



**THE MISSING**  
the right to know



**ICRC**

**Operational best practices regarding the management of human remains and information on the dead by non-specialists**

For all armed forces  
For all humanitarian organizations

**The Missing:**

**Action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families**

**Mission statement**

**The aim is** to heighten awareness among governments, the military, international and national organizations – including the worldwide Red Cross and Red Crescent network – and the general public about the tragedy of people unaccounted for as a result of armed conflict or internal violence and about the anguish of their families

**by** creating and making available tools for action and communication

**in** order to ensure accountability on the part of the authorities responsible for resolving the problem of missing people, to better assist the families and to prevent further disappearances.

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## **Preface**

Uncertainty about the fate of their relatives is a harsh reality for countless families in armed conflict and internal violence. All around the world, parents, siblings, spouses and children are desperately trying to find lost relatives. Families and communities, not knowing whether their members are alive or dead, are unable to obtain closure on the violent events that have disrupted their lives. Their anxiety remains with them for years after the fighting has subsided and peace returned. They are unable to move on to personal or community rehabilitation and reconciliation. Future generations carry with them the resentment caused by the humiliation and injustice suffered by their relatives and neighbours. Such festering wounds can rot the fabric of society and undermine relations between persons, groups and nations for decades after the actual events.

The relevant State authorities, armed groups and leaders must therefore take action, backed by national and international humanitarian and human rights organizations, to prevent people from going missing and to deal with the consequences when they do. For this, they can choose from a broad spectrum of measures involving persuasion, substitution, denunciation and judicial action. Whenever possible, constructive dialogue must be fostered between all parties - including the families of missing persons and their communities. This is the only means of reducing the number of missing persons and of identifying appropriate measures to be taken in their favour and that of their relatives.

The primary need inevitably cited by the families of missing persons is the right to know what happened to their relatives.

Furthermore, experience shows that the missing person was often the family breadwinner and bore responsibility for administering the family's affairs in the public realm. Hence, while every effort must be made to ascertain the fate of people who are unaccounted for, their relatives must at the same time be provided with the means of living without shame.

The families and communities attach equal importance to the perpetrators of crimes being held accountable for their acts.

At the very least, when all else fails and it proves impossible to account for those who have disappeared in the course of armed conflict or internal violence, for the sake of the families and communities the loss of human lives must be acknowledged and the next-of-kin allowed to honour the memory of the missing in a dignified manner.

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In accordance with the mandate conferred on it by the community of States, the ICRC's objectives in armed conflict and internal violence include to ensure that people are protected against threats to their lives, physical integrity and dignity, to prevent disappearances, to restore family ties, and to ascertain the fate of people whose families are without news of them. In most places, however, the ICRC is prevented from fulfilling these objectives by a lack of will on the part of the authorities or the parties concerned. Other governmental and non-governmental organizations working to prevent disappearances, to promote international humanitarian law and international human rights law and to trace missing persons face similar obstacles.

In cooperation with government representatives, other components of the International Red Cross and Red Crescent Movement, international, regional and national governmental and non-governmental organizations, representatives of families of missing persons and a variety of experts, in 2002 the ICRC therefore launched a process aimed at addressing the plight of people who are unaccounted for as a result of armed conflict or internal violence and of their relatives.

The ICRC's objectives in launching this process in cooperation with all those involved in dealing with the issue were to:

- (a) **review all methods of preventing persons from becoming unaccounted for in armed conflict or internal violence and of responding to the needs of families that have lost contact with their relatives;**
- (b) **agree on common and complementary recommendations and operational practices with all those working to prevent persons from becoming unaccounted for and to respond appropriately when people are missing as a result of armed conflict or internal violence;**
- (c) **heighten concern about the issue among State authorities, the United Nations and non-governmental organizations.**

The initial phase of the process, which comprised eight workshops and three studies, was carried out with the involvement of academic institutions, numerous experts and representatives of governmental and non-governmental organizations.<sup>1</sup> It resulted in

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<sup>1</sup> List of events and reports:

"The legal protection of personal data & human remains, Electronic Workshop, 02.04.2002 - 06.05.2002: Final report and outcome" (ICRC/TheMissing/07.2002/EN/1)

"Member of armed forces and armed groups: identification, family news, killed in action, prevention, Workshop, 06.05.2002 - 07.05.2002, Ecogia ICRC Training Center - Geneva - Switzerland: Final report and outcome" (ICRC/TheMissing/08.2002/EN/2)

"Human remains & forensic sciences, Electronic Workshop, 02.2002 - 03.2002; Human remains: Law, politics & ethics, 23.05.2002 - 24.05.2002 and Human remains: management of remains and of information on the dead, 10.07.2002 - 12.07.2002, Workshops, Ecogia ICRC Training Center - Geneva - Switzerland: Final report and outcome" (ICRC/TheMissing/10.2002/EN/3)

"Support to families of people unaccounted for, Workshop, 10.06.2002 - 11.06.2002, Ecogia ICRC Training Center - Geneva - Switzerland: Final report and outcome" (ICRC/TheMissing/08.2002/EN/4)

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a series of practical recommendations on legal and operational matters designed to help prevent disappearances, ascertain the fate of missing persons and assist their families.<sup>2</sup>

In a second stage, the ICRC organized an international conference of governmental and non-governmental experts which was held in Geneva from 19 to 21 February 2003 and which provided an opportunity to share the outcome of this work with a wide array of participants. The *Observations and Recommendations*<sup>3</sup> made at the conference were then included in the *Agenda for Humanitarian Action*<sup>4</sup> adopted by the 28th International Conference of the Red Cross and Red Crescent in December 2003.<sup>5</sup>

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"Means to prevent disappearances & to process missing cases, Workshop, 24.07.2002 - 26.07.2002, Ecogia ICRC Training Center - Geneva - Switzerland: Final report and outcome" (ICRC/TheMissing/10.2002/EN/5)

"Mechanisms to solve issues on people unaccounted for, Workshop, 19.09.2002 - 20.09.2002, Ecogia ICRC Training Center - Geneva - Switzerland: Final report and outcome" (ICRC/TheMissing/12.2002/EN/6)

"Mourning process & commemorations, Study - Report and recommendations, Drawn up under the direction of Yvan Droz, Doctor of Ethnology, associate professor at the Geneva Graduate Institute of Development Studies (IUED), In cooperation with Sylvain Froidevaux, Doctor in Social Sciences, commissioned by the IUED" (ICRC/TheMissing/10.2002/EN/7)

"Overcoming the tensions between family needs and judicial procedures - Study - Report and recommendations, by Ms Vasuki Nesiah, Senior Associate, International Center for Transitional Justice" (ICRC/TheMissing/09.2002/EN/8)

"Study on existing mechanisms to clarify the fate of people unaccounted for - Report and recommendations, by Jean-François Rioux, Professor of conflict studies at Saint-Paul University, Ottawa, Canada and Marco Sassòli, Professor of public international law at the Université du Québec à Montréal, Canada; with the assistance of Mr. Mountaga Diagne and Ms. Marianne Reux, research assistants at the Université du Québec à Montréal" (ICRC/TheMissing/01.2003/EN/9)

See also on the ICRC WEB site at [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/section\\_missing\\_persons\\_events?OpenDocument](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/section_missing_persons_events?OpenDocument)

<sup>2</sup> See "ICRC Report: The Missing and Their Families – Summary of the Conclusions arising from Events Held prior to the International Conference of Governmental and Non-Governmental Experts (19-21 February 2003)" (ICRC/TheMissing/01.2003/EN/10; [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5JAHR8/\\$File/ICRC\\_TheMissing\\_012003\\_EN\\_10.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5JAHR8/$File/ICRC_TheMissing_012003_EN_10.pdf))

<sup>3</sup> See "International Conference of Governmental and Non-Governmental Experts (Geneva, 19-21.02.2003), Outcome" in "The Missing: Action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families – Documents of Reference", or at [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/881CB6F1912554CDC1256CD40041F954/\\$File/TheMissing\\_Conf\\_022003\\_EN\\_1AND82.pdf?OpenElement](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/881CB6F1912554CDC1256CD40041F954/$File/TheMissing_Conf_022003_EN_1AND82.pdf?OpenElement)

<sup>4</sup> See "The Missing: Action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families – Documents of Reference" or at [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5Y4DK7/\\$File/conference\\_ang-final.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5Y4DK7/$File/conference_ang-final.pdf)

<sup>5</sup> The International Conferences of the Red Cross and Red Crescent brings together not only the National Red Cross and Red Crescent Societies but also the governments of the 191 States party to the Geneva Conventions.

