

ASTRID JAMAR AND LAURA MAJOR

Managing Mass Graves in Rwanda and Burundi

Vernaculars of the Right to Truth

Abstract: The governments of Rwanda and Burundi exhume mass graves with the promise of revealing truths about the contested histories of past conflict and genocide. In Rwanda, exhumations recover and conserve the bodies of victims of the genocide against the Tutsi. Since December 2019, the Truth and Reconciliation Commission in Burundi has also begun mass exhumations; these efforts are motivated by truth-seeking and reconciliation aspirations that articulate a specific narrative of victimhood and state legitimacy. The state employs vernacularised forms of forensic practices and ‘international’ rights-based discourses in both cases. Drawing on our respective ethnographic fieldwork, we describe and analyse exhumation practices in Rwanda and Burundi. The ‘forensic turn’ in post-conflict settings has been the subject of much discussion and debate among scholars since the proliferation of the practice over recent decades. We add to these debates in our consideration of two linked settings in which the exhumations had become powerful political tools, in this case serving as a source of power for specific regimes.

Keywords: Burundi, exhumation, human rights, post-conflict governance, Rwanda

In Rwanda and Burundi, governments are exhuming mass graves with the promise that efforts will reveal and protect particular truths about the contested histories of past conflicts and genocides. In this article, we reassess the links between these efforts, the global rise of discourse and practice around forensic exhumation and the ‘right to truth’. In our respective research sites, we have observed the inferences made between the act of exhuming the bodies of people killed during conflict and the production of an assumed politically legitimate truth. Individuals and communities concerned with the graves and the dead have expressed unease about the political mobilisation of the act of exhumation. We conclude that the epistemic value granted to exhumed remains and the political nature of truth-making render ‘the right to truth’ and forensic exhumation powerful political tools to consolidate further authoritarianism in these contexts.

Our analysis provides important contributions to theory in fields of anthropology concerned with the mobilisation and vernacularisation of rights-based discourse. Through an attention to vernacular processes mobilising ‘international



legal principles' (Merry 1996), we analyse authoritarian vernacularisation of the 'right to truth' and forensic practice in the production of national political narrations of past violence. Sally Merry's extensive work around vernacularisation draws attention to: (1) processes through which international law are adapted to local cultures/contexts; (2) the important role of brokers in translating global rights agendas to local contexts and reframing local grievances using human rights principles; and (3) the empowering effects of such processes (Merry 2006). There is a wide consensus that human rights norms travel and transform in the process. The limitations and implications of simplistic framings of the global/local binary of the conceptualisation of vernaculars have been discussed (e.g. García-Del Moral 2016; Madhok 2021). In contrast to scholars and practitioners who tend to romanticise processes through which 'global' norms are adapted to 'local' contexts, our ethnographic fieldwork further draws attention to the political processes taking place through norm transformation.

Employing the concept of authoritarian vernaculars, we discuss state-driven re-appropriations of rights-based practices and discourses that put strong emphasis on self-legitimising purposes, not necessarily motivated by emancipatory aims. International human rights forensics investigations, focusing on the exhumation of mass graves, developed in parallel with the emergence of the 'right to truth' as a legal principle. These investigations were spearheaded by the work of a team of multidisciplinary forensic scientists who answered activist's calls to exhume conflict graves in Latin America. In the decades following this initial activity, the practice has become part of the panacea of transitional justice activities frequently implemented in conflict-affected contexts. Over the last few decades, as awareness of the practice has increased, calls to employ this expertise have also increased globally. The 'forensic turn', as Zuzanna Dziuban (2017) notes, has involved much more than an increase in the volume of activities; it has also heralded a shift in the use of the practice with attendant and ongoing revisiting of ethical frameworks and philosophies of practice. This includes, for instance, a shift from mass graves as 'sites of commemorative resources into epistemic resources' (Weizman 2011: 209, cited in Dziuban 2017: 13). The exhumation is a complex site for practitioners of forensic science, who must navigate the tensions between the stakeholders, demands for evidence that can be used in legal and extra-legal processes and the needs of families mourning the dead (cf. Crossland 2013; Renshaw 2011; Sant Cassia 2005; Wagner 2008).

As discussed below, if the time period between the 1980s and the early 2000s marked a turn towards the era of 'forensic truth', the period since 2000 may herald a new shift towards national governments deploying exhumation activities and human remains with the aim to present historical truths with a particular evidentiary framing. This shift is part of a diversification in the practice, practitioners and purpose of exhumations associated with the multidisciplinary forensic method of exhumation.¹ There has been little documentation and analysis of this process in Rwanda and Burundi.

The origins of the 'right to truth' lie with activism in Latin America, most especially associated with activism around 'the disappeared' of Argentina's Dirty War in the 1970s and 1980s (Naftali 2017). The concept was then integrated into the UN Principles to Combat Impunity: 'Every people has the inalienable right to know the truth about past events and about the circumstances and reasons which led, through the consistent pattern of gross violations of human rights, to the perpetration of aberrant crimes' (Principle 1, United Nations Security Council 1997). Promoters of the 'right to truth' have also associated truth-seeking efforts with a wide range of societal goals, such as justice, reconciliation, healing and accountability (e.g. Hayner 2010; Orentlicher 2007; Popkin and Roht-Arriaza 1995; De Greiff 2012). Critical scholarship underlines contradictory elements contained in these claims (e.g. Naftali 2015, 2017; Mendeloff 2004; Ross 2003). Most socio-legal transitional justice literature that supports the 'right to truth' neglects the ongoing debates about 'the contours of a "right to truth"' (Naftali 2015: 105). The UN principles do not clarify what sorts of factual elements are required. In addition to these unsettled legal boundaries, anthropological research underlines truths emerging from truth-seeking activities as inevitably partial, discordant and competing meta-narratives (Malkki 1995; Eltringham 2009; Anders and Zenker 2014; Burnet 2009), strongly influenced by social and political contexts (e.g. Wilson 2001; Breed 2014; Ingelaere 2016). We further argue that the global promotion of such an unsettled right contains useful political functions.

