international levels, required for preventing and resolving the tragedy of unidentified dead migrants recovered from the Mediterranean Sea;
- improving the communication, coordination and cooperation of forensic and investigative agencies involved in the recovery, analysis, documentation and management of decedent migrants;
- ensuring the use of standardized procedures for the forensic analysis and documentation of the dead by all forensic and investigative agencies and practitioners involved in the management of dead migrants;
- creating centralized databases with information on unidentified dead and the missing reported in the region. These databases should be searchable and accessible by various agencies, including humanitarian organizations, for servicing the humanitarian plight of bereaved families;
- involving Governments and institutions of countries of origin of migrants in the efforts to identify and repatriate their dead nationals.

(Cattaneo et al. 2015, e2)

In 2016, two initiatives have scaled up the process of identification. The first initiative was the initiation of a DNA database in Athens. Headed by the forensic geneticist Penelope Maniati, this lab is part of the Forensic Sciences Divi-
sion (DEE) of the Greek Police and aims to help identify deceased persons and make it possible for relatives to find out about their beloved ones by having their own profiles matched to the databank. A second initiative, which I will give more detail on, has been taken in Italy as collaboration between the special commissioner for missing persons, Vittorio Piscitelli; Paolo Procaccianti, of the Institute of Legal Medicine Palermo; and Cristina Cattaneo, forensic pathologist of Labanof Lab Milano. They initiated a large pilot project to convince the national and European authorities that it is possible to identify victims of shipwrecks and to set up working procedures for registration, sampling, and storing of data in a conclusive manner. This pilot aims to identify the victims of a shipwreck in April 2015 in which a fishing boat packed with hundreds of people floundered 135 kilometers of the coast of Libya. Following a communication, the Italian Coast Guard radioed King Jacob, a 157-meter large merchant vessel nearby to provide assistance. However, upon seeing the vessel approaching, the migrants rushed to one side of the deck, causing their boat to capsize. The boat sank, and only twenty-eight persons could be rescued. Estimates suggest that eight hundred to nine hundred people went down with the boat. As part of this pilot project this very boat was boarded in July 2016 in the Sicilian port of Augusta by the Italian Marine force by sending a remote-controlled robot down, 370 meters below sea level down to tow the ship and the 169 cadavers that were scattered around the boat. The remains were recovered with the help of liquid nitrogen and kept in refrigerator containers. Also, while the boarding of the ship has cost some nine million euros, paid for by the Italian government, a large team of experts from different universities and labs have been working in their spare time, without any compensation, at the military site where the remains are stored. Eight hundred body bags, some probably containing remains from more than one person, have been secured. Bodies and body parts have been subjected to autopsies and registrations, and the analysis of the remains will take place in various Italian laboratories. However, the forensic work will not stop here. At the end of 2016, possible families of victims who did carry identification papers with them were contacted so as to help in the process of identification. This process will probably open up the space for other actors to become part of the forensic infrastructure, such as legal experts working on international law and human rights, or other social actors in the countries of origin.
Conclusions

In the context of the “refugee crisis” and in the aftermath of Paris, vulnerability has been a recurrent theme. In fact, it figures prominently in European policy. It does not come as a surprise that it is not the vulnerability of the refugees or even that of European citizens that is central, but rather that of Europe’s borders. However, the vulnerabilities of the European borders, I want to suggest, help to make Other, and make invisible (out of our way and not our responsibility) the thousands and thousands of bodies that we so often find on our beaches. Attending to these bodies produces evidence. Obviously it produces evidence about the identity of the missing person. But more intensely so, it produces evidence about Europe’s border management regime and the costs thereof. To know these bodies is to know the humanitarian price of our territorial borders.

In this chapter, I have attended to the costs of the European border regime by proposing forensics not only as a set of logics (Andersson 2014) or a tool, but as a methodological approach, an art of paying attention, as to open up a field that is not neatly ordered, but rather messy and contingent.