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Existing recommendations and best practices relate to topics such as international and domestic law, means of identification for civilians and non-civilians, the treatment of persons deprived of their liberty, the exchange of family news and the proper handling of human remains and information on the dead.

The section on the proper handling of the remains of those who die in direct or indirect relation to an armed conflict or internal violence is essential. It is the result of the fruitful deliberations of three workshops to which more than 50 experts participated.<sup>6</sup>

These recommendations and best practices note the particularities of situations of armed conflict or internal violence, their impact on the role and responsibilities of humanitarian organizations, on forensic work and how to adapt accordingly. They include the fact that in many situations, forensic specialists are not available and that the involvement of non-specialists, often working for humanitarian organizations, is necessary.

It is now time to follow up the decisions of the February 2003 international experts conference and of the December 2003 28th International Conference of the Red Cross and Red Crescent: these recommendations and best practices must become an integral part of the policies, instructions, training and operational practice of all armed forces and of all humanitarian organizations working in situations of armed conflict or internal violence.

**The present publication<sup>7</sup> is a compilation of all recommendations and best practices relating to the proper handling of the remains of those who die in direct or indirect relation to an armed conflict or internal violence, for implementation by non-specialists. It should allow:**

- Every military force to draw up SOP for commanders and to establish training modules for its members that incorporate the legal rules and the checklists;**
- Humanitarian organizations to incorporate those recommendations and best practices into their policies, instructions, training and operations.**

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<sup>6</sup> See "Human remains & forensic sciences – Electronic workshop 02-03.2002; Human remains: Law, politics & ethics 23-24.05.2002; and Human remains: management of remains and of information on the dead 10-12.07.2002: Final Report and Outcome" (ICRC/TheMissing/10.2002/EN/3); [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5CALR3/\\$File/ICRC\\_TheMissing\\_102002\\_EN\\_3.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5CALR3/$File/ICRC_TheMissing_102002_EN_3.pdf) )

<sup>7</sup> Available as a PDF file on the ICRC Web site and as a Word file on request from [themissing.gva@icrc.org](mailto:themissing.gva@icrc.org).

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**1. The treatment of the dead and graves in International Humanitarian Law (IHL)<sup>8</sup>**

1.1 International law applicable in international armed conflicts

- A. Whenever circumstances permit, and particularly after an engagement, all possible measures must be taken, without delay, to search for and collect the dead, without adverse distinction.<sup>9</sup>
- B. Each party to the conflict must treat the dead with respect and dignity and prevent their being despoiled.<sup>10</sup>
- C. Each party to the conflict must take measures to identify the dead before disposing of their remains.<sup>11</sup>
- D. The dead must be disposed of in a respectful manner and their graves respected.<sup>12</sup>
- E. Burial should be in individual graves, unless unavoidable circumstances require the use of collective graves. All graves must be marked.<sup>13</sup>
- F. At the commencement of hostilities, the parties to the conflict must establish an official **Graves Registration Service** to see to the dead, including burials, and to record the particulars for identification of graves and those there interred.<sup>14</sup>
- G. Each party to the conflict must take all possible measures to provide information to the appropriate authorities or to the family of the deceased regarding the deceased's identity, location and cause of death.<sup>15</sup>
- H. Upon the outbreak of a conflict and in all cases of occupation, each party to the conflict must establish an official Information Bureau:
  - a. to centralize, without adverse distinction, all information on the wounded, sick, shipwrecked, dead, protected persons deprived of their liberty, children whose identity is in doubt and persons who have been reported missing and to provide this information to the appropriate

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<sup>8</sup> The text of section 1 is excerpted from chapter III of "ICRC Report: The Missing and Their Families – Summary of the Conclusions arising from Events Held prior to the International Conference of Governmental and Non-Governmental Experts (19-21 February 2003)" (ICRC/TheMissing/ 01.2003/EN/10; [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5JAHR8/\\$File/ICRC\\_TheMissing\\_012003\\_EN\\_10.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5JAHR8/$File/ICRC_TheMissing_012003_EN_10.pdf) )

<sup>9</sup> GCI: Art.15; GCII: Art. 18; GCIV: Art. 16; API: Art. 33.

<sup>10</sup> GCI: Art. 15; GCII: Art.18; GCIV: Art. 16; API: Art. 34.

<sup>11</sup> GCI: Arts. 16, 17; GCII: Arts. 19, 20; GCIII: Arts. 120, 121; GCIV: Arts. 129, 131.

<sup>12</sup> GCI: Art. 17; GCII: Art. 20; GCIII: Art. 120; GCIV: Art. 130; API: Art. 34(1).

<sup>13</sup> GCI: Art. 17; GCII: Art. 20; GCIII: Art. 120; GCIV: Art. 130; API: Art. 34.

<sup>14</sup> GCI: Art. 17(3); GCII: Art. 20(2); GCIII: Art. 120(6); GCIV: Art. 130(3).

<sup>15</sup> GCI: Arts. 16,17; GCII: Art. 19; GCIII: Art. 120; GCIV: Art.130; API: Art. 33.

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- authorities, through the intermediary of the Protecting Powers and likewise of the ICRC Central Tracing Agency<sup>16</sup>;
- b. to be responsible for replying to all enquiries concerning protected persons and for making any enquiries necessary to obtain information which is asked for if this is not in its possession<sup>17</sup>;
  - c. to act as an intermediary for the free transport of matter, including correspondence, sent to and by protected persons (and whenever requested through the ICRC Central Tracing Agency)<sup>18</sup>.
- I. Information recorded on protected persons deprived of their liberty or on deceased persons must be of such a character as to make it possible to identify the person exactly and to advise the next-of-kin quickly.<sup>19</sup>
  - J. Within the shortest possible period, each of the parties to the conflict must transmit to the Information Bureau the following information, when available, on each **wounded, sick, shipwrecked or dead person**<sup>20</sup>:
    - a. full name;
    - b. army, regimental, personal or serial number;
    - c. date of birth;
    - d. any other particulars figuring on the identity card or disc;
    - e. date and place of capture or death;
    - f. particulars concerning wounds or illnesses, or cause of death.
  - K. In case of **death**, the following must be collected and transmitted to the Information Bureau with<sup>21</sup>:
    - a. date and place of (capture and) death;
    - b. particulars concerning wounds / illnesses or cause of death;
    - c. all other personal effects;
    - d. date and place of burial with particulars to identify the grave,
    - e. when applicable, half of the identity disc must remain with the body and the other half transmitted.
  - L. Each party to the conflict must endeavour to facilitate the return of the deceased's remains and personal effects to the home country at its request or at the request of the next-of-kin.<sup>22</sup>
  - M. It is widely recognized that all above rules also represent customary international law applicable in international armed conflicts.

