



Physical Anthropology Section – 2004

H106 Rapid Responses to International Incidents: To Go or Not to Go (or When to Go and How to Go)?

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Attendees of this roundtable discussion will gain an understanding of the factors involved in both assessing the advisability and evaluating the implementation of a forensic response to an international incident where the abuse of human rights is suspected.

This presentation will impact the forensic community by demonstrating differing views on the advisability of launching rapid forensic investigatory responses to international incidents of suspected human rights abuses. Panelists will debate past responses and explore their aftermath in terms of both legal and humanitarian ramifications.

Over the past 20 years, forensic personnel of various disciplines have become involved increasingly in rapid response deployments to international incidents where crimes involving breaches of international humanitarian law or human rights are suspected of having occurred. The nature of the responses and of the responsibilities of the international forensic community varies tremendously in organizational structure, quantity of personnel involved, and duration of the response. This roundtable discussion brings together professionals from several disciplines (forensic scientists, psychosocial professionals, and human rights specialists) in order to explore the lessons they have learned during participation in these incidents, with particular emphasis on the planning and implementation of large international forensic investigations of human rights abuses and the responsibilities of the international forensic community. Each panelist in the roundtable has considerable experience at the organizational level in either rapid response, or the aftermath of rapid response, deployments in reaction to human rights catastrophes. The target audiences for this discussion are students and junior personnel who have been, or who may become, members of such teams; experienced practitioners are also encouraged to attend and participate.

Responses to human rights catastrophes are organized and run by non-governmental organizations, national governments, and international forums (e.g., the United Nations special commissions and truth commissions, ad hoc tribunals, etc). The hierarchical organization of these bodies has meant that forensic scientists participating in large international investigations or humanitarian responses are oftentimes detached from the responsibility for the consequences of their work. From a forensic practitioner's perspective this has meant that international responses to such humanitarian catastrophes are characterized by the rapidity of their implementation and consequent *ad hoc* planning. Numerous questions – to which there are no single answers – arise from responses of this kind:

1. Given that the passing of time leads to the deterioration of material evidence and witness recollection, when should any investigation by the international community be launched? What issues and concerns must be addressed prior to this response?
2. Are the methods used in criminal investigations internal to a nation-state applicable to international investigations of large-scale human rights abuses? Is the issue really one of methods, or is it rather perceptions of standards? What conflicts of interest exist?
3. Does the apparent urgency of a forensic response by the international community warrant the absence of communication and liaison with other involved non-forensic organizations?

In the context of this discussion, a response is defined as the initial deployment of civilian experts into a region where human rights violations are suspected of having taken place and the actual investigation of crimes using the techniques available to forensic scientists. Although this definition excludes secondary responses, which may take place and continue over subsequent months or years, rapid response teams or organizations are frequently responsible for setting the parameters and conditions under which subsequent teams and organizations must



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conduct their work. Thus, the legacy of rapid response deployments lingers far beyond the initial time spent at the scene/morgue and, to a certain extent colors (if not dictates) the mandate of every organization electing to participate subsequently in human rights work in the same region.

The goals and mandates of the primary stages of forensic investigations into large-scale human rights abuses appear deceptively simple. Usually they are set too narrowly (e.g., documentation of criminal activities through witness testimony, grave construction, and cause and manner of death) so that primacy is given to the logistics of the immediate forensic investigatory and documentary processes (e.g., archaeological, crime scene, investigatory, anthropological, pathological). The long-term ramifications of these types of activities often seem to be ignored so that exhumations and autopsies are provided for, but the positive identification of the exhumed and autopsied individuals and the issuance of death certificates are not. Witnesses to criminal events are interviewed, but family members of the missing are not asked to provide antemortem information and DNA samples that may aid in the identification process.

Examples where rapid responses to gross human rights abuses have affected subsequent activities by forensic scientists and human rights organizations include:

- The initial work of International Criminal Tribunal for the former Yugoslavia (ICTY) teams in Bosnia and Croatia in 1996 and the subsequent work of Physicians for Human Rights (PHR) and the International Commission on Missing Persons (ICMP) in the former Yugoslavia from 1997 to the present.
- The deployment of *ad hoc* forensic teams in Kosova under the direction of the ICTY in 1999 and the subsequent work of the Organization for Security and Cooperation in Europe (OSCE) and ICMP in 2000.
- The initial work of the International Forensic Center of Excellence (INFORCE) in Iraq in May-June 2003 and any organization which may subsequently conduct work in Iraq.

Although the desire to investigate immediately is valid, many reasons to hold off are equally valid. Security concerns - both for members of response teams and potential witnesses to events - must be addressed. The logistical capability of putting a team into the field must be evaluated. The not inconsiderable expenses of such a project must be funded. Unsurprisingly, these concerns are often addressed preemptively, but the issues pertaining to the efficacy and legacy of the initial response seldom garner the attention they merit. It will be argued that the role of the forensic scientist in large international human rights abuse investigations must be expanded to provide for a holistic response, one that includes not only technically and legally sound methods of investigation, but provides for the humanitarian consideration of the needs of surviving families and communities. Only in this way will rapid responses become appropriate responses.

Human Rights Violations, Assessment, Holistic Responses