

Guiding Principles for the Dignified Management of the Dead in Humanitarian Emergencies and to Prevent them Becoming Missing Persons

Call for comments

The ICRC Missing Persons Project, launched in 2018, is currently developing a set of guiding principles for the Dignified Management of the Dead in Humanitarian Emergencies and to Prevent them Becoming Missing Persons

We invite all interested parties to submit their written comments on these guiding principles.

All submissions:

- should be submitted electronically to this dedicated email address: missingpersonsproject@icrc.org
- should have, in the subject line of the email: Guiding Principles for the Dignified Management of the Dead in Humanitarian Emergencies and to Prevent them Becoming Missing Persons – comments
- should be in a single document of no more than two pages, and indicate exactly which paragraphs the comments pertain to
- must be in English, French, Spanish, Arabic or Russian.

Deadline

- Comments must be submitted by 31 March 2021

About the ICRC Missing Persons Project ([leaflet](#) and [video](#))

The Central Tracing Agency of the International Committee of the Red Cross (ICRC) has a longstanding mandate and 150 years of operational experience in tracing missing persons and reconnecting separated families. Convinced that a worldwide joining of forces is required to improve the global response to the tragedy of missing persons and their relatives, the ICRC launched the Missing Persons Project in 2018. In partnership with other actors, this initiative seeks to bring together experts, family representatives and other key stakeholders from around the world in order to build consensus on best practices, promote existing technical standards and develop new ones, where needed.

**GUIDING PRINCIPLES FOR THE DIGNIFIED MANAGEMENT OF THE DEAD IN
HUMANITARIAN EMERGENCIES AND TO PREVENT THEM BECOMING MISSING PERSONS**
(September 2020)

INTRODUCTION

When large numbers of people die because of humanitarian emergencies their bodies are often managed with little consideration for their dignity. When this occurs, the capacity to identify the deceased and to prevent them from becoming missing persons is reduced.

Many of the existing guidelines for managing the dead in emergencies, including those published by the International Police Organization, the World Health Organization and the International Committee of the Red Cross, are technically strong, but without specific guidance on the need to guarantee respect for the deceased and their remains.

In 2018 the *Missing Persons Project* of the *International Committee of the Red Cross (ICRC)* and the organization's Forensic Unit, together with the *Right to Truth, Truth(s) through Rights (RTTR) Project (Swiss National Science Foundation / Law Faculty of the University of Geneva)* convened a meeting of experts from around the world in Geneva, Switzerland, to discuss the need for developing general recommendations on the dignified treatment of the dead in humanitarian emergencies.¹

Participants identified the need worldwide for a set of guiding principles to assist decision makers and practitioners in their efforts to ensure that dead persons and human remains in

¹ **Participating Experts:** José Alcorta (ISO); Zahira Aragüete-Toribio (University of Geneva RTTR); Lt. Col. Geoffrey Cardozo (retired British Army officer); Ben Carson (ISO); Cristina Cattaneo (University of Milan); Rudi Coninx (World Health Organization); Stephen Cordner (The Victorian Institute of Forensic Medicine and Monash University); Tania Delabarde (Centre national de la recherche scientifique, CNRS); Caroline Douilliez (ICRC); Marion Vironde Dubray (University of Geneva RTTR); Serge Eko (International Criminal Police Organization, INTERPOL); Francisco Ferrándiz (Spanish National Research Council, CSIC); Oran Finegan (ICRC); Luis Fondebrider (Argentine Forensic Anthropology Team, EAAF); Tony Fracasso (Geneva University Centre of Legal Medicine, CURML); Sévane Garibian (RTTR, University of Geneva); Pierre Guyomarc'h (ICRC); Jamila Hammami (ICRC); Tom Holland (Defense POW/MIA Accounting Agency, DPAA); Maria Dolores Morcillo (ICRC); Dina Shokry (Cairo University); Senem Skulj (ICRC); Morris Tidball-Binz (ICRC); Florian von König (ICRC). The following additional experts participated in the May 2020 online-discussions: Jose Pablo Baraybar (ICRC); Olivier de Frouville (UN CED); Cleber Kemper (ICRC); Alexandra Ortiz (ICRC); Jane Taylor (ICRC); Sylvie van Lammeren (ICRC) and Martina Zaccaro (ICRC).

humanitarian emergencies are respected, and they mandated a drafting group to develop them².

