In the vestibule with Forensic Architecture
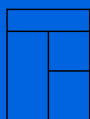
Michèle Thériault

These texts accompany
the exhibition

**In the vestibule with
Forensic Architecture**

Two investigations:

The Left-to-Die Boat   Nakba Day Killings

Curator   June 19 -
Michèle Thériault   August 11, 2017

Leonard & Bina Ellen Art Gallery

Forensic Architecture is a research agency started in 2011 and based at Goldsmiths, University of London, that undertakes advanced architectural and media research on behalf of international prosecutors, human rights organizations, as well as political and environmental justice groups. It collates and analyses traditional and new forms of data and evidence coming from sites of human rights violations with the aim of creating graphic depictions and scientific studies that can serve for evidentiary and advocacy purposes. Forensic Architecture is also an emergent field developed at Goldsmiths. It refers to the production and presentation of architectural evidence—buildings and larger environments and their media representations.

States of the cause

Forensic Architecture (FA) operates at the intersection of human rights and international humanitarian law using as its primary material the great amount of digital data generated in urban areas of conflict resulting in visually rich and meticulously developed analyses of specific cases of human rights violation. These take the form of investigations—two of which are presented in the exhibition *In the vestibule with Forensic Architecture*,—which aim to provide new kinds of evidence for the prosecution of human rights violations. Architecture is used here as a mode of intervention and is defined broadly by FA's chief investigator, Eyal Weizman "as a field of knowledge and as a mode of interpretation concerned not only with buildings but with an ever-changing set of relations between people and things, mediated by spaces and structures across multiple scales: from the human body to human-induced climate change ... and one that we gradually come to realize is becoming both a construction and a ruin."[1] FA also produces files, which discursively examine notions of public truth and has developed a lexicon of key terms related to their practice of forensics. All of these initiatives are openly accessible on their website forensic-architecture.org. There, one will also find seminars and public lectures, articles and books by and on FA as well as the exhibitions in which their work has been featured over the years.

1. Eyal Weizman, "Introduction: Forensis," in *Forensis: The Architecture of Public Truth*, ed. Forensic Architecture (Berlin and London: Sternberg Press and Forensic Architecture, 2014), 13-14.

It is not accidental that FA qualifies itself as an agency. As the term suggests FA is about the power to act and nothing has been left to chance so that action is effective as possible: careful, minute and systematic processes that seek to achieve the highest level of accuracy and accountability. Similar characteristics define the mission and work of state bodies of policing and surveilling such as the FBI in the US or Canada's CSIS. Indeed, and although FA's practice is transparent and its research eagerly shared through its website and public manifestations, it also does not reveal certain elements of its investigations because of their sensitive nature. But the similarity is only procedural. FA is sitting on the other side of the one-way glass of the state and corporate apparatus, fully operational and responding to scrutiny with an equally uncompromising gaze enabled not by a multi-million dollars' budget and thousands of agents, but by carefully mining the pervasive use of tracking technologies and the sensitivity of their data and other available material. Theirs is a political practice "committed to the possibilities of reversing the forensic gaze, to ways of turning forensics into a counter-hegemonic practice able to invert the relation between individuals and states, to challenge and resist state and corporate violence and the tyranny of their truth."[2] Agency also more commonly means to function as a representative, to act on behalf of another or to provide a particular service and FA puts its resources at the service of those who prosecute human and nature rights violations, giving a presence to not only victims and those with a precarious, contested or undetermined status but also to areas in the world where sovereign control is disputed, undefined or suspended.

FA is a university-based research project of a critical nature established at the Centre for Research Architecture at Goldsmiths College. Unlike the typical expertise of scientists and pathologists in conventional police forensics, the team at

FA is a mix of architects, theorists, artists, designers, activists and scientists who are mostly graduates or students of the Centre or international external specialists. Eschewing the debatable neutrality of the figure of the scientist, researchers at FA take position: the agenda for research is set according to their political interests and cases are built up through collective work. Investigations range from the disputed results of the murder of a reception desk worker in a café in Kassel; to the violence perpetrated against the natural and built environment in Guatemala between 1978 and 1984, to the architecture and conditions of detainment in Syria's Saydnaya prison. FA researchers use a wide array of evidence sometimes readily available, at times fragmentary, concealed, camouflaged or misinterpreted from satellite imagery, sensing technology data, photographs, CCTV footage, amateur videos, news and police reports and on the ground witness statements. This evidence is analyzed (or re-analyzed) visually and graphically, producing spatiotemporal models as well as auditory assessments supported by written commentary. What is specific to the work of FA is how they build up their cases with political advocacy in mind *and* concurrently use that body of knowledge to critique the field of forensics itself—the fraught and always negotiated relationship(s) between evidence, testimony, facts, public truth, state apparatus, the law and what constitutes the human. This critique takes shape and is sustained as it interfaces with forums (from the Roman *forensis*) the "gathering of political collectives"[3]—where not only the evidence and claims of their analyses are debated, tested and calibrated but their intellectual and political positions as well.