Genocide and war within Burundi and Rwanda in the 1970s and 1990s led to the disposal of victims of mass killings in large graves. Despite the associations between them, the similar conditions surrounding a pattern of manipulation of ethnic identities and its entanglement with national politics, in each case, patterns of violence have emerged in different ways.² These two small neighbouring nations in Central Africa have been described as false twins, as they share a colonial history under the German (1884–1916) and Belgian indirect rules (1916–1962), similar patterns of post-independence governance marked by extensive involvement of the military in politics, widespread violence and the manipulation of ethnic identities for political ends – both understood as durabilities of their colonial experiences (Mertens, Perazzone, and Mwambari 2022). There is a growing scholarly emphasis on acknowledging the broader interrelationships between the nations in this region. The migration of large numbers of people across the borders of these two nations has been frequent, as has discourse driving conflict, modes of governance, ideas around belonging and associated entanglements with shared memory (Purdeková 2018). An important aspect of their shared colonial experience lies in the mobilisation in both nations of the 'Hamitic Hypothesis', the myth of a natural Tutsi supremacy which effectively divided populations along ethnic lines during colonial rule, exploiting already existing socio-economic divisions associated

with shared imaginaries of autochthony and difference (Eltringham 2006). As a result, outbreaks of violence in Burundi and Rwanda have long been attributed to a conflict between an ethnic Hutu majority and a minority Tutsi elite. It is now widely acknowledged, however, that these identities and attendant memories of conflict are related to multifaceted political and social identities more broadly (e.g. Purdeková and Mwambari 2022). Our article does not aim to provide further factual clarifications about past events. Extensive research debates these sensitive themes in Rwanda and Burundi (e.g. Manirakiza 1988; Daley 1991; Deslaurier 1998; Ngaruko and Nkurunziza 2005; Eltringham 2006; Lemarchand 2006; Fujii 2010; Russell 2018). Building on these findings, we discuss the entanglement of post-conflict exhumation and rights-based discourse with regional political processes.

Fieldwork in the two case study regions underpins our observations and analyses as social anthropologists. In 2011 and 2012, Laura Major participated in grave exhumations associated with genocide memorial sites in Rwanda. Ethnographic research in the communities associated with the gravesites accompanied this work. The research included interviews and numerous informal conversations with, for example, community members, exhumers and governance officials. Astrid Jamar undertook nineteen months of fieldwork from 2008 to 2018 researching transitional justice professionals in Burundi. She participated in regular transitional justice meetings and interviewed about sixty people from victims' associations, NGOs, donors and national authorities. Throughout our respective fieldwork, we have encountered different research participants who were involved in exhumation in different ways: from people undertaking the actual excavations labour, taking policy decisions about the exhumation process, to representatives of national institutions, civil society groups and international organisations commenting on exhumations. They all had their various motivations to take part in exhumations; their engagements became entangled with authoritarian vernaculars without necessarily seeking to. The emotional and political sensitivity attached to experiences of mass violence, narrations of violence and grieving in the two countries are not the core emphasis of this article; still, these were important dimensions to navigate and account for throughout the different stages of research leading to this article.

The two regional case studies below detail the specific exhumation processes in each location. Established practice in Rwanda has inspired aspects of Burundi's recent exhumation programme. We note the involvement of particular people in the exhumations, their diverse aims and techniques, and links to the epistemic value of exhumed remains for political purposes. Our conclusion notes the increasing emphasis on rights-based discourse underpinning the drive behind these activities. There is a tension between a claim that the 'right to truth' will be realised by exhumation when it is associated with exhumations that are also used to consolidate relatively narrow political agendas.

Managing Mass Graves in Rwanda

In Rwanda, Tutsi rule during the colonial era reversed at independence in 1962 when the Hutu nationalist group Paramehutu gained control over the government. A long history of inequality in which a small Tutsi elite had benefited from a privileged position of power fed interpersonal tensions between people. In a climate of increasing tension throughout the 1950s and 1960s, political factions grew around ethnic categories and regional differences. Rwandans identified as Tutsi suffered reprisal. Poorer Rwandans bore the brunt of attacks. As a result, people fled Rwanda in tens of thousands (Prunier 1995). Grégoire Kayibanda, the leader of Paramehutu, was ousted by Major-General Juvénal Habyarimana in a coup in 1975. Habyarimana then established the National Revolutionary Movement for Development (MRND) as the only legally permitted political party – a move that pitched domination by northern-resident Hutu against previous leadership by southern-resident Hutu-dominated political groups (Lemarchand 1994).

By the 1980s, resentment about the MRND's favouritism of people from northern regions of Rwanda, discrimination against Tutsi, and lack of investment in rural areas led to the demand for reforms from a range of political leaders and public figures. In 1990, under considerable pressure, Habyarimana agreed to examine reform, and it looked as though change might be possible (Des Forges 1999: 51). However, proposed changes took place alongside a struggle for power at the heart of a political sphere still dominated by Hutu elite. In this context of instability, the Tutsi-led Rwandan Patriotic Front (RPF), a military formed by Tutsi exiles living in Uganda, launched an invasion in 1990 which continued to unfold throughout the early to mid-1990s. The genocide took place amid this already violent conflict. The genocide against the Tutsi was organised and enabled by powerful extremists within Habyarimana's government. This group escalated and disseminated an ideology of ethnic divisionism that urged people to fear and resent the idea of a Tutsi enemy within Rwanda. The group advocated eliminating Tutsi, organised killings and torture by government forces and a youth militia, and fanned the flames when community members attacked Tutsi in their communities (Des Forges 1999). The RPF continued their advance through the country during the worst months of the genocide of 1994, in some cases successfully halting attacks. In July 1994, the RPF claimed occupation of the central government in Kigali.