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<sup>16</sup> GCI: Arts. 16, 17(4); GCII: Arts. 19(2), 20; GCIII: Arts. 120, 122, 123; GCIV: Arts. 130, 136-138, 140; API: Art. 33(3); HRIV: Arts. 14, 16.

<sup>17</sup> GCIII: Art. 122(7); GCIV: Art. 137(1); API: Art. 33(3); HRIV: Art. 14.

<sup>18</sup> GCIII: Art. 74; GCIV: Art. 110; HRIV: Art. 14.

<sup>19</sup> GCI: Art. 16; GCII: Art. 19; GCIII: Arts. 120, 122; GCIV: Arts. 129, 138(1), 139; API: Art. 34.

<sup>20</sup> GCI: Art. 16; GCII: Art. 19.

<sup>21</sup> GCI: Arts. 16, 17, 40(2); GCII: Arts. 19, 20, 42(2); GCIII: Art. 120; GCIV: Arts. 129, 130, 139; HRIV: Arts. 14, 19; API: Art. 34.

<sup>22</sup> API: Art. 34(2)(c).

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### 1.2 International law applicable in non-international armed conflicts

- A. Whenever circumstances permit, and particularly after an engagement, all possible measures must be taken, without delay, to search for and collect the dead, without adverse distinction.<sup>23</sup>
- B. Each party to the conflict must treat the dead with respect and dignity and prevent their being despoiled.<sup>24</sup>
- C. The dead must be disposed of in a respectful manner and their graves respected.<sup>25</sup>
- D. It is widely recognized that rules 1.1C, 1.1E and 1.1G above also represent customary international law applicable *mutatis mutandis* in non-international armed conflicts.

## 2. General considerations

### 2.1 Persons, who die as a result of armed conflict or internal violence, often become unaccounted for because their deaths are not recorded. This may happen for a number of reasons:

- A. No information on deaths is made available (deaths are not reported to the families / no surviving witnesses);
- B. The bodies / remains (for example of those killed in action or in extra judicial killings) are not collected;
- C. Bodies are buried without being identified (or without any data / particulars that may be useful for later identification being recorded), often in mass graves, a situation sometimes compounded by deliberate attempts to confuse / destroy evidence;
- D. The bodies / remains cannot be identified (for lack of indices / leads, expertise or means, or because the bodies / remains have been totally destroyed);
- E. The parties may be genuinely unable to provide answers, often because they did not fulfil their duties during the conflict. In the majority of cases, however, the parties can reasonably be expected to have, at the very least, information about the location of military operations and of (mass) graves, or to obtain such information;
- F. The State authorities or armed groups refuse to acknowledge the deaths of people under their control / responsibility.

### 2.2 Therefore, providing information on those who die in such situations directly helps reduce the number of missing persons and ascertain the fate of persons who are unaccounted for, thus putting an end to the anxiety and uncertainty of the families.

- A. The families of missing persons must be recognized as victims.

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<sup>23</sup> APII: Art. 8.

<sup>24</sup> APII: Art. 8.

<sup>25</sup> APII: Art. 8.

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- B. Their right to information, accountability and acknowledgment must be upheld. Their most fundamental need is nevertheless for information on the fate of their relatives.
- 2.3 All family members have the right to know the fate of relatives missing because of armed conflict or internal violence, including their whereabouts or, if dead, the circumstances and cause of their deaths
- 2.4 The State authorities and armed groups bear primary responsibility for proper handling of the human remains and of information on the dead.
- 2.5 Despoliation and desecration of the dead should constitute crimes under international law when committed during non-international armed conflicts (as is the case in international armed conflicts). Intentionally mutilating the remains before their repatriation as part of a widespread and systematic policy should be considered an aggravated form of the crime. Intentionally obstructing, interfering with, or impeding the process of identification of human remains for the purpose of preventing said identification should be punished as a criminal offence under domestic law.
- 2.6 The community of States, international, regional or local governmental or non-governmental organizations and the ICRC should make all those concerned aware of their obligations with regard to the handling of human remains without distinction. This includes the obligation to collect human remains and any information on them that may lead to identification at some later stage. It also includes the conditions that must be respected for all burials, for the return of remains and personal effects to the families, if necessary via a neutral intermediary, and for the transmission of all information pertaining to the dead to the families and to the ICRC Central Tracing Agency.
- A. Further obligations should include:
- a. The promotion of related Information Bureau activities;
  - b. The promotion of best practices regarding the collection of information on the dead and the management of human remains and training in their implementation (see 3).
- B. Priority should be given to:
- a. The State authorities, in particular security and armed forces and civil defence units, and armed groups;
  - b. National Red Cross / Red Crescent Societies with first aid and tracing services;
  - c. Peace-keeping / enforcement missions;
  - d. The humanitarian organizations working in a given context;
  - e. Forensic specialists;
  - f. Tribunals.
- 2.7 **Annex B** contains a *checklist of the information on the dead to be provided by the authorities*.

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- 2.8 Where the State authorities or armed groups are unable / unwilling to fulfil their obligations and the dead are not taken care of, humanitarian organizations must address the problem from the beginning of the armed conflict or internal violence with the support of the community of States. In doing this, they should always take account of the **local legal framework**.
- A. Information about **graves** and the **dead** should be systematically collected.
  - B. Whenever required and as soon as possible, measures must be taken to **collect the dead** (from the battlefield).
  - C. Whenever required and as soon as possible, measures must be taken to **exhume unidentified remains** whilst taking into account all considerations listed in **Annex G** (*the procedure for exhumation (e.g. from graves, wells, caves) in the absence of forensic specialists*).
  - D. Measures must be taken to collect as much information as possible on any human remains and the event which led to the deaths:
    - a. To facilitate their identification so the families can be informed and receive the remains;
    - b. If violations of international humanitarian law or international human rights law are suspected, information must be collected on the circumstances of death.
  - E. Measures must be taken to preserve any human remains that are not returned to the families (by storing or temporarily burying them).
  - F. Measures must be taken **to inform the families** when a relative has died, to provide them with certificates / attestations of deaths, and to return to them personal effects and whenever possible the remains.
- 2.9 In most situations, all information on the dead, whether on individuals or on the location of mass graves, is politically sensitive and a source of anguish for the families. Thus:
- A. Security constraints must be taken into account when planning action;
  - B. The authorities involved and the families must be fully informed about all planned activities;
  - C. All planned activities must take into account the cultural context and respect local customs regarding the dead, funerals and mourning (see 6);
  - D. A communication strategy must be set up for all planned activities.
- 2.10 All tasks must be performed with due respect for the legal and ethical rules pertaining to the management of personal information and human remains.
- 2.11 All tasks must be coordinated between the organizations involved, which may have to be mobilized.
- 2.12 In numerous armed conflicts and situations of internal violence, neither death certificates nor official notifications / confirmations of death are provided, either because information is simply not available or because it is withheld. It is therefore essential to collect information about the dead through direct witness accounts.
- A. To ensure the information is accurate, it should be collected systematically.

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**Annex L** (*checklist for the collection of direct witness accounts*) provides guidance in this respect.

B. As witness accounts may be the only information on a relative's death available for transmission to the family, the State authorities should agree to issue death certificates on the basis of witness accounts that fulfill agreed conditions.

### 3. Involvement of non-specialists

3.1 As a general rule, forensic specialists should be involved in all work related to human remains.

3.2 This may not always be possible. Since forensic specialists are not always available, the involvement of non-specialists is often necessary and should aim to maximize the chances of systematic evaluation of the event and identification at a later date. To that end, the checklists contained in **Annex C to Annex H** can be used to streamline the processes by which information is collected on the dead and human remains are handled. These checklists cover:

A. **Annex C**, the *management of sites containing human remains, including graves*;

B. **Annex D**, *information to be collected on human remains*;

C. **Annex E**, the *immediate management of human remains (collection / transport)*;

D. **Annex F**, the *management of human remains in a hospital mortuary*;

E. **Annex G**, the *procedure for exhumation (e.g. from graves, wells, caves) in the absence of forensic specialists*;

F. **Annex H**, *emergency or temporary burial of human remains*.

3.3 These checklists, which must always be adapted to the context, should be promoted in particular among armed and security forces / armed groups, military forces serving in peace-keeping and peace-enforcement units, health facilities and humanitarian organizations.

