Chapter 16

Forensic Investigations Into the Missing

Recommendations and Operational Best Practices

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Summary

Over the last 20 yr, a new and growing field for the application of forensic sciences has emerged in support of investigations of violations of human rights and international humanitarian law.

These investigations are often carried out under international jurisdiction and present challenges and opportunities for forensic practitioners worldwide.

The purpose of this chapter is to summarize international principles of best practice guiding forensic investigations into the missing, in particular the guidlines adopted by the International Committee of the Red Cross in 2003.

Key Words: Missing; identification; guidelines investigation; mass graves.

1. INTRODUCTION

The role of forensic sciences in helping clarify the fate of the missing, including the identification of the living and of the dead, has evolved remarkably over the past 20 yr. In addition, since the early 1990s, a series of
forensic standards have been developed by the concerned scientific community and adopted by the United Nations to assist and guide investigations into deaths in custody, mass graves, and torture (1–3). In 2003, the International Committee of the Red Cross (ICRC) organized an international conference that adopted recommendations based on existing best practices worldwide, including on forensics, to help resolve the tragedy of the missing (4).

This chapter summarizes some of the relevant recommendations for forensic practitioners investigating the missing believed to be dead.

1.1. The Tragedy of the Missing

According to the ICRC, the missing are “people unaccounted for as a result of armed conflict or internal violence.” (5)

Worldwide, hundreds of thousands of families live in anguish as a consequence of a missing relative, struggling for their right to know about the whereabouts and fate of their loved ones.

Regardless of their cultural, religious, and social background, the relatives of the missing usually coincide in expressing that the death of a family member—however painful—can be accepted; but not knowing the fate of a loved one is far worse than almost any other possible experience.

The following testimonies help illustrate the above:

“When visiting my son’s grave and crying near his tombstone, I feel my grief become lighter. But I can’t find any comfort for the pain that constantly burns my heart, the pain of my missing son.”

—Testimony to the ICRC from a mother of two soldiers, one of whom was killed and the other went missing in 2001 during the armed conflict between Armenia and Azerbaijan over the territory of Nagorno Karabakh.

“During all these years I knew he could not be alive, but one can never completely give up the dream that he might come home one day. I don’t know if there is any worse torture than that. Burying my son, with his name on a gravestone above his tomb, has curiously, paradoxically, rescued him for us. He came out of the fog of persons unknown.”

—Testimony of Juan Gelman, Argentine poet, after the funeral of his son Marcelo Gelman, who went missing after his detention by the military in 1976 and whose remains, bearing skeletal injuries consistent with torture and execution-style trauma, were recovered and identified in 1989 (6).