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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Updated report of the Office of the High Commissioner for Human Rights
on human rights and forensic science***

Summary

In resolution 2005/26, the Commission on Human Rights requested the Office of the High Commissioner for Human Rights (OHCHR) to submit an updated report on human rights and forensic science to the Commission at its sixty-third session. The present report, submitted in accordance with that request and with Human Rights Council decision 2/102, covers the period from January 2002 to December 2006. It refers to activities undertaken during the reporting period with respect to the database and roster of forensic experts; the consolidation and dissemination of standards; the special procedures and forensic science; training and capacity-building activities; and the use of forensic experts in fact-finding missions and commissions of inquiry. It also refers to replies received from Governments to a note verbale soliciting information on the subject.

* This document is submitted late so as to include the most up-to-date information possible.

I. INTRODUCTION

1. The Human Rights Council, by decision 2/102 of 6 October 2006, requested the High Commissioner for Human Rights to “continue with the fulfilment of her activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”. The last report on human rights and forensic science (E/CN.4/2002/67) was submitted by the Office of the High Commissioner for Human Rights (OHCHR) to the Commission at its fifty-eighth session in 2002. In resolution 2005/26, the Commission requested the Office to submit an updated report on human rights and forensic science to it at its sixty-third session (para. 10). OHCHR understands decision 2/102 to preserve the reporting cycle on this issue until otherwise decided by the Council. The present report therefore covers the period from January 2002 to December 2006.
2. In its resolution 2005/26, the Commission on Human Rights welcomed the increased use of forensic investigations in situations where grave violations of human rights and international humanitarian law have occurred. It requested OHCHR to keep its database of forensic experts updated in consultation with Governments, relevant United Nation bodies, non-governmental organizations (NGOs) and professional organizations of forensic and related experts (para. 3).
3. The Commission recommended that the Office encourage forensic experts to coordinate further and promote the consolidation of relevant guidelines, with a view to harmonizing the procedures in forensic investigation and repatriation (para. 4). Furthermore, the Commission recommended that OHCHR encourage the dissemination and use of principles, best practices, manuals and international human rights standards and the promotion of forensic capacity-building, including training where necessary, particularly in countries without sufficient expertise in forensic science and related fields (para. 5).
4. The Commission also requested the Secretary-General to provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Office to implement the resolution, including the revision of the *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* (para. 9).
5. In July 2005, a note verbale was sent to all Governments requesting relevant information relating, inter alia, to resolution 2005/26. As of 1 January 2007 OHCHR had received replies from the Governments of Lebanon, Mexico and Togo.

II. DATABASE AND ROSTER OF FORENSIC EXPERTS

6. The OHCHR database currently contains the names of 402 forensic specialists. Experience from past forensic assessment and fact-finding missions and commissions of inquiry supported by OHCHR have provided useful lessons with regard to the identification and profile of the experts required to respond better to the needs of such missions, which will be taken into account in maintaining the database and coordinating it with the other related initiatives described below.

7. OHCHR relies on forensic experts from Member States and NGOs contracted on the basis of the cooperation service agreement (E/CN.4/1998/32, annex II) to carry out fact-finding and forensic assessment missions or training and capacity-building activities. In this context, OHCHR is exploring the option of developing a standby roster of forensic experts that would allow the Office to dispatch such experts at short notice.

8. Efforts to build up a roster of experts, including on forensics, are being made in the context of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Optional Protocol provides the mandate for the Subcommittee on Prevention to carry out regular in-country inspections of places of detention in collaboration with a visiting body at national level. Under article 13 (3) of the Optional Protocol, the members of the Subcommittee may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the Optional Protocol. These experts shall be selected from a roster prepared on the basis of proposals made by the States parties, OHCHR and the United Nations Centre for International Crime Prevention, now part of the United Nations Office on Drugs and Crime (UNODC). In preparing the roster, the States parties concerned may propose up to five national experts.