3.4 In particular, every military force is responsible for drawing up SOP for commanders and for establishing training modules for its members that incorporate the legal rules and the checklists.

A. Military forces must recognize that non-specialists, i.e. soldiers, may be involved in the exhumation, transportation, storage and repatriation of remains and need appropriate guidelines and practical checklists. These should be translated into SOP by every military force.

B. Specific training should correspond to needs. While the checklists do not constitute information that every soldier should know, every soldier should be instructed in the importance of correct procedures for emergency burials (see **Annex H**, *Check-list on the emergency or temporary burial of human remains*).

C. When a party cannot comply with the legal requirements for the establishment of an official Grave Registration Service or an Information Bureau, it can turn for assistance to an international player, but it is not thereby relieved of its legal obligations.

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D. For any question relating to the management, exhumation, transportation, storage and repatriation of remains it is important to inform and liaise with the appropriate authorities.

3.5 Experts in forensic sciences should be used to train non-specialist personnel for these tasks.

### **4. Community and family involvement in an exhumation and/or identification process**

#### 4.1 General principles

A. Any investigation or exhumation must be carried out in constant interaction with the community and with the families or their representatives.

B. Undignified or unskilful handling of remains may further traumatize the family.

C. The families must be given a realistic expectation of the outcome, given the state of the remains, number of bodies, etc.

D. The families must be provided with information and psychological support.

E. The subsequent process of identification must be explained to the families while the process is ongoing.

F. The families must be told that identification will rely on simple or traditional identification techniques first and that more sophisticated technology can only be used if it is needed and available in the context.

G. The families should be approached as soon as possible after an exhumation is planned regarding the provision of *ante mortem* data.

H. The notion of "family" may vary with the context. There need to be clear guidelines on how to handle divided families.

#### 4.2 General considerations

A. The request for an exhumation programme may come from the community or the families of the missing persons.

B. The relationship between the forensic specialists and the communities and families is always complex. A forensic specialist may feel uncomfortable within this relationship, which is influenced by:

a. How information is transmitted to the communities and families;

b. The purpose of the investigation, i.e. whether it focuses on the identification of remains or on a criminal investigation;

c. The extent and timescale of the investigation;

d. Who is conducting the investigation - the police, the military, a government body, an NGO, an international forensic team, a UN body, etc. (forensic specialists who held the same position in a previous, perpetrating government will generate considerable suspicion);

e. Whether the perpetrators are still at large in the community (this will affect whether relatives locate graves, testify or provide *ante mortem* data);

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- f. Whether the families believe any information resulting from the investigation will be used for their benefit or in the genuine interests of justice;
  - g. Whether the forensic specialists and other team members attend the funerals of the people whose remains they have identified.
- C. The social and psychological impact on communities and families should be documented for future reference.
- 4.3 How are communities and families involved in the exhumation and identification of remains?
- A. Communities and families are deeply traumatized when members are killed or massacred. Uncertainty about the fate of missing persons and the process of identifying remains may simply add to the trauma.
  - B. The extent to which the communities or families are involved in the exhumation should be decided on a case-by-case basis taking into account:
    - a. The results of any consultation with the communities and families;
    - b. Whether the family wishes to be present or represented by a qualified person;
    - c. The overall possible benefit to the families;
    - d. The possibility that the investigation will be compromised, including by political interference;
    - e. The possibility that the families may suffer further trauma, especially if the investigation is unnecessarily prolonged, the information collected in an insensitive way or the remains perceived to be handled unprofessionally, in an undignified manner or disrespectfully;
    - f. Security considerations.
  - C. In addition, the community or family may:
    - a. Know where remains or graves are or are likely to be situated (including in territory controlled by the former enemy);
    - b. Facilitate identification of remains after recovery;
    - c. Provide security at the site of the investigation;
    - d. Wish to veto the exhumation (this requires careful consideration).
- 4.4 Informing the communities and families about the exhumation
- A. It is essential in all contexts to have a communication strategy, the objective of which is to inform and regularly update communities and families about an exhumation. Realistic appraisals must be given of the outcome.
  - B. The following should be borne in mind:
    - a. Family observation of the exhumation process may lead to easier acceptance of the results;
    - b. Religious or community leaders (who are not connected to the authorities) should be contacted;
    - c. It may be appropriate to discuss some form of memorial at an early stage;
    - d. Any psychiatrists, psychologists, social workers or traditional healers who might be working with the families should be contacted, informed and, if possible, involved.

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**5. Family involvement in the collection of *ante mortem* data and of samples for DNA analysis**

- 5.1 The collection of *ante mortem* data and of samples for DNA analysis (DNA samples) may not involve forensic specialists, but the data and samples collected will be of no value unless they can be compared to the findings of forensic specialists.
- 5.2 In principle, therefore, before any *ante mortem* data or samples for DNA analysis are collected, a framework for the exhumation and identification process must be defined and agreed to by all those, in particular as concerns:
- A. the legal rules governing the protection of personal data and human remains, which include the protection of *ante mortem* data and DNA samples and results;
  - B. ownership and management of the *ante mortem* data and DNA samples and results.
- 5.3 In principle, therefore, *ante mortem* data and DNA samples should not be collected outside the framework of a planned process to collect, exhume and identify remains:
- A. the fact that *ante mortem* data and possibly DNA samples are being collected from a family suggests that the missing relative is dead and induces great hope that the remains will be found;
  - B. if no such data is being collected but there is a strong suspicion of death, the family's tracing request must be exhaustively completed as the recollection of important details fades with time.
- 5.4 Once the prerequisites have been met (see 5.2), the collection process must be well prepared and coordinated with all those concerned.
- 5.5 Agreement must be reached on a standard form for the collection of *ante mortem* data.
- 5.6 All those concerned should agree to the collection, storage, transport and chain of custody of any DNA samples; the number of those involved, including the number of laboratories, should be kept to a minimum.
- 5.7 When the prerequisites have been met (see 5.2) and it is highly likely that the missing person or people are dead, it may be appropriate to collect *ante mortem* data and DNA samples when a tracing request is first filed.
- 5.8 Staff in charge of the collection process must be identified, selected, trained and supported so as to avoid secondary trauma (see 9).
- 5.9 Psychological support for the families or individuals must be systematically planned and provided as an integral part of the collection process in order to help avoid retraumatization.
- 5.10 In principle, the aim should be to carry out only one interview with the family (even if conducted in several phases): multiple interviews and subsequent requests for further information (or DNA samples) might further traumatize the family.

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- 5.11 Whenever possible, the process of collecting *ante mortem* data should be organized for groups of people who became unaccounted for in the same circumstances or during a specific event and/or whose remains might be expected to be found in the same location. This should facilitate the planning of exhumations and speed up the process of identification.
- 5.12 A communication strategy that is agreed to by all those concerned must be implemented. The communities and families must be realistically informed about the processes by which *ante mortem* data and DNA samples are collected and remains exhumed and identified.