The years of transition that followed have involved a shift from the hope of establishing a democratic multi-party government to the RPF as effectively the sole political party. A drive to manage the narrative histories and socio-economic legacy of the war and the genocide has accompanied this transition and the RPF's governance. The national strategy has elevated the voices of some Tutsi victims of conflict and genocide in the 1990s, but it has also silenced others impacted by the violence. Through a combination of political strategising, legislation and self-censorship, ethnic categories have come to overlay victim and perpetrator

categories, fundamentally linking ethnic identity with identities forged via conflict and experiences of violence. Memorial crypts, memorialised massacre, and burial sites have become increasingly important material accompaniments to narrative histories of the genocide and though scholarship has focused on the significance of these sites and of memorials more broadly (for example, Diop 2006; Giblin 2017; Longman 2017; Meierhenrich 2011; Sodoro 2011), there has been relatively less commentary on the exhumations themselves.

The graves associated with these memorial sites have complicated and sometimes convoluted histories, just as the bodies involved may have complex histories. Some of the Genocidal massacres of 1994 took place in enclosed spaces and large numbers of those killed were buried together in mass graves nearby. The violence also resulted in large numbers of individual bodies lying unburied or in shallow graves across large areas; many of these bodies were also buried in communal graves.³ In other instances, people were able to recover the bodies of named individuals, conduct funerals and bury them, as is customary, in individual graves either in community graveyards or on private land near family homes. Sometimes these bodies were taken to genocide memorial sites, particularly as these became more formalised. These activities continued for months and years following 1994 and had also taken place during cycles of violence prior to 1994 (Major 2016).

After 1994 and adjacent to these collective activities, numerous memorial sites emerged. Many of these began as massacre sites in which bodies had been left *in situ*, or if they had been removed, in which other aspects of the site at which the events had occurred were left unaltered. The visibility of markers of violence became one of the most significant organising principles for these locations. These were often sites of focus for an international audience, an audience that survivors and the new government urgently wanted to communicate with in order to evidence the severity and significance of the events. This was an impetus underpinned in part by the fact that perpetrators adopted a strategy of deliberately destroying or concealing bodies and because it was felt that the reason for the lack of effective defensive intervention from other nations was because the scale of the violence was not visible enough. It was rooted in the reasonable belief that the emotive presence of human remains would lead a wider public to engage with the events. Forensic exhumation became part of this process relatively early on when the International Criminal Tribunal for Rwanda commissioned a team of forensic scientists to undertake mass grave exhumations in Rwanda, with the aim of producing documentary evidence for some of the trials that began in the mid-1990s. Some of the hearings of Gacaca courts – a popular tribunal system inspired by a traditional Rwandan form of conflict resolution, modified to manage the judicial and penitentiary burden created by the genocide – also focused on the recovery of bodies as part of its processes.

A government-managed programme launched in the 2000s to exhume graves containing Tutsi victims of the 1994 genocide emerged out of this longer history

of managing the dead. The programme took place alongside an adjacent redesign and formalising of memorials and a consolidation of sites, moving bodies from smaller community level sites to larger district or regional locations. These redesigned memorials focused on the preservation of exhumed remains. The presence of these emotive remains, in organised and relatively accessible crypts dedicated to the genocide, and the preservation of these bodies built on the earlier concerns with the bodies as evidence and became one of the main organising principles for these activities. As the programme took place, policy and law were also becoming increasingly concerned with the preservation of the bodies in response to reports that remains were at risk from those who wished to deny or downplay the scale of the genocide. Among other adjustments to law (which included enormous fines for removing or concealing the remains of genocide victims), a policy was introduced to arrange the relocation of all of the bodies of victims of the genocide, even if buried in individual graves, into the memorials.⁴

The government-managed programme of exhumations involved unearthing and separating personal possessions (including clothing) from skeletal remains, with the skeletal remains then separated into bones and soft tissue. The remains and personal possessions, belonging to hundreds or thousands of individual persons, are usually grouped by material category in collectives. These collectives are interred in memorial crypts in collective coffins or on open shelves.

I set out the exhumation process in more detail below. I describe the exhumation of a mass grave in rural southern Rwanda, a project which is broadly representative of government-managed exhumations and memorial crypt construction for many other sites in Rwanda. The majority of the bodies recovered from the graves had been buried in haste, relatively soon after their deaths, in deep soil pits located on a hill above a village. Several large graves, marked out with memorial headstones, were situated on the ground between a clinic and the church buildings in which many of those who had been killed were sheltering when attacked.

Labourers first removed the top layers of earth from the mass graves with tools usually used for farming and construction. Once uncovered, bundles of remains were lifted out and onto pieces of tarpaulin next to the graves. A pickup truck then drove each bundle to the base of the hill to an area canopied under tarpaulins. Underneath the canopies were tarpaulins laid out on the ground, their edges turned up and staked into the soil. Water was poured onto these tarpaulins and the exhumed remains placed on top. Once washed, the bones were set out to dry in the sun on sheets of tarpaulin. Soft tissue remains removed from the graves were stored in an outhouse, lime was poured onto these to prevent further decay.

