

# A multidisciplinary approach to the investigation of crimes against humanity, war crimes and genocide: the Inforce Foundation

M Cox

Centre for Forensic Science, Technology and Law, Bournemouth University, Poole, Dorset BH12 5BB, United Kingdom

## Socio-political context

A detailed examination of the socio-political context of the development and expansion of forensic anthropology and archaeology is outside the aim of this paper. For a more detailed consideration of this subject see Cox [1]. That paper considers why so many UK-based anthropologists and archaeologists seek to extend the traditional parameters of their subject beyond the archaeological context into that of investigating serious domestic and international crime. In short, our divergence reflects that we share concerns and preconceptions common to all [2]. As the world order changes around us, and violations of human rights become common knowledge we respond (e.g. the foundation of 'Archaeologists for Human Rights' [www.afhr.org/](http://www.afhr.org/)).

There are many NGOs working in the area of the forensic investigation of mass-murder, genocide and crimes against humanity and each one has developed and evolved differently reflecting its particular genesis and context. The rationale underpinning the existence of the Guatemalan Team [3] is similar to that of the Argentine Team ([www.eaaf.org.ar](http://www.eaaf.org.ar)) but very different from, for example, Physicians for Human Rights ([www.phrusa.org](http://www.phrusa.org)), Centre for International Forensic Assistance (CIFA) (<http://cifa.ac>) or Inforce ([www.inforce.org.uk](http://www.inforce.org.uk)) who are all different from each other. Equally, the role of the scientists involved in the International Criminal Tribunal for the former Yugoslavia (not an NGO – [www.un.org/icty/](http://www.un.org/icty/)) is radically different again and reflects their mandate and the environment within which each operates. It is not the role of this paper to explore such differences, but that such differences exist must be made clear at the outset of this discussion which focuses upon the Inforce Foundation.

The context within which Inforce has been established is that of the continued and unabated slaughter of civilians in an environment where the concept of impunity is beginning to be challenged. From the earliest biblical accounts to present genocides such as in the Democratic Republic of the Congo (DRC), crimes against humanity continue to haunt our past, blight our present and threaten our future. The twentieth century roll of genocides reveals no sign of the trend abating. It began with such atrocities as the slaughter of one million Armenians. World War II witnessed six million deaths during the Holocaust [4] and, despite post-war initiatives such as the adoption by the UN General Assembly (1948), the Genocide Convention (1949) and the Universal Declaration of Human Rights (1948),

genocides continued. The international community stood by as over half a million southern Sudanese, and hundreds of thousands in Central/South America were slaughtered [3]. Idi Amin's regime murdered 300,000 Ugandans for which he, like so many other genocidaires, was never held to account. One and a half million Cambodians were massacred by Pol Pot's Khmer Rouge and two million Dinka and Nuer were killed in the Sudan [6]. The nineties witnessed the slaughter of 1.2 million civilians in Rwanda in 100 days [7]. Staggeringly, these are but few of 203 million civilians estimated to have been murdered by governments in the twentieth century [8].

That statistic is so overwhelming as to lose impact. It is the personal stories that remind us of the reality they hide and at least one voice is relevant here. This is the account of Nasir Khadi Hazim al-Husseini. He spoke to Human Rights Watch (HRW) about events in Iraq in 1991 [9]. He was twelve when he, his mother, and other young relatives were arbitrarily arrested.

"They blindfolded us and bound our hands... they took us to the al-Mahawil military base. They put me, my mother, my cousin and my uncle in a tiny room...[The family spent the night in the room receiving no food or water...they were then detained for a further two days] There were so many people...children, women and men...They brought some blankets which they ripped and tied our hands and blindfolded us with those. They...put us inside some TATA buses...We turned off [the asphalt road] into a remote dusty dirt road...[The buses stopped and the executions began. People were thrown in a pre-dug pit, machine-gunned and then buried with a bulldozer] My mother told me 'Repeat the Shahada because we are about to die'. I heard the shouting of the children. We grabbed each other's hands... They threw us into the grave. When I fell down there were many bodies underneath me....They started to shoot us..... One of them...said 'This one isn't dead, shoot him' ...but I still was not shot...I was at the edge of the grave. When the shovel came I tried to crawl out...and got to a place where the bamboo was on my face and I was able to breathe..." [After the men left Nasir crawled out from the grave]. Text in brackets is HRW's [9].

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In May and June 2003, Inforce assisted the local community at the al-Mahawil/al-Hilla grave sites where Nasir's family died. We saw evidence of shooting, blindfolds and the remains of children. HRW estimate that 2,300 bodies have already been recovered from that site.

In this new Millennium innocent civilians continue to die, in Liberia, Cote D'Ivoire and DRC and in politically inspired 'disappearances' elsewhere [10]. The international community tends to label the governments of these countries 'failed states' and the conflicts 'tribal' or 'civil war'. Too often this is the language of a world that washes its hands of responsibility and leaves the defenceless to their fate. However, globalisation and the extended reach of terror networks are forcing major states with isolationist tendencies to recognise their global responsibilities. If nothing else, self-interest is creating a climate where solutions are actively being sought. Where there was previously a culture of impunity there is now a growing consensus that applying a rigorous legal process acts in the interest of justice and serves as a deterrent against future atrocities.

