COURSE ON FORENSIC INVESTIGATIONS OF CASES OF POLITICAL VIOLENCE AND THE DISAPPEARED FOR SYRIA

GAZIANTEP, TURKEY
11-14 FEBRUARY 2014

COURSE REPORT: ASSESSMENT AND LESSONS LEARNED

WITH THE SUPPORT OF
1. Background and Mandate

The Course on Forensic Investigations of Cases of Political Violence and Disappeared for Syria was organised from 11 to 14 February 2014 in the city of Gaziantep, where a number of international NGOs and international organisations have been based since the start of the Syrian crisis. It was organised by No Peace Without Justice (NPWJ) in partnership with the Assistance Coordination Unit (ACU), the Violations Documentation Center (VDC) and the Kirkayak Sanat Merkezy (KSM), with the support of the Italian Ministry for Foreign Affairs and of the United Kingdom Foreign and Commonwealth Office.

This course was the second implemented by NPWJ on forensics and the disappeared for Syria, the first having been held in November 2013. One of the recommendations from the Syrian participants in that first training was to provide more information and more training for Syrian doctors, police officers and human rights activists on these issues, with a particular focus on gender issues as they may arise in relation to forensics and the disappeared. This course was designed in response to that recommendation.

The course involved training and discussions on the recovery of ante-mortem data from relatives of the deceased; specific issues relating to the missing and disappeared; the survey and recovery of crime scenes; forensic archaeology and anthropology; forensic genetics; identification of human remains; analysis of trauma in bones; preparation of reports and the presentation of medical evidence; interaction between forensic science and international criminal law, including sexual and gender-based violence and crimes against children; and cultural, religious and gender issues in dealing with dead bodies and exhumations.

As with other courses, this course revolved around a factual scenario that was constructed on the basis of discussions with participants on the first day of the training. This scenario underpinned the remainder of the training course, providing a practical set of facts through which participants examined the various international and Syrian laws and standards on forensics and the disappeared.

The specific objectives of the course were:

- To help develop among participants knowledge of the importance of forensic evidence in criminal investigations, with an emphasis in cases of political violence, mainly human rights violations, and their role in that respect.
- To explain and describe the different disciplines that are part of forensic medicine, their application, advantage and limitations.
- To explain with concrete examples from around the world, the process of exhumation and analysis of human remains.
- To explain the identification process, advantages and limitations of DNA and the establishment of cause of death.
- To discuss the dialogue between law and science and the interaction between forensic expert witnesses and prosecutors.
- To discuss the role of relatives of the victims and civil society in the criminal process.

An in-depth analysis of these aspects was provided by two expert presenters, followed by interactive discussions and workshops. Moreover, thanks to the contribution of a third trainer, specialised in legal issues, also the legal expects of forensic investigations within the field of war crimes and crimes against

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1 See http://www.npwj.org/node/7883 for more details on that course.
humanity was tackled during the course. The nineteen participants were selected directly by NPWJ and invited to participate on the basis of their legal, medical and/or activist backgrounds.

This four-day training course is part of No Peace Without Justice’s Syria Transitional Justice project. The project is aimed at assisting existing and nascent civil society organisations and networks to contribute most effectively to Syrian transitional justice documentation and policy discussions, which will in turn help shape the future of their country towards institutions that embrace principles of democracy and pluralism and that offer redress and accountability for human rights violations and promote reconciliation. It does so in part through information sharing and training and in part through capacity building among Syrian civil society actors to receive and coordinate external assistance, especially on transitional justice and accountability issues.

The long-term goal of this project is to promote democracy and human rights protection through incorporating transitional justice and accountability in decision-making on conflict resolution and stability, development, and reconstruction planning in Syria.

The project’s strategic objective is to support Syrian society’s active involvement in transitional justice and accountability issues, including advocacy and documenting human rights violations through receiving, gathering, collecting, collating, processing and securely storing information, documentation and materials. Their analysis must serve the purpose of establishing what happened and reconstructing those decision-making processes that resulted in violations of international humanitarian and human rights law in Syria since March 2011.