Volunteers from communities surrounding the graves completed most of this work, overseen by government officials. When the work first began, volunteers mainly identified themselves as Tutsi victims of the 1994 genocide. They ranged in ages, from those who were very young children in 1994 to people who were

adults at the time and are now elderly. Most, but not all, were women. Many of these people had attended multiple exhumations, and they asked me to note their status as experts in what was considered a critical area of work. This articulation of expertise marked an important distance between these acts of care for the bodies of the dead and mortuary or funeral rites under more normal circumstances. For this group, these exhumation processes were mortuary rites. Their refiguring of the exhumed materials aimed to settle the identity of the remains into a particular collective, one which aligned with their political affinities and associated drive for community and kinship.

This core group of people involved in the exhumations were public supporters of the Rwandan Patriotic Front and its agenda. They were deeply committed to the project to gather together and protect the memory of the genocide and often discussed this while citing their own experiences of persecution, ongoing distress and uncertainty about their safety. Their work also articulated the tension and uncertainty inherent in the processes: tensions between the need to manage the consequences of a violent past (that is, the material state of the remains); the call for bodies to evidence that past; and the need to realise these remains as persons to be mourned. There were frequent discussions, negotiations and adjustments made to arrangements to inter the exhumed remains. For example, at the site I describe above, the group was very unhappy with the stone shelving for the remains constructed at the memorial crypt, declaring that they must have soft material linings as the dead could not be housed 'as if prisoners'. At another site, the lead organisers told the volunteers repeatedly to place the bones in collective coffins in the manner of best fit. The exhumers ignored these instructions and insisted on arranging the bones in collective bodies, in what they felt best mirrored an articulated skeleton. The effort stalled an important timeline for completing the project (leading up to a memorial ceremony on a set date that was to be attended by high-status politicians and community members) as the organisers had to order additional coffins to accommodate their wishes.

Ultimately, this tension was managed through this corresponding process of shifting the identity of the dead associated with the remains, disassociating individual identifiers where available and reiterating a commitment to these bodies as a general collective with an identity that matches a very specific future. During the exhumation programme bodies become Tutsi victims of the genocide, no matter the breadth of individual histories. There was a determination to restore dignity and humanity to the dead and in doing so this core group of exhumers also affirmed the exhumed persons as acceptable post-genocide subjects. This shifting identity is necessarily enmeshed with the intention to reveal a certain kind of truth written upon the remains themselves. The intention for these remains is that they become, through the process of unearthing and re-interment in the memorials, evidence of the violence enacted during the genocide. The framing is assumed beforehand and violence enacted upon the bodies is not simply about identifying bullet holes and machete marks (although it is that too), but the very

fact that the bodies are revealed as decayed and discarded is an embodiment of that event.

Those familiar with exhumations that engage the methods and protocols of forensic science may recognise aspects of the process set out above, including the use of familiar tools to exhume the graves, the washing of the remains and the use of chemicals to preserve soft tissue. Despite this, the association between these processes and use of techniques associated with exhumation for medico-legal or humanitarian purposes is not straightforward in the Rwandan context. This appears to be part of the longer process of change in practice inherent in the deployment of this science and it therefore also carries particularities that stem from now familiar tensions in this area of post-conflict mass grave management. This includes, for instance, the tension between exhuming remains for the purpose of specific 'evidentiary regimes' (see Crossland 2013) and the demand to fulfil the needs of the bereaved. The issues associated with these processes are incredibly emotive and complex in Rwanda because the terrible practical difficulties of managing human remains collide with a fraught politics around the ethics and efficacy of governance in general.

There is no consensus among Rwandans as to how these bodies should be treated and how the dead of the recent conflict and genocide should be remembered. It was evident during the fieldwork that the grouping together of all of the exhumed remains and the removal of individual identity caused some discomfort. It was very difficult for families or individuals to resist pressure from local officials to move bodies buried as individuals or identifiable as individuals into the memorials, as there is pressure to remain compliant with government requests. There is also a quiet acknowledgement that although the majority of exhumed remains result from the genocide, there were other deaths during the broader conflict, sometimes many years before 1994, with bodies nevertheless subsumed into this specific memorial project. Specificity aside, the propriety of presenting these skeletonised remains with the violence that was enacted upon them visible (both specifically, in terms of the marks made by bullets or machetes for example, or in general terms, as death objectified) is questioned, particularly given the charged events and locations at which these presentations occur (Cook 2004; Ibreck 2010; Guyer 2009; Eltringham 2014; chapters in Jesse 2017).

These state-led practices echo the kind of exhumations undertaken by multidisciplinary forensics teams that have been deployed to exhume and document human remains in situations in which human rights were violated in the perpetration of horrific crimes. In doing so, they harness the performance of forensics but distance the practice from its original principles.⁵ Beyond the ostensibly stormy issue of scientific objectivity, the practice now gathers its affect from its association with an evolving tradition of exhumation as truth-seeking even though the ethics and efficacy of that truth-seeking endeavour remain under question. In Rwanda, the exhumations at the time they took place were able to fulfil the interests of one group of people who have found that they can align activities with a

need to care for the dead, but others were uncomfortable with these processes. Exhumations of this kind always provoke differences of opinion, often struggling to satisfy the needs of all stakeholders. However, in a situation in which discussions about past violent events are carefully controlled, as is critique of national political strategies, the exhumations did not surface or offer any mediation for the differing claims and concerns that would fall under the umbrella of a rights-based truth-seeking agenda.

Managing Mass Graves in Burundi

Due to four decades of violence since 1961, several thousand mass graves are scattered across all provinces of Burundi. References to mass graves management are found in the Arusha peace agreement signed in 2000. As part of an ambitious transitional justice agenda, the agreement calls for the adoption of measures that would facilitate ‘the identification of mass graves and ensure a dignified burial for the victims’ (Article 6.8, Chapter II, Protocol I). For long, these thousands of mass graves have been largely unexamined. Since the earlier phases of my fieldwork in 2011, I observed the promotion of the ‘right to truth’ and the forensic expertise to address the management of mass graves. From its establishment in 2014, the role of the Truth and Reconciliation Commission (TRC) evolved from commenting publicly on exhumations taking place due to infrastructure and construction work, to mapping mass graves across the country, and since December 2019 scaled-up exhumations.