FA is a knowledge building practice and the questioning, critiquing and problematizing of its tactics, strategies and attending discourse, attested by their compilation of a nuanced lexicon of terms and the impressive body of written scholarship both on and by FA, have created a kind of epistemological

2．Ibid., 11.

3．Ibid., 9.

model that functions equally as a dynamic arena for intellectual inquiry in the field of human rights. FA has made aesthetics a crucial element in the formulation, dissemination and reception of their work. It is understood as the sensorial nature of matter itself ('how a building, for instance, registers and communicates structural damage, how bones can speak, how soil testifies to destruction) but more pervasively it "designates the techniques and technologies by which things are interpreted, presented and mediated in the forum" and "by which matter becomes a political agent".[4] This particular conception of aesthetics is what FA is invited to exhibit in a contemporary art context and what Weizman believes distinguishes their work concerned with human rights from artworks that focus on the representation or illustration (in however complex ways) of the plight of human rights victims.

Underlying FA's project is a constant exploration and testing of the meaning, construction and boundaries of truth and justice in relation to their public, state and legal definitions and practices in the context of a human rights culture—humanitarianism—whose terms have become absolute divides since 9/11: absolute evil on the one side and value of life, on the other. These terms find themselves in turn embedded in and impelled by the politics of the economic and financial imperatives of both liberal democracies and autocratic and non-state regimes resulting in a culture of human rights which can generate other forms of violence and relations of power, and whose beneficiaries are not necessarily the victims.[5]

4. Ibid., 15.

5. On this question see Eyal Weizman, *The Least of All Possible Evils: Humanitarian Violence from Arendt to Gaza* (London: Verso, 2011); and Robert Meister *After Evil: A Politics of Human Rights* (New York: Columbia University Press, 2011). Literature abounds on the subject of the instrumentalization of human rights and the complex and and entangled relationships between NGOs, state governments and the military. See *Nongovernmental Politics,* ed. Michel Feher with Gaëlle Krikorian and Yates McKee (New York: Zone Books, 2007).

Truth emerges as a fragile proposition out of the teasing out and careful study of material that Weizman qualifies as "weak signals, often at the threshold of visibility [and of audibility], pushing against the flood of obfuscating messages, of dominant narratives, fabricated noise and attempts at denial."[6] For FA truth is constantly negotiated with manifestations of absence that can be both the result of obstruction by the dominant structures of power or of the limits of evidence, and the lacuna within it. In *Nakba Day Killings*, although weapon and sound analysis attesting to the use of lethal fire instead of rubber bullets ascertain the deliberate killing of two Palestinian boys by border police, it is not possible to absolutely identify the killer of one of the youths. Moreover, a charge of murder for the demonstrated killing of the other youth has not been brought by the military. In *The Left-to-Die Boat* case, all of the painstaking work examining and coordinating optical satellite imagery, ship signals and witness accounts of vessels approaching the drifting and distressed migrant boat, only to abandon it, has not led to a full and indisputable identification of the responsible parties involved, and the legal case brought against several countries who have stakes in the Mediterranean rescue and surveillance operations has not as yet succeeded (in both cases, other factors are, of course, involved). In these investigations, outcomes are still possible in the realm of justice but the lacunary dimension leaves the investigations open, the work of truth "a common project under continuous construction,"[7] characterized by renewed attempts at rendering visible and articulate. In the folds of what each investigation makes appear, what escapes and resists visibility, and the intricate political web within which it resides, is a relationship to the potentiality of truth—the latency of its agency—but whose reality nevertheless remains assailable and dismissible within the forums through which it moves.

