



Physical Anthropology Section – 2007

H73 Differential Diagnosis of Torture in Skeletal Remains

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After attending this presentation, attendees will understand how to recognize patterns of skeletal injuries consistent with torture as observed in cases of human rights abuses. Further, participants will learn key aspects of blunt force injuries to the skeleton and how to differentiate such injuries from other mechanisms of trauma or postmortem damage.

This presentation will impact the forensic community and/or humanity by illustrating how forensic anthropology is an important tool in the enforcement of human rights. This study presents cases of documented torture and the roles legal-medicine and anthropology play in documenting these types of cases and presenting patterns of abuse in international criminal trials.

According to the United Nations General Assembly resolution 39/46 (entered into force 1987), Article 27(1) of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*: “the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity...”

During the years 1980-2000, more than 65,000 Peruvians lost their lives due to the armed conflicts between national security forces and the two guerrilla organizations, Sendero Luminoso and the Movimiento Revolucionario Tupac Amaru (MRTA). In 1998, Peruvian Law No. 26926 criminalized torture and since then, three cases of torture have resulted in convictions. Currently, there are 118 reported cases of torture and 56 deaths in military barracks in Peru. Current estimates point to over 11,000 people missing as consequence of the armed conflict in Peru. The Peruvian Forensic Anthropology Team (EPAF) is currently working to determine the whereabouts of the Missing, investigate these deaths, exhume graves, identify and return the remains to their families and collect forensic evidence to be used in criminal trials.

Since the first conviction of torture by the International Criminal Tribunal for the former Yugoslavia (November 30 2005) using forensic evidence (Limaj et al IT-03-66), four cases of documented torture with evidence of skeletal injuries have been investigated by EPAF in Peru. A group of four other cases of suspected torture were also investigated. In these cases, cruel treatment was suspected; however, there was no witness testimony available to corroborate the findings. To complete a differential diagnosis and assess whether the injuries in these latter cases were consistent with patterns of abuse and torture, it was compared to the four documented cases involving torture and to another unrelated case, which resulted in similar injuries but from a different mechanism (blunt force trauma to the chest due to a traffic accident). All eight cases shared specific and diffuse traumatic injuries in the thoracic cage characterized by linear fractures on ribs and/or the sternum located on the anterior, lateral and posterior aspects.

In the four known cases of torture, survivors provided witness testimony of the incidents. These witnesses stated that inhumane and cruel treatment was inflicted prior to the deaths of the victims, including the victims being stomped, kicked, and hit prior to being killed. The two types of injuries observed included antero-posterior compression of the chest characterized by fractures adjacent to the costochondral cartilage, and isolated and paired fractures in other various regions of the chest, likely resulting from direct impact.

Differential diagnosis of the injuries sustained in cases of torture compared to a traffic accident, show that in the latter, injuries were consistent with an acceleration/deceleration mechanism. Therefore the pattern of injuries resulting from abuse was markedly different than a traffic accident. Further, the pattern of injuries observed in the torture cases was consistent with the witnesses' testimony in which it is described how injuries were inflicted.

Medico-legal investigations into human rights abuses must be focused on the types of trauma that may be inflicted to people prior to death. A detailed analysis of the wounds includes the locations, morphology, and frequency of wounds. These variables enable a differential diagnosis and estimation of the mechanism of injury and are discussed in this paper. It is concluded that in cases of human rights violations, thoracic trauma such as fractures to the ribs, sternum and spine, are good indicators of torture in cases that may or may not have circumstantial or testimonial evidence. This analysis demonstrates how a differential diagnosis can accurately estimate injuries caused by torture from those caused by other mechanisms, even in cases with a different manner of death.

Torture, Human Rights, Blunt Force Trauma