



### **E20 The Legal Aspects of Using Remote Sensing Technology as a Method to Locate Mass Graves and Prosecute International Crimes**

*Samuel F. Algozin, JD\*, 5633 Waverly, Montreal, ON, H2T 2Y2, CANADA*

After attending this presentation, attendees will possess knowledge of the domestic and international laws governing the use of remote sensing data as a method to locate mass graves and prosecute international crimes. Attendees will gain an understanding of how to introduce such evidence in court and how courts have utilized such evidence.

This presentation will impact the forensic science community by providing a thorough overview of the law governing remote sensing activities, and remotely sensed imagery of mass graves may be utilized to prosecute international crimes.

This presentation examines the legal aspects, both domestic and international, of using remotely sensed imagery of mass graves to investigate and prosecute war crimes. Forensic scientists point to remotely sensed imagery as an emerging method to locate and investigate mass graves. Combined with on-site investigations, aerial and satellite imagery may be utilized to investigate potential war crimes and other large scale human rights violations. In the ex-Yugoslavia, investigators used satellite imagery to investigate mass graves and as evidence in war crimes trials. In Iraq, investigators used satellite imagery and aerial photography to locate mass graves. Remotely sensed imagery has been used to track population displacement in Darfur, thus providing possible evidence of genocide and crimes against humanity. On the domestic level as well, officials use airborne remote sensors in criminal investigations.

First, this presentation explains the international and domestic legal regimes governing the collection and dissemination of remote sensing data. International instruments such as the Outer Space Treaty and the Convention on International Civil Aviation set out rules and general principles which States and private entities must adhere to while engaging in remote sensing activities. Individual nations also have domestic laws which govern the collection and dissemination of remotely sensed imagery. This presentation provides an analysis of these legal regimes, and examines the extent to which the law may impinge upon the use of remote sensing technology as a method of investigating mass graves.

Second, this presentation examines how remotely sensed imagery may be used to investigate and enforce international criminal law. Remote sensing is already utilized in public international law as a method to verify and enforce States' Treaty Compliance. The technology has also already been used as an enforcement tool of international criminal law. The International Criminal Tribunal for the ex-Yugoslavia has used satellite imagery to investigate mass graves and prosecute war criminals, relying on the satellite imaging technologies of western intelligence services. At the International Criminal Court, prosecutors have introduced satellite imagery to the court in pre-trial proceedings to attempt to establish evidence of war crimes. This presentation examines how remote sensing technology may be used by international criminal prosecutors, international criminal tribunals and NGO's to investigate mass graves and prosecute large scale war crimes and human rights abuses.

Lastly, this presentation sets out how remotely sensed imagery of mass graves may be utilized in domestic and international court proceedings. This presentation provides a summary of the standards for admitting such imagery as evidence before domestic courts and international tribunals. On the domestic side, this presentation will focus upon the admissibility standards of United States and Canadian courts. This presentation also sets out the standards for admitting such evidence before international criminal tribunals. The presentation will provide a review of international criminal case law and explain how courts have used evidence of mass graves and remotely sensed imagery to hold war criminals accountable.

#### **Law, Mass Graves, Remote Sensing**