The Guiding Principles were drafted based on the recommendations from that meeting, as well as those from one international and three regional consultations held in 2019, in Europe, Africa, the Middle-East, and Asia-Pacific respectively. These were followed by a final round of online consultations with participants from the 2018 meeting, held in May 2020.

The resulting *Guiding Principles on the Dignified Management of the Dead in Humanitarian Emergencies and to Prevent Them from Becoming Missing Persons* aim to remind decision-makers, managers and practitioners responding to humanitarian emergencies about the importance of the dignified management of the dead, including respect for their families, and complying with applicable law. The Guiding Principles also complement and underpin existing technical guidelines and manuals on the management of the dead. Their effective implementation will help decision makers, managers and practitioners achieve the reliable identification of large numbers of fatalities in humanitarian emergencies, including to prevent them from becoming missing persons.

PREAMBLE

Considering that

1. Humanitarian emergencies occur in socially, culturally, politically and geographically diverse contexts. They result from events such as international and non-international armed conflict, mass violence, natural and man-made disasters, mass migration and epidemics;
2. Humanitarian emergencies often result in large numbers of dead persons who remain unidentified as a result of their improper or undignified management;
3. The management of the dead is a key component of the response to humanitarian emergencies together with the search for, recovery and care of survivors and the supply of basic servicesⁱ;
4. Respect due to a human being does not cease with death;
5. For legal, religious, cultural and other reasons, the identity of human beings must be preserved after death;ⁱⁱ

² **Drafting Group:** Morris Tidball-Binz, Pierre Guyomarc'h, (ICRC); Tony Fracasso (Geneva University Centre of Legal Medicine, CURML) and Stephen Cordner (The Victorian Institute of Forensic Medicine and Monash University)

Scientific consultants: Sévane Garibian, Zahira Aragüete-Toribio and Marion Vironda Dubray (RTTR / University of Geneva);

6. Families have the right to know the fate and whereabouts of their missing relatives.ⁱⁱⁱ When persons go missing as a result of enforced disappearance, each victim has the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared persons.^{iv} In cases of gross human rights violations and serious violations of IHL, it is important that the truth about the facts surrounding such violations be made known to the victims and their relatives and also to the concerned communities as appropriate. Forms of mourning and honoring the dead in accordance with their own religion, culture and customs, must be respected. ^v These impose obligations on the authorities including to undertake actions with regards to unidentified bodies;
7. Until identified, a dead person is likely to be a missing person whose fate and whereabouts remain unknown to the family and the community;
8. All members of the human family possess inherent dignity and equal and inalienable rights, the recognition of which is proclaimed by the 1948 Universal Declaration of Human Rights;
9. The authorities must respect, protect and guarantee the dignity of the dead, including by preventing their mistreatment or despoliation as required by international law, including international humanitarian law (IHL), international human rights law (IHRL) and international criminal law (ICL)^{vi}. International law obligations must be reflected under domestic law;

the following principles, based on internationally recognized rules and standards, are relevant for all those addressing the consequences of humanitarian emergencies resulting in fatalities. Implementing these principles will help ensure the dignified management of dead persons and help prevent them becoming missing persons.

GUIDING PRINCIPLES

I For the purpose of these guiding principles, a humanitarian emergency includes its aftermath; a dead person includes all or any part of the deceased person's body irrespective of the state of preservation; and identification is individualization by the attribution of the birth name or other appropriate name to a dead person.

II The dignity of the dead, their relatives and communities should be respected at all stages and at all times: while searching for the dead; after they are found; during their recovery, analysis and documentation; during the storage, the return of the remains and personal effects, and the final disposition of the dead ^{vii}.

III Respecting the dignity of dead persons in humanitarian emergencies requires all measures to identify them as soon as feasible ^{viii}. This enables their families, and communities as appropriate, to obtain information about their fate and whereabouts, and facilitates their return for final burial or disposition.

IV Inappropriate handling of the dead and their belongings, or inappropriate interactions with their relatives, which can make their identification impossible, more difficult or unjustifiably prolonged must be avoided, as this is undignified and may be contrary to the law^{ix}.

