

# Humanitarian Forensics— Sought for Human Rights.

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**Abstract-** Humanitarian forensics is the application of forensic science to humanitarian actions through the field of science. Humanitarians are sought for human rights, dignity and respect of the living as well as the dead. In this paper, we are studying about how forensic science helps to protect human rights even after the demise of an individual and we also study the ancient times where people preserved the dead bodies in order to preserve human rights after death. We shall study the development of human rights from ancient India touching upon the practices of the cholas, pandiyans, pallavas and Indus valley civilization. We shall also understand the concept behind the Egyptian practice of mummifying the dead. This paper also emphasis on the studying of how to preserve human rights and human values.

People of Indus valley civilization treated the dead bodies in a fair manner and took care of the rights of the dead bodies. They believed in the rights of the dead person because they believed in the concept of re-incarnation.

**Key words** – Reincarnation, practice of mummified, human rights, humanitarian action etc.

## INTRODUCTION.

Humanitarian forensics is emerging branch of forensic science, in which human rights are considered. Human rights are valuable and every human has an equal right on earth, water and sky. Human rights are equally important for a living person as well as the dead. A person can die due to various factors such as being killed or death due to manufactured devastation of which the origin can be manmade or natural. During any conflict, disaster or other situations of violence as well as migration, there are victims of violence, including deceased or missing individuals. The priority of forensic science in the humanitarian space includes the dignified management of deceased and resolution of the missing cases. The identification of individuals is a priority as families have the right to know the whereabouts and fate of their relatives and the deceased should have the right to the restoration of their identity after passing away.

Humanitarian forensics is working on the rights of the dead people, and justifying the rights of missing people to identify their whereabouts.

Talking about the deceased, humanitarian priorities should not be seen independent from the judicial aspects of international humanitarian, human rights and criminal laws.

## Historical Perspective.

### Chola empire.

During the chola period several guilds, communities and castes emerged.

The society was composed of-

- 1) Manigramam & Ayyavole guilds
- 2) Farmers – had highest position in the hierarchy.

Since there existed various sects of society, the rituals for burial and cremation were different from one- another.

The upper class were cremated with Chandan wood and lower classes were cremated with normal wood.

This was the kind of treatment given after death to the socially hierarchical population.

### Vijayanagar Empire.

In the Vijayanagar Empire, the entire social order was classified to a hierarchy which assumed the honorific Varnasramadharm (helper of the four classes and four stages). Sati practice movement that gained popularity in the lingayatism which provided momentum for flexible social norms that helped the causes of women. Devadasi system in which the women who were devadasis were cremated separately. The devadasi was a female artist who was dedicated to the worship and service of the deity or a temple for the entirety of her life. They were dancers and artist of the tradition of Bharatnatyam, Mohiniyattanam, Kuchipudi and Odissi. Their social status was high as dance and music were an essential part of temple worship.

A devadasi was believed to be immune from widowhood and was called **akhand saubhagyavati (a women never separated from good fortune)**. They were treated very respectful and after death, their dead bodies were cremated by following all the last rites.

The Devadasis were cremated with Chandan wood and if they were buried then their tomb would be worshiped like demigods.

In the Vijayanagar empire, the people followed all the rituals and paid last respects to the dead bodies. The dead bodies were treated like they have departed for heaven.

## Egyptian Mummies Concept.

### Fair Treatment of Dead Body

A mummy is a dead human or an animal whose soft tissues and organs are preserved by either intentional or accidental exposure to chemicals, extreme cold, very low humidity, or lack of air so that the recovered body does not decay further if kept in cool and dry conditions.

The Egyptian saw the preservation of the body after death as an important step to living well in the afterlife. For the Egyptians who gained more prosperity, burial practices became a status symbol for the wealthy. This kind of cultural hierarchy led to creation of the tomb in which the dead bodies were treated well in order to leave some legacy behind of that person and to show social status. The special treatment of the bodies after death for mummification.

First process which is most important to halt the process of decomposition, by removing the internal organs and washing the body with a mix of spices and palm wine and only the heart was left behind as tradition held that the heart was the seat of thought and feelings which was needed for the after-life.

