

2.3. Procedures

- ! Review and process existing information regarding burial sites to determine areas of study, analyze national and rural cadastre charts considering the presence of military bases, police posts, "liberated zones," affected communities, and others.
- ! Once the study area has been chosen, the route must be planned. When you are already on the scene, you should coordinate with the civil and police authorities, with the victims' relatives, witnesses and testifiers.
- ! It is necessary to make a thorough visual survey of the area, recording any alteration in the landscape that may indicate the presence of burial sites. To this end, it is advisable to observe the existence of changes in vegetation, elevations or depressions of the surface, changes in the color of the earth, signs such as crosses, altars, pircas, among others, analyzing the nature of these changes.
- ! At this level, it is advisable to apply adopted geophysical techniques and the use of high-tech instruments. One of the instruments developed for this purpose was the Georadar3 (or "Ground Penetrating Radar" in its original name). It is a geophysical instrument of non-destructive search which makes it possible to detect the irregularities of the subsoil, geological and anthropic, by means of a directional antenna which moves on the surface of the ground.

It should be clarified that this technology should be applied by expert personnel in the field, using the appropriate methodology, since these radars have been used mostly to find major geological faults or to locate differences in the terrain at great depths.
- ! Once the site is located, it must be registered indicating its geopolitical and geographical location. The use of instruments designed for such purposes is recommended, such as the satellite geopositioner, known by its acronym in English as GPS or Global Positioning System⁴. This system allows to establish with precision the location of a determined place and makes possible that any person, following the same system of coordinates (UTM) and the system of navigation of the receiver GPS,

³ The Georadar is an instrument that operates by means of an antenna that emits a series of electromagnetic impulses whose emission, produced through electrical impulses in the subsoil is captured by another antenna. This way, the displacement of the emitting antenna on the surface generates in a monitor the images of the variations that are presented there, allowing to observe a profile of the subsoil.

⁴ The GPS (Global Positioning System) is a system composed of a network of satellites that orbit the earth and GPS receivers, which allow us to determine our position anywhere on the planet, day or night and under any weather condition.

can access the referenced place again. If you do not have a GPS it is essential that the location of the site is georeferenced with precision, with respect to perennial elements. The location must be accurately recorded on the respective plans and maps.

- ! The site located must be coded according to the system that has been established for this purpose.
- ! A photographic record should be carried out with panoramic, general and detailed shots of the events relevant to the research. The methodology of forensic photography should be followed, which includes the following basic steps: labeling of the film or roll, use of labels, scales and signage according to forensic needs.
- ! The data obtained in the field must be entered in registration forms⁵. These should cover a number of fundamental aspects of the sites. Ideally, this data should be entered into a database specially designed for this type of information. In addition, sketches of the location must be drawn up and attached to the corresponding cards.
- ! If the burial sites are located in cemeteries, their location should not present major difficulties, however it is necessary to locate the information regarding the time of burial, which is generally provided by the pantheoners or those who performed such a function. The grave, grave, or niche should be recorded with a precise location, independent of the data provided by the cemetery attendants.

In many cases the historical investigation continues after the forensic work has been done. In certain urgent circumstances, it will be necessary to perform forensic work before or in parallel with the taking of testimony related to the case. However, this situation should be avoided as much as possible and should tend to collect as much information as possible beforehand.

Once this stage has been completed. An appropriate plan should be developed for the systematic and organized recovery of evidence in each case, using as a basis the information obtained in the preliminary investigation, as well as all information arising from the inspection or prospecting stage, not least that which can be found in the judicial process itself.

⁵For this Protocol, the respective fact sheets have been designed, which form part of the annexes that accompany them.

3. PROTOCOL FOR EVIDENCE RETRIEVAL

Before beginning any evidence recovery procedure, it is necessary to have clear objectives of the intervention and therefore, all prior information, in order to proceed with a view to a successful recovery and subsequent identification of human remains. With the work that has been carried out in the previous stages, at this point we must have the information that will allow a better planning of the process.

It is essential to know basic elements such as the type of burial, the facilities of access to the site, the material and human resources available, as well as the additional economic resources for expenses and inconveniences that may arise. The area should be properly secured and, if possible, exhumation work should be planned for seasons that offer favorable climatic conditions.

In the same way, the time available for due diligence should be planned, foreseeing possible mishaps that could delay the process. As in the other stages of the work, there must be adequate planning with a view to developing the process quickly, efficiently and optimally.

3.1 General considerations

The crime scene is the place or places where the events that led to the physical, temporary or permanent disappearance of the victims took place. As such, they are fully identifiable, measurable and describable scenarios, capable of being recorded by different means (graphic, photographic, documentary, testimonial) and analyzable by morphological, physical and chemical means.

Any burial site where human remains are found is part of the crime scene and therefore provides the opportunity to partially or totally reconstruct a series of events. It preserves the elements that will allow us to reach a conclusion about what happened to the people and objects found there. The recovery of the remains is a process that must follow the methods and techniques of archaeology and criminalistics in general, which will allow the adequate recovery of all the physical evidence and, in this way, the precise and reliable reconstruction of the conditions and events that surrounded the death and final destiny of the victims.

The burial is the most frequent event and therefore where archaeological methods and techniques are applied with greater specificity during the exhumation processes. In such cases exhumations may refer to both individual and collective burials, and the nature of the events giving rise to the exhumation must be defined. On the other hand, it could also be the case that the bodies have been deposited in places other than a pit (for example, inside a cave, or at the bottom of a creek). If the case arises, they must

apply the same principles as set out in this document and adapt the methods, techniques and tools recommended in it, as well as follow the recommendations of the United Nations *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary or Summary Executions* (known as the Minnesota Protocol) and the *Model Protocol for the Forensic Investigation of Suspected Deaths Resulting from Human Rights Violations* or the Mexico Protocol.

As long as the recovery of human remains, whatever the context, is a destructive process, insofar as once these tasks have begun (be it excavation or collection among others) the originally arranged elements are altered, it is important and fundamental to maintain and guarantee the integrity and association of the evidences; that is, the body itself and its associated elements (clothes, personal objects, artifacts). Therefore, the recovery of the remains should be done according to methods, techniques and criteria that have been internationally sanctioned in the framework of archaeology, for forensic investigation.

Special emphasis must be placed on the registration systems (documentary, topographic, graphic, photographic and filmic) that must be applied throughout the entire process, from the beginning of the intervention to the end of it, inclusive.

All the documents produced, as well as the elements recovered during the investigation process becomes evidence; therefore it must be strictly protected and protected from theft, alteration or destruction, due to the serious legal implications that this would generate, impeding or hindering the development of the investigation. Ensuring their integrity is a concern not only of the law enforcement officer, but also of those legally accredited to forensic expert investigation.

3.2. Logistical aspects

The basic elements that should be counted on in the field during a process of recovery of exhumation remains are:

3.2.1. Human Resources

It is very important that the recovery of human remains be carried out by expert and suitable personnel, since the quantity and quality of the information obtained will depend on the careful recording of evidence. Therefore, in order to avoid the loss of valuable information and/or the generation of false information this work should not be done by untrained or inexperienced people; the team should be made up of professionals experienced in the different disciplines of the forensic area.

The human team will vary depending on the site to exhume. However, each intervention must have the representation of the state institutions in charge of legitimizing, allowing, observing and supervising the process. That is, Public Prosecutor's Office, Ombudsman's Office and

at least have the presence of an organization representing the families and relatives of the victims, while seeking to ensure the impartiality and objectivity of the process. It is necessary that, in addition to the state technical team, there is also an independent technical working team composed of qualified experts and experts in the field, duly accredited in order to ensure objectivity and transparency of the actions. Both teams must work in a coordinated manner to avoid duplication of tasks and information, or in optimal conditions, forming the same Technical Team of Forensic Experts.

The core team should include at least one archaeologist, one photographer and one draughtsman (preferably a topographer or archaeologist) as well as sufficient support staff according to the needs of each case. The support personnel should be made up of one or more archaeologists according to the needs and some workers who collaborate in the tasks that require their presence. This staff should belong to the area where the work is done and/or speak the language of the region.

It is not superfluous to mention that only legally authorized personnel must participate in the different actions to be carried out.

3.2.3. Material Resources

As with human resources, the material elements will vary according to the planning and the place and conditions in which you are going to work. Some of the basic materials that should be counted on in most cases are: Badilejos, brushes, soft brushes and brushes, buckets, sifters and sieves of at least two sizes; large and small shovels, picotas; cord, stakes of different sizes; paper or, failing that, plastic bags of different sizes, indelible feathers of different thickness, cardboard or plastic boxes large enough to transport the remains, cameras and, where possible, video cameras, drawing tools, support boards, compass, levels and plummets.

In addition, depending on the characteristics of each region, the materials required by the terrain and the exhumation should be available.

3.3. Register

The whole process, from the beginning, must be properly recorded, describing and taking note of the steps followed. For this purpose, the remains will be labelled following the proposed coding; the whole process from start to finish must be recorded in diaries and field records, as well as photographic, filmic and topographical records and the corresponding resulting documents (photographic records, plans and evidence retrieval records). To this end, it is recommended to follow the steps detailed in the following paragraphs.

3.3.1. Coding

All intervention sites must be coded⁶. By sequence, the proposed coding must be retained from the inspection. In the case of a new site, no action will be taken until the previous inspection has been carried out and the respective coding has been assigned.

Once the name of the site has been established, a correlative numbering should be established for each of the elements of evidence (sites, bodies, associated objects, documents) that arise during the recovery of the remains and that constitute evidence, which should be labeled and properly organized. This label accompanies every document (report, sketch, graphic, photo) that is made.

For the coding of evidence from each exhumation, each item recovered will receive, as mentioned above, a sequential number, followed by a letter indicating the type of evidence involved. Before this number, the site from which it comes must be specified.

Bodies shall be identified with a *C* (e.g. AT01/01C), isolated body segments with a *P* (e.g. AT01/02P) and artefacts with an *A* (e.g. AT01/03A). Category *C* includes bodies and elements that are part of it in an unobjectionable way, that is, all those objects that meet the body such as clothes, accessories and other artifacts that may appear. Once in morgue, this numbering will change and each artifact will acquire a correlative coding coming from the body they are in (e.g. AT01/001C/01A).

A body is a complete or almost complete corpse. A body segment is an organ or part of an organ that is isolated (an arm with its respective hand; a hand; a skull).

An artifact is any element found during the recovery of the remains that may or may not be associated with it or the bodies (this category includes projectiles, shell casings). At this point, it is of great importance the experience of the expert to qualify the objects, as they become evidence once the coding has been done. It is therefore important to discern carefully which objects can be part of the facts and which cannot, so as not to recover elements that have nothing to do with the facts and which may create confusion.

All coding should be correlated and duly recorded in written documents. These should be handled only by those charged with protecting and handling the evidence, who in turn must answer to the prosecutor or the authority in charge for the fate of the evidence.

This system allows a single record to be kept of the evidence recovered and at the same time avoids the repetition of numbers that could lead to confusion.

⁶The proposed coding is explained in the inspection protocol.