International criminal and humanitarian law structures are developing and providing a context in which gross human rights abuses can be heard. The political, legal and ethical climate has and continues to change. If accountability through the courts has a new role in the emerging world order, then a robust legal process is needed to dispense justice. The International Criminal Court was established in 2002 and will require forensic evidence relating to the circumstances surrounding state-sponsored illegal killings. Such evidence must be robust, collected and interpreted using sound scientific and legal principles. While the existing UN guidelines were valuable [11], the courts will demand an increasingly rigorous approach to the investigation of mass graves.

### **The Inforce Foundation**

Inforce resulted from the reaction of concerned practitioners to the well-intended but ill-considered deployment of numerous international teams, each with different levels and types of expertise into a post-conflict region. It was also born from a recognition that too many investigations world-wide focused upon body recovery and neglected to recover evidence of the wider forensic landscape. It was our concern that such approaches would prove unsatisfactory in terms of recovering all available and relevant evidence and of providing evidence of a consistent standard that could be used in court.

Efforts to establish a credible and viable organisation to address some of these concerns were undertaken from within an academic department. Our strategy has been 'bottom-up'. We have created an organisation underpinned by patronage and support from the good and the great and with the advice of scientific and legal advisory boards. Our advisors include a diverse range of lawyers, investigators and scientists whose collective experience encompasses examination of war crimes, genocide and crimes against humanity in all continents. Inforce's activities fall into three principal areas reflecting our collective

view of what is required to begin to challenge the culture of continuing atrocities and impunity described above.

- Forensic investigation – The recovery and analysis of evidence of crimes against humanity, war crimes and genocide for the purposes of justice and to satisfy the humanitarian need of survivors to recover and identify their dead. Promoting the widespread adoption and use of protocols and standards of excellence in forensic work.
- Education – To provide multidisciplinary forensic education (including CPD) and to promote and facilitate research. Further, Inforce intends to empower survivor communities through forensic training to allow them to take control of their processes of justice and humanitarian need.
- Policy – To lobby for adequate resourcing of forensic investigations to meet both judicial and humanitarian need. To join other human rights and prevention of genocide initiatives in lobbying governments and influential organisations to act to prevent such crimes and, where this is not possible, to ensure that the needs of the courts and of survivors are met. To act for governments and other organisations in an advisory capacity.

These elements are closely linked. Inforce will undertake forensic investigations but also aims to develop and demonstrate best practice, and to disseminate findings to forensic scientists and organisations world-wide. The education programme will contribute to ensuring that newly qualified professionals are taught the skills necessary to adopt the highest of standards and participate in multidisciplinary investigations; we will also provide CPD for practitioners. Additionally, we firmly believe that it is the duty of organisations such as ours to assist developing and post-conflict nations in the creation of their own forensic capacity. This serves to empower people to take control of and own their forensic and judicial process, and deal with their inherited legacy of past human rights abuses. In-country expertise also has the potential to act as a deterrent and facilitate truth and reconciliation processes. Our policy activities will seek to influence the ways in which others undertake investigations, by promoting improved protocols and standards. Such work will be based on Inforce's own experience combined with best practice from elsewhere.

Inforce will work to the highest possible scientific, technical, legal and ethical standards. Its work will be underpinned by basic principles and operational protocols, and guided by the following values:

- To be impartial and independent;
- To collaborate with other Human Rights Organisations;
- To have standards of endeavour based upon rigour of process, honesty and ethics;
- To develop protocols that are rigorous but also flexible and adaptable;

- To have respect for people and communities of all religious, cultural, geographic, political and ethnic backgrounds;
- To be gender sensitive and apolitical in all our dealings;
- To evolve as circumstances demand;
- To be transparent in all aspects of work where client confidentiality and sub judice principles allow and be open to independent audit.

Inforce began to deploy into the field when it had established itself as a credible well-organised institution. Achieving this without core funding or full-time paid employees took 18 months but with much support and commitment from key people, by the autumn of 2002 we were ready to undertake small projects and since then our capacity has grown. Inforce is active in Rwanda where we are supporting the creation and maintenance of memorials of the Rwandan genocide; a project aimed at combating endemic racism, xenophobia and discrimination through public education. We are also examining the requirements and feasibility of delivering forensic training in Rwanda. Inforce scientists have played valuable roles in UN missions in DRC and Angola. In May 2003 the Foreign and Commonwealth Office (FCO) commissioned Inforce to send a team to Iraq to develop policy recommendations on how the Coalition Provisional Authority (CPA) should handle the mass graves legacy and to help Iraqis recover and identify their dead. Inforce's international, multi-disciplinary forensic team was in-country within days and our policy recommendations were accepted in their entirety by the CPA and FCO. Crucially, the CPA has agreed to the use of the Inforce Protocols in all forensic work on mass graves in Iraq. In this way Inforce has already made a major and pioneering contribution. This will be the first time that common but high standards and methodologies will be employed by different international teams. It will ensure consistency and quality of evidence for whichever trial process the Iraqis chose to adopt. With the framework laid and continuing to be developed, international forensic teams can now be invited into Iraq to continue the work. Inforce received commendations for this work and continues to provide specialist strategic and technical advice to the FCO and CPA in-country and from the UK.

I would like to end this paper with what, in the face of so much that is socially relevant and worthwhile work, is a reality check. As I write, coalition forces in Iraq are still recovering dead from the UN building in Baghdad. Deployment of forensic teams in such areas brings with it responsibilities to those teams. While each individual team member is in Iraq as a matter of personal motivation and career choice, those responsible for their deployment have to remember that the remains of even 300,000 dead do not merit the loss of one life.

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