6. Weizman, "Introduction: Forensis," 29.

7. Ibid., 29.

The work of FA has been featured in an increasing number of contemporary art exhibitions. At times, it is particular collaborators identified as artists (notably, Weizman, Schuppli and Abu Hamdan) that have realized individual projects for exhibitions addressing evidence, human rights and forensic issues. But more recently, it is the investigatory work of FA realized collectively that is being featured. It is not unusual or even recent to present documentary work in exhibitions, there is a long history particularly in relation to photography whose status as an art form and the nature of its aesthetics and claims have been the subject of much debate.[8] A particularly marked manifestation of the ongoing divisiveness on the subject occurred during *documenta 11,* in 2002.[9] Conceived and organized by Okwui Enwezor and a team of curators, *documenta 11* was read by many art critics as excessively engaged with social reality through the documentary. Enwezor responded to this reductive assessment in an article that explored the meaning of the term documentary and its troubled relations to the representation of the real world, moralism, truth, and the opposition between the poetic and political, and the aesthetic and ethical. Dismissive of the notion of the documentary that is solely functionalist, on the other side of the deeper internal truth of art, Enwezor proposed a concept of the documentary that interfaces it with the concept of *vérité* or striving to be true to life in art referring to realism, naturalism, authenticity, and verisimilitude. In *documenta* biopolitics was articulated in the vérité/documentary space where the conditionalities of truth as a process of unraveling and exploring, a search for truth (*vérité*) are confronted to a forensic inclination in the recording of dry facts (the documentary mode). In such an encounter the viewer can relate to something that is not only a fact in the real world but also true in the social condition of that world in its larger complexity.[10]

The strategies and practices of FA do indeed record facts and frame them with the greatest precision through the analysis they are subjected to, but they are everything but 'dry' because of their embeddedness in the political terrain in which they are located and the difficulty to bring them to the surface. The fragile nature of their status and their conditionality communicate the complicated relationship between fact and truth. This complication brings the viewer/reader of FA's investigations into the larger arena of the social and political relations of power, a highly unstable field. Moreover, affect plays an important role in their particular construction of the documentary, for as Weizman underlines, the desire to transform the way things are is at the heart of their project and this drive for change is not only achieved by exploiting material sensitivity but by a sensitivity to the materiality of politics and the ability to feel pain.[11]

That FA's work finds a platform in those places that program contemporary art exhibitions is fitting. At least in those like the Ellen Art Gallery that consider inquiry to be at the heart of their approach. As such, these places are particularly responsive to addressing new forms and modes of visuality and their relationship to textuality, redefined approaches to materiality and the processes that attend a practice such as FA's. Furthermore, a critical approach to the exhibitionary reflects on how practice intersects with display, discourse and spatiality in relation to how it has been constituted by the conditions of the contemporary world. FA represents a novel and incisive practice that is itself a forum for art institutions to

8. See Olivier Lugon, "Documentary: Authority and Ambiguity," in *The Green Room: Reconsidering the Documentary and Contemporary Art #1,* ed. Maria Lind and Hito Steyerl (Annandale-on-Hudson and Berlin: Centre for Curatorial Studies, Bard College and Sternberg Press, 2008), 28-37; *Le style documentaire. D'August Sander à Walker Evans. 1920-1945* (Paris, Macula, 2001/2011).

9. Okwui Enwezor, "Documentary/Vérité : Bio-Politic, Human Rights and the Figure of 'Truth' in Contemporary Art," in *The Green Room: Reconsidering the Documentary and Contemporary Art #1,* ed. Maria Lind and Hito Steyerl (Annandale-on-Hudson and Berlin: Centre for Curatorial Studies, Bard College and Sternberg Press, 2008), 63-102.

10. Ibid., 97.

11. Weizman, "Introduction: Forensis," 30.

question the limits of aesthetics, the documentary and intent, and the role politics in art can play in society.

All of FA's investigations could have been featured in this exhibition. We chose *The Left-to-Die Boat*, because of the overwhelming question of migrancy that permeates the world today, and how it is profoundly inflecting definitions of citizenship, statehood and sovereignty, indeed the human. *The Left-to-Die Boat* also radically recasts the sea and vast expanses of water as significant political zones that can deny the loss of life any traceability, thereby raising the question of an ethics of value. As for *Nakba Day Killings,* an expedient killing of two youths, it underlines how limited evidence can be readdressed and reframed through the nuanced technology of sound analysis, to signify an entirely different discourse of truth that clouds the transparency of the original event.

Given that the full extent of FAs investigations is available on their website, an exhibitionary presentation gives them an accentuated display, as is the case here. The summarizing video is singled out on a flat screen whereas the full analysis is made available on computer stations. In this way, the viewer gains a distance giving him or her the possibility to subject this practice to the same examinatory gaze that is theirs within the parameters of a distinct spatiality.