V The authorities shall at all times respect the relatives, and communities as appropriate, and actively encourage and enable their participation in the processes required to manage and identify the dead, including to ensure that their religious and cultural practices and beliefs on the handling and final disposition of dead persons are respected.

VI The requirements for the dignified management and reliable identification of as many dead persons as possible will vary according to the size, context and type of humanitarian emergency. Preparations, including a comprehensive strategy and planning, are needed to meet these requirements. It is necessary therefore that there be close communication and co-ordination between all those agencies and stakeholders planning for, leading, managing and delivering the response, as well as constructive engagement with families and communities^x. The implementation of these plans must, as far as feasible, be organized, coordinated, effective and efficient ^{xi}.

VII In particular, authorities should, irrespective of the imminence of humanitarian emergencies, adopt relevant domestic measures including laws, policies, regulations, protocols, guidelines, and other national measures of a legal, institutional and technical nature, including practical ones, to ensure the respect, protection and guarantee of the dignity of the dead. These measures must be in line with international law and should take into account these Guiding Principles and applicable best practice, including those recommended by the UN, ICRC, WHO and INTERPOL.

VIII All necessary information sources, such as registries and databases including those with data relevant to the identification of dead persons, should be gathered, managed, made available, accessed, used and preserved with appropriate regard to data protection in accordance with international law and standards ^{xii}.

IX Forensic sciences play an increasingly important part in the dignified management of the dead, their reliable identification and uncovering the cause and circumstances of their death. Thus, forensic experts and leadership, to the greatest extent possible from the country or region of occurrence, should be involved in the planning for the dignified management of the dead, and in the implementation of those plans in humanitarian emergencies ^{xiii}.

X A feature of humanitarian emergencies is that forensic experts may be in short supply or not able to access the areas in need. Thus, in recovering, examining, documenting and storing the dead in humanitarian emergencies, first responders are often relied upon. With appropriate training and guidance from forensic experts and provided with the necessary resources and supervision, first responders should be relied upon to assist in protecting the dignity of the dead and improve the chances of their identification.

XI The dignified management of the dead requires that they be treated without adverse distinction on any grounds and that they are not stigmatized; thus, for example, acting on wrong claims that dead persons cause epidemics should be avoided.

XII Dead persons and their belongings should be searched for, recovered, examined, documented and stored in compliance with applicable best practice, using standardized procedures such as recommended by the UN, ICRC, WHO and INTERPOL^{xiv}. In relation to the examination, this should be consistent with forensic best practice and the need for reliable identification of the deceased taking into account cultural, religious and community expectations.

XIII Relatives, and communities as appropriate, must be actively involved, consulted and informed at all stages of the response to the humanitarian emergency. They are the source of essential information to identify their dead including the names of those missing, their physical description as well as samples that will assist in the identification process.

XIV The active involvement of forensic experts in the interactions with relatives and communities should be encouraged. It is likely to help engender trust with families and communities, including to make the collection and provision of relevant information more effective.

XV The availability of unique identifying methods such as fingerprints, DNA or dental examination, strengthens conclusions of identity but they do not represent short cuts for an integrated identification process as recommended by INTERPOL and the ICRC, nor do they reduce the importance of any of the above principles, nor allow them to be bypassed^{xv}.

XVI Psycho-social support for affected relatives, communities, as well as first responders and forensic personnel, is necessary and should be an integral part of the overall response to humanitarian emergencies^{xvi}, while acknowledging and respecting local resources to deal with trauma.

XVII If dead persons cannot be identified or returned to their families – for example because the next of kin cannot be identified or contacted – they should be documented, safely stored or buried temporarily in a manner which facilitates their traceability, future identification and their return to families^{xvii}. Cremation of unidentified and unclaimed bodies should be avoided.

XVIII Dignified management of the dead includes guarantees of an honorable funeral and/or resting place which accords with family cultural and religious preferences. Resting places, including temporary burials and memorials, should be properly recorded, marked, maintained, protected and accessible to the next of kin^{xviii}.

XIX Final disposition of dead persons should be undertaken in a manner that respects their dignity and privacy and that of their family members and communities. Measures should be taken to protect funerary sites and monuments from desecration or disturbance and to maintain them^{xix}.