### 6. Families and death

- 6.1 To show respect for the dead and for funerals held according to the local culture is to demonstrate respect for the mourning process, which is essential for peace and social order.
- 6.2 Mourning practices vary widely, and perceptions of death differ from one culture and religion to another: death can be an end, a passage to reincarnation or an achievement. This influences the mourning process and must be taken into account in any contact with families concerning death.
- 6.3 As a general rule, death and the practices associated with death are specific to each local culture. To prevent funerals and other mourning practices is to make the dead and the living incur a risk.
- 6.4 Most religions and belief systems also have rituals for missing persons due to armed conflict or internal violence.
- 6.5 There should be respect at all times for the cultural identity of refugees and displaced persons, who should therefore be given the opportunity to hold appropriate funerals and commemorations.
- 6.6 The State authorities and armed groups must show respect for the dead and for the mourning practices of all communities and individuals in all circumstances.
- 6.7 Humanitarian organizations can make mourning processes easier for the communities by obtaining information on local practices and respecting them in all activities related to death (e.g. when transmitting information about death, returning human remains or personal effects, exhuming or identifying human remains, or burying the dead, even temporarily).
- 6.8 Staff informing families of the death of a relative, or returning personal effects or human remains, must be prepared.
- A. **Annex A** lists a number of *Considerations on the meaning of death and recommendations for appropriate behaviour*. Workers should have at their disposal a document describing how death is perceived in each context, the associated rituals, the role of the remains in the mourning process and, depending on the existing external constraints, how to deal with the absence of remains.
- B. They must also be trained and supported psychologically for those tasks in order to avoid developing secondary trauma (see 9).

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**7. Delivering information on death and returning personal effects or human remains to the families**

- 7.1 The only prerequisite to mourning is the belief that the missing person is dead. Until adequate proof of death can be provided, relatives of missing persons cannot mourn and may experience feelings of guilt. A death certificate alone might not be enough to induce belief in the death of a missing person.
- 7.2 The State authorities that issue death certificates have a responsibility, as does the ICRC when it delivers information on deaths, to ensure the authenticity of the information contained therein; the certificates should provide information on the cause of death and the availability of the human remains. The authorities and organizations delivering death certificates should also obtain information on the certificate's significance in the local culture.
- 7.3 Unless the human remains have been discovered or the family is already convinced that the missing person is dead, the death certificate or attestation will not in and of itself initiate the mourning process. It is useful, however, for legal and administrative purposes.
- 7.4 Where the criteria for certifying death are not met, a declaration recognizing the individual's legal situation as a missing person could first be issued.
- 7.5 In order to be credible, the death certificate must be:
- A. Accompanied by evidence;
  - B. Based on reliable information;
  - C. Issued on an individual basis;
  - D. Issued and delivered promptly.
- 7.6 Any organization that delivers notifications of death should appoint and train persons specifically for that task (see 6.8 and 9).
- 7.7 The process of informing the families about the death of a relative and of returning personal effects or human remains must be well prepared:
- A. The family member to whom the information, personal effects or human remains are to be delivered should be determined in advance on the basis of local custom;
  - B. Whenever possible and reasonable, an appointment should be made in advance to ensure the presence of family member(s) whose presence is required; it is important that relatives are not alone when the news is delivered and that children are not excluded;
  - C. Those delivering the information, personal effects or human remains could be accompanied by a culturally appropriate support person (such as a community or religious leader or a health worker), who is in a position to provide the necessary support.

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- 7.8 Before returning human remains, the following should be considered:
- A. How the remains will be delivered;
  - B. The state of the remains, so that the family can be advised on and prepared for the possibility of viewing them;
  - C. The emotional and financial support to be offered to the family during the funeral;
  - D. The wishes of the family with regard to any additional remains found.
- 7.9 Consideration should be given to the possibility of additional information about the deceased coming to light after the remains have been delivered.
- 7.10 An official document confirming death and paving the way for the legal consequences should be transmitted to the family whenever possible (and when doing so serves a humanitarian purpose), in accordance with the rules set forth in 7.5 above.
- 7.11 In some cultures and religions, a specific ceremony such as a rite of passage may serve to initiate the mourning process.
- 7.12 Support should be available to the families throughout the mourning process. Access to such support could be facilitated by the appropriate organizations if it is not already available in the community.

### **8. Commemorations and collective funerals**

- 8.1 Commemoration is a significant event in the process of mourning:
- A. It can foster or inhibit reconciliation at the individual and national levels;
  - B. It can also remind the public of past inhumanities and thus help prevent their reoccurrence and future human rights violations.
- 8.2 Commemoration plays the following roles:
- A. It encourages the process of mourning and remembrance by allowing the families and communities to grieve together;
  - B. It provides moral support which comforts and helps relatives and friends to cope with the situation;
  - C. It reaffirms the existence of missing relatives of whom all other trace may have disappeared;
  - D. It humanizes the event and makes it more personal, for example by naming those who are unaccounted for and making them someone's son, daughter, parent, etc.;
  - E. It pays tribute to the missing and provides acknowledgement and public recognition of events that may have been denied or distorted;
  - F. it acts as a form of redress, restoring honour to those who have been wronged;
  - G. it highlights the significance of past events;
  - H. it serves as an instructive reminder to present and future generations, by transforming existing rituals or devising new ones;

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- I. it fosters reconciliation at the individual, community and national levels;
  - J. it provides a site to visit in the absence of a grave;
  - K. it allows the souls of the dead to rest in peace.
- 8.3 The planning and preparation of commemorative ceremonies are important parts of the process and should be under the control of the families and communities concerned.
- 8.4 Commemoration should be culturally appropriate and centred on the victim. It can be an ongoing process of many events or take a variety of forms, such as monuments.
- 8.5 The local authorities should be encouraged to provide material support for commemorative ceremonies or to participate in other ways, for example by naming streets after missing persons.
- 8.6 If possible, the State authorities should acknowledge the event by declaring a day or a ceremony of commemoration.
- 8.7 The public's presence at such events is important, particularly if the authorities played a role in the violations, but any external presence should be strictly supportive, and care should be taken that such events do not become politicised.
- 8.8 The media should be encouraged to support commemorations on behalf of the families.
- 8.9 The families should be informed about the possibility of collective funerals and support should be provided to secure the process, even if the families regard them as a second-best option.
- 8.10 In acknowledgement of the above-mentioned principles and best practices, humanitarian organizations should support and attend commemorations.
- 9. Training and support for personnel working with the families of missing persons**
- 9.1 Any fieldwork should be preceded by briefings by an expert with local experience, such as an anthropologist, and include information on the society and on the cultural and religious aspects of mourning, grief and funeral customs.
- 9.2 Specific training should be given by professionals to all staff (including forensic specialists) on:
- A. The potential psychological reactions experienced by trauma victims;
  - B. The risk of secondary trauma to those working with trauma victims;
  - C. The means by which staff can protect themselves against secondary trauma and burnout.
- 9.3 Ongoing training should provide continued support to workers and deal with particular problems arising from their work.
- 9.4 A qualified person should regularly debrief the teams working with the families of missing persons.

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- 9.5 Staff holding management positions should be trained in the management of staff affected by stress.
- 9.6 Employees should be encouraged by their supervisors to take sufficient time off to help prevent burnout.
- 9.7 Special training should be provided to prepare workers for any activities that may provoke particularly strong emotional reactions among the relatives of missing persons. This preparation would help avert secondary trauma and should relate to activities such as delivering information about death, collecting *ante mortem* data or returning personal effects or human remains.

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**Annex A: Considerations on the meaning of death and recommendations for appropriate behaviour**

*Excerpted from: "Mourning process & commemorations, Study - Report and recommendations, under the direction of Yvan Droz, doctor in ethnology, chargé de cours at Graduate Institute of Development Studies (IUED); with the collaboration of Sylvain Froidevaux, doctor in social sciences, under IUED mandate" (ICRC/TheMissing/10.2002/EN/7)*

**1. Recommendations**

- Propose; do not impose help or assistance.
- Respect people's convictions and private sphere.
- Respect symbolic spaces (sacred or forbidden places).
- Between giver and recipient there is a relationship of power (domination by the former, dependency and submission for the latter).
- In all circumstances, stay calm.