Throughout, the management of mass graves in Burundi has been approached with a selective understanding of blurry ‘international standards’ associated with the ‘right to truth’ and forensic expertise for factual clarification and judicial accountability purposes. While several international organisations have supported transitional justice, their technical and depoliticised approach has neglected the political weight of their interventions. With a different trajectory of violence and stronger involvement of foreign peacebuilding and humanitarian organisations, the management of mass graves in Burundi is more discursively engaging with international principles than in Rwanda. Still, the authoritarian vernacularisation of the ‘right to truth’ and exhumations efforts in Burundi have been gradually inspired by Rwandan exhumations practices. International NGOs organised formal visits of Burundian victim associations to Rwandan commemoration sites; public statements from representatives of public institutions about exhumations are directly referring to the Rwandan experience; and the practical exhuming steps, the presentation of exhumed remains and the particular articulation of the truth about past violence in Burundi are also very similar to the Rwandan process described above.

In contrast to Rwanda, the political hegemony of Tutsi did not reverse after colonisation. The violent polarisation of Burundi’s political landscape along

ethnic lines only sparked several years after independence in 1962. Still, the ‘vicarious remembrance’ of violence towards Tutsi in Rwanda infused fear among the Tutsi military elite in Burundi (Purdeková 2018: 6). From 1965 to 1993, three Tutsi military dictatorships ruled the country. The 1972 genocide was sparked by the Army retaliating a failed coup by Hutu members of the gendarmerie and an uprising of rebels mostly composed of Hutu members. The first democratically elected Hutu President, Melchior Ndadaye, from the FRODEBU (French acronym for Front for Democracy in Burundi), was assassinated three months after taking his post by extreme Tutsi elements in the military. As a result, civil war broke out. From 1994 to 2009, peace talks integrated various conflict parties into Burundian institutions. Pierre Nkurunziza, from the CNDD-FDD (French acronym for National Council for the Defense of Democracy – Forces for the Defense of Democracy), won the elections organised in 2005. As a reformed rebel group institutionalised through the peace process, the CNDD-FDD consolidated its power and gradually became a de facto one-party state (Vandeginste 2015). The controversial re-election of Nkurunziza in 2015 brought the country back into conflict. The trajectory of violence and the changing configuration of power synergies created a highly sensitive and politically charged environment in which accountability and exhumation efforts are taking place. It is such a trajectory of violence, its social remembrance and its political instrumentalisation that shape the processes of authoritarian vernacularisation of the ‘right to truth’ and forensic practices, as I discuss with the case of Kivyuka and more recent exhumations.

The Kivyuka Mass Grave: Abandoned Pilot Collaboration between the ICRC and Burundian Authorities

Out of the ambitious transitional justice agenda, only the TRC was put in place – fourteen years later (see Jamar 2022). Still policy discussions, consultations and sensitisation projects were organised by about thirty organisations involved in transitional justice matters, namely the transitional justice unit of UN peace-building missions, Burundian and Western NGOs, Burundian public institutions, Western embassies and aid agencies. In these settings that I attended regularly from 2011 to 2014, the ‘right to truth’ was frequently invoked. Impunity Watch (IW) and the Association of Survivors of the Kivyuka Massacre (ARMK) attracted attention to the mass grave in Kivyuka, in which at least three hundred people are presumably buried after being shot dead by military soldiers at the local market on 5 May 1996. The trajectory of a major national road was supposed to pass over the mass grave. From 2011 to 2013, IW and ARMK pressured Western embassies and the Burundian government to redirect the road to keep the mass grave intact, investigate the massacre, build a commemoration site and exhume as well as rebury victims’ remains with dignity (IW, 2012 & 2013). For two years, the road construction was on hold at that junction. The Kivyuka mass graves were

supposed to serve as a pilot collaboration between Burundian authorities and the International Committee of the Red Cross (ICRC) to undertake exhumations.

Commitments were made to proceed with exhumations that would respect international standards and that would be followed by reburials with dignity. The ICRC promised forensic expertise and prepared a warehouse to bring and order exhumed bodies and objects. These facilities were never used because the ICRC was effectively pushed out of exhumation management (ICRC, 2013). The government decided to operate without ICRC support. In July 2013, IW invited the thirty organisations involved in transitional justice matters to an urgent meeting to discuss the resuming of the road construction over the Kivyuka mass graves that morning. At the meeting that only the representative of ARMK, IW staff and myself attended, we watched a video depicting the exhumation.

Produced by TV Renaissance, the two-minute video depicted two men using a spade to dig into the ground, whilst another man pulled the remaining clothes worn by the corpses still in the ground. The voice of a journalist provided some context. With a quickly increasing surrounding public, the men started digging. One man used the spade to get a bone out of the ground, piling up different parts of the bodies exhumed within one of the four wooden coffins. One person from the area stated in an interview:

It is a good thing that those who have been massacred could have been exhumed in a dignified manner. We do not know exactly the number of people who have been buried here, as they were piled in a mass grave there in the market. This was during the crisis. This was done with the help of machines. They were then buried here.

The journalist then commented, 'The local population is asking for justice to be delivered and for the building of a monument to the memory of these victims.' A man wearing white fabric gloves dug out the smaller body parts with his hands. Another interviewed person stated, 'I think justice should seize this case and identify the family of victims so they could be helped in some way'. One of the men previously interviewed continued, 'We asked for a monument to be erected, but until now, we still don't know where they will be buried.' The man continued to pick up the smaller bones with his hands, while the others continued to move the ground with a spade.