3.3.2. Journal and Field Cards

The field diary should take note of the work carried out, as well as the problems that have arisen. The diary is, in one way or another, the document where all the relevant and first-hand information is recorded, which together with the other documents obtained and the databases will help in the reconstruction of the events; constituting the documentary base for the elaboration of the corresponding report. It is therefore necessary to highlight in it all the important details of the investigation process. This diary should start from the moment you arrive at the scene of the events and end with the completion of the work.

There should also be field cards that allow all the information of the context itself to be gathered. The cards describe the characteristics of the place where the remains are deposited and the conditions in which they appear.

The field diary should be kept by the persons in charge of the exhumation; those who are legally accredited to carry field notes are usually the ones who direct the exhumation work. Their professional and expert suitability must therefore be guaranteed, to ensure the development of a coherent exhumation strategy as well as the orderly and scientific retrieval of evidence; and the adoption of appropriate tactical modalities in the face of particular problems. The cards may be carried out by the person or persons in charge of collecting the evidence, who must have clarity in the procedures that are carried out and the responsibility that this implies.

All objects found must be described in detail. When in doubt about the finding or how to describe it, always choose the more general description rather than tempting a more specific description. For example, if there is no certainty about whether a debris is human or not, it should be recorded as "possible human bone"; if the person performing the removal of the debris does not have sufficient knowledge of human anatomy, and has no certainty about the finding, it should only be recorded as "human bone" without going into detail.

It is important to record the state in which the evidence was found, however, one should be very cautious with the description, especially regarding injuries found in human remains or regarding weapons found at the scene and their relation to the facts (calibres of projectiles, types of weapons) and in general any comments that may affect the investigation. Both injuries and associated objects are normally described and analyzed in a morgue, as soil and other factors can cause misdiagnosis in the field. What should be done is to provide a general description of the finding, whether it is in good or bad state of conservation, without specifically establishing the cause.

On the orderly, systematic and scientific execution of these tasks depend the explanations, interpretations and discoveries that can be offered within the process of forensic investigation. Hence the importance of an adequate process of registration and collection of information.

3.3.3. Topographic survey.

With the support of the existing cartography, the planimetric survey must be carried out with instruments such as planchettes, optical levels, theodolites or other related equipment. If these instruments are not available, you can use simpler instruments such as compasses, tape measures of different extensions and aerial levels.

The survey should include points that are easily located and, as far as possible, perennial, including the scenery as well as relevant landscape elements (e.g. bridle paths, affirmed, nearby constructions), which will facilitate the precise graphic documentation of the findings and their spatial relationships, thus making this information a relevant testimony for the ongoing process, susceptible of being elevated to a court of law. From this point of view, any feature or element that by its presence or absence implies a modification of the topography or the natural landscape, which could be related to the adequacy of the land must be considered in the information and incorporated into the plan.

As for the evidences, both the anatomical ones and the artifacts (complete bodies or body segments, casings, projectiles, among others) must be lifted planimetrically with their respective label; both if they are clearly associated to the main event, and in the case that the association is not evident. If the evidence clearly belongs to a particular body, that association must be preserved (by mapping, photography, filming and packaging) to maintain the unity and integrity of the evidence. This information, with the respective codes, must be entered into the database. This will allow the graphic restitution of this information and the making of the plans and illustrative drawings that are necessary.

3.3.4. Photographic and audiovisual record

This type of record is indispensable insofar as it will allow the state and circumstances of the discovery of the recovered evidence to be perpetuated and will support the report generated in this respect. In that sense, we will note here not only that which concerns the field record, but also that which applies during morgue work.

The taking of photos must have a minimum criterion to avoid taking unnecessary photos; the idea is to take only those photos that are essential and necessary of each case as well as of the process in general.

The photographer must keep an accurate record of each photograph taken, indicating the roll number, photo number and photo description. At the end of the

diligence will collaborate in the elaboration of the photographic report. Digital photographs shall be taken for illustrative purposes only.

The first photo of each roll must have the identification of the diligence, case and date. Each photo must be perfectly identified and when required, especially in the detail photos each must have an appropriate metric scale. Neither the scale nor the size of the code should be larger than the object photographed.

The lighting and backgrounds must be taken care of avoiding overexposure or underexposure in the photos, such as the appearance of objects, shadows or people that distract the main motive of the same. It must be carried out from the first moment of the expert intervention and during the whole process of recovery of the evidence, taking general and detailed photographs. These supporting graphic documents constitute testimonies and concrete evidence for the case.

A detailed record of the film and photographic material must be labeled and maintained to manage an organized graphic information base. Each film and videotape must have a code that can be identified. Likewise, when taking each of the photographs, a scale and a north-south arrow, as well as the codes that identify the site and associated elements, should be placed in a visible place. This will help to preserve the spatial proportions and relationships of the photographed elements.

In the field, the whole exhumation process must be photographed, from beginning to end, trying to make the photos clearly reflect what the process consists of and the objects found in it. In order to highlight the elements found, coloured ribbons, rulers or metric/graphic markers (e.g. milestones, millimetric rulers) may be used to delimit and/or indicate the evidence to be photographed in order to facilitate its clear visualisation when the photos are subsequently examined.

As far as the morgue process is concerned, each body will be taken a general photo immediately placed on the autopsy table where the respective body code appears. The general photo is taken before the autopsy and may be of the body with the bag open, or of the body outside the bag and placed on the table. In case that the body presents bandages or strings around the neck, eyes or mouth, as well as around hands or feet, photos of detail of the same ones will be taken.

To illustrate each case certain basic photographs will be required to support the opinion as far as mechanism of death is concerned for example. In addition to these photos, during the autopsy, the legista can ask the photographer to take additional shots, due to its importance as graphic evidence. For example, when a foreign object (projectiles, splinters, other elements related to traumatic or pathological events) adhered to or lodged in the tissues is observed, it should be recorded photographically, before and after removal, using elements that may be more useful than distracting (a long stick, orientation marker type) to photograph trajectories (of projectiles or other weapons).

It is also necessary to take photographs in case of ante mortem pathologies (fractures, cuts, mutilations, tattoos, soft tissue pathologies, organs, surgical elements, particular dental characteristics, among others), which may be useful at the time of identification. These can be recorded with mechanical, automatic or digital equipment.

At the end of the autopsy, the general post-autopsy photo is taken of the body already operated on, with the corresponding labels and scales.

For this purpose, the following must be taken into account:

- ! Each roll of film and each video must have a number and must have its respective card, where each photo taken is noted. In case a roll does not finish the rest of the photos to use will be blank.
- ! Each photo must have the case number and the graphic scale.
- ! Digital photos are not valid for court cases. They are only used for internal work and in cases of recognition of the victim or his belongings by his relatives or witnesses.

3.4. The Exhumation Process

Once the exhumation of a site has been decided according to a previously elaborated plan based on existing preliminary information, there are a number of fundamental steps to follow. The same steps do not apply in all cases, as these may vary from place to place, depending on the situation in which the finding is made. However, it is important to bear in mind that there are a number of principles that must be maintained regardless of the circumstances that allow the evidence and therefore the information to be properly retrieved.

- ! In the first instance, a security perimeter should be established, delimiting the area to be intervened, which should be reviewed to rule out the presence of elements that compromise not only the security but also the physical integrity of the participants and the normal development of the diligence; providing for the relevant surveillance and control measures. This must be done at least on the day before the due diligence.
- ! Start the field diary, making sure to note the type of area, type of event, date and time of start of work and team members.
- ! Initiate the photographic and filmic record that must be continued throughout the process.
- ! Carry out the topographic survey of the area, in which all the sites located must be indicated and all the evidence recovered on the surface must be added.

- ! Through the archaeological excavation, the shape, contour and dimensions of the pit, its nature and characteristics, whether it was made manually or mechanically, and whether or not it underwent alterations of any kind that could compromise its integrity and that of the associated evidence will be delimited.
- ! The removal of soil, stones and other elements that constitute the covering and/or filling of the pit, will be carried out meticulously, trying to register, in addition to their characteristics, those elements that can provide evidence about the events that took place there. To this end, all soil to be extracted should be shaken and examined for associated materials. In addition, special care shall be taken to ensure that the removal does not alter, mix or decontextualise the burials and associations contained in the pit.
- ! Special efforts will be made to identify existing corpses, clearly establishing the associations of the artifacts found in the grave and whether they belong to or are related to any of the registered individuals, considering the type of information that can contribute to the investigation process.
- ! Each individual and device shall be registered with identification codes, which shall be maintained until the end of the investigations and shall enable one case to be distinguished from another.
- ! Special care must be taken in the recovery of elements such as projectiles or caps, as well as other elements that due to their size can be easily fused, such as teeth, for example, which provide valuable information for identification. To avoid these situations or if empty dental alveoli are found (post-mortem losses), it is necessary to shake the extracted filling in search of the teeth or other elements that may be found there.
- ! An important aspect of morgue analysis is the recording of fractures in the bones, which may be related to the cause and manner of death, therefore, in the event that during the course of excavation a bone was broken or damaged is important to note in the field notes, to avoid confusion and loss of time in the morgue.
- ! The detailed inventory of bone remains should be made in the morgue, therefore, in the field it is necessary to record only if the bone is present or absent (P/A) and if it is incomplete or fragmented (I/F), when it is visible, i.e., when it has no clothing. It should be clarified that the term "incomplete" refers to bones that are missing a part, which is whole or in pieces. On the other hand, the

Fragmented term refers to bones that are in pieces, may be incomplete or with all its segments present.

- ! Once the corpses have been identified and registered, they should be removed. At all times, insofar as it is excavated contextually and in order to avoid the loss of evidentiary material or its decontextualisation, one should try to lift the body as a unit (a dress does have clothing). When necessary, to avoid damage or loss, plastic bags may be placed to protect the skull and extremities (feet and hands), then proceed to lift the body in a box or body bag. If the body is skeletonized without garments, it must be lifted in one or more bags, as the case may be, which must be duly labeled, as indicated in previous paragraphs. In cases where the preservation of the remains does not guarantee their integrity, all possible observations and descriptions should be made and a detailed photographic and filmic record taken before they are lifted.
- ! All associated elements recovered with the body must be kept associated with it with its proper labeling. Devices located or found close to the body, but which cannot be directly associated with it, should be recorded separately, as indicated in the coding item, indicating in the observations the exact data of their original location.
- ! Once the excavation of each pit has been completed, the characteristics and nature of the pit will be described, taking into account the relevant information recorded during the process itself. Their dimensions shall be taken, photographic and filmic records shall be made and the necessary samples (e.g. of soils and foreign components) shall be taken. As a final step, the pit will be filled with those materials from its excavation that do not constitute any kind of evidence.
- ! The recovered evidence, duly individualized and packaged, shall be stored and delivered to the person responsible for safeguarding its integrity until it is transported and delivered for their respective analysis and studies. Also, the documentation generated must be part of the chain of custody and will constitute the initial basis of the mortuary work.

3.5. Surface harvesting

It should be noted that the remains are not always necessarily underground; sometimes they may appear on other surfaces, depending on how the events occurred, and

circumstances that generated the intervention in that scene. In this sense, the procedures, although similar to that of excavation, maintain particular characteristics, according to the events themselves.