**2. Facilitating the mourning process**

- Because the mourning process is also a process of social reconstruction, humanitarian organizations must facilitate it by:
  - Cooperating with all the forces within a given society;
  - Supporting local associations, especially associations of wives or families of missing persons;
  - Helping the families organize the funerals of next-of-kin and enabling them to grieve;
  - Preventing psychological impediments to mourning that lead to despair, depression or withdrawal.

**3. The political authorities and the belligerents**

- The political authorities and the belligerents must be required:
  - To guarantee that the civilian population can perform funeral rites in keeping with religious and personal convictions;
  - To acknowledge that the mutilation of human remains and failure to respect the dead is a grave matter;
  - To do everything in their power to find, identify and return to the families the remains of those killed in combat;
  - To recognize the specific rights of the families of missing persons and of the victims of unjust treatment.

**4. Humanitarian workers**

- Expatriates have an ambiguous image:
  - On the one hand, they represent wealth, power, exploitation, arrogance;
  - On the other, they embody progress, human rights, humanitarian aid;
  - They are part of the stakes in local power struggles and may be used as instruments.

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- The symbols of the ICRC:
  - The red cross and the red crescent also have strong religious connotations;
  - The red and white car is a symbol of life but also at times a harbinger of death.
- Foster dialogue, exchange, transparency, and cooperation with the local population, the victims, the families and the associations that represent them.
- Acknowledge the limits to humanitarian action and reaffirm its values and principles (tolerance, openness, equality, justice, etc.).

### **5. The representatives of what is sacred**

- The role of those who represent what is sacred is to provide support to, stand by and counsel families in mourning.
- In some religions, the complexity or dangerous nature of funeral rites renders the presence of a religious official or someone conversant with those rites indispensable if they are to be performed properly.
- Sometimes, the clergy can be replaced by a laymen trained by the clergy or by a respected figure who has a sound knowledge of the prayers and sacred texts (Islam, Judaism).

### **6. Funeral rites and the mourning process**

- Ask for support and advice from village or religious officials (clerics, village chiefs, police officers, teachers) who are not stakeholders in the conflict.
- Listen to local employees (field officers, nurses), local groups (the local authorities, associations, radio stations, etc.) while remaining alert to the possibility of manipulation.
- Do not be too quick to close the files on missing persons the families still hope to locate: closing a file is tantamount to “killing” the missing relative.

### **7. The final moments**

- Stay with the dying person during the final moments: dying alone is often considered the worst of fates.

### **8. Announcing death**

- Avoid any appearance of casualness or flippancy when announcing a death.
- Avoid any sudden announcement that a loved one has died.
- Get in touch with the persons concerned discreetly and avoid the presence of onlookers or children when announcing the death.
- Avoid speaking first with the deceased’s mother or wife; first contact a man in the family, a not-too-distant relative or a person that has the family’s trust.
- Listen to the families, reply to their demands even if they seem incongruous.
- Take along a nurse or a psychologist able to cope with the crises and trauma brought on by the announcement of death.

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- Ask the representatives of associations of the families of missing persons to be present when the announcement is made.
- Debrief humanitarian workers on the spot.

### **9. The funeral**

- There are usually three parts to the funeral: removal of the body (from the home or from the morgue); the funeral service (at the church, mosque, etc.), and the burial or cremation (at the cemetery, the site of incineration).
- The procession for transporting the body to its final resting place (funeral procession) usually has a specific order that it would be unwise to change.
- The funeral is an opportunity to bid a final farewell to the deceased, to say prayers or sing sacred songs, to read an eulogy.
- During the funeral, people are sometimes publicly accused of having brought about the death (witchcraft).
- The dead person's name is emotionally and symbolically charged. In some places it must be spoken, in others it is forbidden to do so.

### **10. Graves and cemeteries**

- Graves and cemeteries are often places of quiet contemplation for those in mourning.
- The grave can be an imposing and ornately decorated tomb, but the religious figures consulted recommend simplicity. In some religions, it is not necessary and may even be ill-advised to write the person's name on the grave. The grave must always, however, be clearly recognizable as such.
- Certain religions underscore the importance of denominational cemeteries.
- The grave must sometimes be oriented in a specific direction.
- Coffins are in some cases obligatory, but they are not systematically recommended; in the absence of a coffin, the corpse is wrapped in a white or beige cotton shroud.
- The fact that someone has been buried away from home or did not receive a decent funeral can be considered a curse.

### **11. Death in exceptional circumstances**

- Death in exceptional circumstances (in an accident, by murder, drowning, poisoning, suicide, as a result of a curse) is often considered a bad omen and can be the subject of special rites (incantations, a request for mercy).
- Sensational declarations and allusions to the scandalous nature of the deceased's death or life are to be avoided.

### **12. The corpse and mutilations**

- Respect the remains; they are part of the deceased person and as such are in some way sacred. To mutilate them is to desecrate them.
- Collect the parts of the body that make up the whole person. If the body has been seriously mutilated, call on a cleric to bear witness to the fact and perhaps to say a blessing or a prayer for mercy.

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- The body is often laid out by specialists following specific requirements (concerning the products to be used, the number of ablutions, etc.).
- In some religions, the body is displayed: it must be carefully prepared and dressed.
- The body must never be presented naked.
- If the corpse has been mutilated, the mutilations must so far as possible be hidden.

### **13. Missing persons**

- As a rule, no funeral services are held for missing persons; at the family's request, however, a ceremony may be held or prayers said.
- In some cases, a funeral is held even if there is no body. In such cases, the deceased is represented symbolically.
- In most of the religions surveyed, ceremonies are held or prayers said to commemorate the missing person.
- In the absence of the body, the families can sometimes be convinced that death has occurred – and start the mourning process – by witness accounts or death certificates.
- The spouse's remarriage is in some cases governed by religious jurisprudence, but most religions apply the country's civil law.

### **14. Collective funerals**

- Collective funerals must remain the exception rather than the rule.
- The rites and prayers are in principle the same as for individual funerals.
- Each deceased person should be mentioned by name and in a separate prayer.
- If possible, each body should be buried separately.

### **15. Anniversaries and memorial services**

- All the religions surveyed for this report mark the anniversary of death, except Sunni Islam (Wahhabi).
- The phases in the first year of mourning are sometimes marked by memorial services.
- The cult of the dead or of ancestors can involve domestic or community rites and celebrations.
- Religious memorial services are sometimes combined with national holidays or ceremonies held in the memory of national heroes.

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**Annex B: Checklist of the information on the dead to be provided by the authorities**

1. **At a minimum, the authorities must provide lists of** (or individual notifications on) **the people who have died under their authority, whether identified or not, of human remains and of the locations of graves, and death certificates.**
2. For each individual (whether or not the human remains are available), the information / objects provided must include:
  - A. In all cases:
    - a. Full name (expressed in accordance with cultural norm),
    - b. Sex,
    - c. Date of birth (or approximate age);
  - B. When available:
    - a. Place of birth / origin,
    - b. Full name of father (expressed in accordance with cultural norm),
    - c. Full name of mother (expressed in accordance with cultural norm),
    - d. Place of residence,
    - e. Name and address of next-of-kin to be informed;
  - C. if applicable:
    - a. Military rank,
    - b. Unit,
    - c. Service number;
  - D. Items added / omitted in the light of the cultural context;
  - E. Particulars concerning wounds / illness and cause of death (depending on the situation – the political context, the relatives' safety, etc. - it may be impossible to obtain this information or inappropriate to transmit it);
  - F. The date and place of burial, with details for subsequent identification of the grave;
  - G. For members of armed forces / armed groups, half of the identity disc (the other half must remain with the body);
  - H. Personal effects;
  - I. The date and place the certificate or list was issued, the official stamp of the issuing department, and the name of the official concerned (with title and signature).
3. If the identity of the remains is unknown or in doubt, the information must include:
  - A. Any items that may help identify the remains, such as photographs, fingerprints when possible, body measurements, or a description of the teeth or other special features the family may be expected to know about (see also **Annex D: checklist of the information to be collected on human remains**, which can be submitted to the authorities for their use);
  - B. The points listed under **2.C** to **2.I** above.