2. Course Summary

2.a. Participation

The Course on Forensic Investigations of Cases of Political Violence and Disappeared for Syria was attended by 19 participants. Participants included doctors, medical personnel active in civil and field hospitals, police officers from the Free Syrian Defected Police Union and representatives from the Assistance Coordination Unit (ACU). Several geographical regions were represented including the Northern regions of Aleppo (Aleppo city and countryside), Idlib, al-Raqqa city and the Southern region of Daraa. Representatives of the International Commission of Inquiry for the Syrian Arab Republic appointed by the United Nations Human Rights Council (Mr Victor Ullum, Chief Investigator; Ms Eli Smette, Human Rights Investigator; and Ms Ishraga Mustafa, Human Rights Investigator) and from the UN Office of the High Commissioner for Human Rights – Middle East Region (Mr Shawky Seif el-Nasr, Human Rights Officer and Ms Sanaa Elhakim, Human Rights Officer) observed the training.

2.b. Presenters

The presenters for the training course were identified by NPWJ and consisted of experts in the specialised areas addressed by the course. Ms Mercedes Salado Puerto and Ms Analia Gonzalez Simonetto are part of the Argentine Forensic Anthropology Team (Equipo Argentino de Antropología Forense, EAAF) and have extensive experience in forensics and the disappeared in Argentina and in all the major crisis of the last decades, worldwide and Mr Toby Cadman is an international law specialist from Omnia Strategy LLP.

2.c. Training program

The content and format of the training course curriculum was developed by NPWJ in co-operation with the team of presenters from EAAF and Omnia Strategy LLP, based on the experience of the
previous training, addressing participants' feedbacks and taking into consideration their background and their role inside Syria. The final course program is attached to this report and shows the full range of topics covered by the training course.

On the first day, NPWJ’s Syria Program Coordinator Hadi Al Khatieeb welcomed the audience and presented the objectives of the training, namely the acquisition of theoretical knowledge about International Law and practical skills on collecting forensic evidence and the preservation of documentation. Everyone compiled together a list of commitments that would bind presenters, participants and observers during the training. Programs and bundles were handed to participants. Each participant had the chance to introduce himself and his or her organisation. Ms Salado Puerto introduced herself and the Argentine Forensic Anthropologic Team, which was established in 1984 with the aim to identify missing persons and human rights violations and to assist local populations by building local capacity while preserving evidence. The other presenters then introduced themselves, namely Ms Gonzalez Simonetto, also a member of the EEAF team, and Mr Cadman, an expert in international law. Ms Salado Puerto underlined that the structure of the training will be flexible to meet the needs of the audience. Participants were asked to identify their expectations for the training, taking into account the Syrian contexts: what kind of challenges they are facing during their work and what are the typical problems they need to solve. Among other things, participants expressed the need for practical exercises and to be advised on how to conduct a proper forensic investigation, including how to avoid damaging evidence or contaminating the scene. The following problems were identified: lack of specialised forensic medical personnel; poor communication among forensic doctors, investigators and lawyers, which results in a loss of information; lack of professional documentation; difficulties with identifying bodies and human remains; and lack of experience and proper equipment. Ms Salado Puerto advised to focus on collecting and preserving evidence, documenting for a future possible juridical action, instead on running investigations now. Because the current situation in Syria does not enable forensic teams to conduct proper investigations and analysis, it is crucial to preserve evidence that has been collected in a proper way, avoiding loss of information and contaminations and safeguarding the chain of custody of documents and samples. Ms Salado Puerto underlined how only a small percentage of crimes will be prosecuted, but she clarified that collecting documentation is also important for having general overview of the humanitarian situation. Mr Cadman marked that although there are significant differences between Yugoslavia and Syria, we still can learn from this example and previous experiences. Very practical tips were suggested considering that in armed conflict and crisis situations, the ideal procedure of sample and evidence collection cannot be always guaranteed: the golden rule is always to have a notebook and a phone with camera. In the afternoon, Ms Gonzalez Simonetto presented the example of Argentina, explaining how Argentina dealt with the problem of the disappeared and the prosecution of perpetrators. Participants learnt how to collect, preserve and store information and what kind of bad practices regarding labelling bodies and evidence should be avoided. Participants are familiar now with good overview regarding the elements of crime that must be taken into consideration in order to build files on possible violations of international humanitarian law and human rights law. In particular, Mr Cadman focused on the need of elements regarding patterns and chain of command. He also stressed the need for proper chain of custody of evidence, including samples. Mr Cadman shared with the participants his experiences in the former Yugoslavia and other international contexts he had been involved with, exploring best practices and common mistakes made.