Therefore, in these cases the burial site should be managed as a typical crime scene, as it is a place that contains evidence that must be kept protected until it is properly collected.

The type of evidence found may vary greatly depending on the context itself; generally, a site may typically contain, in addition to human remains, evidence of weapons (different types of weapons, ammunition) related to the event, as well as clothing and other personal objects.

In these cases it is common that with it (the) bodies, or segments of it, insects and plants appear in direct association; which could even be inside the clothes. Their importance lies in the fact that, during entomological analyses, they can sometimes provide information about the time when the person died; or whether he died in one place and the body was abandoned in another. Items such as coins, newspaper pieces or others in direct association with the remains can also help establish the time of death in a general manner.

The evidence collected can thus give us vital information about the identity of the person whose remains have been found, the cause and manner of death, the approximate time of death and the possible perpetrators, among other things.

- ! The procedures in terms of registration, lifting and packing are the same as those that will be followed in an exhumation process, however it should also be borne in mind that:
- ! Once the site is reached, the general perimeter must be delimited and within it, a work area must be delimited, which is the area that contains the evidence. Only the persons assigned to work on the case must access the delimited area from this point on.
- ! When entering the area, if possible, proceed with a metal detector that allows or facilitates the discovery of some evidence; this will also help avoid risks if there is ammunition in the place that could lead to risk for participants (grenades, firearms, mines, among others).
- ! If necessary, the present vegetation should be carefully cleared, so that objects that are on the surface and associated with the event are not removed.
- ! The site should always have an appropriate location; in very large areas, it is recommended to establish a midpoint, giving it a GPS location or in its absence should describe as best as possible the location of the site. If possible, references will be taken and the distance will be measured with important and relatively perennial elements of the landscape.

Once the site is located, a "raking" of the area should be done. Depending on its size, the group of participants will be divided in such a way that they cover the entire area within a given perimeter, walking slowly, separated from each other (every 50 centimeters, one meter, as required), to cover the entire surface of the work area. As findings are made either individually or in groups, before lifting them off the surface, they should be marked with brightly coloured flags that allow for subsequent planimetric, photographic and audiovisual recording. If possible, a metal detector will be used to identify metallic evidence, such as ammunition (projectiles, large, mines, among others).

3.6. Packaging and Chain of Custody

All evidence recovered during the investigation process must be conveniently packaged, labeled and recorded in the documents developed for this purpose; maintaining and ensuring the security of physical evidence recovered during the exhumation and autopsy process. It is important to preserve the unity of the associations defined in this process, both human remains and artefacts. It should not be forgotten that on the basis of this evidence and information it will be possible to identify individuals and clarify the events related to their disappearance and death.

For the packing of evidence, we recommend the use of plastic or paper bags of different sizes, as well as plastic or cardboard boxes, also of different sizes, depending on the needs, which must be clearly labeled. A database or list of everything packaged must accompany the materials for control and further processing.

Given the importance and need to maintain the integrity of the evidence, it is essential that there be a group of specialists dedicated to this task and therefore must be present from the beginning of the proceedings and continue until the completion of the process, when the final destination of the recovered remains is established, as described below.

The primary function of these crime scene specialists is to collect, record, examine, and properly store physical evidence recovered from the bodies of victims, as well as from those artifacts found in the exhumation area or at the crime scene. Finally, they are responsible for the **chain of custody** of all evidence recovered, ensuring its integrity and avoiding contamination. One of the participating officers will assume the role of Team Leader.

In the field, the OEC will ensure that all evidence collected is duly recorded in the files designed for this purpose; as the coding of evidence is the function of the Official, control will be simpler. The OEC shall ensure that both the remains and the

the other evidence is duly transported and stored until it is handed over for analysis and finally returned to family members or buried as the case may be.

Usually the CAB should remain outside the burial site or near the collection site in order to be aware of the procedure.

During the autopsy, it is ideal for each autopsy table to have an officer who, through a series of registration forms that must be filled out and signed, will ensure that all evidence coming from the bodies is properly coded and labeled, noting all information regarding the characteristics of the garments, accessories and associated items (ammunition in general, shrapnel, firearms), as well as having a control of the biological samples that come out of each table and know their destination at all times. Any change in custody must be documented by internal documents.

This information can be used for identification, so it must be very accurate. Once it has been described, it must be handed over to the lawyer to be processed in due time.

In all cases, once the series of examinations and tasks around the body have been completed, once the clothes are clean and dry, they are described and documented on the cards. A normal and/or digital photo of the clothes should be taken in an "anatomically ordered" manner, i.e. maintaining the position of the garments from head to toe. In that order the cap will go up, the shirt, to the side the jacket, to the side the pants, to the side of these the underwear, below the socks and to the side the shoes. This will make it possible to show family members directly and quickly the garments for identification.

the bag of clothes is included and linked to the one that contains the victim's body, after the mandatory autopsy, according to the protocol, for the judicial effects of the case.

The OEC must register, clean and then give them to the photographer with their respective file. Afterwards, it must be stored correctly.

3.6.1. Transport and storage

Once the evidence has been collected, it must be transported properly to the place where it will finally be analyzed, within a reasonable time. Regardless of the means of transport chosen, it must be guaranteed that the remains will be transported in such a way that they will not suffer additional damage under any circumstances (humidity, space, weight, etc.). It is recommended that the remains be in properly sealed cardboard or plastic boxes, avoiding putting heavy objects on top of the boxes. These, moreover, must be constantly guarded. If they are found with fresh soft tissue or in putrefaction, the medium used must have a refrigerated space, where they are kept until they reach the place where they will be stored.

The storage site should be safe, clean and protected from rain, occasional flooding, as well as from animals (rats, dogs) that may alter the evidence. The site must have permanent custody and/or remain properly closed.

During the time it takes to carry out your analysis and once it is complete, until the remains are finally available, they must be stored properly. In cases where the corpse is recent or is in a state of putrefaction, an adequately refrigerated and ample site should be provided to avoid inconveniences with the putrefaction process.

If this is not possible, the remains should be analysed promptly. In case their identification is not achieved and therefore they cannot be given to a family, it is recommended to have a space with the proper spatial location, where they will be buried individually in a cemetery or a space conditioned for that purpose, with their respective labeling, according to the recommendations of the National Plan of Forensic Anthropological Research. Burial is probably the best solution, once the remains have been analysed and it has not been possible to return them to their families. In such a situation, the location of the remains should be noted in the case file, so that in the future they can be exhumed for further analysis or for their respective return to the victim's family.

The Chief Officer must monitor the packaging and storage of evidence (both artifacts and remains) and know its precise location at all times. Evidence must be properly sealed to avoid tampering and finally stored in a properly guarded and closed place.

Personnel accredited by the competent authority (specialized prosecutor or designated judge) must sign each container, box or bag containing evidence, taking responsibility for its transportation and preservation. It is the officer in charge of the evidence who delivers it to the other specialists involved in the studies and expert analysis to be done in the future, taking charge of sending, upon request of the legista or the authority in charge, the samples that require analysis to the laboratory in charge. In the case of being relieved of the custody function in the case, you must deliver the evidence by written communication, which includes inventory, delivery and receipt thereof.

It is necessary to point out that this protocol can be used in various circumstances, whether geographical, climatic, security, financial or other conditions and especially for the particularities of the present case. Consequently, the principles contained in this protocol should be taken and adapted to the specific conditions to be treated.

4. MORGUE PROTOCOL

Mortuary work is the necessary continuation of the exhumation process and should be done as soon as possible between the two stages of the work. Not at this stage

there should be direct contact of the experts with the relatives or witnesses, to allow and achieve total objectivity and independence in the work.

4.1. Aims and Objectives

The objectives of the medical-legal autopsy are to establish the cause of death, the circumstances and the time in which it occurred (chronotanodiagnosis), the manner in which it occurred (homicide, suicide, accident, natural or indeterminate) as well as the probable mechanism that was used in the commission of the act; providing all the necessary information for the issuance of the death certificate, as well as clarifying the circumstances in which the death occurred. In cases where human rights violations have occurred, this last point is of particular importance, as well as knowing precisely other situations that could have affected the victim before his or her death (torture or other cruel treatment).

Likewise, the autopsy seeks to observe particular elements of the individual making contributions that may contribute to their identification, using existing methods and techniques for this purpose.

In the case of *previously identified victims*, the appreciation of the mortal remains as a result of the analyses carried out may be sufficient to sustain or contradict the presumed identification. In cases where there are *unidentified victims*, efforts should be made to obtain as much information as possible that can be cross-checked with existing ante mortem information in order to achieve positive results in the process. For this purpose, an identification protocol is presented at the end.

4.2. Infrastructure

The morgue is the center of the appropriate forensic operation to perform the analysis of the bodies. It must have a private room that guarantees security for both the evidence and the information gathered during the proceedings.

As far as possible, the best conditions should be sought within the capabilities and possibilities for each region; however, even in the worst conditions, a minimum of resources in terms of necessary infrastructure and materials should be guaranteed.

In terms of basic infrastructure, there should be an autopsy room or an adapted space for that purpose, where appropriate conditions are in place, i.e. a sufficient number of autopsy tables as required in each case; the place should be adapted with adequate lighting, water and ventilation conditions.

As far as possible, a special X-ray room (with the corresponding lead insulation) should be provided with its own dark room for processing.

and developing the plates that are taken. A room parallel to the autopsy room is also recommended, which should have work areas for the different areas involved in the process, i.e., medicine, anthropology, dentistry, evidence management and photography.

Without going into the details of the ideal, or minimally acceptable, technical conditions, it is always the impartiality of the expertise that should be sought. Interference by outside persons or bodies does not allow the forensic investigation to be conducted properly. It is recommended that a list of all speakers and observers present in the room be included in the final report.

4.3. Human Team

The morgue work is done with an Autopsy responsible, who will be a medical legista. It will be developed by a multidisciplinary team that allows to carry out a complete and organized work. It is recommended that the team consist of forensic anthropologists, forensic dentists, radiologists, forensic photographers and autopsy technicians. A Crime Scene Officer must also be available to handle the evidence. In order to perform an autopsy in optimal conditions, it is necessary to understand the responsibilities and importance of each of the areas involved, which are described below, as part of a multidisciplinary effort whose ultimate goal is to achieve a comprehensive approach to the analysis of both the body and the evidence.

The specialists who do the morgue work will have a series of cards to speed up the retrieval and analysis of the information. These instruments correspond to the different specialties (medicine, anthropology, dentistry, photography, evidence management) and should be used by the corresponding professionals. At the end of the morgue work, one of the persons in charge of the participating technical teams (Doctor or Anthropologist) will gather all the documentation and once the final report has been finalized, it must be delivered to the authority in charge, for the corresponding procedure.

4.4. General Procedures

In order to carry out the autopsy processes in an orderly manner, in those situations where one or more bodies from more than one site must be analyzed, it is necessary to approach one site at a time, until all the sites of all the cases are concluded. The site with which to begin will be decided jointly by the head(s) of him or the participating technical teams; it is recommended however, to begin with the simplest cases leaving the most complex ones for the end.