Back in the room, there was a lot of disappointment. The meeting provided further information about what happened that specific morning: the governor of the province and armed police arrived in the area and hired several men found on the spot to proceed with the exhumation. Out of the three hundred missing people allegedly buried in this mass grave, only a few corpses that were located where the road was going to be built were exhumed. Corpses were taken out of the ground expediently, as depicted in the video, put randomly in shared coffins and stored in the office of local authorities. In a press conference a few days later, a member of the ARMK expressed,

Someone asks how the work was done. It was a Monday in July. They came with coffins with termites. It is a shame for a country where there is democracy that the contract between the ICRC and the government has been ignored. Exhumations and inhumations must be done with dignity. It is a way of respecting the dignity of the victims.

Until that point, the lobbying undertaken about this specific case had been considered as a successful mobilisation. However, the exposure of some of the bodies exhumed did not result in treatment that involved civil society organisations considered dignified or in keeping with the ‘right to truth’. No precautions were taken to keep the bodies together or to reassemble them. The exhumation did not include any further efforts to establish the identity of these victims, to establish circumstances of their death or to contribute to any form of judicial accountability. For years, good practices and international standards for exhumations and other related transitional justice aims (truth-seeking, accountability and commemoration) had been presented to local civil society organisations by international actors, without acknowledging the inherently associated political struggles. Frequent sensitising activities about victims’ ‘right to truth’ brought a specific vocabulary and expectations to victims’ associations and the population residing close by (see also Jamar 2016: Chapter 5). This is illustrated by the demands for truth and dignified reburial expressed by people in the video described above. Seven years later, I was informed the coffins were still located in unoccupied offices of the local authority. No reburial had been organised. If the ‘right to truth’ is not even partially fulfilled, what is then the role of brokers of the ‘right to truth’? What kind of vernacularisation processes are taking place?

Behind an apparent failure of the pilot collaboration between international organisations, victim groups and Burundian authorities, authoritarian vernaculars can be observed. The authorities made steps towards a collaboration with the ICRC and committed to these appraisable aims. Doing so, they gained the agility to articulate their exhumation efforts for truth, victims’ dignity, justice and reconciliation without necessarily making effective steps towards these aims. In the long term, this pilot case illustrates a mobilisation of the ‘right to truth’ in which factual truths about the dead did not get exposed and no judicial prosecution was undertaken. In addition, such public engagements with the Kivuyuka massacre provide indirect legitimacy to the CNDD-FDD. The unspoken narrative about the event is aligned with the social remembrance of violence by CNDD-FDD national politicians. The massacre was perpetrated by the Army in 1996, which was prominently Tutsi at the time. The Army acted in reprisal of FDD rebels – a prominently Hutu rebel group that formed some of the basis of the current regime (Burihabwa and Curtis 2019; Nindorera 2012) – who had pulled down an electric pole nearby, an area known to be supportive of FDD rebels. Even if the political elements at stakes were rarely addressed overtly, public discussions of Kivuyuka feed into the exposure of victims from the previous regimes, with limited space to address the wider and more complex trajectory of violence in Burundi.

Scaling up Mass Graves Exhumations through the TRC

The issues of mass graves became an integral part of the mandate of the TRC that was established in 2014 (République du Burundi, 2014). As stipulated in the 2018 revised law that extends the TRC mandate for another four years, the missions of the Commission are:

1. Establish the truth on gross violations of human rights and international humanitarian law committed during the period from 26 February 1885 to 4 December 2008 [. . .],
2. The investigations aim specifically to:
[. . .]
 - e) Identify and map mass graves and any other burying location unrecognised by the law, take necessary measures to protect them, proceed to potential exhumation of bodies for the sake of a burial in dignity after the manifestation of truth
 - f) arrange a place of preservation of human remains prior to their inhumation with dignity.

(Translated from French by the author – République du Burundi 2018, Art 6, 1 & 2, e, f)

The mandate of the TRC also includes: clarifying major violations of political, civil, economic and social rights; establishing responsibilities, the role of coloniser for violence in Burundi, the causes and scale of violence; qualify crimes; and publish lists of disappeared victims and those who stood up to protect people. The mobilisation of the ‘right to truth’ is present in all their publicity materials (see Jamar 2022).

The TRC states it gathered 67,000 depositions through which 4,400 mass graves were identified – numbers announced prior to the full review of depositions. In 2018, the TRC was working towards the mapping of mass grave sites. The TRC located and then created maps of thousands of mass graves using GPS technology with the technical support of the Geomatic Central Bureau of the Second Vice-Presidency. In parallel, the ICRC trained volunteers of the Burundian Red Cross to handle the found bodies of those who had recently died. This training was intended for cases related to natural disasters or abandoned dead bodies of extra-judicial killings in contemporary settings. On several occasions, the TRC called on these newly trained Red Cross volunteers to deal with mass graves emerging in major infrastructure construction works. An expatriate ICRC member of staff expressed some unease about the mobilisation of these volunteers by the TRC (Interview with author 2018). These are examples in which Burundian authorities rejected or deviated from technical support from the ICRC to proceed with other type of geolocalisation technology or technical expertise used in other contexts and then deployed a discourse of their own technical expertise to avoid open confrontation about the social and political implications a collaboration with the ICRC might have entailed. Such informal and casual reliance on

expertise simultaneously represents and facilitates the authoritarian vernacularisation taking place through mass graves management.