After proper cleansing of the body, it was then dried out with natron inside the empty body cavity as well outside on the skin. The internal organs were also dried and either sealed in individual jars or wrapped to be replaced within the body and this process took forty days.

After the drying up and dehydration, the mummy was wrapped in many layers of linen cloth. Within the wrapping, Egyptian priests placed small amulets to guard the decedent from evil.

Finally, once the mummy was completely wrapped and coated in a resin, it was placed in the tomb. Resin was also applied to the coffin in order to seal it. The mummy was then sealed within its tomb, alongside the worldly goods that were believed to help aid it in the afterlife.

*Aspergillus Niger*, hardy species of fungus capable of living in a variety of environments, has been found in the mummies of ancient Egyptians tombs.

The purpose of the Egyptian people to preserve the dead bodies was because they believed that there was a life after death and believed in the reincarnation or the transmigration of the soul from one body to another body and they believed that the one who was mummified, would use the body when that person took a birth again.

### **Mahabharata.**

In the battle of Mahabharata, more than 10 million people were killed for sake of re-establishment of Dharma. The last rites were performed after the death of all the warriors in the battle of Mahabharata. Bhishma Pitamah was on death bed, but the people paid tribute to him. When Pitamah's body was cremated, it was performed with Vedic rituals. That means in ancient times, proper cremation was followed and giving importance of the last rites meant the fair treatment with the dead body of the person.

When lord Krishna left his material body and departed for vaikunth, his body was cremated by Arjuna with proper Vedic rites, it is said that from that time, the Kaliyuga began.

### **Garuda Purana.**

Garuda asked many questions to lord Vishnu about the life after deaths. When the subtle body is leaving the gross body, which is known as death, the messengers of Yama arrive on the scene, the subtle body is still able to see the entire universe. The departed soul could see the messengers of Yama and the attendants of lord Vishnu.

After ascertaining the death of a person, the son should proceed with the last rites to the body.

Steps of the last rites-

- 1) Corpse should be washed with water; clothes should be replaced with new.
- 2) The rites called "EKODDISTA SRADDHA".
- 3) Sraddha ceremony – carrying a corpse from the place of death to burning ground.
- 4) Ceremonies performed at 6 places-
  - A) At the place of death.
  - B) At the main door.
  - C) At the cross road.
  - D) At the burning ground.
  - E) Funeral pyre.

The six ceremonies are performed in order to satisfy the six gods. Goddess earth is satisfied while performing rites at the place where the corpse is placed at home. The corpse is known as Sava at the place of death. When the corpse is taken through the main doors of a place, it is called pantha and vastu God is satisfied when this rite is performed. The ceremony at the cross roads is called khecara and the god bhoota is satisfied because of this ceremony. The corpse after then known as Bhuta at that place when placed on the burning ground before placing it in the pyre. By performing a ceremony, gods of the quarters are satisfied (east, west etc.). Corpse is placed on the funeral pyre, known as sadhaka. Body is burnt into ashes, it is called preta, the head of the corpse should be on the southern sides.

### **Pind Daan (Pinda Vidhi)**

Pinda is the ball of rice if offered to dead. The departed soul is said to become a pitr or pitra (ancestors) by feeding pindas. If the pindas are not offered then they become demons or ghost.

The funeral pyre cleanses the corpse and is placed on the pyre and the fire is lit after worshipping kravyada (a type of fire God) who is supposed to consume the flesh of the corpse with a request to consume the flesh and carry the soul to heaven.

When the fire is full flames then the oblation is offered with ghee and sesame seeds in the pyre.

If the death is caused due to unnatural conditions, where the body of the dead could not be found, there is a procedure called Narayan Bali (offerings to lord Vishnu).

The above is the process of last rites which is mentioned in the Garuda purana, this should be the process of the last rites for the fair treatment of the dead body. All the rites are justified if anyone performs the last rites based on Garuda puran.

The humanitarian forensic action is working on accessing Justice to the victims in devastations and others by finding the missing persons and if the person dies in the devastations, then by searching the dead body of that person and handover to the concerned family for last rites.