III. CONSOLIDATION AND DISSEMINATION OF STANDARDS

9. OHCHR continued to disseminate the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65) and the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 55/89, annex). A revised version of the *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (HR/P/PT/8/Rev.1) was published by the Office in July 2004 and is available in all United Nations official languages. In addition to commercial sales, 5,532 copies of the revised *Manual* were provided to prosecutors, criminal investigators, forensic specialists, professional organizations, NGOs and United Nations agencies between July 2004 and December 2006.

10. Owing to resource constraints, OHCHR has not been in a position to engage in a broad consultative process with specialized organizations and expert bodies on proposals for a revision of the *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*, published in 1991 by the Centre for International Crime Prevention in Vienna.¹ Such a process is needed to ensure that the *Manual* will contribute to the further

¹ United Nations publication, Sales No. E.91.IV.1. All substantive parts of the *Manual*, including the Model Autopsy Protocol and the Model Protocol for Disinterment and Analysis of Skeletal Remains, were reprinted by the United Nations Office of Legal Affairs in *Guidelines for the Conduct of United Nations Inquiries into Allegations of Massacres*, United Nations publication, Sales No. E.97.I.21, 1997.

consolidation of existing guidelines and the harmonization of the procedures followed in forensic investigation, as recommended by the Commission. The *Manual* contains in addition to its forensic protocols a model protocol for the legal investigation of extralegal, arbitrary and summary executions (Minnesota Protocol).

11. OHCHR participated actively in the consultative process culminating in the international conference entitled “The Missing - Action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families”, organized by the International Committee of the Red Cross (ICRC) from 19 to 21 February 2003. The conference brought together governmental and non-governmental experts and highlighted the need to develop a standardized autopsy form based on the Minnesota Protocol and the Interpol Disaster Victim Information autopsy form. It proposed combining the respective advantages of these protocols. The conference also led to the publication of *Operational Best Practices Regarding the Management of Human Remains and Information on the Dead by Non-Specialists*.²

IV. SPECIAL PROCEDURES AND FORENSIC SCIENCE

12. Special procedures established by the Commission on Human Rights have continued to rely on forensic specialists in the course of their work, particularly under the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. The Special Rapporteur has stated that it is fundamental that he be assisted on fact-finding visits by independent medical doctors with specialized knowledge and experience in documenting torture, in accordance with the Istanbul Protocol (see E/CN.4/2006/6, para. 23). The findings contained in the forensic reports of these experts assist the Special Rapporteur to draw his conclusions on the practice of torture, and he has used such experts on missions, for example to Mongolia, Nepal, Jordan and Paraguay.

13. As part of his mandate, the Special Rapporteur on extrajudicial, summary or arbitrary executions sends communications to Governments in cases where there are reasons to believe that extrajudicial executions have taken place. He reminds Governments, inter alia, of their obligations, reflected in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions. Several of his reports highlighted gaps in the investigative and forensic capacity at national level with regard to cases of deaths in police custody or alleged extralegal executions. The Special Rapporteur also observed that forensic experts and institutions often lack the necessary independence to carry out investigations into such deaths.³

² International Committee of the Red Cross, Geneva, 2004.

³ See, for example, the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions on missions to Sri Lanka (E/CN.4/2006/53/Add.5), Nigeria (E/CN.4/2006/53/Add.4), Brazil (E/CN.4/2004/7/Add.3) and Jamaica (E/CN.4/2004/7/Add.2).

V. TRAINING AND CAPACITY-BUILDING ACTIVITIES

14. OHCHR has provided training to the national staff of truth and reconciliation commissions established in Peru and Sierra Leone. In response to a request of the Government of Peru and of the Truth and Reconciliation Commission (TRC), 10 national experts were recruited and trained in forensic investigative techniques in the period April-July 2002 to enable them to work with the TRC investigative teams in various provinces. With the support of the International Centre for Transitional Justice, a two-week consultation on anthropology and forensic medicine was held in June and July 2002. OHCHR continued to support these experts when the mandate of TRC was extended through 2003.

