

APPRECIATING FORENSIC EVIDENCE IN TERROR ATTACK CASES

Justice Raja Vijayaraghavan,
High Court of Kerala,
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Abuja Recommendations

- **Recommendations on the Collection, Use and Sharing of Forensic Evidence-**
- **Promoting the use of internationally accepted or scientifically proven standards relevant to retrieving, analyzing and documenting forensic data.**
- **Collecting and storing forensic data**
- **Sharing of forensic data and evidence: the need for intra-state and international cooperation**
- **Strengthening the use of forensic evidence in court**
- **Collection, Use and Sharing of Electronic Evidence**
- **Improving the use of general and cyber-specific tools to obtain electronic evidence**
- **Locating and preserving electronic evidence**
- **Encouraging effective cooperation with service providers**
- **Obtaining electronic evidence located abroad**
- **Respecting human rights in the context of electronic evidence.**
- **Strengthening the use of electronic evidence in court**



video



Special features of evidence in terror trial

- Voluminous
- Encrypted or
- in foreign language
- technically complex requiring **forensic** or technological experts



Forensic Evidence ?

- Obtained through scientific methods, including, but not limited to-

Digital evidence



Ballistics



DNA analysis

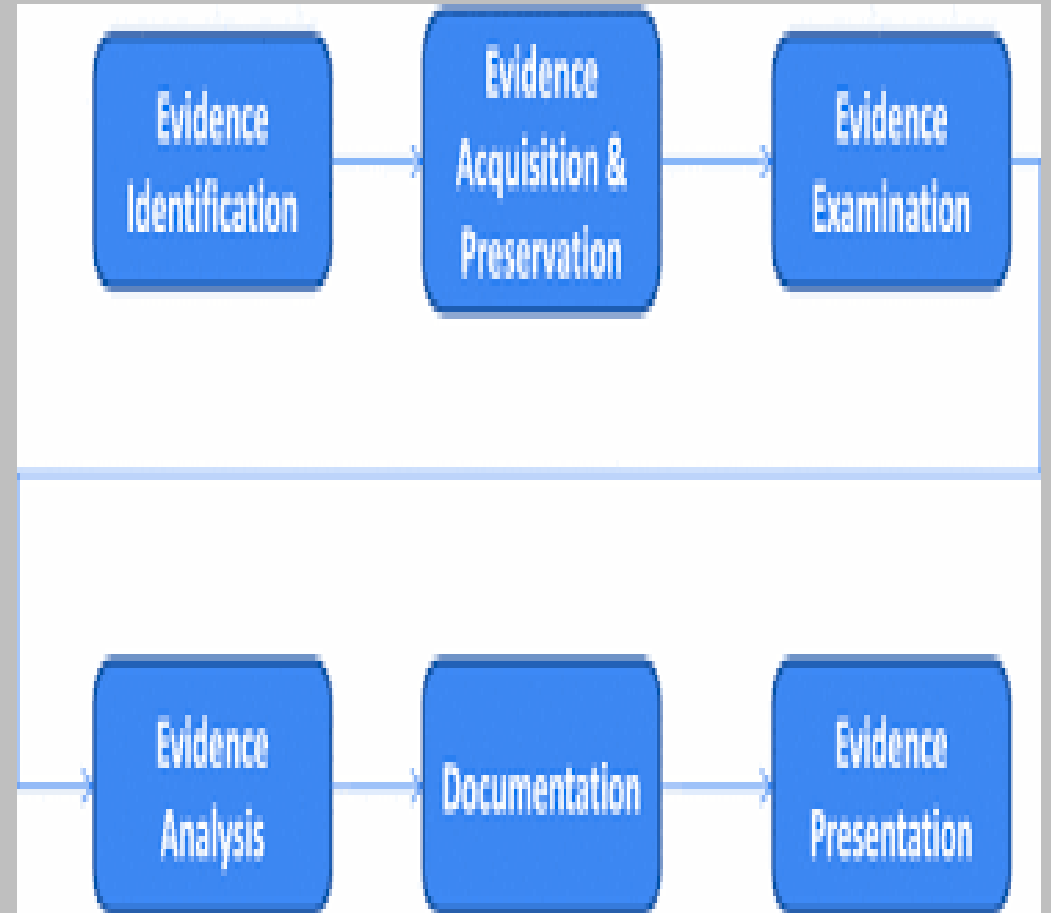


Bomb residue analysis



Role of Forensic Evidence

- Is always Post incident
- Acquisition
- Identification
- Evaluation
- Admission as Evidence



Challenges

- Probably **NO** direct evidence
- Collection of all admissible evidence
- Analysis and evaluation physical/digital evidence
- Broad understanding of Forensic Process / scientific discipline of collection of evidence from scene of crime to the court



MUMBAI BLAST CASE

- **Physical Evidence–**

- Bomb residues, AK-47 rifles, Pistols manufactured in Pakistan, Shawls, Blankets, Foam of Pink Colour, Personal items manufactured in Pakistan, Vehicles used until they were finally caught.

- **Digital Evidence-**

- CCTV recordings, SIM Cards, Mobile phones made in China and sold in Pakistan, Call interception details/phone call records.



Conclusion

- Due to the increasing complexity of terrorism cases, just adjudication, is both demanding and difficult unless Judges enhance their understanding regarding the acceptance , assimilation and application of physical and digital evidence.



