



Questioned Documents Section – 2006

J4 The Forensic Document Examinations in the Case Concerning Maritime Delimitation and Territorial Questions Between Qatar and Bahrain at the International Court of Justice

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After attending this presentation, attendees will become aware of a major international dispute that involved numerous non-genuine documents. Familiarity with the way basic techniques were used to examine unfamiliar documents and the resultant findings in this matter can aid examiners who may encounter documents from the same non-genuine source or a source using similar methods of fabrication.

This presentation will impact the forensic community by highlighting that the non-genuine documents presented to the International Court of Justice in this matter are known to be only part of a larger group of similar non-genuine documents, and that the actual number of these fabricated documents is not known, as well as by noting that future disputes may see more of these documents or others from the same or a similar source.

On 16 March 2001 in The Hague President Guillaume of the International Court of Justice, the principal judicial organ of the United Nations, delivered the Court's Judgment in the Case Concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain, the longest running case in the Court's history. The case centred on a territorial dispute between the State of Bahrain and the State of Qatar, involving Qatar's claim filed in July 1991 to "sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two States," an area that in total represented a sizable portion of the territory of Bahrain. While the judgment (which preserved Bahrain's sovereignty over the Hawar Islands) is considered by some to be among the most important ever handed down in the area of boundary rights by that tribunal, it did not take into consideration a collection of almost seven dozen documents from the Qatari Diwan Amiri Archives that were submitted in support of Qatar's position.

These documents, which would have virtually 'made the case' for Qatar, were examined by a team of experts for Bahrain including scholars specializing in Gulf and Ottoman history and in the development of international boundaries in the area, as well as American and Egyptian forensic document examiners. The experts for Bahrain concluded that the entire collection was not genuine.

It is not surprising that a similar team of experts for Qatar reviewed and criticized the reports of the various experts for Bahrain; however, what may be surprising is that the forensic document examiners for Qatar concluded that virtually all the questioned documents "contain faults or flaws which cannot be refuted or rebutted." Largely as a result of the examinations of the forensic document examiners (on both sides), Qatar "decided [to] disregard all the 82 challenged documents for the purposes of the present case...." Subsequently Qatar expressed "its regret at the situation that has arisen and the inconvenience that this has caused to the Court and Bahrain." The presentation will focus on the basic methodologies used in the technical examinations of the questioned documents. These included examinations of the paper, paper fracture (tear) matches, rubber stamp impressions, seal impressions in wax, and inked impressions on paper. Both questioned to known and questioned to questioned comparisons were involved in the examinations.

Issues of methodology and serendipity (or the recently popular psychological idea of rapid cognition) will also be addressed.

Age of Documents, Historical Documents, Team of Experts