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Anita Gibbons  
Clerk to the Committee  
Committee on Children, Disability, Equality and Integration

Dear Ms Gibbons,

### **Re: The General Scheme of a Certain Institutional Burials (Authorised Intervention) Bill**

I refer to an e-mail dated 09/02/21 from Teresa Hayden inviting submissions on the above Bill. By way of background, I have worked as the lead forensic scientist & investigator for the independent Commission for the Location of Victims' Remains (ICLVR) since 2005. The Commission's work has a number of striking similarities to the role envisaged by the Committee for this new organisation.

I have read the draft Bill and overall it appears detailed, relevant and addresses many of the key issues likely to be encountered should the proposed programme proceed. I would, however, seek to raise the following points:

Since it embarked upon its proactive phase of operations in 2006, ICLVR has continually sought to publicise the fact that it is essentially a *humanitarian* rather than an *investigative* organisation. This approach has stood it in good stead. As in the case of the proposed organisation, by law all information received is treated in strict confidence. But, in addition, individuals providing information can do so via a number of secure confidential routes and can do so in the knowledge that any information so provided cannot be disclosed or used as evidence in a criminal prosecution (often referred to as limited immunity).

#### **Head 25 – Information and records to be made available to Agency.**

As drafted this Head reads 'Any public body may...disclose information...' In the course of its work ICLVR has encountered a marked reluctance on the part of certain

agencies and organisations to provide information relevant to its (ICLVR) enquiries. It might be appropriate therefore to consider strengthening the opening sentence of Head 25 to read ‘Any public body *has a duty* to disclose relevant information to the Committee’.

Since I do not have a detailed knowledge of the extent of the legal definition of a Public Body, the Committee might wish to consider expanding this definition to include *any* organisation, agency or individual. At the early stages of such process it is incredibly difficult to calculate accurately who knows what or possesses what and what potential relevance and value that information might prove to hold.

### **Head 56 – Family Identification**

Identifying human remains by using DNA profiling and then comparing outcomes against a familial database tends not to be a conclusive process. The procedure will generally result in the generation of a statistical Likelihood Ratio (LR) by the forensic scientist(s) carrying out the comparison. For example, the remains recovered from location W and marked ABC123 are X times more likely to be a sibling or child of Y rather than a random male/female member of the population of Ireland.

As this process is not definitive (as in the case of fingerprint evidence) the outcome could lead to significant difficulties if, as set out in **Head 33**, consideration is also being given to offering to return some identified sets of remains to surviving family members. It begs the question as to what point on the LR spectrum would be considered a very compelling identification, sufficient to return remains to a family, and what would not. The non-release of marginal identifications / similarities could conceivably lead to disagreement, acrimony and possibly even legal challenge.

I should be pleased to discuss any of these issues further should that be considered appropriate.

Yours sincerely,



G. C. Knupfer