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**Annex C: Checklist for the management of sites containing human remains, including graves**

**1. Locating sites containing human remains, including graves**

- A. An obvious part of ascertaining the fate of missing persons is locating the sites containing human remains, including graves. In that respect, the following points should be borne in mind:
  - a. Identified and/or unidentified remains may be found in marked graves at cemeteries, at memorials or in graves dug in the field during the hostilities;
  - b. Witnesses and the local population are likely to have useful information;
  - c. The authorities may know more than anyone else about the location of graves and have a responsibility to disclose that information;
  - d. For unmarked graves, it may be necessary to employ forensic archaeologists who are experienced in recognizing gravesites by using probing techniques and sampling soil;
  - e. The number of bodies likely to be in the grave;
  - f. Seasonal changes may make it more difficult to find graves (snow, differential growth rate of grass, etc.);
  - g. The number of bodies in a grave is frequently exaggerated.
- B. Gravesites can be located (and in some cases their presence confirmed using trained dogs) by remaining alert for:
  - a. Changes in vegetation;
  - b. Protruding clothing or bones;
  - c. Visual differences in the consistency or surface of the soil as a result of digging;
  - d. Odour, if the grave is shallow;
  - e. Changes in the soil structure as revealed by a metal probe (the tip of which may give off an odour of decomposition);
  - f. Bullets, which a metal detector may find in or around the grave;
  - g. Vehicle tracks, which can indicate the presence of a large mass grave.
- C. More sophisticated methods of locating graves include:
  - a. Aerial or satellite photography (**but** beware of the political implications);
  - b. Ground penetrating radar; and
  - c. Magnetometers (which operate through snow and water).

**2. Before any collection / exhumation process is started, the following information should be obtained on the gravesite:**

- A. The name of the city / town / village and State in which it is located;
- B. Its precise location (map references);
- C. A description of the location (e.g. at the local cemetery, at a factory, on barren land, in a cave or well, close to a military base);

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- D. The features of the terrain (dry, wet, under water, covered with grass, bushes, trees, the existence of a rainy season);
  - E. The type of site / grave: individual or multiple (more than one);
  - F. The approximate dimensions of the site;
  - G. The approximate depth of the grave;
  - H. Whenever possible, witness accounts of the burial (see **Annex L: Checklist for the collection of direct witness accounts**) specifying whether or not the witness:
    - a. Participated in the burial;
    - b. Was present when the bodies were deposited in the grave;
    - c. Saw the grave after the bodies were buried;
    - d. Was told that there were bodies buried in the grave;
  - I. Particulars about the victims (official or obtained through witness accounts – see **Annex K, Checklist of additional information to be collected on persons, to be adapted to the context**), namely:
    - a. Whether they died / were killed at or close to the gravesite, or in a different place and their bodies later deposited in the grave;
    - b. The alleged cause of death;
    - c. The number of victims (specifying whether the number is exact or approximate);
    - d. In some cases, to what political, social, religious or other group they belonged;
    - e. A list of the victims' names (specifying whether the names are exact or presumed);
  - J. The location of the relatives with, whenever possible, their names and addresses (for the collection of *ante mortem* data).
3. **Any site located that contains human remains must, as soon as possible, be protected and secured** from destruction and/or pillage by animals or people. This entails:
- A. Establishing a security perimeter;
  - B. Erecting a security fence;
  - C. Addressing administrative matters, when necessary with the military or civil defence forces.

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**Annex D: Checklist of the information to be collected on human remains**

1. This checklist should be used essentially:
  - A. By armed forces / armed groups and by military forces serving in peace-keeping and peace-enforcement units, in order to draw up SOP on the handling of human remains on the battlefield and provide training in relation thereto;
  - B. By personnel working in health facilities or for organizations (such as the ICRC, UNHCR, MSF or MDM) that may have to manage human remains that have not been returned to the families.
2. Material needed:
  - A. Paper and pencil;
  - B. An ink pad (for fingerprinting);
  - C. Plastic or metal markers;
  - D. Plastic bags with labels (for belongings and samples);
  - E. Surgical gloves or the equivalent thereof;
  - F. If permitted, a camera or video camera.
3. Before all else:
  - A. If the remains are still at the site of the incident, refer first to **Annex E: checklist on the immediate management of human remains (collection / transport)**;
  - B. If the remains need to be exhumed during an emergency, refer first to **Annex G: checklist on exhumation (e.g. from graves, wells, caves) in the absence of forensic specialists**;
  - C. Record the date, the time that has elapsed since the incident, the kind of incident that led to the death of the person(s) concerned and the location of the remains;
  - D. If necessary and possible, record the number of bodies and describe the general state of all remains related to the same incident;
  - E. Even though handling the bodies of those who died a traumatic death presents no increased risk of infectious disease, put on gloves, which should be routinely worn to protect against diseases such as HIV/AIDS or hepatitis B;
  - F. If no one has yet done so, give each body a **unique reference (number + place and date)**, record this **reference on a plastic or metal marker**, and **attach the marker to the corresponding body**;
  - G. If permitted, photograph the body and then photograph the face, making sure to include the marker featuring the reference number in the photograph (this can also be done with a video camera).

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4. Open a file on each body / set of remains.
  - A. On a piece of paper bearing the body's unique reference:
    - a. Note any obvious injuries and if possible photograph them (the photograph must include the body's unique reference);
    - b. Note - but do not interpret - anything else, such as missing limbs, tied hands or obvious signs of mistreatment or mutilation;
    - c. Note any other distinctive features that may help identify the body and are visible **without undressing the body or forcibly opening the mouth**.
  - B. Whenever possible, take prints of all the fingers, starting with the left little finger.
  - C. Whenever possible, take a sample of hair including the roots (in case a DNA analysis is subsequently required) and put it in a plastic bag bearing the body's unique reference (to be kept in the file with the information noted under 4.A above).
  - D. For unidentified bodies:
    - a. If permitted or allowed, photograph the face (the body's unique reference must be included in the photograph);
    - b. Note the names of any people who died during the same incident (or in the same location, possibly on the same date) and whose bodies have been identified.
5. Check for personal effects, in particular for identity documents or discs, purses, jewellery, etc., and list them on the piece of paper bearing the body's unique reference.
6. Collect all personal effects, group and number them by the body's unique reference **and store them separately in bags** labelled with the corresponding unique reference. When relevant, ensure that one half of any identity disc is included with the personal effects.
7. These personal effects should be photographed. The photographs may be published in **books of belongings** that are subsequently circulated among the families of missing persons and feature pictures of clothes and other objects that relatives may recognize, thus facilitating the identification process.
8. Ensure the remains are afforded adequate conditions of temporary storage or burial (see **Annex F** for temporary storage and **Annex H** for emergency or temporary burial of human remains).

