



D10 An International Survey of Forensic Sciences in the Investigation of Human Rights Violation Cases of Torture

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This poster will present a survey of international human rights violations cases of torture and the involvement of the forensic sciences. The presentation will emphasize the fact that torture exists today in over 120 countries including democratic countries and to promote a more proactive role of all the forensic sciences in cases of torture on an international scale.

Introduction: Defining torture is imperative in understanding the significance of forensic sciences involvement. Torture was defined by the United Nations in 1984 and this was the definition implemented for this study. Beyond understanding the definition of torture, it is pivotal to forensic investigations and the applicable forensic sciences to recognize the history of torture, the methods, and instruments of torture, the possible physical injuries sustained, in addition to the goals of torture, the target groups, and the potential perpetrators.

Method: Professionals who have direct involvement with victims of torture were surveyed to identify the nature and scope of the forensic science involvement in the investigation of past torture incidents. The participants were given a normative questionnaire requesting them to report on one individual incident. They were asked basic background questions about the victims and themselves including education attainment in the forensic sciences, the physical injuries the victims sustained, and several questions about the involvement of the forensic sciences. They were provided a list of the disciplines of forensic sciences including forensic investigation, forensic medicine/pathology, nursing, anthropology, radiology, odontology, psychology, toxicology, entomology, criminalistics, DNA analysis, firearm/tool mark analysis, trace evidence analysis, and document analysis. They were asked to indicate the involvement of these disciplines either to identify the victim, to obtain medical evidence, to determine time or cause of death, to gather evidence for a possible prosecution or for any other pertinent reason. They were also asked about physical evidence, documentation of that evidence as well as feedback on the judicial process of the case and professional opinion on the International Criminal Court and the importance of forensic science involvement in torture cases.

Results: There were 31 participants and 32 torture cases reported. The participants came from 15 different countries and from a variety of professions: 42% were from the psychology/ counselling field, 26% were from the medical field, 16% were human rights workers, 6% were lawyers and social workers, human rights investigators, and human rights educators were each 3%. They reported on torture victims from Afghanistan, Bolivia, Burundi, Cameroon, Chechnya, Chile, Ecuador, El Salvador, Georgia, Guinea, Guatemala, India, Iraq, Kenya, Nigeria, Pakistan, Rwanda, Sudan, Somalia, Uganda, Zimbabwe, and the United States between the years of 1973-2004.

In 66% of the torture cases, it was indicated that none of the disciplines of the forensic sciences were involved. In 11 of the 32, the following forensic sciences were indicated to be involved: forensic medicine/pathology, forensic nursing, forensic psychology, forensic radiology, forensic photography, DNA analysis, document analysis, and firearm/tool mark analysis. Forensic medicine/pathology was the most common forensic science being involved in nine of the eleven cases. It was also found that the forensic science involvement increased as the political power of the victim's target group increased.

Only 11 participants had formal education in one or more of the forensic sciences; therefore, a lack of knowledge in the forensic sciences has been concluded from these findings. It was also found that educational attainment of the forensic sciences was actually higher in participants that were not from one of the main English speaking countries.

Of the 32 cases, ten indicated no judicial process, six indicated charges were laid, of which two went to a criminal trial, one was in front of the Human Rights Commission and expected to go to trial, five were pending a possible immigration trial, and nine cases were involved in immigration hearings in the United Kingdom, Canada or the United States. This study found that there was a slightly greater involvement of the nature and scope of forensic sciences in future criminal trials compared to immigration hearings for asylum mostly in the area of physical evidence.

Conclusions & Recommendations: Forensic science expertise is inadequately applied in the international investigations of human rights violations cases of torture. Therefore, this will require an increase in forensically trained professionals in all countries working with victims of torture to detect, collect, and preserve forensic evidence. Greater recognition and appreciation of the problem and the ability of forensic science to address this problem is needed. An expansion of programs like The Physicians for Human Rights International Forensics Program and an international involvement in the International Criminal Court would be steps in the right direction.

Torture, Human Rights, International Criminal Court