Investigations

The Left-to-Die Boat, 2012

Research team:
Charles Heller and Lorenzo Pezzani
in collaboration with SITU Research

The Forensic Oceanography project was launched in summer 2011 to support a coalition of NGOs demanding accountability for the deaths of migrants in the central Mediterranean Sea while that region was being tightly monitored by the NATO-led coalition intervening in Libya. The efforts were focused on what is now known as the "left-to-die boat" case, in which sixty-three migrants lost their lives while drifting for fourteen days within the NATO maritime surveillance area.

By going "against the grain" in our use of surveillance technologies, we were able to reconstruct with precision how events unfolded and demonstrate how different actors operating in the Central Mediterranean Sea used the complex and overlapping jurisdictions at sea to evade their responsibility for rescuing people in distress. The report we produced formed the basis for a number of ongoing legal petitions filed against NATO member states.

The ultimate destination of the report on the "left-to-die boat" has been a series of legal cases regarding non assistance to people in distress at sea led by a coalition of NGOs. Cases have been filed in France, Italy, Belgium, and Spain, while Freedom of Information requests have been submitted in Canada, the US, and the UK. These initiatives, as well as an investigation by the Council of Europe and by several journalists, have forced states and militaries concerned to release further data on the events. The reconstruction of facts in the Forensic Oceanography report has never been contested in

these responses; however, the information provided so far remains vague and incomplete and has not allowed us to determine legal responsibility for the deaths of sixty-three people on board the "left-to-die boat."

Charles Heller (principal investigator) is a Research Fellow at the Centre for Research Architecture, Goldsmiths focusing on the politics of migration across the Mediterranean and strategies for documenting and contesting the deaths of migrants at sea.

Lorenzo Pezzani (principal investigator) is an architect and researcher. He is Lecturer at Goldsmiths, University of London, where he leads the Forensic Architecture MA studio.

SITU Research—a part of SITU Studio—practices visualization and spatial analysis in design. A core value of SITU Research is the applied nature of its work—the studio seeks to address challenges grounded in urgent contemporary spatial issues—be they social, scientific or artistic.

Nakba Day Killings, 2014

Research Team:
Eyal Weizman, Nick Axel,
Steffen Kraemer,
Lawrence Abu Hamdan,
Jacob Burns in collaboration
with Defense for Children
International Palestine (DCIP)

Every year on May 15th, acts of memorialization and resistance take place throughout Palestine to commemorate the Nakba catastrophe of 1948, when Palestinian people were violently displaced from the land that subsequently became Israel. On Nakba Day 2014, a protest culminated in clashes with Israeli security forces outside of the Ofer Prison in the town of Beitunia, next to Ramallah. Two teenagers, Nadeem Nawara, 17, and Mohammad Mahmoud Odeh Abu Daher, 16 were shot dead in front of security cameras and TV film crews. The videos showed that the two Palestinian teens were shot while walking unarmed and posing no threat. One video, shot by CNN, captured two different members of the Israeli security forces on site discharging their weapons in the protestor's direction, and then panning to show Nawara's body being carried towards an ambulance. Despite this footage, the Israeli security forces denied committing this massacre.

Defence for Children International (DCI) Palestine, acting on behalf of the teenagers' parents, commissioned Forensic Architecture to investigate all available material in relation to both killings and produce a body of evidence that can be used to hold the perpetrators accountable. The report focused on establishing the definitive account of who shot and killed the two teenagers and whether it was intentional or not. We

identified the border policeman who killed Nawara and proved beyond reasonable doubt that his action was intentional.

Nawara was killed by live fire shot through a rubber-coated steel bullet attachment. The analysis demonstrates that the border policeman was aware of the fact he was shooting live rounds and tried to conceal his actions. By conducting cutting-edge audio forensics, we established that the same act of occlusion was used to kill Abu Daher too. While there is not enough material to determine the identity of the border policeman who shot and killed Abu Daher, we believe he was killed by the same border policeman or one of his colleagues operating in a similar manner.

On November 23, 2014, the Israeli military indicted the border policeman they took into custody earlier that month for the manslaughter of Nadeem Nawara. Charges brought against Israel's security personnel are extremely rare. The fact that there was a charge at all in this case is due to the existence of the videos. Yet despite the fact that there were cameras filming at the time of his death, no responsibility has been admitted in the killing of Abu Daher on that day. Based on our findings we support Siam Nawara's (Nadeem's father) claim for the border policeman to be charged with murder, and that Israeli public campaigns to exonerate the killer must be resisted. We also call for charges to be brought for the killing of Abu Daher.

Eyal Weizman (principal investigator) is an architect, Professor of Spatial and Visual Cultures at Goldsmiths, University of London and Director of the Centre for Research Architecture.