### **Rights Of Dead Person.**

- 1) Right to get a proper cremation.
- 2) Rights of family member to know whereabouts the missing person
- 3) Right to get a justice.
- 4) Right to get equal treatment.
- 5) Right to get a dignity and legacy even after dead.
- 6) Right to get a proper funeral places.
- 7) Right the against trespass of burial sites
- 8) Right to get a fair treatment of the dead body of the person.
- 9) Right to get pinddaan of that dead person.
- 10) Right of dead against sexual assault.
- 11) Necrophilia :- means a feeling of sexual enticement or sexual attraction that a minority population has towards the dead.
- 12) Right against the digging of crematorium places.
- 13) Equality before the law and equal protection of the law.
- 14) Prohibition of discrimination on certain ground especially the last rites.
- 15) Remove the untouchability with the dead bodies on the basis of the caste
- 16) Right to get a honorific title even after the death.
- 17) Right against the protection in respect of conviction for offences when it's come to missing person or victims.
- 18) Right to die with human dignity and honor.
- 19) Right against inhuman treatment.
- 20) Right to reputation even after the death, against defamation.
- 21) Right to freedom of religion
- 22) Protecting the interest of minorities.

The above rights are entitled to the dead person and fair treatment of his/her dead body is required most. When the person is dead, he/she should be honored and respected irrespective of his/her caste, communities etc. The fair cremation and protection against inhuman behavior with the dead body is against the fundamental rights of the each and every citizen.

### **Analysis Of the current cases.**

#### **Godhara Riot 2002.**

Incident happened in Godhra district of Gujarat, India. The Sabarmati train was burnt and more than 59 people were burnt alive. The role of forensic science to find out the actual reasons of burning the train and to find out the dead bodies of the people in this incident and hand over these bodies.

This was followed by initial riot incidents, in which there were further outbreaks of violence in Ahmedabad for three months statewide. There were further outbreaks of violence against the minority Muslim population of Gujarat for the next year.

The official figures showed that the riots ended with 2,045 dead, 223 missing and 2,500 injured. Of the dead, 790 were Muslims and 254 Hindus.

The forensic experts from FSL, Ahmedabad, Dr. M S Dahiya was the chief investigative officer in this riot and he cleared mentioned that the train was burnt from inside and not from outside. The inflammable liquids or substances were found from the train itself. It was pre-planned of the Mass Massacre and spreading mass mobilization in between two communities.

The experts of the forensic labs investigated on this entire incident and reported to the government what had happened in this incident.

Humanitarian forensic experts investigated entire incident and tried to find out the truth behind the incident in order to access the justice to victims in this incident and investigated about the missing bodies or half burnt bodies in this incident.

#### **Morbi Machho River bridge collapse – 2022.**

In this incident 135 people died and injuries to more than 180 others were reported. Majority of the victims were women elders and children (39 boys and 16 girls with the youngest fatality being an 18<sup>th</sup> month old baby).

#### **The role of forensic experts.**

The forensic report was presented in court and stated that the bridge could not withstand the weight of the new heavy flooring given the cables were rusty and broken anchors and bolts connecting the aforementioned two were loose.

#### **The Role of Humanitarian Forensic.**

Identifying the dead bodies and find out the missing dead bodies in this incident. The bridge was on the river and there was less water than mud, when the bridge collapsed, most of the people were stuck in the mud. The reason behind the mass deaths was collapse into the mud and death due to suffocation. The humanitarian forensic experts launched the search operation and found out the dead bodies because the victim's family have a right to know whereabouts the victims and their dead bodies.

**Odisha Train Accident 2023.**

Recently, three trains collided at bhanagana (balasore) in Odisha, 288 people died in this accident.

Role of the forensic experts is to search for dead bodies, help the victims to get justice and inform the families of the concerned family about whereabouts of the missing persons.

