



Physical Anthropology Section – 2010

H118 Personal Identification from Skeletal Remains in Human Rights Investigations: Challenges from the Field

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After attending this presentation, attendees will understand the complexities of personal identification from human skeletal remains in cases of political violence (human rights cases) where traditional antemortem records are rarely available.

This presentation will impact the forensic community by examining some of the problems with presumptive identification techniques and posing questions about reliance on DNA identification methods.

The personal identification of an individual(s) from skeletal remains poses a number of difficulties for forensic specialists. The absence of soft tissue, including skin (with possible tattoos, scars, or birthmarks) and fingerprints, limits the possibility of making a presumptive (e.g., based on visual assessment) or a positive (based on fingerprints) identification, and consequently, augments the role of the forensic anthropologist.

The forensic anthropologist may assist by providing a biological profile (that is, the ancestry, sex, age, and stature of an individual) as well as identifying any skeletal anomalies, defects and/or pathologies. Such information is lead-generating and may narrow down the search. However, even with the formation of a biological profile, an attempt at identification rests on antemortem records being obtainable for comparison with the postmortem data. Adequate antemortem records may not always be available. This is particularly true in cases of political violence (human rights cases), where the affected population rarely visit a dentist or doctor.

While fingerprints, DNA, and dental/medical information are the only evidence accepted in most countries by the legal authority to make a positive identification, other "unofficial" antemortem information may exist. For example, the mother of a victim may remember very well that her son had a missing upper lateral incisor even though no dental records exist. Is this information acceptable for identification? How is such information to be evaluated in the context of a lack of official dental records? Is a fracture in a bone or a pathological change to a limb that produces an unusual gait enough to identify an individual despite the lack of medical reports or x-rays?

And how useful are personal belongings in the identification process? Presumptive identification based on associated clothing and/or personal property has been criticized as being unsystematic and providing high failure rates (Simmons and Skinner 2005; Simmons 2007).^{1,2} However, in many contexts the relatives of the missing and/or their friends may recognize clothing and/or property and there will not be funding and/or DNA facilities available to undertake positive identification.

While discussions about acceptable levels of identification are common in contexts where legal and medical standards have not been established and geopolitics dictates international will and funding to investigate the missing, "acceptable" means of identifying deceased individuals need to be rethought and redefined. Does the forensic community have to adapt their practice to fit available resources? The obvious question following this is does such adaptation result in the lowering of standards? Such questions need to be addressed as the families of victims will continue to claim the remains of their loved ones. **References:**

¹ Simmons T, Skinner MF. The accuracy of antemortem data and presumptive identification: Appropriate procedures, application and ethics. Proceedings of the American Academy of Forensic Sciences; 2005 Feb 20-25; Seattle, USA. 2006. 12; H51:303. Simmons, T. 2007. Presumptive (mis)identification rates for the Balkans. Paper presented at the 9th Indo-Pacific Congress on Legal Medicine and Forensic Sciences of The Indo-Pacific Association of Law, Medicine and Science 22nd-27th July Colombo, Sri Lanka.

Positive Identification, Standards, Skeletal Remains