The legist must be present in both the examination of soft tissue bodies and skeletal bodies. It is recommended that in both cases you work closely with the forensic anthropologist, especially in cases where the body is decomposing or skeletalised.

As far as possible, bodies should be examined with the help of an X-ray device by a radiologist (or radiological technician) and one of the legists, who will write a short report of the findings, including personal objects such as keys, lighters, pens, as well as objects that may be dangerous when accessing the body (needles, pins, razor blades, knives or explosive devices); It is also important to detail the presence of projectiles, shells and shrapnel (mortar, pomegranate, among others) that may be part of the objects associated with the body or that may have been "placed" in it in the perimortem period.

It is recommended that before starting the autopsies, the respective X-Ray analysis be carried out, in order to speed up the studies. The report and the printed x-rays must be handled by the legista for the execution of the corresponding autopsy.

In case of difficulty in finding a projectile or a metal fragment (e.g. shrapnel), the legista can pass the body and/or the bag containing the clothes back through X-rays. This should be done for the duration of the autopsy.

An autopsy usually consists of three stages. The first is the external examination of the body in search of wounds, scars and generally useful elements to establish both the causes of death and the identity of the individual.

The second step is the internal examination of the body, which involves dissection and examination of the organs in order to establish the existence of pathological phenomena, as well as to gather evidence of violent destruction, clearly establishing its causes and consequences.

The last step is the microscopic examination of tissues and fluids to establish the presence or absence of toxins and/or foreign substances in the corpse, as well as previous pathological states.

4.5. Preliminary analyses

The entire procedure should include general and detailed photographs. Once the body is on the autopsy table and after the general photo, the external examination of the body will proceed. The body must be undressed by the legista and technician and the clothing will be examined thoroughly, to place personal effects in the pockets and identify holes that may be associated with projectiles from firearms or other artifacts. The presence of

blindfolds, ligatures, bandages and similar articles, must be annotated and these elements must be photographed in *situ*. Once retired they will become part of the evidence.

As clothing and personal effects are removed from the body, the OEC must assign a code and label them. It will then forward the garments for cleaning, full description and registration. At this stage the legista may also participate if he wishes to locate orifices or damages that may be related to the mechanism of death. The same procedure will be followed when dealing with bone remains.

4.6. External examination

The next step is the external examination of the naked body. The body will be washed to see if there are other wounds; the head, torso and limbs will be palpated to determine the existence of possible fractures. The body must be examined both before and after. At this point it is of great importance to observe and describe in detail those injuries that may have occurred as a consequence of serious human rights violations: burns on different parts of the body with different agents, bruises, cuts and scrapes in general, as well as traces of rape (the observation includes both the genitals and the anus), signs of asphyxia, observation of fanaeras in general, among other elements to be observed, will be important signs.

For identification purposes, note should be taken of all those characteristics that can be defined with median clarity, such as hair color, whether it is long or short, whiskers, beard, possible scars or tattoos, presence of external genitals and other significant features. If possible, the vertex-heel length of the corpse should be taken on the table when these characteristics are present; this measure does not replace the estimation of height from long bones. If the state of preservation of the body permits, fingerprints of the body should be taken to compare with existing antemortem records.

4.7. Internal Examination

The autopsy should also include a thorough examination of the chest, abdomen, limbs and head internally. All the organs will be removed and analyzed, trying to obtain elements that allow us to establish what happened to the victim in the moments around death. It is important to observe, among others, the presence of foreign elements in the respiratory tract in general, as well as in the digestive tract. It is important to verify the nutritional status of the individual, in

so much so that during long periods of detention, malnutrition and dehydration are common.

In cases where the body is mummified, corified, or saponified (adipocrya) it is recommended to proceed with the autopsy, such as when they are found with fresh soft tissue, but with the support of a forensic anthropologist. For identification purposes, it should be checked whether fingerprinting is possible or whether it is necessary to rehydrate pulp; for this purpose, existing methods and qualified personnel should be used, cutting the required phalanx or phalanges, if this is the case.

All objects related to the diagnosis of the cause of death (projectiles, splinters, and other materials) are recovered by the Legistator and delivered to the responsible officer. The legista is responsible for determining which objects are delivered to the responsible official, who receives them and is responsible for establishing and verifying their organization, classification, photography, inventory and storage as part of the chain of custody.

A basic point in the whole process of describing injuries is to relate them and establish the minimum number of injuries present in a body.

It is recommended to take only the photos that are indispensable, mainly of the lesions and of important identifying features, considering the suggestions that from all the areas can arise. Any wound found in the course of the autopsy will be photographed before a new operation alters its morphology. Once the autopsy is complete and all specimens reconstructed, appropriate photographs will be taken.

During the dissection of the corpse, the legist must ensure that there is no damage to the structures to be analyzed by the anthropologist and the dentist (see the corresponding sections). Special care should be taken with the sternal ends of the third to fifth ribs and the pubic symphysis on both sides.

4.8. Skeletal or decomposing bodies

When the body is totally skeletonized, the procedures to be followed are basically the same as in cases where the bodies still preserve soft tissue; the state of preservation of the bones must be evaluated and according to this, the steps referring to their cleaning and conservation must be decided upon. Once the legist has decided on the complementary examinations to be carried out, all the bones should preferably be washed or cleaned as the case may be and placed on the table in an anatomical position, so that the anthropologist can carry out the corresponding analyses.

In cases where it is expected that there will be difficulty in identification and it is presumed that DNA analysis should be used, special care should be taken in the cleanliness and conservation of the DNA.

remains; for this purpose a long bone or lumbar vertebra and one or more teeth (preferably molars and/or canines) should be left intact in a properly labelled paper bag.

One of the main objectives will be to estimate the *Minimum Number of Injuries*. The cause of death shall be determined on the basis of an examination of injuries which, in life, have caused irreversible damage to the system. In order for the examination to be exhaustive, the restoration of the fractured anatomical parts will be indispensable. This work should be carried out by the anthropologist in charge of the case.

4.8.1. Minimum Number of Individuals and Inventory

The first part of the analysis after establishing the biological species of the remains to be analyzed (differentiate plants, animals and humans), the anthropologist should observe whether the remains found in the body bag belong to one or more individuals, establishing the Minimum Number of Individuals, individualizing the parts in an orderly manner, until this information is obtained; once this task is completed, the extra individual(s) will be assigned a new individual number, after consultation with the legista and the OEC.

It is the responsibility of the anthropologist first to carry out the individualization of the case, then to make known the age, sex and estimate the height of the victim, as well as make the restorations that are necessary to establish the injuries and trajectories. It is necessary to consult with the lawyer about the features that show the possible cause of death (injuries and trajectories).

The anthropologist must notify the medical examiner of the Minimum Number of Individuals found and this information will be given to the official in charge of the chain of custody, so that each one of them is treated individually with all the implications that this entails (autopsy, dental letter, anthropological analysis). When the extra remains that appear are not enough to be considered an individual (e.g. a rib, a phalanx or a few isolated bones) the mixed remains file should be followed, where the sex characteristics should also be noted if possible, and if it is an adult, youth or infant, as well as any extra information that may be useful for the investigation.

For each individual, the anthropologist will have to fill out an inventory form; in cases where the body retains soft tissue, it is advisable to do so at the time the body is undressed. In these cases, the anthropologist may ask the lawyer about the sex of the victim, if the genitals are present. In this case, the anthropologist must record the determination of the sex in his file ("*man*" or "*woman*") clarifying that it was determined by the legista, from the soft tissue present.

Some specific recommendations should be followed. For example, if the bones of the feet are inside a stocking or shoe, these should not be mixed and cleaning will be done.

separately, which will save time. It is not superfluous to clarify that bones should not be moved from one table to another in a disorderly manner, to avoid unnecessary mixtures. If necessary, the remains should be labelled discreetly but clearly before being removed from the autopsy table, thus avoiding confusion.

4.8.2. Age estimation

In order to determine the age of the victims, a multifactorial analysis is used, which consists of observing and describing the changes inherent in age, visible in the various anatomical structures. To this end, various elements will be analysed. It is recommended to take as a guideline, in principle, the age obtained from the observation of root transparency with the method proposed by Lamendin (1992). It is a simple and precise method, easily applicable that offers excellent results.

In the postcranial skeleton, the fourth rib should be observed and if it is not in a good state of conservation, it is recommended to use the 3rd or 5th rib; it does not matter the side, although this should be specified in the corresponding card. It is recommended that the method proposed by Loth- Iscan (1989) be used for this purpose.

In the pelvis the pubic symphysis will be observed for which it is recommended to follow the Suchey Brooks method (1990), although it will be possible to resort to other methods, specifying on which author the analysis was based. The observation of the auricular surface according to the method proposed by Meindl et al (1985) is also useful.

In the case of minors, it is recommended to observe the parameters of epiphysis fusion (Brothwell, 1986; Krogman and Iscan 1986); also, to follow the guidelines established by Fazekas - Kosa (1978) as well as the most recent studies by Scheuer, et al (2000) regarding ossification and fusion of secondary ossification centers; however, the referential parameter for age should be based fundamentally on the guidelines of dental formation and eruption proposed by Ubelaker (1989) and Moorrees et al (1963).

The possible limitation for Andean populations would be that these parameters have been elaborated for North American populations, but for purely comparative purposes, these can be very helpful as a reference element.

While the age conclusion is an estimate, it should be offered in ranges, the amplitude of which will vary according to each case, but will never be less than five years for adults or less than six months to one year for children and young people.

4.8.3. Sex determination

If the decomposition of soft tissue does not allow sex to be determined, the forensic anthropologist will need to examine all structures in general that will allow a conclusion to be drawn, especially the pelvis and skull. This examination may take place after the medical examiner has finished his work or during the autopsy with prior authorization.

Sex determination is a relatively simple procedure, although some basic elements are required to achieve an accurate diagnosis: the body must belong to an adult, it must be complete and well preserved, and the intragroup variability of the population to which it belongs must be known. The cohort between 15 and 18 years of age constitutes the age limit from which the sexual estimation is appreciated with greater accuracy, although there are exceptions, so that before that age it is not recommended to make diagnoses as the sexual characteristics are not yet fully defined.

For sex determination, it is recommended to observe the whole skeleton as a whole; however, the parameters recommended by Buikstra and Ubelaker (1994) can be followed by morphological observation of the pelvis and skull. In certain cases, when the skeleton is very poorly preserved or when it is not easy to achieve the determination, metric parameters can be used as established by the authors cited.

Determination is spoken of as there are only three possibilities: masculine, feminine or indeterminate. If it is not possible to determine the sex precisely, it is preferable to choose the "indeterminate" option in order to avoid making mistakes.

4.8.4. Estimation of height

Measurements of the left femur will be taken to calculate the height; if the left femur is in bad condition, the right femur will be used, clarifying the case. If none of the femurs are available, other long bones will be used. Regarding the parameters to follow, it is recommended to use the regression tables established by Genovés (1967) for Mesoamerican populations, which are mainly applied to femur and tibia. If these elements are not present, the tables for black or Mongoloid men/females by Trotter and Gleser (1977) can be used.