**International Committee of The Red Cross and How does the ICRC work?**

The ICRC is the only organization internationally that has forensic science solely for humanitarian purposes. The ICRC is the body which works for humanitarian acts which advocates for the protection and dignified treatment of the dead after conflicts, disasters, or other situations of violence. Another application of the humanitarian forensic is to clarify the fate and whereabouts of missing person and identify unidentified human remains.

**The function of ICRC-**

- A) Process Of Search.
- B) Recovery Of Dead or Victims In The Disaster.
- C) Examination Of The Dead Or Victims In The Mishapes.
- D) Responsibility to handover of the remains of their family.

ICRC is helping the authorities to build their capacities in this field to ensure that missing persons are properly identified and handed over to their families for closure.

The ICRC uses Forensics in the documentation of ill- treatment in detention and the forensic doctors who wrote the Istanbul protocol, trained so many forensic doctors in the world which also include prison doctors to examine the detainees.

**Forensics helped to solved problems in armed conflicts.**

=> ICRC is the tripartite mechanism post conflict between Iraq and Kuwait for more than 15 years and in this mechanism, forensic evidence is used to identify human remains that would go back to that 18<sup>th</sup> century conflicts.

=> Identity the human remains.

**Role of ICRC In Yemen.**

Engage in dialogue with authorities about the proper and dignified management of the dead to ensure that they are well documented and temporarily stored until identification is possible.

**Role Of 10 years in Iraq.**

Forensic unit of the ICRC is engaged with the parties involved to ensure proper mechanism for the clarification of the fate and whereabouts of the high number of missing persons in Iraq.

The ICRC works on the issue of migrants who are separated, die, or go missing on migratory routes. Forensic which is used to ensure the deceased migrants are also properly handled and treated with dignity until the bodies are identified are repatriated back to their families.

ICRC forensic unit ensures that proper mass fatality response plans are put in place and executed after a certain natural Disaster, conflicts, or any other situation of violence.

ICRC is trying to build a certain expertise around the issues of the separated, dead, and missing in this region. These centers will hopefully help authorities, families and communities to address the issues related to those who get separated, die or go missing in the conflict, disaster, migration or other situation of violence.

**Necrophilia.**

Known as necrophilism which is the sexual attraction or act involving corpses is also classified as a paraphilia by the world health organization (WHO).

It is a Mental Disorder which can be diagnosed under the other specified paraphilic disorder (necrophilia). In this classification, it has been marked distress or impairment in important areas of functioning.

**Forensic psychologist, Anil Agarwal classified this mental disorder into 10 based on the increase the severity of the disorder.**

- A) Class – I ( Role Players ) :- People who get aroused when pretending their partner is dead during sexual activity.
- B) Class – II ( Romantic Necrophiliacs ) :- Bereaved people who remain attached to their dead lover's body.
- C) Class – III (Necrophiliac Fantasise) :- People who fantasize about necrophilia without physically interact with the corpses.
- D) Class – IV (Tactile Necrophiliacs) :- people trying to around the corpse without having physical intercourse.
- E) Festishitic Necrophiliacs :- Removing of the body parts for having a sexual intercourse.
- F) Necromultilokaniacs :- derive pleasure from mutilating a corpse while masturbating without engaging in intercourse.
- G) Opportunistic Necrophiliacs:- Normally not have a interest but take the opportunity when it arises.
- H) Regular Necrophiliacs:- People who preferentially have intercourse with the dead
- I) Homicidal Necrophiliacs:- Necrosadists people who murder someone to have sex with victims.
- J) Exclusive Necrophiliacs:- An exclusive interest in sex with dear and can't perform at all for a living partner.

**The neuropsychologist reported that their sample of 34 genuine Necrophiliacs. These would be the common motive for Necrophiliacs.**

- => **68%** were motivated by as desire for a non-resisting and non-rejecting partner.
- => **21%** - motivated by a want for reunion with a lots partner.
- => **15%** - motivated by sexual attraction to dead people.
- => **15%** - motivated by a desire for comfort or to overcome feelings of isolation.
- => **12%** - motivated by a desire to remedy low esteem by expressing power over a corpse.