The second day opened with Ms Salado Puerto presenting the program of the day and reminding everyone that there would be a practical exercise on how to conduct a forensic investigation and collect evidence after lunch. During the morning sessions, participants were provided with the theoretical basis on this topic. Presenters discussed different techniques for the proper collection of information, noting that DNA and fingerprint samples can lead to the identification of perpetrators and victims, but that
the cause of death is something that can be established only by a forensic doctor in a proper autopsy. They also highlighted how pictures could be fundamental: satellite pictures can help in the identification of mass graves and it is important to ensure proper photographic and video recording of the crime scene and its surrounding areas, to show both specific images of the scene and the general context. Presenters stressed how access to the area of crime should be secure and limited, preventing damage and contamination. During the whole presentation it was made clear that in any case, investigators or activists should never risk their life to take the evidence or testimonies. After this, the presenters addressed the procedure to analyse a crime scene. They showed participants the material used by EEAF in their daily work and how to replace specific items not available in crisis situations with other common objects, while still safeguarding the results of sampling and evidence collection. Before the afternoon session, presenters from EEAF and NPWJ staff, with the kind and great cooperation of the interpreters, set up two crime scenes in the office. The purpose of this practical exercise was to show how to process the scene properly, including taking photographs and interviewing witnesses, and how to organise the group to avoid chaos. The available material for participants, who divided in two groups, was: camera, security tape, scale, notebook, clothing, board, marker, north, plastic label, scissors, special bags, ice (for special samples) or refrigerator system, medical kit and fingerprint powder. Within the two groups, the following roles were distributed: investigator (evidence officer), photographer, person who is responsible for description, person responsible for mapping, forensic doctor, manager and interviewer. The presenters used this process to highlight how during an investigation, the clear allocation of responsibilities is important. During the exercise, presenters were constantly following the participants teams. Afterwards, groups presented their analysis and the evidence collected and presenters stressed best practices and mistakes made, both from a forensic point of view and from a juridical point of view, thanks to the expertise of Mr Cadman.

In the morning of the third day, Ms Salado Puerto concluded the analysis of the exercise, engaging participants for comments. Participants expressed that there was not enough time to collect all the information and Ms Salado Puerto underlined how time is also often an obstacle during real investigations in crisis areas and that accurate organisation is the most important element in order to follow procedures, even in a difficult and dangerous environment. After this, Ms Gonzalez Simonetto tackled the issue of interviewing relatives in a proper way, with the aim of providing participants with a guide to help them conduct interviews, since it is one of the most important parts of criminal investigations. Investigators have to be aware that there is significant emotional elements during the interview and that family members as well as witnesses must be treated carefully. The EEAF team stressed also that documentation families can provide to help investigations about disappearances is fundamental: photographs, medical/dental records, birth certificates and other identify documents, are elements that can help investigators identify bodies and human remains. After the general presentation, participants engaged in a practical exercise.

On the last day, the presenters reviewed the core issues tackled during the course together with participants and answered their questions and doubts. Presenters and staff of No Peace Without Justice thanked the participants for their presence and active participation. The EEAF team thanked them for taking the risks associated with coming to Gaziantep to engage in this week’s training and expressed the hope that their expectations may be fulfilled and that they will find the possibility to share their experience with their colleagues inside Syria and to put their knowledge into effective practice. Hadi Al Khateeb explained that No Peace Without Justice will stay in touch with participants through Skype and social media, and asked participants to inform No Peace Without Justice about their initiatives, to allow NPWJ to assist them in their activities, and to express interests for future training topics to NPWJ staff. Participants expressed their gratitude to the presenters and No Peace Without Justice for the very useful information obtained and committed to apply their acquired knowledge in the field. Participants filled out the overall evaluation form for the training, in addition to the daily
evaluation forms, to allow NPWJ to improve future trainings. Participants each received their Attendance Certificates and USB sticks with documentation provided by presenters to further their work on forensics and the disappeared in the field.

3. **Assessment and Recommendations**

This five-day training course is part of NPWJ project aimed at assisting existing and nascent civil society organisations and networks to contribute most effectively to Syrian transitional justice documentation and policy discussions, which will in turn help shape the future of their country towards institutions that embrace principles of democracy and pluralism and that offer redress and accountability for human rights violations and promote reconciliation. It does so in part through information sharing and training and in part through capacity building among Syrian civil society actors to receive and coordinate external assistance, especially on transitional justice and accountability issues.