4.8.5. Forensic Dental Analysis

The collaboration of the dentist in the identification process in all cases will be essential. Considering the nature and quality of the ante-mortem information collected, the dentist should have a sufficiently broad criterion since in most cases there are no previously elaborated dental records. In this regard, the forensic dentist should prepare a detailed odontogram for each victim. The FDI (*Federation Dentaire Internationale*) terminology has been adopted for the cases of the International Courts of Justice and the basic odontogram as well as the codification are those used by the National Institute of Legal Medicine of Peru.

The interpretation of dental information, in contrast to the odontogram, should take into account other variables (anthropological details, garments, others) to avoid exclusions in cases where the additional contrasted information is indicative and the cases have an adequate and sufficient preliminary investigation to allow the identification of individuals.

Access to and handling of remains by family members for identification purposes should be avoided. If extremely necessary, they will be shown a photo or video of the denture to recognize. This is due to the psychological shock that the contact with the corpses can cause to the relatives, before the final identification takes place.

The odontological analysis is carried out once the necropsy is finished or as soon as possible, with the prior authorization of the lawyer in charge. Whenever possible, the dentist should ensure, with the help of the anthropologist if required, that the teeth are complete and properly placed in their respective alveoli. In case of loose teeth you should secure them with reversible glue (liquid UHU type) once all necessary analyses have been carried out, but having made sure that the teeth do indeed belong to the body in question. If a tooth is going to be taken for DNA analysis, it must be removed directly from its alveolus, that is to say, do not take for sample those teeth that are loose, since it is complicated to verify their origin completely.

It is necessary to take into account within the odontogram not only the characteristics of the tooth itself, pathological alterations or clinical alterations, but also changes or alterations caused by cultural habits, work or individual.

If the dentist has to remove the maxilla and mandible (with or without the respective skull) or a tooth, he must make sure to avoid confusion by labeling it properly and in this sense must also avoid having more than one case at a time in his workstation. In the event that for reasons of force majeure it must be so, you must keep them perfectly identified until they are returned to the respective body.

The work of all the professionals involved is equally important, therefore, it should always be coordinated among all the participants, in order to avoid delays and failures in the process.

Once the odontogram has been elaborated and the particular characteristics for each case have been taken, photographs will be taken only in those cases where it is highly relevant to do so, either for identification purposes or when very specific and uncommon lesions must be illustrated, as well as lesions that are of great importance.

With regard to the estimation of age, the dentist may make the estimates that he or she deems appropriate, but the result must be contrasted with the information provided by the rest of the body, for which reason it must be done interconsultation with the anthropologist and, if necessary, with the physician to establish the final age range. To do otherwise may lead to unnecessary confusion and contradictions in the opinion delivered to the authorities.

For particular cases where it is necessary to estimate age with greater precision or in cases of establishing clinical interventions that are not macroscopically visible, X-rays will be used. You should select which shots you want to take with a clear view of what you want to get. In case of not having X-rays, the 1st or 3rd molar can be extracted to obtain a more accurate range. In the case of subadult individuals, it is important to take x-rays to calculate the age of the victims and their criteria will be important in determining age.

At the end of the tasks, it is important to coordinate with the forensic physician and forensic anthropologist in the analysis of the information for identification purposes. In cases of bodies already identified this point will not be transcendental unless the ante-mortem report provides data radically contrary to those obtained during the examination of the denture.

4.8.6. Additional Analyses

The legist should take all samples he considers necessary to corroborate or establish the presence of foreign substances in the body, as well as for DNA analysis purposes. Previously it must have been established him or the laboratories that will process the samples and coordinate the sending as well as the reception of the results and the time that this can take for its inclusion in the final opinion.

It is the responsibility of the technical team(s) in each case to ensure that a DNA sample is obtained according to the specifications of the laboratory with which agreements have previously been made for the processing of samples. In this case it will also be necessary to ensure the collection of blood or saliva samples from potential family members, in order to

that all information is processed in an appropriate manner following the identification protocol. The appropriate chain of custody must be maintained in each and every sample until the results of the relevant laboratory are issued.

If further analysis is required, whatever it may be, it will be necessary to proceed according to the standards and requirements established by the laboratories where the examinations will be carried out. These laboratories must be chosen beforehand and must have the minimum technical and scientific specifications and certifications required internationally.

4.8.7. Elaboration of the Final Report

The legista will complete an autopsy summary sheet (especially what concerns the diagnosis and conclusions) at the end of each intervention, specifying the sampling. In addition, it must issue necropsy protocols and death certificates at the end of the morgue work in order to deliver the bodies to family members, when appropriate.

It is recommended that a final report be prepared jointly by the forensic physician and the anthropologist in charge. It is important that it be submitted on the dates indicated by the relevant authority, which should consider reasonable time limits in relation to the complexity of each case.

The report should follow a format that is sufficiently complete but concise, containing information on the individual data of each of the victims as well as the conclusions of the forensic doctor. It should mention the *Minimum Number of Injuries* and the anatomical structures that would have been affected during their production. It shall also state the cause, manner and mechanism of death. It should also include the odontogram, the description of the garments, and other conclusions reached during the analysis.

The technical team will be in charge of analyzing the preliminary information and the postmortem information and then collate it providing the necessary tools for the identification process. It is important to present the antemortem and postmortem information collation tables used for victim identification.

The autopsy summary sheets will be a fundamental part of the preparation of the opinion and should therefore be as descriptive as possible. It must also include the photographic record, which for the purposes must be concise and precise, that is, the photographs requested must be those exclusively necessary to illustrate the case and must be presented as part of the opinion stating the respective authorship.

5. IDENTIFICATION PROTOCOL

The identification of persons is based on biological elements, although the causes and consequences of the same are social and legal, seeking to fix with precision and without equivocation the recognition of an individual, so that in doing so this identity is not easily modifiable.

Identity is what allows individuals to recognize and be recognized as part of a family and social group, also determines their legal existence and makes them creditors to a series of rights and duties. From this point of view, identification plays a fundamental role in societies, which have created various ways to characterize each of their members, through practices and rituals that allow the acceptance of an individual as part of a specific group.

It is therefore the duty of the Peruvian State to comply with the legitimate right of persons and even more so the victims of the internal armed conflict to be legally recognized; a right that was granted to them constitutionally at birth in national territory, but which they lost by "disappearing" as a consequence of this violence.

In the identification of persons and even more of NN victims, it is necessary to assume that only to the extent that a sufficient quantity of elements is available, will a reliable identification be achieved -positive or negative- and by extension the real legal, social and psycho-affective objective that is sought with this process. Although enormous advances have been made in the field of identification over the last two centuries, new studies are still being presented which will have to be introduced gradually and once they have been duly tested.

5.1. Principles for identification

The central object of the sequence of studies described is to follow the principle of identity according to which "...a thought or an object is identical with itself provided that its features do not change over time in spite of the circumstances to which it is subjected. This law can be summarized in formula $A \text{ is } A$, where A is any object, event, process, action or quality" (De Gortari Eli, 1972 in Sánchez et al, 1993:8).

It must be taken into account that the human being is the product of sexual, ontogenetic and phylogenetic variability that makes him individually different but at the same time gives him common characteristics to all the species. From this point of view, the aim is to establish what is common to all and differentiate what is proper and unique in each.

There is variability at the sexual level, men and women are different and as such they keep biological characteristics that make them particular within one of the two sexes; phylogenetic traits characteristic of the human species are conserved that also appear in other species. (man shares with his closest cousins, the chimpanzees, approximately 98% of the gene pool). Ontogenetically the human being changes from conception to after death and yet, there are inherent characteristics of each one that will not vary substantially with age. It is within and on the basis of this variability that one must seek that which makes an individual completely different from others and which will remain unscathed despite the circumstances.

What is required then to determine identity is that the physical essence of the object in question remains rigorously immutable, despite changes caused by natural, artificial or accidental causes.

In relation to legal processes, it is required that the principle of identity maintains its differentiating value, where each object will be unique, different from the others and identical to itself and in order to achieve this each individual must be distinguished from the others by a series of external signs that will allow recognizing and identifying him as such.

It should be borne in mind that in order to achieve the identification of persons, methods are used that allow the personality of individuals to be established in a manner that is certain, objective, durable, invariably recognisable and easily observable. As far as identity is concerned, this is a fact, not a convention or criterion; it is the means by which society, the law, the states look for an effective and safe means to establish it and thus guarantee the social order, the defense of individuality and collectivity (Sánchez, et al 1993).

According to the dictionary of the Real Academia de la Lengua Española (Royal Academy of the Spanish Language), *identification* is defined with emphasis on individuals, such as "...recognizing if a person is the same person that is supposed or sought, verifying that said person is the same person known in other circumstances or for whom certain data are held, that is, establishing the identity of the person" "...and part of the concept of person as different from the rest of his or her class" (Lorente, 1995:5).

5.2. Process for the identification of Human Remains

In order to achieve a proper identification, a series of steps must be followed in order to establish the unprovenance of a person, an element or a fact. In the analysis of the remains of NNs the aim is to establish an identity by comparing the antemortem information with the result of the analysis of the remains in question. It is therefore necessary to have the greatest amount of premortem information on the victims, so that it is sufficiently broad and complete to achieve the final objective.

These steps, in the forensic processes, will be in charge of him or the experts, who based on their wide and specific experience and knowledge in a field, discipline or profession, will observe, describe and compare, offering a result to the competent authority, who based on the criterion of the expert will arrive at a conclusion.

A basic aspect to take into account for the evaluation of evidence and specifically for the identification of people, is the quantity and quality of elements that will allow us to reach a certain conclusion. In this regard, the law of probabilistic calculation must be taken into account, which establishes that *the greater the number of concurrent characteristics among the collated elements, the greater the probability of a single proceeding*. As this is a law of quantitative order, it is necessary to take into account, in addition, the qualitative particularities, the characteristics that by themselves do not allow to identify but have a great value within the percentages of probability, where the possibility that these are repeated in a population are few or nonexistent.

Following the steps described and taking into account the law of probabilistic calculation, the expert must present his report, establishing the probability that the observed, described and confronted characteristics will be repeated in the population and therefore it will be possible to have sufficient elements of judgment to achieve a reliable identification.

As a result of this sequence, the identity judgment is obtained. In general, the trial consists of the conclusion of the expert and the decision of the competent authority. It will be the latter who decides and succeeds in establishing, taking into account the evidence presented by the former, whether a reliable identification has been arrived at.

Identification offers two basic options: positive or negative; the first, insofar as there are so many concurrent characteristics that a single-source trial can be reached, and the second, ruling out identification if these characteristics are not sufficient or relevant.

5.3. Identification Methods

Victim identification, or confirmation, is the first step in the forensic investigation process. If the body has already been identified but for different reasons this identity or burial has not been legalized, the expert must verify the existing data and reconfirm or, if there are inconsistencies, establish that identity. If the victim's identity is not available, all the information should be collected using the parameters for establishing identity, i.e. physical description (including more individualizing characteristics) of clothing, associated objects, so that they can be compared with data on missing persons provided by relatives, relatives or authorities, in order to arrive at a reliable identification.

There are several methods that can be used but they will vary depending on the particularities offered by each case and circumstance. Therefore, the methods to be used must result in a reliable identification and guarantee its effectiveness.