15. In Sierra Leone, OHCHR provided a forensic team to TRC to conduct an assessment of mass graves and execution sites and provide training on basic principles of anthropology and forensic techniques to participants from government agencies and NGOs in June and July 2002. The team visited 52 sites and made recommendations on how to preserve them for future investigations.

16. OHCHR provided support to the United Nation Assistance Mission in Afghanistan (UNAMA) and Afghan authorities in addressing transitional justice issues. In January and February 2002, OHCHR fielded a short mission to look into allegations of mass graves in the Mazar region. Responding to a request by UNAMA, OHCHR organized forensic investigation and needs-assessment missions in the period April to May 2002 to Bamyan, Mazar and Sheberghan. This mission included a preliminary assessment of Afghan national forensic capacity in Kabul. OHCHR conducted a preliminary forensic investigation in December 2002, to review plans for a large-scale investigation into two sites in the Mazar area in response to a request from the Afghan Independent Human Rights Commission and UNAMA. Security concerns prevented further investigation of the two gravesites in the north and a broader strategy was adopted in 2006. In June 2006, an assessment mission was fielded to examine the possibility of conducting forensic investigations of mass graves in Afghanistan within the framework of the Action Plan of the Government of the Islamic Republic of Afghanistan on Peace, Reconciliation and Justice.

17. In Mexico, OHCHR organized, in coordination with the Federal Attorney-General's Office, workshops on effective investigation and documentation of torture and the Istanbul Protocol. These workshops provided medical and psychological professionals and public institutions responsible for investigating, documenting and prosecuting cases of torture with information about the application of the Istanbul Protocol as a model for investigating torture at the national and local levels. Participants included doctors and psychologists from local prosecutors' offices, civil society organizations dealing with cases of torture and mistreatment, and forensic personnel from state human rights commissions. The first workshop took place in Monterrey, Nuevo León, in September 2005, in coordination with Physicians for Human Rights and the International Rehabilitation Council for Torture Victims (IRCT). Similar workshops were held in Morelia, Michoacán, Oaxaca and Chihuahua. In addition, three seminars were organized in Mexico City, León, Guanajuato and Querétaro in 2005 and 2006 to generate discussion on the creation of a national torture prevention mechanism, which is provided for

in the Optional Protocol to the Convention against Torture. Between 40 and 100 participants attended each seminar, including public officials, human rights institutions and civil society organizations.

18. In 2005, OHCHR provided assistance to the Colombian School of Criminal Investigation and Forensic Sciences to develop an institutional training programme in human rights and international humanitarian law. Advice was provided to the national forensic institute and the national commission responsible for locating persons who disappeared during the internal conflict. A one-day conference on forensic medicine and human rights was held in Casablanca, Morocco, in October 2002. One hundred doctors, magistrates, advocates and officials of the judiciary and police attended.

19. Besides its own work programme, OHCHR follows closely training and capacity-building activities carried out by NGOs promoting United Nations standards. IRCT, for example, embarked in 2003 on an Istanbul Protocol implementation project. The project aimed at raising awareness and contributing to the implementation of the Istanbul Protocol in five pilot countries - Georgia, Mexico, Morocco, Sri Lanka and Uganda. In this context IRCT produced targeted training material for specific professional groups (lawyers, doctors and psychologists).⁴ The current phase of the project aims to train over 250 health professionals.

VI. USE OF FORENSIC EXPERTS IN FACT-FINDING MISSIONS AND COMMISSIONS OF INQUIRY

20. During the reporting period the use of forensic experts in fact-finding missions and commissions of inquiry supported by OHCHR became a frequent practice. Forensic experts accompanied three different fact-finding missions and commissions of inquiry in Côte d'Ivoire: a fact-finding mission to gather precise information regarding violations of human rights and international humanitarian law in 2002; the Independent Commission of Inquiry on the events connected with the march planned for Abidjan on 25 March 2004; and the International Commission of Inquiry into allegations of serious violations of human rights and international humanitarian law committed in Côte d'Ivoire since 19 September 2002, established in 2004.