In 2018, instead of closing down, the TRC mandate was extended for another four years. The composition and the mandate of the commission were also modified. The re-elected president of the TRC is a political figure whose integrity is contested by some, being the previous president of the National Electoral Commission that looked away from electoral violence. The new team scaled up exhumations of mass graves in December 2019. Since then, the TRC has announced regularly mass graves exhumed in several provinces. Hundreds to thousands of exhumed bodies are announced weekly on the TRC Twitter account and through regular press releases.

On 14 February 2020, the TRC organised a press conference entitled 'Rubuvu (Karusi) site of pain, silence and suffering' to present findings from recent exhumations to national journalists, civil society organisations and diplomats. In his presentation, the President of the TRC stated 'We are proud of your engagement on our side in the search for the truth on painful facts of the past in our country, the truth that will lead to national reconciliation.' 'At the end of hearings, many witnesses confirmed they felt relieved as their memory was heavy on their heart as they never opened up before.' The TRC president praised the important efforts to exhume human remains from 18 mass graves in Rubuvu: he claimed 6,032 people were exhumed in ten days. He also announced these were victims killed from May to July 1972. With passing references to academic research and a heavy emotional context, the setting presented the number of mass graves exhumed, number of victims, and photos displayed of exhumation workers, exhumed bodies and objects.

The exhumations have been undertaken by a rural population hired on the spot under the supervision of Commissioners of the TRC and the police. Agricultural tools and mechanical excavator are used to dig out the ground. People involved in exhumation works are now wearing a uniform, affirming the professionalism and expert work undertaken. In similar ways to Rwandan exhumations, the exhumed bones and objects are then organised by types. Some of the bones have been put in bags received from the Burundian Red Cross, others are left in tents. The President commented that the first reburial will take place when the truth emerges – as stated in the TRC law. Later, the President of the Senate visiting an exhumation site stated 'All these remains of human bones must be put in plain sight! Do not bury them! At least a dozen buildings must be erected and aligned them all [the bones]' (TRC official Facebook page, 16 April 2020). In addition to being in contradiction with what is provided by the law, this is one example of the long-term aspirations to construct memorial sites, with clear references to how human remains are exposed in Rwandan memorials. The uniforms of exhumation workers and the formal gatherings aim to portray exhumations as scientific, intensive manual work. However, the actual patterns of work are only loosely associated with the protocols of Western forensic science; Burundian and

foreign commentators raised issues with the lack of systematic methodology as well as problematic claims stated on the basis of the exhumed material. From these exhumations, we can question what is entailed by the following wording in the TRC Law: ‘protection of mass graves’ and ‘potentially exhumation of bodies for the sake of a burial with dignity after the manifestation of truth’.

Official statements in relations to exhumations regularly refer to the 1972 genocide. However, information presented with exhumed bodies and objects is not emerging from the use of forensic expertise to accomplish the ‘right to truth’ or accountability. While testimonies are written down and eye witnesses are talking publicly, these practices do not lead to additional factual clarification, there are no efforts to identify the specific identity of each exhumed victim, to determine the circumstances of the death, or to gather information to judicially qualify and/or prosecute crimes. In March 2020, a member of a victim association informed me that they had not been consulted by the TRC and expressed strong concerns about the TRC treatment of the mass grave where the remains of their murdered relatives lie. Under the first mandate of the TRC (2014–2018), there were efforts to document a wide diversity of events that affected different constituencies across various periods and parts of the country; these efforts have been abandoned with an increasing focus on 1972. Despite recurrent claims to truth, the TRC and exhumation practices are reproducing older patterns of implicit truths, imposed silenced and denial (Russell 2018), with strong political implications.

Speeches in press conferences and texts commenting on these pictures of exhumed bodies are systematically referring to truth and reconciliation, with extensive references to the 1972 genocide (perpetrated by Tutsi-led army against Hutu elite, events still negated by some opposition groups; Lemarchand 2011). Presenting its annual report to the legislative chambers, the President of the TRC affirmed ‘the crime of genocide was committed against Bahutu in Burundi in 1972 and 1973’ (Harerimana 2021: np). The report itself received extremely mixed reactions from representatives of victims’ associations and political parties (Ndabashinze and Haburiyakira 2021). From 2014 to 2018, the TRC attempted to document violence from all the different provinces and periods. With this emphasis increasingly being narrowed down to 1972 and 1973, the TRC is implicitly excluding the other wide range of victims in Burundi.

Scrutiny of the political functions of mobilising the truth redraws attention to authoritarian vernaculars. Official statements about ongoing mass graves systematically refer to 1972. Several prominent figures of the CNDD-FDD party – some of whom embraced an anti-Tutsi ideology – have been mobilised in rebel groups while in exile, in reaction to the killing of their parents in 1972 and/or the murder of Ndadaye in 1993. The management of mass graves and claimed truth cannot be dissociated from the trajectory of violence and its social remembrance. Vernaculars of truth and exhumations contribute to the strengthening narratives of Hutu victimhood and the creation of vindictive and exclusionary narratives

of victimhood; they efficiently enable judicial accountability to be ignored, or Burundian cultural practices of reburials with dignity to be disregarded.

