



A77 The Use of Paid Informants in Post-Conflict Human Rights Contexts

Hugh H. Tuller, MA*, Defense POW/MIA Accounting Agency, Joint Base Pearl Harbor-Hickam, HI 96853-5530; Popi Chrysostomou, MSc, Committee on Missing Persons in Cyprus, Nicosia 1590, CYPRUS

Learning Overview: After attending this presentation, attendees will have a fuller understanding and appreciation of how the use of paid informants in post-conflict human rights contexts can prove, on some occasions, essential in locating clandestine burials.

Impact on the Forensic Science Community: Exploring the nexus of: (1) post-conflict forensic investigations; (2) ambiguous loss theory; and (3) critical discussions in the fields of criminal justice and political science, this presentation will impact the forensic science community by introducing the concept of compensating informants to reveal the location of clandestine burials. Enactment of such a proposal would not be without controversy as informants knowledgeable of such burials could have been involved in the crime to some degree, or may even potentially be the perpetrators themselves.

The International Committee of the Red Cross defines Humanitarian Forensic Action as the application of science to the search and identification of missing persons after disaster or conflict. The premise of such work is to mitigate suffering of surviving kin by accounting for the missing, and in the context of post-conflict investigations, is linked to the family's right to *know the fate of the missing* under the Geneva Conventions. Over the past four decades, forensic science has become increasingly engaged in post-conflict investigations, gaining experience in large-scale identification efforts and developing innovative techniques and methods unique to these scenarios. However, one of the hard lessons learned has been that regardless of the efforts and developments put forth by forensic science, search and identification efforts falter when information on clandestine burial locations is exhausted. While scientific methods may find some graves, the prime source of location data continues to be from first and secondary witnesses. Once witness information has been depleted, the search and identification process radically slows, often leaving the investigative organization scrambling to develop additional means of finding graves and struggling to explain the drop in their identification rates to family groups, financial donors, and other supporters.

This presentation proposes compensating informants to reveal the location of clandestine burials in post-conflict investigation contexts. Hold-out informants, those that have not come forward previously with information, are likely individuals that know about the circumstance of disappearance second-hand yet choose not to reveal their information, have been directly involved in the disappearance of the victim to some degree, or may even potentially be the killer. Critics would point out that compensation rewards perpetrators and enablers for their actions, and perhaps it is; however, one can argue that it is wrong *not* to consider incentivizing witnesses in light of the continuing trauma these absences deal to surviving family members and society as a whole.

The loss that family members feel, not knowing if loved ones are alive or not, is a psychological malady known as ambiguous loss, and can prevent survivors from grieving, prolonging their agony. Mass disappearances may also impact the social and economic life of a population for generations, leading to misinformed narratives of the past conflict, mistrust in current governance, and even suspicion about the forensic investigation/ identification process. Thus, ambiguous loss can undermine the very efforts to mitigate the trauma of the conflict that originally motivated the humanitarian forensic investigation.

One can argue that when the point of diminishing returns is reached in an identification process, government/organization leaders should then consider implementing a compensatory policy to entice informant hold-outs to come forth with their information. Further, one can argue that there is precedence of paying informants for their knowledge in the fields of criminal justice and political science. Specifically, police departments regularly pay known criminals to gain information on illegal activity. In international kidnapping/hostage situations, payments to perpetrators for the release of their captives is a common practice, and even unofficial policy for some governments. To enact this compensatory system, a framework must carefully be crafted that includes how best to introduce the policy to the public, protection of informant identities, and a process to validate informant information prior to compensation in order to avoid abuse of the system.

The introduction of a compensatory policy is expected to be controversial; paying potential perpetrators to tell where they buried the body will be viewed as rewarding their actions. Yet, there is solid precedence of rewarding perpetrators for their cooperation in order to allay further harm. To do nothing is to condemn surviving family members to a liminal state of unending trauma, a moral impasse in its own right. Further discussion on this topic will be encouraged.

Paid Informants, Ambiguous Loss Theory, Post-Conflict Investigations