XX Family members, and communities as appropriate, should be fully informed about and have full access to grave sites or places where the bodies of their dead have been put to rest. The authorities should take all appropriate measures to return the remains and the belongings of the deceased under dignified conditions in accordance with the wishes of the relatives. Where exhumations are needed, the procedures should be undertaken in compliance with applicable best practice. Family members and communities, as appropriate, should be given the opportunity and the necessary support from the authorities to re-bury or cremate the dead according to their own religious and cultural beliefs and practices.

XXI Where necessary, international cooperation, including forensic assistance, capacity building and training, should be called upon for the purpose of responding to humanitarian emergencies to ensure the proper and dignified management and identification of the dead.

XXII Nothing in these principles shall be interpreted as restricting or impairing the provisions of any international law instrument or the rules of customary international law, or as derogating from the obligations of states and the rights of victims, including with regard to truth, justice, reparations and guarantees of non-recurrence, in the aftermath of crimes under international law, gross human rights violations or serious violations of international humanitarian law.-

REFERENCES

ⁱ ICRC, PAHO/WHO, IFRCRC *Management of Dead Bodies after Disasters: A field manual for first responders*. 2nd (revised) Edition, Washington D.C. (2016), PIII

ⁱⁱ 1996 ICPO-INTERPOL General Assembly, 65th Session, Resolution AGN/65/RES/13.

ⁱⁱⁱ For international humanitarian law rules, applicable in international and/or non-international armed conflicts, see: Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), Article 32; Henckaerts, Jean-Marie and Doswald-Beck, Louise, *Customary International Humanitarian Law, Volume I: Rules*, ICRC/Cambridge University Press, 2005 (CIHL), commentary on Rule 117, pp. 423-425. International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, U.N.Doc. Res. A/Res/61/177, Article 24(2). See also: Commission on Human Rights, *Missing Persons*, 25 April 2002, U.N. Doc E/CN.4/RES/2002/60, para.2.

^{iv} International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, U.N.Doc. Res. A/Res/61/177, Article 24(2). International human rights law also recognizes the right to the truth, and the correlative obligation of public authorities to carry out an effective investigation into the circumstances surrounding a disappearance or other gross violations of international human rights law. See also: UNGA, *Declaration on the Protection of All Persons from Enforced Disappearance*, U.N. Doc. A/RES/47/133 (1992), Article 13; UNGA, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, U.N.Doc. A/RES/60/147, Principles 18 and 22 (b) and (c);

UNGA, *Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity*, U.N.Doc. E/CN.4/2005/102/Add.1 (2005), Principles 2 and 4;
Right to the Truth, 20 April 2005, U.N. Doc. E/CN.4/RES/2005/66, para.1 and 2;
 Human Rights Council, *Right to the Truth*, U.N. Doc. A/HRC/RES/12/L.27, para 1 .

^v IHL contains rules relating to the respectful disposal of the dead and on returning personal effects of the dead, see: Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949 (First Geneva Convention), Articles 16(4) and 17(3); Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva, 12 August 1949 (Second Geneva Convention), Article 19(3); Geneva Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949 (Third Geneva Convention), Articles 120(4) and 122(9); Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949 (Fourth Geneva Convention); Articles 130(1) and 139; Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), Article 8; CIHL), Rule 115 and commentary, pp. 416-417. See also:

U.N. Committee on Enforced Disappearances, *Guiding principles for the search for disappeared persons*, U.N. Doc. CED/C/7 sec. (2019), Principle 2.4.. IHRL treaties contain a right to freedom of religion: ICCPR, Article 18; ACHR Article 12; European Convention on Human Rights (ECHR) Article 9; AfCHPR, Article 8.

^{vi} First Geneva Convention, Article 15(1); Second Geneva Convention Article 18(1); Fourth Geneva Convention Article 16(2); Additional Protocol I, Art. 34(1), Additional Protocol II, Articles 4(2)and 8; CIHL, Rule 113 and commentary, pp. 409-411; Statute of the International Criminal Court, Articles 8(2)(b)(xxi) and 8(2)(c)(ii).