Conclusion: the Management of Mass Graves After Conflict and the Right to Truth

Our empirical scrutiny of mass graves management in Burundi and Rwanda offers important contributions to discussion concerning the link between exhumations inspired or led by forensic practice and the fulfilment of a 'right to truth.' We also add further complication to the seating of human remains at the heart of contemporary claims to self-evident truths. As we have argued, in both locations, the treatment of individual remains are heavily affected by the political context, and the underlying sensitivities around ethnicity, individual biography and unresolved issues concerning reconciliation and associated governance agendas. Questioning the relationship between truth and forensic evidence reveals various material textures emerging out of the ground and articulated by numerous constituencies seeking different types of narratives, including different forms of factual, social and political truths. Exhumed material contains diverse granular aspects of factual elements that cannot be tidied up to constitute one truth – whether left in damaged coffins or as polished ordered bones exposed in memorials. These various articulations of truth inevitably co-exist and rights-based discourses have material implications for dead bodies, in this case, unexpectedly, limiting respect for local mourning practices and important political functions. Aidan Russell documents the co-production of publicly non-contestable truths about violence in Burundi, denials and silences: 'A truth [about horrible events would be] turned to foment opacity around the crimes of the state' (2018: 66, 2019). Even if euphemism and ambiguous descriptions of violence enabled multiple interpretations of past violence, succeeding authoritarian regimes imposed one political truth and many silences (Russell 2018). In both case studies, we observe the materiality of exhumed remains strengthens the political power of discursive claims to truth.

Through scrutiny of mobilisation and appropriation of international legal principles (e.g. Merry 1996), we highlight implicit national political narrations of past violence through exhumation endeavours. Doing so, we re-articulate discussions of vernacularisation in line with the political and authoritarian mobilisation of the right-based language. In contrast to more optimistic legal anthropologist accounts, our research does not picture contexts in which human rights activists re-appropriate an international universal discourse to defend marginalised groups. Rather, we are faced with state-led initiatives that equate exhumations with truth-seeking, reconciliation and state-legitimising discourses; there is no clear distinction between human rights activists, volunteers or state representatives taking part in exhumations and mobilising a discourse of truth. With

the concept of authoritarian vernaculars, we seek to draw attention to often neglected political challenges emerging from the political instrumentalisation of global norms. Our argument does not mean that people affected by these challenges are not navigating these spaces and deploying their own vernaculars to grieve loved ones (Mwambari 2021).

Through a scrutiny of Rwanda and Burundi's different but entangled experiences of exhumation, we document a mobilisation of the performance of forensics for politicised epistemic purposes and the dismissal of the ambiguities of forensic expertise and the 'right to truth'. We argue the political nature of truth-making renders this right and its mobilisation through forensic practices an extremely powerful political tool to consolidate further authoritarianism. This may be the case even where, concurrently, used by human rights 'translators' with various aims. For such reasons, we encourage research in other contexts to also pay attention to epistemic claims articulated around exhumed remains and how assumptions that surround claims to truth can be bolstered by human rights discourses.

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ASTRID JAMAR is a Senior FWO Postdoctoral Fellow at the Institute of Development Policy, University of Antwerp. Since 2006, she has been undertaking research in the field of development, peace and conflict studies from anthropological, feminist and decolonial perspectives. Her research addresses the interplay of actors, institutions and norms, as well as pluriversal approaches to peacebuilding. She also worked as a postdoctoral fellow at SOAS, a Lecturer at The Open University and a researcher at the School of Law, University of Edinburgh. She is

currently developing an innovative research agenda on dreams, knowledge production, border-thinking and peacebuilding interventions across the Burundian and Congolese borders. Email: Astrid.Jamar@uantwerpen.be. ORCID: <https://orcid.org/0000-0002-9706-2034>.

LAURA MAJOR is a social anthropologist currently based at the University of Strathclyde in Glasgow. She is interested in the influence of material culture or materiality on forms of society and community. Her work frequently analyses phenomena through the lens of power and politics. Recently, she has focused on bringing these fields together for research which sits at the intersection between theoretical and applied scholarship. Email: laura.major@strath.ac.uk. ORCID: <https://orcid.org/0000-0002-7327-3101>.

Notes

1. See Rosenblatt (2015) for an in-depth discussion of these ongoing changes and their consequences for practice.
2. In response to violence, the two countries adopted two opposite institutional approaches towards ethnicity. While references to ethnicity are forbidden by law in Rwanda, ethnic balances are sought through the strict regulations in Burundi (Vandeginste 2014).
3. A shallow grave does not refer here to the depth of the grave but to a grave containing bodies which have been buried in haste and usually without funeral rites.
4. I discuss this shift, the governance of the living and the dead, and its relationship to these various exhumations, in more detail in a separate article in progress; Korman (2015) documents these shifts in policy and practice in more detail and argues that recent evolution marks an aspiration to eventually end the mobilisation of human remains during commemorative practice and consolidate their contribution to nation-building.
5. With grateful thanks to one of our anonymous reviewers for summing this up so well.

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La gestion des fosses communes au Rwanda et au Burundi : Vernaculaires du droit à la vérité

Les gouvernements du Rwanda et du Burundi exhument des fosses communes en promettant d'éclaircir les vérités sur les histoires contestées des conflits et des génocides passés. Au Rwanda, les exhumations ont été organisée pour récupérer et conserver les corps des victimes du génocide contre les Tutsis. Depuis décembre 2019, la Commission Vérité et Réconciliation

au Burundi a également entamé des exhumations de masse ; ces efforts sont motivés par des ambitions de recherche de la vérité et de réconciliation articulées autour d'un récit spécifique de victimisation et de légitimation de l'État. Dans les deux cas, l'État utilise des formes vernacularisées de pratiques médico-légales et des discours « internationaux » fondés sur les droits. En nous appuyant sur nos travaux ethnographiques de terrain respectifs, nous décrivons et analysons les pratiques d'exhumation au Rwanda et au Burundi. Le tournant médico-légal » dans les contextes post-conflits a fait l'objet de nombreuses discussions et débats parmi les chercheurs depuis la prolifération de ces pratiques au cours des dernières décennies. Nous contribuons à ces débats en examinant deux contextes liés dans lesquels les exhumations sont devenues de puissants outils politiques, servant dans ce cas de source de pouvoir pour des régimes spécifiques.

Mots-clés: Burundi, droits de l'homme, exhumation, gouvernance post-conflit, Rwanda