



Ethical considerations for forensic scientists participating in humanitarian action: A personal reflection



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ARTICLE INFO

Article history:
Available online 29 July 2017

Keywords:
Forensic activity
Relieving suffering
Next of kin
Disasters
Epidemics
Neutrality

ABSTRACT

Humanitarian Forensic Action is aimed at relieving suffering by comforting and informing the relatives of disaster victims. It is not a priority to report human rights abuses to the authorities. It is thereby different from forensic human rights work with an inquisitive way of demonstrating culpability. The following tasks are relevant. The forensic scientist as an interviewer of the next of kin and witnesses. Emphasizing independency in armed conflicts. Assisting in man-made and natural disasters Assisting in the prevention and of the spread of epidemics.

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1. Introduction

“Humanitarian Forensic Action” was first described and defined at a meeting in Geneva in 2003 arranged by The International Committee of the Red Cross (ICRC), Conference on the missing and their relatives.

It may be defined as “The use and application of forensic sciences to humanitarian action.”

In this context the “International Commission on Missing Persons” (ICMP) was also initiated.

Though there is overlapping to forensic human rights work, there are clear differences. The use of forensic skills in humanitarian action (HFA) has first of all a humanitarian aim, relieving pain and suffering in the next of kin. It does so by comforting and informing relatives and identifying victims of natural and manmade disasters. For these purposes forensic skills and experience are used. It is not inherent in HFA to document abuses with the aim of establishing responsibility or culpability, though reporting to the authorities may well be done eventually. The important task is “management of the dead”. There will usually not be any reporting to the media.

Forensic human rights work (FHW) on the contrary is primarily aimed at the documentation of human rights abuses [1]. The findings will be reported back to the requesting party, and the local authorities will be informed, often in an inquisitive way with the aim of convincing the responsible to stop the abuse.

In the following I shall first describe the ethical aspect connected with HFA work in general.

Thereafter I shall make comments more specifically aimed at different types of action such as in Armed conflict, other manmade disasters and natural disasters.

2. Ethical aspects in general in management of the dead and missing

The forensic scientist is dependent on acceptance of his work by the authorities. Emphasis must be on the victims, including the relatives seen as victims in this context. The authorities must permit access to the area in question, and the scientist must keep good relations.

In most cases will interviews of the next of kin be necessary. Those performing the interviews must possess knowledge, experience and humanity in order to fulfill both the spoken and the unspoken rights of victims and relatives. Dependent on the type of disaster there is a need to know the circumstances of death, the life of the deceased and for further identification purposes to know about diseases of the deceased, malformations, previous fractures etc. The relatives must understand the necessity though it may be painful to remember. Most of them will, however, be interested in the revealing of truth and cooperate.

When interviewing a child, special care must be taken to make the child feel secure, and usually the presence of an adult from the family will be desirable.

The relatives may well be asked to deliver a sample of blood or saliva in order to examine inherited traits such as the DNA-profile. No invasive procedure must harm the victim.

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Witnesses may also be interviewed. It is important that they maintain their dignity and are given the feeling that their contribution is significant. The culture and customs of the person must be respected. The views and customs of the interviewer must not affect the conversation and the seeking of truth. Questions should not be intrusive or academic, and interviewers must show an empathic attitude and compassion.

On the other hand the scientist must be aware of his obligation towards justice and truth and not be carried away to more desirable conclusions or ask leading questions that may make the investigation deviate from the truth.

The relatives have the right to full information of the results of the investigation. Only when the scientist has the impression that the full information, including gruesome details will do more harm than good, and the person does not want the information, will it be acceptable to withhold it. Otherwise we may see re-traumatization.

The scientist must always have the security and wellbeing of the interviewed in mind, and the content of the individual information must not be revealed to others.

It does not mean that the scientist must not work together with the police or other authorities. These authorities may have useful skills and knowledge that can help in the finding of disappeared persons. As Interpol is an international organization working across borders, they may be helpful.

With reference to visual identification it must be considered carefully if a person can be confronted with a decomposed or heavily mutilated alleged relative. On the other hand it may be useful for identification purposes. It is a balance depending also on the wish of the person.

3. Wars/war crimes

It is important not to be seen as a party of the war. Interviewees may themselves be victims e.g. to rape. It may influence their statements, as it is extremely difficult not to be biased coming out of a war. There may still be a question of security both for the victim and the scientist. The International Red Cross was originally started by Henri Dunant as a reaction to war atrocities, and there is a long tradition for the Red Cross to assist very early in armed conflicts.

4. Manmade disasters

The 9/11 catastrophe is a recent example with a big need for forensic assistance for identification of the many victims. The

multiple victims posed special problems. They were mainly identified by DNA, and the next of kin were offered to bury the body or body part immediately e.g. only a hand or to wait till more had been found.

5. The Tsunami

We all felt like beginners, as this was a new experience.

Ethical problems emerged early, as the victims in Thailand were laid out to decompose in the sun, and it took more than a month for the international organizations to work together to have a dignified investigation program. In order to be more effective and not abandon the many Thai victims, the countries were not allowed to take out any of the victims prematurely, even if they had been properly identified. The next of kin had in some cases to wait some time for identification and burial even though the victim had been identified [2].

6. Epidemics

Epidemics e.g. the recent outbreak of Ebola in western Africa adds the risk of acquiring the disease both in the next of kin, the neighbors and the forensic scientist.

Precautions must be taken, and it is not always possible to perform interviews. The issue of identification is however not as important as the treatment, isolation and burial of the sick, as the identity is usually reliably known.

7. Conclusion

By identifying humanitarian forensic action the Red Cross has created an activity with a need for forensic scientists. The fact that the victims are dead, and the relatives become our “patients” will still require adherence to international ethical rules for physicians and other scientific personnel.

References

- [1] Jørgen L. Thomsen, Jørgen Voigt, *Forensic medicine and human rights*, *Forensic Sci. Int.* 36 (1988) 147–151.
- [2] P.J.T. Knudsen, *The Tsunami—the Danish perspective*, *Scand. J. Forensic Sci.* 11 (2005) 54–56.