

The Forensic Mission

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Introduction

The following is an account of some of the tasks which a forensic scientist may be sent out to perform, including the legal basis of such missions. By way of introduction it should be noted that the organisation, objectives, and guidelines of forensic missions do not differ from other AI missions with a medical component.

What can be expected of a forensic scientist?

People have different conceptions of the work of a forensic scientist. These conceptions come from TV programmes, novels, private experiences (deaths in the family, etc.) and only in the rarest cases from actual knowledge of our various fields of activity. However, everybody seems to know that the forensic scientist is a "documentarian". He deals with facts and attempts to document causalities.

Objectivity, and independence of religious, ethnic, political and other affiliations constitute another set of common forensic features. These fully comply with the guidelines for working within AI.

There are different branches of forensic medicine, and each can provide a specific task in relation to missions: forensic pathology, forensic psychiatry, genetics, toxicology, odontology, forensic anthropology, etc.

Forensic activities

Typically, the forensic pathologist is used to investigate deaths, for instance in prison, when allegations of abuse in the form of torture and/or extrajudicial executions have been raised against the authorities (1). Most forensic pathologists will also be trained to investigate the sequelae of physical violence in the living and can therefore be useful in cases concerning living torture victims.

The forensic psychiatrist will be able to assess and evaluate the sequelae of psychological torture (see below).

The forensic geneticist may substantiate or render probable the kinship between abducted children and their parents or grandparents, as for example has been done in Argentina.

The forensic toxicologist will be able to detect results of pharmacological torture (e.g. forced administration of psychotropic drugs), the forensic odontologist can detect sequelae of violence to the teeth, and together with the forensic anthropologist he can be used for purposes of identification (victims in mass graves, etc.).

The legal basis for forensic missions

It has not yet been definitively established to whom a dead body belongs. However, there is some precedent that the family has right to the body, and this is probably common belief. Before going abroad to investigate the death of a person, it is essential to find out which declarations and conventions are recognized by the country in question. The laws of the country should also be studied. Most countries have signed one or more declarations, for instance those dealing with human rights under the auspices of the United Nations, and it can be useful to refer to this. The legislation of most countries provides that the authorities shall conduct thorough investigations into any suspicious deaths, including deaths of people in custody, and these laws may also be useful in this connection.

As a foreigner it may be difficult to obtain permission to investigate deaths. In most cases this will require a request or permission from the relatives or the authorities, and as a rule AI will seek the formal consent of the authorities before sending a delegate to a particular country. The authorities often have something to hide, but they would hesitate to refuse a request from AI since this may injure their reputation.

However, the authorities who have something to hide may try to obstruct the work of the forensic expert. They may give permission for a partial autopsy, e.g. to involve only certain parts of the body, and no samples to be taken, etc. In this connection it is of great importance that a group of lawyers and forensic pathologists from Minnesota have elaborated a "Model Autopsy Report" (2). This report describes in great detail the prerequisites for an adequate forensic autopsy, and it could deal with reluctant authorities who attempt to limit the extent of an examination. The report is still under debate, but it is to be hoped that it will receive international recognition, for example through the UN.

In many cases the task of the visiting forensic scientist will not be to perform the actual work, but to attend and make observations, for instance at autopsies performed by local doctors. This is what AI would usually prefer, but it is important to realize that many countries will have only few or no forensic scientists, and it can be embarrassing, if not dangerous, for a local doctor to work in connection with a case in which the authorities are suspected of abuse.

Examples of forensic missions

The following is a description of examples of forensic missions, not all of which have taken place under the auspices of AI.

At the beginning of the 1980s AI became aware of forensic scientists as a professional group. The first real mission was the visit by an American forensic pathologist to El Salvador in 1983. Until 1983 approx. 40,000 extrajudicial executions had occurred in connection with

the civil war. Many of the killings were committed by paramilitary "death squads", who wanted to scare the population, and the corpses would often be dumped in public places. It was extremely easy for the American forensic pathologist to see that the forensic facilities and procedures which are necessary in a civilized society did not exist at all. No interest was shown in the recording of causes of death, autopsies were rare, as were efforts to find the killers. Only when pressure was brought from abroad, for instance when Americans were killed, did the authorities make weak attempts to resolve the killings. The AI report (3) gave an excellent illustration of the very basic shortcomings which in this case formed part of the basis for gross human rights violations.

A mission with a Danish forensic delegate was sent to Togo in West Africa in 1985. A high-ranking officer had died while under house arrest, and murder was suspected. The officer was considered a potential rival of the almost autocratic President. The forensic scientist was to be present at the autopsy, and, since it was possibly a case of poisoning, he had brought equipment to take samples for later toxicological testing in Denmark. Immediately on arrival in Togo, the AI delegation was summoned to a meeting with the President, who announced that the deceased's family had objected to an autopsy. Presumably convinced that he would receive a positive reply, the President asked the forensic scientist if the wishes of the family were not paramount in deciding for or against an autopsy in Denmark also. He was subsequently informed that, if a crime was suspected, a court order permitting an autopsy would be applied for. It was later discovered that Togolese law makes similar provisions (4). The AI delegation was then introduced to the deceased's relatives and was encouraged to try to convince them of the desirability of an autopsy. This was probably a manoeuvre designed to place AI in an unfavourable light: "AI puts pressure on the bereaved", etc., and no attempts to do so were made. Another argument in favour of refraining from persuasion was that accord-

ing to the terms of reference of the mission the delegates were sent as observers and were not expected to play an active role in any activities.

These decisions were endorsed by the regular and mandatory calls to AI in London.

A group of forensic scientists went to the Philippines in December 1986. Since the transfer of power, the new government has wanted to train local forensic scientists. The group mainly gave lectures on traumatology. One of the members was a forensic anthropologist, and his teaching included the exhumation of unidentified victims of extrajudicial executions, buried in anonymous graves along highways, etc. Furthermore, two members of the group attended a local doctor's autopsy of a man who had been shot dead by the military. It was a very crude examination, which confirmed the need for a strengthening of forensic medicine in the Philippines.

In a wider sense, participation in national and international meetings also forms part of forensic missions. It is important to inform the international medical community about the human rights issue. This issue is increasingly discussed at forensic meetings, and my impression is that forensic scientists throughout the world have become increasingly aware of it in recent years.

References

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Examining Torture Survivors

Danish Medical Group, Amnesty International

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