21. A forensic expert accompanied the fact-finding mission established by the High Commissioner, which took place from 5 February to 5 May 2005, to look into allegations of violence and human rights violations before, during and after the presidential elections of 24 April 2005 in Togo.⁵ From 22 to 28 May 2006, following a request by the United Nations

⁴ International Rehabilitation Council for Torture Victims, *Medical Physical Examinations of Alleged Torture Victims. A Practical Guide to the Istanbul Protocol - for Medical Doctors* (Copenhagen: IRCT, 2004).

⁵ For more details on these fact-finding missions and commissions of inquiry see the report of the Secretary-General on impunity (E/CN.4/2006/89).

Department of Peacekeeping Operations, OHCHR sent a forensic assessment mission to Liberia for the identification of a mass grave in the operational area of the United Nations Mission in Liberia.

22. The International Commission of Inquiry on Darfur (2004-2005), established by Security Council resolution 1564 (2004), enabled OHCHR to develop a comprehensive approach to future commissions of inquiry for serious violations of human rights and international humanitarian law. At the request of the Secretary-General, OHCHR set up a secretariat for the Commission with more than 30 staff, including legal and human rights researchers, investigators, military analysts, experts in gender violence and forensic experts.

23. Forensic specialists contributed significantly to the high quality of the reports produced by these fact-finding missions and commissions of inquiry.

VII. REPLIES RECEIVED FROM GOVERNMENTS

24. The Government of Lebanon, in response to the note verbale, informed OHCHR that it had taken note of Commission resolution 2005/26 and that its Ministry of Public Health would take action as it deemed appropriate.

25. The Government of Mexico informed OHCHR that model training courses on the effective documentation of torture and ill-treatment had increased the methodological and practical forensic expertise inside the investigation and prosecution services. The Federal Attorney-General's Office (Procuraduría General de la República) published a directive (A/057/2003) on 18 August 2003, establishing guidelines for legal and forensic investigation into alleged cases of torture or ill-treatment as a measure in implementation of the Istanbul Protocol. In addition, a committee and a consultative group were established, composed of members of the prosecution services and forensic experts. The committee and the consultative group, which also included members of NGOs, were tasked with verifying that the medical and psychological analysis of alleged torture and ill-treatment conforms to the guidelines established by the Federal Attorney-General's Office.

26. The Government of Togo informed OHCHR that since 1994 a module on the protection of human rights and the dignity of the person has been included in the second and sixth years of medical studies and at the school for health workers. In August 2004, a forensic service (Service de médecine légale) was established to take care of victims of physical violence and provide advice to health professionals and social workers. Hospitals also employed forensic doctors (*médecins légistes*) to evaluate the psychological harm suffered by victims of traffic accidents.

VIII. CONCLUSIONS

27. **The developments since the last report point to an increasing and more systematic use of forensic expertise in the context of human rights fact-finding and investigative activities by the Office of the High Commissioner for Human Rights, the special procedures of the Human Rights Council and international commissions of inquiry. The Subcommittee on Prevention mandated under the Optional Protocol to the Convention**

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is also expected to make use of such expertise for its activities. The High Commissioner welcomes efforts made by several Member States to strengthen their forensic capacities to support investigations into human rights violations. At the same time, many serious human rights violations remain insufficiently investigated, and poor investigation is often linked to limited forensic capacity, as has been noted by some special rapporteurs.

28. To support both national and international efforts, there continues to be a need to actively encourage the application of internationally agreed forensic standards and of consistent approaches in the field; to review and consolidate relevant expertise and develop mechanisms for making it readily available when needed; and to support capacity-building activities at the national level in cooperation with specialized institutions. While OHCHR has taken a number of initiatives in this regard, its own capacity must be strengthened to adequately respond to these challenges in cooperation with Member States, other United Nations bodies and organizations, and other relevant institutions.
