



Physical Anthropology Section – 2003

H66 Location, Identification, and Repatriation of Remains of Victims of Conflict: Implications for Forensic Anthropology

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The objective of this presentation is to inform the forensic community of the current standing of positive identification of victims of conflict and the role of forensic anthropology in humanitarian efforts of victim identification.

The Declaration on the Protection of all Persons from Enforced Disappearances calls for protection from acts committed by, or with the acquiescence of, national governments depriving individuals of the basic human rights of life, liberty, and security of person. The Working Group on Enforced or Involuntary Disappearances, established in 1980 by the Commission on Human Rights, provides assistance to family members seeking information on the fate and whereabouts of missing relatives when disappearances are the result of domestic affairs. In international armed conflict, the International Committee of the Red Cross (ICRC) serves to aid in the location of missing family members. The work of the two preceding groups ends when living relatives are located or the missing family member is presumed dead. The International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR) provide for judicial action against those guilty of international crimes such as disappearances and extra-judicial executions in an effort to promote the restoration of peace and security. The International Criminal Court (ICC) will serve similar purposes in years to come, both for international and internal armed conflicts. Therefore, it is clear that persons are protected from disappearances by international law, and guilty parties are not free from prosecution. However, positive identification of victims of conflict remains a secondary emphasis.

This paper explores the current lack of emphasis on positive identification of victims of conflict. Recognized international human rights such as the right to family, the right to information and the right to be free from torture, as established by the Universal Declaration of Human Rights and the international covenants (ICCPR and ICESCR), are reviewed as bases for the establishment of stricter mandates securing rights and privileges for surviving relatives in the positive identification of family members. The disparity in emphasis and allocation of funding between missions aimed at the prosecution of perpetrators of extra-judicial executions and those established for the identification of victims is highlighted, as well as the role of forensic science in the exhumation and analysis of remains. Current efforts towards identification of missing persons in Kosovo are discussed as mandated by the FRY Agreement and administrated by the Office of Missing Persons, established by the United Nations Mission in Kosovo (UNMIK). Finally, current difficulties in establishing anthropological standards and identifying individuals from non-Western populations are addressed, as well as the future role of forensic anthropology in humanitarian efforts of positive identification.

Forensic Anthropology, Human Rights, International Law