5.3.1. Reliable Methods

As reliable methods are recognized all those characteristics that comply with the above in the principle of identity, among them are:

5.3.1.1. Dactyloscopy

The most frequently used and successful method is the comparison of victims' fingerprints with records available in official or personal files, known as dactyloscopic. Where fingerprints cannot be retrieved or no previous records exist, other systems should be used.

Fingerprinting is based on identification from fingerprints. Fingerprints can be printed on any smooth surface, either by natural body sweat, when dirty or when taken deliberately with ink on paper. These marks are due to the presence, on the skin of the pulpits of the fingers, of a series of grooves and ridges whose relative distribution gives rise to an enormous variety of drawings or figures.

Fingerprints are one of the most common physical evidence and have the greatest identifying value. Its value is found in that it is a universal element because every human being has them. In addition and within this universal element, there are three characteristics that are fundamental in their use and that make them decisive when establishing or verifying individualities. Fingerprints are *Perennial*, appear from the 4th month of intrauterine life approximately and remain throughout life, until advanced states of decomposition, even for hundreds or thousands of years (cases of conservative states of decomposition, such as mummification). When the pulpejos are wrinkled, due to tafonómicos processes (*post mortem*), is resorted to the process of rehydration of the pulpejo by means of the introduction of glycerine or of water with a syringe, in the yolk of the finger.

The second characteristic is that they are *Diversiformes*, that is, they present an infinite variety, so that they are unique, so that they present a variety, individuality and specificity that makes them unique in each individual.

The third characteristic is that they are *unalterable* and under no circumstances can they be modified, unless the deepest layers of the skin are affected, otherwise the tissue regenerates keeping the shape of the fingerprints intact.

To complement this series of advantages, the information obtainable from the fingerprints can be easily classified and systematized. Each type of design is matched by a letter or number as appropriate. Each type can be subclassified according to its characteristics, with each subclassification corresponding to a number or letter. From these elements a ten-print card is elaborated, which is easy to consult and file, allowing to conclude reliably with the identity of the questioned individual.

However, in cases where the putrefaction is very advanced or the soft tissue has disappeared as well as when there are not enough collation elements available, other methods should be used.

5.3.1.2. Odontogram

The next accepted method of identification worldwide is the odontogram (or dental chart). The drawback of this method is that it works well in countries that have a broadly covered health system that allows most of the population access to oral health services and therefore to an updated dental register. However, when it is possible to have preliminary dental information, gathered even from information provided by relatives, the application of this method can be considered - used in conjunction with other information (analysis of garments, anthropological characteristics).

In this respect, it is worth mentioning that odontoscopy is developed considering that the teeth will offer similar characteristics to those presented by fingerprints. However, there are still some shortcomings with regard to its implementation, which have not yet been resolved.

The analysis starts from considering that the teeth are the hardest structure of the human body, resisting different situations of destruction, including fire, withstanding temperatures higher than 1000 degrees Celsius.

Humans have a total set of 28 to 32 teeth (8 incisors, 4 canines, 8 premolars, 12 molars) in each hemimaxilla in adults. To this must be added that each of the teeth has 5 faces, occlusal, medial, distal, vestibular (or buccal) and lingual (or palatal), with particular genetic characteristics and whose transformations (natural or artificial) given throughout the existence of the person are unique, so that according to several authors a dental formula should not be repeated under any circumstances.

In these analyses, in addition to the number and characteristics of the teeth, the entire stomatognathic system must be taken into account, i.e. all the organs involved in the chewing and swallowing system, i.e. teeth, mucous membranes, muscles and other related elements.

One of the most complex failures that can present, occurs, at least for the Latin American case, in those places where the health systems do not have a sufficiently wide coverage; therefore, not all people have access to dental care and when you have that possibility, not all professionals in the area of dentistry raise the odontogram with the information of each patient. In addition, this information can vary drastically over short periods of time, which is why the method may not be as useful whenever it is required, if the data are not properly updated. In this sense, the information provided by relatives can be truly useful, in cases where there is an exact memory of the teeth or there are characteristics too obvious or striking for relatives and relatives thus facilitating the task of the investigator.

However, each case is different and this could become one of the best systems of identification, to the extent that research in this field is deepened.

In any case, the dental characteristics obtained from interviews with family members or treating dentists should always be recorded in an odontogram format. In the absence of a dental history, the patience and insight of the person collecting the information, preferably a dentist or in the absence of a dental technician, will be required to record the information in the appropriate format.

There are several models, but the most widely used is the **FDI** (Fédération Dentaire Internationale) system. The mouth is divided into quadrants, designating each quadrant with numbers, clockwise (in adults the I is the upper right, the II the upper left, the III the lower left and the IV the lower right, but for ease of use the Arabic numbers from 1 to 4, while in children, are designated with the numbers 5, 6, 7 and 8). The teeth are also designated by numbers, from 1 to 8, in each quadrant (from the central incisor with 1 in the middle line, to the third molar being 8 in distal; in children from 1 to 5 according to their dental development). According to this each tooth is described with two numbers, the first indicates the quadrant and the second, the tooth. According to this, tooth 1.1 or 5.1 is the right upper central incisor, 2.8 is the left upper third molar and so on.

| | |
|-----------------|-----------------|
| I(5) | II(6) |
| 8 7 6 5 4 3 2 1 | 1 2 3 4 5 6 7 8 |
| 8 7 6 5 4 3 2 1 | 1 2 3 4 5 6 7 8 |
| IV(8) | III(7) |

The odontogram should carefully record all the information observed in the teeth, this is both normal or abnormal situations (extra cusps, teeth in shovel, congenital alterations or acquired caries type, calculus) and extraordinary situations (number of teeth, malpositions, hypoplasias, stains) in addition to clinical restoration work, adding all those data that can provide information about habits in individuals (stains by coca chacchado, consumption of dark beverages, wine type, coffee). When there is difficult information to collect, it is advisable to use X-rays to obtain information about unerupted teeth, agenesias, among others, and in general the presence of characteristic or clinical elements that cannot be observed with the naked eye.

This information taken and compared in detail can provide valuable information at the time of identification of individuals. However, at the time of the comparisons, the professional in charge must have a sufficiently broad criterion (although not exaggeratedly) to understand and interpret the documents with which he compares, but above all he must have this criterion of amplitude but in a cautious manner when interpreting the information provided by family members. This, inasmuch as the information can be very imprecise by the time elapsed and by the memory itself of something as particular as the dental characteristics.

5.3.1.3. Pathologies

It is necessary to observe and compare traumatic injuries or their sequelae as well as surgical interventions that may have affected the bone. In addition to the elements of osteosynthesis and fractures as well as other pathologies that leave their mark on the bone, such as osteoporosis, certain infectious diseases, neoplasms or the existence of foreign bodies, such as pacemakers, intrauterine devices; and of which there is a clinical record or at least precise testimonies from relatives, relatives or authorities that will allow for the easy identification of individuals. In this case the information must be handled as in the case of the odontogram with caution but with broad criteria so as not to leave in an indefinite situation the identity of a person who can be resolved taking into account the variations that may exist both in the testimony and in the skeleton over time.

To this is added the observation and description of other specific bony characteristics, such as the design of the frontal sinuses or of the Turkish chair, since if radiographic records exist antemortem it would be possible to achieve the positive or negative identification of the victims.

5.3.1.4. Deoxyribonucleic Acid (DNA)

Finally, the last method used to identify NN victims is DNA analysis, whether nuclear, mitochondrial or Y chromosome.

It is in this way, because it is the most costly economically speaking and the one that of all the existing ones, requires perhaps, of greater infrastructure as far as human and technological equipment is concerned, in all its stages. It is, however, one of the most accurate when identifying skeletal remains where little information is available; although it requires as a *sine qua non* condition the presence of at least one sample of comparison, either one's own or from relatives in the first degree of consanguinity.

This technique is based on several premises that allow its frequent use with positive results, in cases of identification of people when there are no greater possibilities:

- ! DNA is a substance that is present in all cells of the human body, being unique and unrepeatable in each individual to the extent that it is polymorphic, and allows to be analyzed with the techniques and under the appropriate parameters, carry out analysis of filiation or identification that present a high reliability.
- ! Results can be obtained from people's bodies after tens or even hundreds of years, depending on whether the taffonomic and chemical processes, as well as the circumstances surrounding death and postmortem treatment of the remains, do not affect their structure.
- ! DNA analysis makes it possible to compare with elements of the possible victim (teeth, hair) that were left before his disappearance or with relatives to establish biological kinship ties, until achieving a greater approximation than any other method can offer, including or excluding a person in an identification process (Lorente, 1995).
- ! The requirements for an effective conclusion are based both on the quality and preservation of the test (a recent blood sample is not the same as a bone fragment that has been subjected to high temperatures or external factors that may have affected the quality of the genetic material), as well as on elements of comparison, whether from the victim or close relatives.
- ! It is also necessary that the laboratory that carries out the examination has the proper certifications and therefore, must have the optimal technical and scientific equipment, to ensure that the evidence will be processed effectively, issuing results that can be compared and apt to make accurate and invariable identity judgments.

- ! Finally, the samples obtained from family members should only be used for the purposes for which they were requested, i.e., analysis for identification purposes.

In order to arrive at these analyses it is necessary to have carried out in advance, in anthropological analyses, the correct individualization of the victim, in order to reduce the universe of possible victims to comparison with relatives in order to save time and costs in the identification processes by exhausting other means and resorting to it only insofar as it is impossible to reach a reliable conclusion.

5.3.2. Presumptive methods

They are all those methods that allow us to think that the analyzed remains can belong to a certain individual. However, insofar as these elements do not have sufficient sustenance, their unique use as a means of identification is not recommended, as it may lead to misunderstandings.

Continuing with the parameters set forth in previous paragraphs, one of the greatest contributions of forensic anthropology with regard to the identification of persons is precisely to achieve an adequate individualization and reduction of the universe to be identified, in addition to the already recognized contribution of evidentiary material that could strengthen the indications of responsibility against one or more subjects in cases of a criminal nature and human rights violations.

When forensic anthropology is used, it is because the remains in question are usually in advanced stages of decomposition or have undergone procedures where soft tissue conservation is affected. To the extent that the work of the forensic anthropologist is interdisciplinary, greater input will be achieved both in relation to cases of identification of persons and in relation to establishing the circumstances surrounding their disappearance.

The purpose of forensic anthropology, with the technical and methodological tools at its disposal so far, is to provide the necessary and sufficient elements *to individualize*, thus contributing to the identification process, but not identifying. This is due to the fact that most of the information that will be obtained from this discipline is based on estimates (estimation of age, height, morphological characteristics).

In consequence, very few of the conclusions will be given by determinations, that allow to establish with precision that the information that is consigned is immutable; because it is of general character, reason why it will not allow to establish a reliable identification.

Only if and to the extent that there is a sufficient amount of data can one think of arriving at reliable conclusions. For this reason, interdisciplinary work is necessary,

because anthropological work must be complemented with the study of fingerprints, the study of pathologies, the odontogram or genetic analysis as the case may be, with all those features and elements that allow the reliable identification of an individual.

