

Cultural Relativity and the Bounds of Forensic Interventions: A Case Study in Uganda

Humanitarian and Human Rights Resource Center

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ABSTRACT

Forensic humanitarian action and human rights interventions have been critiqued for their a priori assumptions about survivor goals and narrow definitions of cultural engagement. Cursory findings from applied research in Uganda are presented here to illustrate how cultural knowledge can directly inform forensic practice.

INTRODUCTION

In 2011, our research team, with training and experience in biological, cultural, and archaeological anthropology, began collaborations with NGOs, governmental officials, and civil societies in Uganda. This applied research focuses primarily on evaluating the potential for forensic intervention and capacity-building for survivors of the twenty-year war between the Lord's Resistance Army (LRA) and the Government of Uganda. Throughout the course of the project, diverse political, cultural, cosmological, and scientific positions that influence and shape the potential for forensic investigation and identification have become apparent. This particular presentation focuses on some of the cultural variables that impact forensic capacity-building and collaboration.

METHODS

While rapid assessments and other data collection tools with short turn arounds could be employed, we designed a long-term, iterative project to meet diverse needs of logistics (e.g. funding, availability of PIs), data collection (e.g. observe changing perspectives), and applied goals (e.g. multiple forms of capacity building). Data collection over the years has included individual and group interviews, observation, participant observation, and surveys.



Figure 1: Basic Timeline of Long-term Project



Figure 2: Map of Uganda, Acholiland is highlighted.

Figure 3: Memorial Marker at Bucoro

FINDINGS

Several themes highlight sociocultural factors that impact forensic interventions that include sensitization, capacity-building, and grave investigation.

Kinship and Patrilocality Society

The Acholi are one of over fifty ethnic groups represented in Uganda and are one of the most directly affected by the recent war in terms of loss of life, infrastructure, economic stability, and property. Regarding kinship, Acholi practice a clan-based system that is traditionally patrilocality and polygynous. When a woman marries, her clan affiliation changes to that of her husband to such a degree that references to her biological siblings may no longer be understood in terms of “brother” or “sister.” The woman’s children belong to the clan of their father, and the presence of co-wives creates a high frequency of half siblings or step-siblings. This is particularly relevant at multiple points of the intervention process. For example, possible identities of those buried in mass graves by survivors may be documented by investigators, but it is critical to ensure the relational terminology is specific. Explanations of DNA and genetic heritability also require careful phrasing to ensure participants understand the correlations and differences between biological relationships and kinship during sensitization. *How can forensic science be framed to avoid marginalizing diverse kinship structures?*

Diverse Ethnic Cosmologies

- **Ceremonies to Communicate with Spirits.** Most pathologists and forensic biologists who would be positioned to work with communities on exhumation and identification processes are based in southern Uganda, and few of them are Acholi. Belonging to different ethnic groups often means being unfamiliar with Acholi worldviews which include rituals and practices for interacting with the spirits of the dead (as one potentially may need to during an excavation). In fact, many scientists were openly incredulous when informed of potential spiritual considerations such as reburial rituals. *What are potential inter-ethnic conflicts or stereotypes exacerbated by forensic intervention? What kind of cultural training would foreign **and** local investigators need?*
- **Conceptualization of Reconciliation:** In Acholi cultural practice, homicide is resolved at the local level between the family of the victim and the family of the perpetrator. The literature is saturated with descriptions of core reconciliatory and traditional justice practices including the well-known ceremony of *mato oput*, or drinking the bitter root. However, the nature of warfare, internal displacement, and death at the hands of unknown soldiers challenges this practice. For instance, *who provides the customary material compensation to the family of the victim when the murderer is unknown? Does forensic intervention assist in the reconciliatory process in this context?*
- **The Physicality of Remains:** Law, literature, and practice frequently describe an expectation for repatriation of remains to facilitate numerous social practices such as grieving, reconciliation, or justice. Improper burial can cause spirits to become angered or distressed, and negatively interact with the living, suggesting a proper burial (with known identities) is essential in restoring social balance. Yet, traditional Acholi culture has practices in place in which a symbolic grave or symbolic remains can be used to conduct mortuary rituals. In this sense, physical remains may not be necessary as is often assumed. *Would forensic infrastructure dissuade survivors from using these longstanding traditions? Would forensic excavation be viewed as harmful rather than helpful?*

CONCLUSIONS

Here, cursory findings specific to cultural practices that shape forensic intervention are presented for consideration by the forensic interlocutor. Variation in cultural perspectives challenges traditional forensic humanitarian and human rights actions, and underscores the need to engage with war affected communities beyond gathering witness statements or respecting religious rites. This is especially relevant as much literature focuses on communities and nations that are familiar with, or at least requesting, forensic intervention; less literature addresses forensic outreach and sensitization.

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