

## **Jurisprudence Section - 2013**

## F5 Missing People and Nameless Cadavers: Implications for Human Rights and Forensic Odontology

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After attending this presentation, attendees will have an understanding of the issues arising from common psychological conditions of family members of missing people.

This presentation will impact the forensic science community by suggesting the importance of maximizing the efficacy of postmortem collection and recording by following Interpol directions and putting greater emphasis on the role of the forensic odontologist.

The non-profit association, "Penelope," created in 2002 with the sole purpose of pursuing social solidarity, people, and dignity, focuses particular attention on the issue of missing people. With expert help, it supports families by organizing conferences and publishing information, aiming to raise public awareness, so that missing people are not forgotten.

Among the goals of the organization is that of the promotion of suitable instrumentation for the collection and elaboration of data regarding missing people in both Italy and abroad, acting as a connection between other organizations and both national and local governmental authorities.

In 2011, the "Penelope" Association created a *pro bono* legal assistance service, made up of lawyers and forensic experts, supporting families looking for their missing family members. In order to offer psychological assistance to families living the painful experience of the disappearance of a loved one, cooperation with the association "Psicologi per i Popoli" (*Psychologists for the People*) was also set up.

The Italian data is disconcerting: approximately 25,000 people have disappeared since 1974, with an annual increase of 800 - 1,000 people. Out of these, 1,651 are Italian children and as many as 8,153 are foreign children. To date, 832 bodies have been found and still await identification.

In 2006, the regional branch of "Penelope" was founded in Apulia. Since 1974, a total of 1,702 people have been reported missing and a total of 53 cadavers currently await identification.

In order to describe common psychological conditions, some cases of missing people in Apulia have been included: for family members of missing people, time becomes suspended and indefinite, and there is a gradual confusion regarding the perception of time as well as disruption of the sleep-wake rhythm. Everyday activities, routines, and work engagements are all suspended, as the return of the missing person becomes top priority. The absence of a person due to uncertain causes leads to an endless wait, which destabilizes the cognitive system and affects the ability to remember, to reason, to calculate times and distances, and to understand time and space. This creates an uncertain social representation of the self and can even lead to one losing the perception of reality.

In order to maximize the efficacy of the autopsy as well as the identification process of human remains, it is necessary to perform a postmortem examination following Interpol recommendations. The incomplete collection of such data could represent a violation of human rights, because once the fate of a missing person has been determined to be death, all available means must be undertaken to ensure recovery of the body and any personal effects.

Greater emphasis needs to be placed on the role of the forensic odontologist and on their collaboration during the autopsy of unidentified cadavers, regardless of the circumstances. Of the 832 bodies, it appears that only 61 bodies received an odontological assessment with a proper odontogram charting. The failure to routinely employ odontologists in missing persons investigations may result in a reduction of additional findings which, together with other circumstantial evidence, could lead to a delay in positive identification and actually prolong the condition of suspended grief, a situation which needs a body, even if such a body is lifeless, in order to bring a ritualistic "end" to the relationship.

Missing Persons, Human Rights, Forensic Odontology