Forensics as art of paying attention allows for two related interventions, which I have only begun to outline in this chapter. First, it helps us to attend to the management of bodies and processes of forensic identification beyond the objectifying rendering thereof in mainstream forensics. That is, it allows us to bring into view an emerging forensic infrastructure that is utterly creative because it needs to “make do” with the limited resources: limited knowledge about the subjects whose bodies are in need of identification; limited technologies that can be applied given the state of the bodies; limited monetary resources, technologies, and devices to work with. This results in a constant creative process, whereby the knowledge of fisherman about the wind and the currents of seawater becomes key in estimating where a body is drifting from and at what speed; or a film taken by some Syrian friends containing information about what they were wearing before sailing off from Libya to Lampedusa, can become crucial in determining whether it was the body of one of them that washed ashore in 2014 on a beach in Zarzis; or yet again a setting in which, given the lack of laboratory equipment, a take-out coffee cup becomes a container in which the teeth of a dead subject are bleached before the forensic anthropological examination. All these odd elements have become part of a forensic process and begin to coshape forensic infrastructures. In some cases, this emergent infrastructure and the elements
that help to bring it about will be transient, whereas in other cases it might become more durable. Attending to this nitty-gritty process is not only important as a work of valuing and appreciating the identification work done against all odds, but it also allows for a critical evaluation of what knowledge comes to matter, that is, what knowledge and whose knowledge can become part of forensics and how we might do this otherwise.

The second intervention that is possible by taking forensics as art of paying attention is related to the main object of forensics, namely, material traces. The material traces that figure in forensic cases typically have a talent for joining desperate places and events and inviting scenarios around them as to produce a possible story about what could have happened. Both the insistence on materiality and the invitation to bring things together that we are in the habit of keeping apart (Stengers 2005) allow us to tell a different story about what we have come to know as the refugee crisis. I thus suggested waste and litter as material evidence to think with and to resist a reduction of the problem of dead-bodies-at-the-border to a straightforward matter of identification or not identification. Waste might help us to hold the refugee crisis in close relation to Europe’s colonial past, or to bring into conversation the care for borders and the care of citizens for people who seek refuge in Europe, or to think together the price paid for a life jacket and that paid for a drone to survey the border. Keeping the messiness on board, staying with the trouble (Haraway 2016), may well help to produce a forensic infrastructure that is more apt for the kind of identification work at stake. In this way, mess, like waste, is a virtue and not a sin.

Notes

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1 Later in 2011, and to process the stream of refugees, the UNHCR established the
refugee camp Choucha, a few kilometers from the Libyan border, which came to house up to 300,000 refugees. This camp would be closed down in June 2013.

For example, the Agency does not have its own equipment, but it has guaranteed access to the equipment of EU countries in advent of specific operations.

See also Ian Hacking (2006, 32–33), who argues that the evidence provided by things was lacking in our modern thinking. “The evidence of things is not to be confused with the data of sense, which in much modern epistemology, has been regarded as the foundation of all evidence.” And he continues: “The evidence of things is distinct from testimony, the evidence of witnesses and of authorities.” It is important to note here that this view on material evidence and the delegation of agency to things is at the heart of much of work in science and technology studies and in particular in Actor Network Theory.

For this and more details on the human costs of border control, see http://www.borderdeaths.org.

While some work has been taking account of the numbers of the deceased, as Kovras and Robins (2016) convincingly argue, most of the work also in critical migration studies has been focusing on the surveillance of the flows of people and surveillance and biometric technology.

The ICMP was initiated in 1996 as part of the Dayton Peace Agreement, which ended the fighting in the former Yugoslavia.

See also Claudia Merli and Trudi Buck (2015) on the lack of reference data for non-Western victims of the tsunami.

In fact, before forensic DNA entered the criminal justice system, it was used for the first time in a family reunification case in the UK by Alec Jeffreys (see M’charek 2008).

To be clear, my research in Tunisia has just started, and I have only had the chance to do short site-visits and hold first conversations with various different actors involved.

Cattaneo, personal communication, September 17.

Cattaneo, personal communication, September 17.

References


Carrera, Sergio, Leonhard den Hertog, and Janet Parkin. 2012. “EU Migration Policy


Migrants and Unidentified Bodies at the EU’s Mediterranean Frontier.” *Political Geography* 55: 40–49.