#### **Lesser common motives include.....**

- => Unavailability of a living partner.
- => Compensation for fear of women.
- => Belief that sex with a living woman is a mortal sin.
- => Need to achieve a feeling of total control over a sexual partner.
- => Compliances with a command hallucinations.
- => Performance of a series of destructive acts.
- => Expressions of polymorphous perverse sexual desires.

#### **Characteristics Of Humanitarian Forensic Scientist or Analyst.**

The following characteristics are there....

- 1) Cognitive Abilities.
- 2) The knowledge of law.
- 3) Knowledge of rules and regulations.
- 4) Investigative abilities.
- 5) Knowledge and skills of forensic science.
- 6) Mental stability.
- 7) Communication skills.
- 8) Critical Thinking.
- 9) Details oriented.
- 10) Maths and science skills.
- 11) Problem solving skills.
- 12) Written and verbal skills.
- 13) Evidence analysis.
- 14) Analytical thinking.
- 15) Professionalism and objectivity.
- 16) Time management.
- 17) Active Listening.
- 18) Problem Solving.
- 19) Deductive Reasoning.
- 20) Legal Process
- 21) Crime Scene processing.
- 22) Forensic Equipment.
- 23) Computer Proficiency.
- 24) Delegation.
- 25) Accuracy.
- 26) Multi Tasking .
- 27) Integrity.
- 28) Professional ethics.
- 29) Learning abilities.
- 30) Archeological skills.
- 31) Reverse engineering skills.
- 32) Understanding of the human anatomy.
- 33) Knowledge of odontology.
- 34) Knowledge of anthropology and human development
- 35) Knowledge and skills of DNA Analysising.
- 36) The knowledge of the techniques like MRI , CT SCAN , X-RAY etc.

These above mentioned qualities should be inculcated by Humanitarian Forensic expert or analyst.

Other qualities would be....

- A) Empathetic Quality.
- B) Moral and values.

#### **The tools of humanitarian forensic analyst.**

- a) Forensic odontology.
- b) Forensic Archeology.
- c) Forensic Anthropology
- d) Forensic DNA Profiling.

- e) Onsite DNA profiling through Chip DNA.
- f) Skull Superimposition.
- g) Cranio facial reconstruction.

### Author Reviews

Humanitarian forensic which is basically dealing with the human rights and accessing the justice of the victims and also dead people in the devastations.

Humanitarian forensic which is associated with the international Committee of the red cross which has a mandaw to protect victims of the international and Internal armed conflicts especially the refugees , prisoners, wounded persons , civilians and other non combatants.

The protection of the deceased people through the forensic science is the basic objective of the humanitarian Forensic branch of the science. The humanitarian forensic which would cover the dimensions like disasters , migration, armed conflicts, pandemic like covid for preserving the basis rights of the victims and access the justice. Each and every family has a right to know whereabouts the missing person of that family and has also right to know about the dead bodies of the victims.

### Conclusion.

This branch of forensic science is an emerging branch and mainly deals with the humanitarian actions related with the searching of the missing people. The forensic practice has always had a humanitarian aspect which is to identified separately as humanitarian forensic action (HFA) and this is recognized by ICRC, which is a new field of forensic science applied to humanitarian activities. We need to take consideration of the emerging challenges in the field of humanitarian aspect which is required most in the field of the forensic science. The overall goals of humanitarian forensic are.,

- 1) provide post disaster benefits
- 2) post conflict benefits
- 3) overall humanitarian response.

There are three pillars of humanitarian forensic which are.

- a) protection of the dignity
- b) identify them to prevent
- c) resolve the tragedy of the missing people.

The futuristic benefits of humanitarian includes the skills required to explore such as , i) Monitoring of place of detention, ii) managing hunger strike , iii) Estimating the age of living individual , iv) documenting injuries and torture especially in custodial settings , v) interaction with the Bereaved relatives ,vi) evaluating deaths in custody , vii) managing very large numbers of dead following catastrophes , viii) managing and identifying deceased migrants , ix) dealing with the mass graves , x) identifying the soldier missing in action. These all profoundly humanitarian character and help relieve human suffering resulting from catastrophic events.

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