If the above steps have not been carried out accurately, by a trained person or expert, identification as such may be completely affected. The analysis of both odontological and corporal pathologies is a study that must be carried out in an interdisciplinary way and jointly between anthropologists, doctors and dentists in order to obtain precise observations, descriptions and confrontations.

The last recommended steps in these processes are facial reconstruction and skull superposition photo. These are recommended in cases where there is no evidence to suspect the identity of an individual and where the universe to be compared is very broad. However, it should not be taken as an element of judgement to carry out a reliable identification, but as an indication of an identity.

It is recommended that this data be used to guide the process, except in cases where the information is collected in such a way as to reliably provide an adequate positive presumptive identity. The most common methods as far as reconstruction of the physiognomy is concerned, are:

5.3.2.1. Physical description, clothing and associated objects

The first step in an autopsy will always be the description of the body. In this sense, in those cases of corpses where the soft tissue is still in good condition, recognition by the relatives of the body (and/or its particular characteristics, scars, tattoos) may be considered. The recognition of objects found with him (clothing, documents) should also be considered. However, this data must be verified through sufficient testimonial or documentary information, since both the appearance and personal elements such as clothing, documents and other objects can be easily altered. Therefore, although there are features that guide and facilitate individualization, the reduction of the universe, it is necessary to ensure the process, using a method that is not variable or alterable in any way and guarantees the identity of the deceased.

5.3.2.2. Facial Reconstruction

According to Krogman and Iscan (1986) this is the most popular technique for reconstituting facial features. With two basic systems, graphical and three-dimensional reconstruction, it has been popularly seen as a useful technique in identifying people. However, after

countless studies, it was concluded that it is a method of individualization sometimes useful, but never, until now, an efficient method for reliable identification of NN victims, taking into account the concepts mentioned above.

It is important that facial reconstruction is the product of interdisciplinary work (Rodriguez, 1994), so as to ensure the competition and advice of doctors, artists with knowledge of the human figure, dentists and of course, physical or forensic anthropologists with sufficient experience and suitability in the field, because it is not a simple procedure and requires extensive technical, scientific and artistic knowledge, as well as extensive experience in this field.

The technique is based on the principle that soft tissue will faithfully reproduce the facial features given by the bone tissue. However, "*many details of soft tissue are not directly reflected in the skull*" (Ubelaker, 1989), so facial reconstruction represents only one approach, an approximation to the face of an unidentified individual.

Studies on soft tissue thickness and anthropometric description have been carried out by His (1895), Kollman and Büchly (1898), Czekamowski (1907), Ziedler (1919/21), Suzuki (1948), Lebediskaya (1979), Rhine and Campbell (1980) both in corpses and in living individuals by means of ultrasound, becoming the basis for the technique as it is used today. It is of utmost importance to emphasize that from these tables of soft tissue thickness and anthropometrics there are no studies on Latin American population, which means that the application of American and European studies in Latin population have implicit an additional bias to that which the technique itself entails.

5.3.2.2. a. Procedures

When the preliminary basic descriptions have been elaborated, the thickness of the soft tissue is established and applied using calibrated sticks at the cranial points (Krogman, 1986; Ubelaker, 1989; Rodríguez, 1994). We then proceed to the graphic facial reconstruction (Rodriguez, 1994; Ubelaker, 1989) and then and only in case of absolute necessity, we will proceed to the elaboration of the three-dimensional reconstruction.

This requires greater material and human resources, so it is not always recommended to carry it out, especially if the graphic reconstruction provides the necessary tools to proceed to the comparison or search for an individual. In a mould in plaster of the skull previously elaborated, the calibrated bars are placed that indicate the thickness of the soft tissue and using plastilina or clay, according to the available time, it is proceeded to fill the facial muscles, until obtaining a recognizable face. Once the reconstruction is completed, it can be

compared with existing information and from there it will be possible to pass to analyses that allow the reliable identification.

5.3.2.3. Skull overlay - photo

The skull-photo superposition has proved successful in some particular cases. In order for it to be so, it must be an examination practiced by specialists in the matter, with knowledge of human anatomy as well as in craneometric techniques, usually physical anthropologists who have sufficient experience in the subject.

The technique requires the superimposition of a photo of the victim on a photo of the dubbed skull. Once superimposed, the coincidence or discordance of a determined number of cranial points will be observed, being indispensable the coincidence at least of the eyes with the respective points of insertion, the nose and the mouth. In addition to this, the hairline and the coincidence of the ears with the auditory orifice are observed.

It is necessary that the elements to be collated are in optimal conditions of conservation. In addition, the quality, size and orientation of the photo in relation to the skull must coincide. In order to achieve this, the appropriate technological equipment must be available, necessary to achieve the required precision (Krogman, Iscan, 1986). Lately the technique has been optimized through the use of digital video cameras as well as computer equipment and software specially designed for the subject; but its use is restricted by the high costs generated by the acquisition of this equipment and its maintenance. It is therefore recommended that they be used as long as adequate personnel and equipment are available for this purpose.

To conclude, it is worth mentioning that in these cases the recognition by family members as a means of identification is not entirely valid, functioning only as a means to reduce the universe and apply reliable methods. This, for various reasons, among them because the family member, due to his or her mourning situation, may feel compelled to identify himself or herself, especially when there have been many years of unsuccessful search; to which is added that certain physical characteristics common to all may confuse the family and because many of the features, in the case of facial reconstruction, are inferred, which may divert attention and therefore affect the identification process.

In cases where it is impossible to have other methods, either because there is not enough preliminary information, i.e. dental letters, medical records or because there is no access to adequate samples to carry out DNA analysis, the identity judgment will remain in the hands of the authority who will decide whether with the amount of indicatory elements presented by the experts, including facial reconstruction, it can establish a reliable identification and issue a judgment of uniprocedencia.

The foregoing, acting on an individual basis, without neglecting the implicit legal implications, as well as the legal, social and psycho-affective implications that this procedure entails for those affected.

6. FORENSIC ANTHROPOLOGICAL DATABASE

A Database is required that involves the different aspects of the information required and the different phases or stages of investigation; which allows the adequate follow-up of each case, from its beginnings to the last results achieved; generating that the reconstruction of the facts around it is feasible and that in addition working hypotheses and explanatory hypotheses can be elaborated on the events. In this way the results of the research will be more concrete, objective and useful as far as possible.

Fundamentally, the Database should constitute a product that allows the continuity of the investigation processes opened during the period of validity of the Truth and Reconciliation Commission, obviously involving, as far as possible, the processes maintained by institutions such as the Public Prosecutor's Office and the Ombudsman's Office. This should lead to their global, scientific and impartial management and their incorporation as one of the main issues of national interest, regardless of the follow-up mechanisms generated to continue with these investigations.

6.1. Database Features

Understanding that forensic anthropological research approaches its subject from three stages, the database to be built must include the information resulting from each of them. It should also be linked to the database generated by the Truth and Reconciliation Commission in order to cross-check, compare and specify the information generated by each case and which may come from both sources, thus constituting a solid body of investigation, based on the handling and processing of all possible and existing information on the subject or case treated.

Within these guidelines, the Database must contemplate the inclusion of information coming from:

6.1.1. The Preliminary Investigation

That involves the compilation of all the existing information for each case, resorting to any accessible documentary source and that is in the possession of other institutions such as:

- ! Ombudsman's Office.
- ! Public Prosecutor's Office.
- ! National Human Rights Coordinator (CNDDHH).
- ! International Red Cross (ICRC).
- ! National and/or foreign human rights organizations and bodies, as well as others that house related documentation.
- ! And the information gathered by the Truth and Reconciliation Commission.

As well as bibliographic, journalistic and any other type of sources that collaborate in the elaboration of the case.

In addition, this information should include those data related to:

- ! Detention, disappearance, kidnapping, execution of victims.
- ! Circumstances in which the events occurred, when, where, and how they occurred.
- ! Who the perpetrators were.
- ! Existing witnesses and testimonies.
- ! Places where the remains of these people are presumably found, what are their characteristics, nature and current conditions, considering all that event that could have altered them from the beginning to the present.
- ! Relatives and friends of victims who can provide antemortem information about the victims.
- ! Existence of documentation demonstrating the *pre-existence* of the individuals in question.
- ! Whether the case has been presented or worked with or before other institutions and the state in which it is located.

The next stage corresponds to:

6.1.2. Evidence Recovery

That is to say, it has to do with all that information coming from the work of the different scenarios. It should be considered here:

- ! Exact location of the sites.
- ! Type, nature and characteristics of crime scenes.
- ! Register of works.

- ! Evidence recovered: bodies and associated artifacts.
- ! Participating staff and institutions.
- ! Chain of Custody.

Finally the corresponding information with

6.1.3. Evidence Analysis

Here you have to contemplate everything related to:

- ! Provenance of the evidence.
- ! The victims and their biological profile (antemortem information).
- ! Forensic anthropological analysis (postmortem information).
- ! The conditions, circumstances and causes of death.
- ! Victim identification.
- ! Analysis of artifacts.
- ! Auxiliary analyses carried out (DNA, ballistics, others).
- ! Participating staff and institutions.
- ! Chain of Custody.
- ! Restitution or final location of bodies.

The methodological tools necessary for the collection of the information that sustains the Database, are given through the cards that are used in the field and laboratory work.

It should be taken into account that the information from the preliminary investigation, compiled from the different documentary sources and especially through the direct compilation, that is to say, in the field, of the same through inspection visits that address the aforementioned aspects, is that which, according to a logical sequential ordering, normally leads to the construction of cases, based on the evaluation of the reconstruction of the facts, particularly what happened with the victims and the possibilities of operation of each case and its subsequent judicialization.

Understanding that this logical process of investigation can have exceptions in sequential terms, the Database must contemplate the necessary links that allow it to approach the cases from the different moments of investigation and provide the information required to construct, consolidate and develop them and aim at a solution of the same, not only in judicial terms, but also in social terms.

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2.4. MECHANISMS TO FOLLOW UP THE RECOMMENDATIONS OF THE CVR

1. Finally, reference should be made to the mechanisms for following up the recommendations of the CVR, in compliance with the provisions of Article 2 paragraph "e" of S.D. 065-2001-PCM.
2. As can be seen in this volume, the recommendations presented are of diverse characteristics and demand, due to their diversity and complexity, an orderly and coherent process. On this basis, the CVR recommends the following in this chapter:
 - a. A reasonable period is granted for the technical and administrative closure of the CVR, including the dissemination of this report.
 - b. The establishment of an inter-institutional working group, similar to the one that gave rise to the Truth and Reconciliation Commission, which could prepare legislative and other proposals in the short term.
 - c. The Congress is considering the adoption of the Law that allows the creation of a public entity that centralizes long-term decisions.