In the last almost three years of war some cases of mass killing have been documented by activists and international organisations, raising concern in the international community and underlining the need of a proper documentation system and procedure among those Syrians who are working on the field. The case of Aleppo river, in late January 2013, when rebel groups in Aleppo said they have recovered more than 100 bodies in the south of the city with clear signs of execution and the case documented by Human Rights Watch in Latakia province and published in October 2013 are only two of the most well-known cases. The urgency of this training on the Forensic Investigations Techniques and the Disappeared was underlined by the Syrians partners and stressed also during the first training on this topic held in November 2013.

3.a. **Participation**

There were 19 participants in this training, all of whom were men. Most of the participants had relevant background with the training content. Also from a geographical point of view, different Syrian regions were represented: Aleppo, Raqqa, Idlib for the North and Daraa for the Southern region. In addition to that, some participants were located in Southern Turkey. Most participants had a good level of knowledge of the topic of forensic investigations and have been working in the field in the years of the revolution in Syria (mostly medical personnel and police officers). The active participation and interaction with the presenters using workshops and discussion moments in addition to the informal meetings were very important and both participants and participants underlined how in future activities these activities should be developed and be more present, as well as practical exercise. Participants were debriefed regularly throughout the course through daily and general evaluation forms.

Participants agreed that the course had given a good overview of the issues and that practical exercise gave them the chance to understand in concrete how to deal with dead bodies and forensic equipment and understand better the correct procedures during investigations and collections of evidences. There were, as anticipated, lessons to be learned in terms of what if implemented will strengthen future training programs in terms of their participation, role of presenters and content and structure of the course program.

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3. “You can still see their blood – Executions, Indiscriminate Shootings, and Hostage Taking by Opposition Forces in Latakia Countryside” – Human Rights Watch, October 2013
Recommendations:

- Regional diversity could be broadened but because of the security situation and the presence of the Islamic State of Iraq and Sham in Northern Syria is a serious danger for participants.
- Ensure and support a wider participation of women.
- Working with groups of 15-18 people gives the chance to have a better and more effective interaction between participants and presenters, ensuring practical exercises.

3.b. Presenters

The presenters at the Training Course were of the highest quality and experts in the issues under discussion. Thanks to their previous experience in other context worldwide they were able not only to explain the different forensics techniques, but also to let participants understand how local population in cooperation with international experts in many other difficult experiences managed to carry out end empower effective investigations in case of mass graves and mass killings sites, notwithstanding the difficulties and obstacles they faced.

Thanks to the evaluation forms provided to participants by NPWJ on a daily base, the presenters and NPWJ staff were able to adapt the modules to accommodate the areas and levels of expertise of the group and the need and expectations of the people attending the course. Briefing meetings among NPWJ team and presenters also ensured the chance to discuss and harmonise the presentations.

The active methods most of the presenters adopted was appreciated by participants, who had the chance to engage directly on the topics based on their experiences. They stressed the need for follow up activities with more practical exercises and in deep discussions, especially with medical personnel.

The relationship between presenters and participants was facilitated thanks to the great work of the simultaneous interpreters.

Recommendations:

- Content program and all training materials should be ready at least one week before to allow translators to have enough time to prepare and for staff to organise the files for participants.
- Identify experts on transitional justice issues who can speak Arabic, to have a direct engagement between participants and presenters.
- Ensure follow up with presenters and consider the possibility to develop new activities and project on the topic of forensic investigations and the disappeared, considering the high need expressed by participants and also the attention expressed on these topics by presenters and international representatives.
- Follow up with presenters and participants to develop possible raising awareness campaigns.

3.c. Training Program

The Training Course curriculum was based on specific requests coming from Syrian partners. The presenters designed the program according to relevant issues about forensics investigations techniques and the disappeared, covering medical, legal and gender issues. Future training courses should continue to build on this model, keeping most of its elements and making some improvements based on lessons learned.
Participants and presenters all agreed that the exercises and modules that incorporated practical and theoretical scenarios are extremely useful and effective and should be developed and took in consideration for future activities in this field. This encourages future trainings to have a combination of theoretical and practical training units.

Additional areas that participants felt more time should be spent on include: analysis of remains, database and codification techniques and practical exercises on grave sites.

Recommendations:

- Ensure follow up activities, both with participants and presenters, in order to develop new activities and projects on forensic investigation techniques and the disappeared, considering the high need expressed by participants and the attention expressed on these topics by presenters and international representatives.