Nick Axel (research and coordination) is an architect, writer and recent graduate from the Centre for Research Architecture. Currently, he is resident and environmental consultant at DAAR (Decolonizing Architecture Art Residency).

Steffen Kraemer (video compositing and montage) is a filmmaker and research assistant in media studies. He is a recent graduate from the Centre for Research Architecture.

Lawrence Abu Hamdan (audio forensics) is an audiovisual artist and PhD candidate at the Centre for Research Architecture, Goldsmiths.

Jacob Burns (research) is a researcher at Forensic Architecture.

Defense for Children International Palestine (DCIP) is committed to securing a just and viable future for Palestinian children in the Occupied Palestinian Territory.

Key concepts

Forensis

The Latin adjective forensis originally meant "pertaining to the forum." The forum was a busy place: among other things, a market, a meeting place, the place where the court convened. Cicero used the adjective forensis in a number of his speeches, and while this was often in the broader sense, as the general art of the forum, he seems at times to have used it in the more narrow, legal sense. In the Middle Ages the Flemish translator Willem van Moerbeke used "forensis" to translate the Greek adjective dikanikos which appears in Aristotle's Rhetoric, and which literally means judicial. This was an unambiguously legal use of forensis, though restricted to the way lawyers plead. The English language only absorbed the Latin term in the form "forensic" in the seventeenth century. The original meaning—pertaining to the forum or court—persists into the early nineteenth century, when Carlyle speaks of "forensic eloquence." Only in the mid-nineteenth century, during a time of great scientific development, did the term forensic become used to denote a legal-scientific investigation. The first instance of this modern meaning of forensic can be found in H. J. Stephen's *New Commentaries on the Laws of England*, published in four volumes in 1844. Early in the introduction he states: "To gentlemen of the faculty of physic the study of the law is attended with some importance, not only to complete their character for general and extensive knowledge, a character which their profession has always remarkably deserved, but also to enable them to give more satisfactory evidence in a variety of cases in which they are liable to be examined as witnesses."

Forensic Aesthetics

Forensic science has signified a shift in the communicative capacity and agency of things. This material approach is evident through the ubiquitous role technologies now play in determining contemporary ways of seeing and knowing. Today's legal and political decisions are often based upon the capacity to read and present DNA samples, 3-D scans, nanotechnology, and the enhanced vision of electromagnetic microscopes and satellite surveillance, which extends from the topography of the seabed to the remnants of destroyed or bombed-out buildings. This is not just science, but rhetoric carrying considerable geopolitical, socioeconomic, environmental, scientific, and cultural implications. Forensic aesthetics is thus the mode of appearance of things in forums—the gestures, techniques, and technologies of demonstration, methods of theatricality, narrative, and dramatization; image enhancements and technologies of projection; the creation and demolition of reputation, credibility, and competence.

Counter-forensics

[1] A technical term in criminology referring to efforts designed to frustrate or prevent in advance the forensic-scientific investigation of physical or digital objects, including documents and photographs as well as bodies, soil, weapons or their residues, buildings, etc. An often-sophisticated operationalization of the dictum "leave no traces," counter-forensic practices seek actively to block the deposition or collection of traces and/or to erase or destroy them before they can be acquired as evidence. [2] A term coined by the photographer and writer Allan Sekula to describe the deployment of forensic techniques, derived from police methods, by human rights investigators and their colleagues (including forensic anthropologists, photographers, and psychotherapists) in order to challenge oppressive regimes or respond to their aftermath. Sekula writes, referring principally to the work of Clyde Snow and Susan Meiselas in Kurdistan after the first Gulf War: "Counter forensics, the exhumation and identification of the anonymised ('disappeared') bodies of the oppressor state's victims, becomes the key to a process of political resistance and mourning."

Field Causality

Field causality relates to the field/forum division of Forensic Architecture. The field is not a distinct, stand-alone object, nor the neutral background on or against which human action takes place, but a dense fabric of lateral relations, associations, and chains of activity that mediates between the scales and material tendencies of large environments, individuals, and collective action. It overflows any map that seeks to frame it because there are always more connections and relations to be made in excess of its frame. Field causalities challenge contemporary epistemologies because they demand a shift in explanatory models and structures of causation. From such a perspective, the analysis of armed conflict can no longer conform to the model of criminal law that seeks to trace a direct line of causation between the two limit figures of victim and perpetrator. Establishing field causalities requires the examination of force fields and causal ecologies that are nonlinear, diffused, operate simultaneously, and involve multiple agencies and feedback loops. Whereas linear causality focuses on temporal sequenced events, field causality involves the arrangement of causes in a set of spatial relations with one another.

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