The transition: technical and administrative closure

3. The CVR's deployment of work allowed it to gather abundant information that forms part of the documentary collection that must be transferred, for custody and administration, to the Ombudsman's Office. The urgency in the preparation of the final report prevented the material from being properly classified and ordered in accordance with national archival standards. Much of this information has to be copied or put into electronic format for proper care and some of it has the character of reserved and must be delivered in an orderly and direct manner to the Ombudsman.
4. On the other hand, and for similar reasons, this report needs to be printed and disseminated to the public. At the end of the CVR's mandate, copies are only given to the presidents of each branch of government and to the Ombudsman. A reasonable timeframe is required for style care, layout and printing of the full report. In addition, for the purposes of mass dissemination of its content, it is appropriate to draw up a

- a brief executive summary containing the main findings, analyses and conclusions of the final report
5. Finally, it is necessary to prepare administrative, accounting and financial reports, scrupulously accounting for the money received through the various cooperation agreements signed in the framework of projects of the United Nations Development Programme. Similarly, orderly transfer the goods to the Presidency of the Council of Ministers in order to legally determine their destination and use. It should be noted that the CVR recommends that the substantial part of these assets be assigned to the Ombudsman's Office, in accordance with its functions in following up on the recommendations.
 6. This period of technical and administrative closure does not imply an extension of the CVR's existence, since it inevitably ends on August 31, 2003. Only a minimum of professional equipment is required in order for the tasks described in the preceding paragraphs to be carried out in the best possible way.

The Inter-Agency Working Group

7. The CVR was established on the basis of a proposal prepared by a working group created by Supreme Resolution No. 304-2000-JUS on December 9, 2000. The purpose of this group was to prepare legislative and other drafts deemed necessary for the establishment of a Truth Commission. It was composed of the Minister of Justice who presided over it, the Minister of Defence, the Minister of the Interior, the Minister for the Promotion of Women and Human Development or their representatives respectively, the National Coordinator of Human Rights, the Peruvian Episcopal Conference and the National Evangelical Council of Peru.
8. Similarly, the CVR suggests that the Executive Branch set up an Interinstitutional Working Group to organize its recommendations, contribute to the dissemination of the final report and forward specific proposals to the corresponding public bodies. This Group could be created by an administrative rule and could have a time limit of no more than five months to complete its tasks. Its constitution could be immediate, without prejudice to the technical and administrative work to be done in accordance with the previous section. Its composition should include the sectors of the Executive included in some of the recommendations (Ministries of Women and Social Development, Justice, Economy and Finance, Interior, Defence, among others), the Ombudsman's Office, as well as representatives of the churches (National Council of Ministers of Women and Social Development, Ministry of Justice, Ministry of Economy and Finance, Ministry of

Defence, among others).

Evangelical and Peruvian Episcopal Conference) and civil society, especially human rights organizations. It should be chaired by an independent personality appointed by the Executive Branch and have a minimum professional team under the responsibility of the Ombudsman's Office.

9. This Working Group could present, at the end of its period, the following results:
 - a. Implementation plan of recommendations linking the Executive Branch, including the corresponding sectoral responsibilities, an execution schedule and a monitoring mechanism.
 - b. Bills that the Executive Branch could submit to the Congress of the Republic for consideration, related to the various aspects recommended by the CVR throughout the report and that require legislative initiatives.
 - c. Proposals for administrative decisions that fall under the jurisdiction of the Judicial Branch or other constitutionally autonomous institutions in the areas of their competence.
 - d. National Plan for the Dissemination of the Final Report, its conclusions and recommendations.

10. It should be noted that no member of the TRC should be a member of this Working Group or of any other mechanism to follow up on its recommendations. This is a unanimous decision of the Plenary Commissioner for the sake of absolute transparency of the post-commission process.

The National Reconciliation Council

11. In January 2003, the CVR began studies to prepare a bill that would give substantial impetus to the implementation of its recommendations. The bill was the subject of various consultations with Executive Branch agencies, congressmen and civil society and was even partially adopted in two legislative initiatives that are currently on the agenda of the Congress of the Republic (Projects N° 7045 and 6857).

12. Without prejudice to the decisions taken by the Legislative Branch on these projects, the CVR has decided to include its original project in this section. However, it should be pointed out that this project does not replace other alternatives nor does it seek to

to solve each of the problems linked to the follow-up of its recommendations. The only purpose that encourages the CVR to include it lies in its conviction that only a body created by means of law can have sufficient strength to decisively promote the process of reconciliation initiated by our work.

13. We conclude, then, by reproducing that original version.

LAW ESTABLISHING THE NATIONAL RECONCILIATION COUNCIL

TITLE I

OF THE SUBJECT MATTER OF THIS ACT

Sole Chapter

Article 1- Purpose of this Law

- 1.1. This Act establishes and regulates the National Reconciliation Council as the lead public body responsible for the development and implementation of the recommendations of the Truth and Reconciliation Commission. It also delegates powers to the Executive Branch to legislate on the matter.
- 1.2. The recommendations of the Truth and Reconciliation Commission (hereinafter, CVR), created by D.S. 065-2001-PCM, are developed and implemented in accordance with the provisions of this Law, within criteria of progressivity and equity.
- 1.3. The CVR's conclusions and recommendations, which are included as an annex to this Law, as well as the report supporting them, constitute public documents for the purposes for which they were formulated.

TITLE II

OF THE NATIONAL COUNCIL OF RECONCILIATION

Chapter I

Creation, objectives and composition

Article 2.- Creation of the National Reconciliation Council

- 2.1. The National Reconciliation Council (hereinafter the Council) is created as a public body decentralized from the Presidency of the Council of Ministers, with legal personality under public law and technical, administrative, economic and financial autonomy, in order to centralize the decisions aimed at developing and implementing the recommendations of the CVR.
- 2.2. The Council has national competence and its seat is the city of Lima.

Article 3.- Objectives of the National Reparation and Reconciliation Council

They are objectives of the Council:

- a) Implement and develop the CVR's recommendations through actions, norms and policies that articulate the proposals of public and private institutions.
- b) To formulate and implement specific policies aimed at strengthening the national reconciliation process,

- c) Coordinate and execute the comprehensive reparations policy, subject to the provisions of this Law and within the framework of available financial resources,
- d) Propose the institutional reforms derived from the recommendations of the CVR, including the formulation of the corresponding legislative initiatives, which will be submitted to the consideration of the Council of Ministers.

Article 4.- Composition of the National Council for Reparation and Reconciliation

The Council is composed as follows:

- a) An independent person of recognized prestige and moral quality, who will preside over it, appointed by the President of the Republic;
- b) Two representatives of the Executive Branch, representing the Interministerial Committee of Support to the Council. These representatives must have at least the rank of Vice-Minister;
- c) The Ombudsman; and,
- d) The Executive Secretary of the National Human Rights Coordinator.

Chapter II

Consultative Committee of Victims of Violence

Article 5.- Consultative Committee of Victims of Violence.

The Consultative Committee of Victims of Violence is composed of seven representatives of victims of crimes and/or human rights violations committed between May 1980 and November 2000. The Consultative Committee contributes to the fulfilment of the Council's objectives, receives the information it requests and absolves itself of any queries made to it.

The members of the Consultative Committee are appointed by the President of the Republic, at the proposal of the victims' organizations and taking into account criteria of representativeness.

Article 6.- Interministerial Committee to Support the National Reconciliation Council

An Interministerial Committee to Support the Council shall be set up, chaired by the President of the Council of Ministers and made up of the Ministers of Defence, the Interior, Justice, Economy and Finance, and Women and Social Development. The Interministerial Committee elects from among its members its two representatives in the Council and its purpose is to make the decisions of the Council viable, as well as to coordinate the support of the Executive Branch.

Article 7.- Functions and powers of the National Reconciliation Council

The Council has the following functions and powers:

- a) Issuing administrative rules and directives to implement CVR recommendations.
- b) Formulate draft laws for the development of the Council's programs, as well as norms of another rank that will be evaluated as a priority by the corresponding sector,
- c) Approve the annual plan of activities, the budget, as well as any initiative that the Board may formulate to third parties,
- d) To direct the general policy of the Council, including the programmes created for the development of its recommendations.

- e) Submit to the Permanent Commission of the Congress of the Republic half-yearly reports on the progress of its activities, detailing the obstacles encountered and indicating, where appropriate, that public institutions have not contributed to its management. The Permanent Commission of the Congress summons the holder of the corresponding Sector to explain the alleged non-compliance.
- f) Disseminate annually the results and progress of its work to the public.
- g) Appoint, supervise and, if necessary, remove the Executive Director of the Board,

Article 8.- Director of the National Reconciliation Council

The Director of the Board represents him and conducts its activities. It is the holder of the corresponding budget sheet and executes the annual plans approved by the Board in Plenary. He sits on the Council with a voice, but without a vote.

Article 9.- Programs of the National Reconciliation Council

The Council has the following programmes:

- a) Comprehensive Reparations Program (PIR)
- b) Historical Memory Program (HMP)
- c) Justice Program (PJ)
- d) Institutional Reforms Program (PRI)

Article 10.- Financing and assets of the National Reconciliation Council

They constitute the resources of the Council:

- a) Assets acquired by the Truth Commission or assigned for use by international cooperation agencies or the Executive Branch. The transfer of goods will be carried out within the specifications of the Presidency of the Council of Ministers.
- b) The resources assigned in the General Budget of the Republic, within the specifications of the Presidency of the Council of Ministers, for which the Council shall be considered a Decentralized Public Organism.
- c) Resources transferred by public institutions, within the framework of specific agreements or existing extraordinary resources.
- d) Resources obtained from international cooperation agencies.
- e) Donations and transfers from natural or legal persons.

Article 11.- Rules of Procedure of the Board of Directors

The Council approves its Rules of Procedure and any other administrative rules required for its operation. These standards are published in the Official Gazette El Peruano

FINAL AND TRANSITIONAL PROVISIONS

Article 12.- Time-limit of the Council

The Chairman of the Board and the representatives of the Executive Branch shall be appointed within 30 days from the effective date of this Law.

The Council is installed immediately after the appointment of its members. It shall have a period of three months for its internal organisation. After that, the Council has 4 years to develop its objectives. This deadline cannot be extended.

Article 12.- Delegation of legislative powers and complementary standards

The Executive Power shall be delegated the power to legislate, within a term of 90 days from the date of entry into force of this Law, by means of a Legislative Decree, on the following matters:

- a) Components of the Comprehensive Reparations Program, including amounts to be paid individually and collectively to victims qualified by the CVR and those qualified by the Council. This programme will also include symbolic reparation, legal, physical and mental health and education components;
- b) Development of the Historical Memory Program, including legislative modifications to current norms that allow regularizing the legal situation of persons disappeared as a consequence of violence, as well as ensuring the development of the National Plan of Anthropological-Forenses Research presented by the CVR;
- c) Creation and development of a specialized justice system that allows for the investigation, prosecution, and punishment of serious crimes and human rights violations determined by the TRC; and

The Executive Branch shall, within 120 days, issue the other regulations necessary for the development of this Law and the respective Legislative Decrees.

Article 13.- Repeal

Derogate Law No. 25237, Legislative Decree No. 652 and any legal or administrative device that opposes this Law.¹

Article 14.- Entry into force of this Law

This Act shall enter into force on the day following that of its publication.

¹ By repealing the above-mentioned laws, the Peace Council disappears. From the analysis of these norms, there are no relevant functions that should be assumed by the National Reconciliation Council.