- The agenda should be open to adaptation and change. This should be agreed before with the trainers.

- Fostering networking among participants to ensure best coordination and information exchange.

- Facilitate follow-up among presenters and participants to build a strong connection between Syrian and international civil society.

- Future programs should devote more time to practical and group exercises. Also with on-the-field exercises, simulating grave site diggings and exhumations, crime scene analysis, bone collection and recomposition.

- Future programs should be more devoted to medical personnel, in order to develop a more in-depth program, with the participation of legal personnel only in a second moment of the training.
ANNEX 1

Training course program

Day 1: Tuesday 11 February: 10 am to 17:30 pm

10:00 – 11:00: OPENING SESSION
  – Introduction and overview of the course
  – Logistics information about the training

11:00 – 11:30: Coffee break

11:30 – 13:00: Second session - INTRODUCTION AND EXPECTATION
  – Introduction of participants & expectations: presentation by participants of the current situation in Syria in terms of disappearances and dead bodies.

13:00 – 14:30: Lunch break

14:30 – 15:30: Third session – FORENSIC ANTHROPOLOGY
  – EAAF Lectures on Forensic Anthropology & Recovery

15:30 – 16:00: Coffee break

16:00 – 17:30: Forth session – ELEMENTS OF CRIMES

20:00 Evening discussion on some of the more political aspects of forensics and the disappeared

Day 2: Wednesday 12 February: 10 am to 17:30 pm

10:00 – 11:00: First session: PRACTICAL EXERCISE ON CRIME SCENE
  – Crime scene scenarios: interpretation through photographs.

11:00 – 11:30: Coffee break
11:30 – 13:00: Second session: ELEMENTS ON CRIME SCENE RECOVERY
- Brief overview of key elements on crime scene recovery (importance of proper recovery, required field equipment, documentation on site, organization, logistics, importance of thorough notes and plentiful photographs, chain-of-custody, handling of biological and associated physical evidence, reporting). The role of non-experts at the crime scene.

13:00 – 14:30: Lunch break

14:30 – 15:30: Third session: PRACTICAL EXERCISE
Crime scene: documentation, recovery and interpretation

15:30 – 16:00: Coffee break

16:00 – 17:30: Fourth session
- Conclusions and discussion

Day 3: Thursday 13 February: 10 am to 17:30 pm
10:00 – 11:00: First session - MANAGEMENT OF INFORMATION AND DATABASES
- Physical and digital safety and security awareness

11:00 – 11:30: Coffee break

11:30 – 13:00: Second session – INTERVIEWS
- Interviews with witnesses and relatives (antemortem information recovery): gender, cultural and religious aspects.

13:00 – 14:30: Lunch break

14:30 – 15:30 – Third session: PRACTICAL EXERCISE
- Recovery of Antemortem Information (Interviews)

15:30 – 16:00: Coffee break

16:00 – 17:30 – Fourth session: PRACTICAL EXERCISE
- Recovery of Antemortem Information (Interviews)
Day 4: Friday 14 February: 10 am to 15:30 pm

10:00 – 11:00: First session – OPEN GROUP DISCUSSION
   – Open group discussion on strategy;
   – Further needs;

11:00 – 11:30: Coffee break

11:30 – 13:00: Second session - OPEN GROUP DISCUSSION
   – Organisation;
   – Follow up of recommendations, etc.

13:00 – 14:30: Lunch break

14:30 – 15:30: Third session – CONCLUSIONS
   – Wrap up
ANNEX 2:
PARTICIPANT LIST

Participants

For security reason the complete list of participants and their names cannot be published. It is relevant to know that among the 19 participants, there were defected police officers (7), doctors in different specializations (7) and medical personnel (5). The participants were from the following cities and regions: Aleppo (9), Idlib (3), Raqqa (1), Daraa (2) and Turkey (4).

Observers

1. Ms Sanaa Elhakim, Human Rights Officer of the Office of the High Commissioner for Human Rights – Middle East Region
3. Mr Shawky Seif el-Nasr, Human Rights Officer of the Office of the High Commissioner for Human Rights – Middle East Region
5. Mr Victor Ullom, Chief Investigator of the International Commission of Inquiry for the Syrian Arab Republic

Presenters

1. Mercedes Salado Puerto (EAAF)
2. Analia Gonzalez Simonetto (EEAF)
3. Toby Cadman (Omnia Strategy LLP)