



## Physical Anthropology Section – 2006

### H66 Evidence vs. Identification: The Role of Humanitarian Organizations in the Balkans 1992-2002

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After attending this presentation, attendees will appreciate the need for a co-ordinated approach to victim identification and the determination of cause and manner of death in situations of mass violations of human rights, to prevent duplication of effort between organisations and re-traumatisation of victims' families.

This presentation will impact the forensic community and/or humanity by contributing to the ongoing discussions regarding the development of best practice methodology for dealing with 'missing person' and identification issues following a mass disaster (natural or man-made) or mass violation of human rights.

Following the ethnic cleansing and genocide in the Balkans in the 1990s, over 30,000 individuals were thought to be missing. There were many humanitarian organisations active in the region investigating these disappearances, each with a different mandate. There was ample scope for duplication of efforts if a coordinated approach was not taken to the issue of missing persons and the identification of recovered remains.

The humanitarian organisations performed a variety of roles, mainly exhumation, determination of cause and manner of death, victim identification, and psycho-social support. No one organisation had a complete portfolio of services at that time, and depending on their mandate, different emphasis was placed on the importance of identifying remains. It is inferred that initially, identification was of secondary concern to evidence collection (Nowak, 1998). The artificial separation of responsibilities between organisations, specifically victim identification, and the determination of cause and manner of death created inefficiencies in the identification process. Postmortems had to be repeated, families re-interviewed and in some instances remains re-exhumed. This not only lengthened the process, but also re-traumatised families, as they had to go back over details for a second or even third time (Keough, *et al.*, 2004).

A cross-sectional survey (41% response rate) was carried out on individuals who worked for international humanitarian organisations in the region (ICTY, ICRC, PHR, ICMP, TPO, OSCE) to examine the interaction amongst organisations. The results showed that in a majority of cases the various entities cooperated and collaborated well together, however, it was clear that some organisations had territorial issues, an issue also discussed by Skinner & Sterenberg (2005) in their paper of turf wars, and this influenced working relationships both in the field and the laboratory, and in turn impacted the frequency and usefulness of information exchanged. The survey suggested that in the absence of formalised lines of communication and information flow, the information exchanged among organisations was on an ad-hoc basis with variable impact on the task of identification. The emergency intervention programme run in Kosovo by PHR with ICTY is an example of how organisations can collaborate to meet the needs of both the forensic experts and the families. PHR acted as family liaison between the ICTY's forensic teams and families (Keough *et al.*, 2004). The programme was successful because each entity had a defined role and they work closely together with each other and local organisations to achieve their aims.

Providing a complete portfolio of forensic and community services, managed by either one organisation or by a working group depending on the size of the project is the best approach to dealing with missing person and identification issues. If the situation does not allow for this then internationally agreed standards and protocols should be adopted to ensure there is no disconnect between organisations and to avoid duplication of effort.

The ICRC conference "The Missing" in 2003 began the task of bringing together experts to formally discuss missing person issues (ICRC, 2003). They ran a panel session on the collection, exhumation, and identification of human remains whose aim was to show the necessity of a standard framework of action. The participants came from both national and international organisations, many of whom had carried out work in the former Yugoslavia, Latin America, and Rwanda. One outcome of the session was a set of recommendations for a framework, incorporating the needs of all parties concerned – evidence, identification (anthropological and DNA) and psycho-social support. The framework would cover such things as terms of reference, resources, equipment, logistics, and legal considerations. Importance was also placed on the need for standard guidelines and protocols relating to exhumation, postmortem, and identification. Unfortunately, there is no information in the public domain concerning any further work resulting from these recommendations.

The recent tsunami in Southeast Asia and the mass graves in Iraq have raised the issue of managing large scale recovery and identification initiatives effectively and with due care given to the victims' relatives. Isn't it about time the forensic community became more proactive than reactive?

#### Identification, Organisational Dynamics, the Balkans