
A108 The Ethics of Combatants as Investigators in the Search for People Missing Due to Armed Conflict

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Learning Overview: This presentation will explore the usefulness of incorporating former combatants in the search for those who had disappeared during armed conflict. Attendees will learn about the unique types of information that those who have lived with armed conflict first-hand—possibly direct witnesses of disappearances—bring to investigations. Additionally, attendees will learn how this approach compares to searches that normally involve certain technical forensic expertise, but which are not contextualized and not informed by all of the geographic and sociopolitical aspects that have an impact on where the disappeared will be found.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by demonstrating in very practical as well as ethical terms the implications of not only the participation but also the active protagonism of ex-combatants in this type of search. In this presentation, it will be argued that their active participation assists with the location of disappeared persons, but also serves as a form of recognition and reconciliation, with a potentially profound reparative impact in the frame of restorative justice.

Often forensic anthropologists begin their work when human remains are discovered by chance. In other situations, this begins with a search for a clandestine grave or the remains of a disappeared person, presumed dead. Although there are many high-tech archaeological tools to aid in searches, the most common approach is to rely on oral testimony. Obviously, direct witnesses are the most useful.

Although there are those who would argue that the inclusion of people, possibly responsible for disappearance, for the search for the missing implies an ethical compromise, this perspective reduces the identification of those involved in conflict to an overly simplistic duality of perpetrators and victims. As well, it fails to recognize the importance of identities (e.g., combatants and non-combatants) in acts of disappearances and the subsequent searches.

In November 2017, a pilot training project was held on the investigation of missing persons in Colombia. The supposed beneficiaries of the training were members of the Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo (FARC-EP) or Revolutionary Armed Forces of Colombia—People’s Army, the guerrilla group that signed a Peace Agreement with the Colombian government after more than 50 years of armed conflict. At the end of a week of lectures and practical exercises, one of the leaders of the FARC stood up to provide feedback: “You,” he said, referring to the trainers, medicolegal experts, and delegates of an international humanitarian organization, “have a lot of experience in filling out forms, conducting formal interviews, etc. But what *you* must recognize is that *we* have, for decades, been looking for our own missing.” With this comment, the trainees made clear their capacity to be the trainers.

The recent experience in Colombia of the search for missing persons is an unprecedented experiment. Ex-combatants—responsible for and victims of disappearance—now have also become investigators of the disappeared. The experiment has produced very interesting results: to date more than 320 documented cases have been handed over to the authorities, and they have provided information leading to the recovery from clandestine graves of the remains of many other people around the country. The key to this process has been an extrajudicial and humanitarian mechanism, a product of negotiations that lead to a peace agreement. The newly resolved cases are those that the state had been unable to resolve, in some cases for decades following the disappearances.

This presentation is a product of the work conducted by the investigations that has included forensic anthropologists and ex-combatants: several rounds of capacity building, the exchange of information, witness interviews, grave prospections (both successful and failed), and subsequent analysis of the results to identify shortcomings and gains in the process.

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