^{vii} ICRC, PAHO/WHO, IFRCRC *Management of Dead Bodies after Disasters: A field manual for first responders*. 2nd (revised) Edition, Washington D.C. (2016)

U.N. Committee on Enforced Disappearances, *Guiding principles for the search for disappeared persons*, U.N. Doc. CED/C/7 sec. (2019), principle 2.1

^{viii} For the purposes of these Principles, “*Identification refers to the individualization by attribution of birth name or other appropriate name to a dead person*” (see *Missing People, DNA Analysis and Identification of Human Remains, A guide to best practice in armed conflicts and other situations of armed violence, 2nd edition*, ICRC 2009, p. 9)

^{ix} S. Garibian, M. Tidball-Binz, Z. Aragüete-Toribio, A. Schnyder, M. Vironda Dubray, ‘The development of guiding principles for the proper management of the dead in humanitarian emergencies and help in preventing their becoming missing persons’, *International Review of the Red Cross*, Vol. 101, N° 912, 2020. doi:10.1017/S1816383120000223

^x ICRC, PAHO/WHO, IFRCRC, *Management of Dead Bodies after Disasters: A field manual for first responders*. 2nd (revised) Edition, Washington D.C. (2016)

^{xi} U.N. Committee on Enforced Disappearances, *Guiding principles for the search for disappeared persons*, U.N. Doc. CED/C/7 sec. (2019), principle 10

^{xii} U.N. Committee on Enforced Disappearances, *Guiding principles for the search for disappeared persons*, U.N. Doc. CED/C/7 sec. (2019), principle 11

^{xiii} ICRC, PAHO/WHO, IFRCRC *Management of Dead Bodies after Disasters: A field manual for first responders*. 2nd (revised) Edition, Washington D.C. (2016)

^{xiv} ICRC, PAHO/WHO, IFRCRC *Management of Dead Bodies after Disasters: A field manual for first responders*. 2nd (revised) Edition, Washington D.C. (2016)
 INTERPOL, *Disaster Victim Identification (DVI) Guide* (2018)

The Minnesota Protocol on the Investigation of Potentially Unlawful Death, Office of the United Nations High Commissioner for Human Rights, New York/Geneva (2017)

^{xv} ICRC, PAHO/WHO, IFRCRC *Management of Dead Bodies after Disasters: A field manual for first responders*. 2nd (revised) Edition, Washington D.C. (2016); U.N. Human Rights Council, Resolution 15/5. Forensic genetics and human rights, U.N. Doc. A/HRC/RES/15/5 sec. (2010), para 1 which “...encourages States to consider the use of forensic genetics to contribute to the identification of the remains of victims of serious violations of human rights and of international humanitarian law, and to address the issue of impunity”.

^{xvi} *The Minnesota Protocol on the Investigation of Potentially Unlawful Death*, Office of the United Nations High Commissioner for Human Rights, New York/Geneva (2017), Para. 42 (“When dealing with family members, potential witnesses and others contacted in the course of an investigation, investigators must take care to minimize the harm that the investigation process may cause, especially regarding the physical and mental well-being of those involved in the investigation and the dignity of the dead.”)

^{xvii} IASC OPERATIONAL GUIDELINES ON THE PROTECTION OF PERSONS IN SITUATIONS OF NATURAL DISASTERS, Inter-Agency Standing Committee, 2011.

^{xviii} First Geneva Convention, Article 17(3);
Third Geneva Convention, Article 120(4);
Fourth Geneva Convention, Article 130(1); Additional Protocol I, Article 34;
CIHL, Rules 115 and 116.

See also: United Nations, *Guiding Principles on Internal Displacement*, 2nd ed., OCHA/IDP/2004/01, United Nations, New York, 2004, Principle 16(4)

; IASC *Operational Guidelines on The Protection of Persons in Situations of Natural Disasters*, Inter-Agency Standing Committee, 2016, A.6.3 and A.6.4.

^{xix} First Geneva Convention, Article 17(3); Third Geneva Convention, Article 120(4); Fourth Geneva Convention, Article 130(1); Additional Protocol I, Article 34;
CIHL, Rule 115;

(IASC *Operational Guidelines on The Protection of Persons in Situations of Natural Disasters*, Inter-Agency Standing Committee, 2011 A.6.3.. See as well: United Nations, *Guiding Principles on Internal Displacement*, 2nd ed., OCHA/IDP/2004/01, United Nations, New York, 2004, Principle 16(4)