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**Annex E: Checklist on the immediate management of human remains (collection / transport)**

1. **Human remains that have not been buried** become increasingly difficult to collect and identify as time passes. Important points to remember are:
  - A. Bodies decompose rapidly when exposed to a warm climate, humidity, rain, etc.;
  - B. Animals may remove and scatter the remains;
  - C. Bones may be removed;
  - D. Decomposition, loss of bones and scattering increase with time;
  - E. Heavy clothing will slow down the process of disarticulation;
  - F. Climate and seasonal changes are important determinants of the ease with which surface remains are found.
2. This checklist should be used essentially:
  - A. By armed forces / armed groups and by military forces serving in peace-keeping and peace-enforcement units, in order to draw up SOP on the handling of human remains on the battlefield and provide training in relation thereto;
  - B. By personnel working in health facilities or for organizations (such as the ICRC, UNHCR, MSF or MDM) that may have to manage human remains that have not been returned to the families.
3. **Checklist**
  - A. Material needed:
    - a. Paper and pencil;
    - b. An ink pad (for fingerprinting);
    - c. Plastic or metal markers;
    - d. Plastic bags with labels (for belongings);
    - e. Surgical gloves or the equivalent thereof;
    - f. If permitted, a camera or video camera;
    - g. Body bags or coffins (at a minimum, blankets or sheets).
  - B. **Do not:**
    - a. Open graves without specialist expertise unless absolutely necessary; in such cases see **Annex G: checklist on the procedure for exhumation (e.g. from graves, wells, caves) in the absence of forensic specialists**;
    - b. Destroy anything that could help identify the remains or establish the cause of death, e.g. remains, personal effects, clothes, etc.;
    - c. Move the body without consulting **Annex D (checklist of the information to be collected on human remains)**;
    - d. Remove remains from the site unless absolutely necessary;
    - e. Separate personal effects from the remains without documenting and labelling them;
    - f. Mix body parts or attribute body parts to incomplete remains;

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- g. Mix personnel effects, clothes, etc.

**C. In all situations:**

- a. Ensure that the bodies are not situated in a mine field or booby-trapped;
- b. Record the date, the time that has elapsed since the incident, the kind of incident that led to the deaths of the people concerned and the location of the remains;
- c. If possible, count (as opposed to estimate) the number of bodies and describe the general state of the remains;
- d. If possible, photograph the whole scene;
- e. Even though handling the bodies of those who died a traumatic death presents no increased risk of infectious disease, wear gloves as a matter of routine in order to protect against diseases such as HIV/AIDS or hepatitis B;
- f. Give each body a **unique reference (number + place and date)**, record this reference on a plastic or metal marker and attach the marker to the corresponding body;
- g. Likewise number and label separate body parts;
- h. Note where each numbered body is situated in relation to the site, if possible using a map or chart;
- i. Note any indication of whether the remains are those of combatants or civilians;
- j. Think about informing the families concerned and the "host" community;
- k. If the deaths are recent and depending on the context in which they occurred, consider ascertaining the total number of wounded by visiting hospitals or first aid posts;
- l. Bear in mind that people who have lost a limb in an explosion or as a result of a deliberate amputation may not be dead; rather, they may have survived and might be found in hospital;
- m. Survivors who are in hospital may have information that may help identify the dead.

**D. If time permits, collect information on each body (part)** (see **Annex D: checklist of the information to be collected on human remains**). At a minimum:

- a. All remains should be marked with a **unique reference (number + place and date)**;
- b. Personal belongings should be collected, grouped and referenced by the body's unique reference, **stored separately in bags** labelled with the corresponding unique reference and kept dry. When relevant, the belongings should include half of any identity disc.

**E. If body bags or coffins are not available, wrap the remains in a blanket or sheet.**

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- F. **If the remains must be moved to a place of temporary storage in a vehicle:**
- a. Place the remains in the vehicle with great care;
  - b. Ensure that bodies and the corresponding personal belongings are transported in the same vehicle;
  - c. Keep a copy of all records and notes;
  - d. Ensure one record is kept and given to an appropriate authority or organization.
- G. **Temporary storage of remains if they are not to be buried immediately:** the ideal conditions for storing remains are listed in **Annex F: checklist on the management of human remains in a hospital mortuary (5.A)**.
- H. **Emergency or temporary burial of remains:** if the above conditions for temporary storage are not available, the only option may be emergency burial (see **Annex H: checklist on the emergency or temporary burial of human remains**).

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**Annex F: Checklist on the management of human remains in a hospital mortuary**

1. Establishing or supporting hospitals or other equivalent health facilities may be part of the assistance provided by humanitarian organizations. In addition, in certain circumstances the ICRC or other international (governmental / non-governmental) organizations may run hospitals. Last but not least, armed forces / groups and military forces serving in peacekeeping and peace-enforcement units also run such medical facilities.
2. Setting up a mortuary is often given only belated consideration in hospital programmes. The mortuary of an existing hospital may afford inadequate security and have no staff or controls; it may be little more than a place where dead bodies are left until the families claim them.
3. What happens to people and their bodies may be a politically sensitive issue. It is essential, therefore, that the bodies of those who die in hospital and of those who die elsewhere and are subsequently brought to the hospital be properly managed. Without a plan, bodies may be removed from the hospital and buried without being identified.
4. This checklist should be used essentially:
  - A. By armed forces / armed groups and by military forces serving in peace-keeping and peace-enforcement units, in order to draw up SOP on the handling of human remains in a (field) hospital mortuary and provide training in relation thereto;
  - B. By personnel working in health facilities or for organizations (such as the ICRC, UNHCR, MSF or MDM) that may have to manage human remains in a hospital mortuary that have not been returned to the families.
5. **Checklist for the management of a hospital mortuary**
  - A. Ideally, human remains should be stored:
    - a. In an area that is secure from entry at all times;
    - b. In an area hidden from public view;
    - c. At a temperature of 4°C;
    - d. In a dry atmosphere;
    - e. In an area that is large enough for working on and moving the remains and that is adequately lit;
    - f. Where they can be viewed by the family in conditions that are as dignified as possible;
    - g. In a place providing easy access to vehicles for loading and unloading;
    - h. In a place that has easy access to where any later forensic work will be conducted;
    - i. In a room with a smooth, washable floor;
    - j. If many old remains are being identified and if necessary, near a separate area with a hose and cleaning / drying facilities for clothes and other personal effects.

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- B. It must be established as soon as possible who has authority to:
  - a. Deliver bodies to and remove bodies from the mortuary;
  - b. Enter the mortuary;
  - c. Conduct examinations in the mortuary.
- C. Local customs and regulations must be observed.
- D. The mortuary must be locked and the key entrusted to the person in charge of the hospital's administration.
- E. The mortuary must provide secure and appropriate conditions of temporary storage for dead bodies.
- F. All bodies must be labelled with a **unique reference (number + date and place of death)** and, when identified, with the name.
- G. Personal belongings must be collected, marked with the body's unique reference, grouped **and stored separately in bags** clearly labelled with the unique reference. Make sure the belongings include half of any identity disc.
- H. A mortuary record must be kept comprising individual files classified by the body's unique reference. This record and the respective files should indicate or contain:
  - a. For all bodies:
    - I. The body's unique reference;
    - II. The likely cause of death, if obvious (e.g. head wounds);
    - III. Any clothing or shoes;
    - IV. Any personal effects (watch, jewellery, etc);
    - V. Any identity document or disc;
  - b. For identified bodies, the full name and any particulars available (such as date of birth, father and/or mother's name, nationality, army, rank, regimental, personal or serial number);
  - c. For all identified and unidentified bodies not returned to the families, all the information listed in **Annex I** for the *checklist for forensic work when only external examination is possible*);
  - d. The particulars of the person to whom the body was released, with the date.
- I. Should identified or unidentified bodies be buried by the hospital (and not returned to the families), refer to **Annex H: checklist on the emergency or temporary burial of human remains**.

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**Annex G: Checklist on the procedure for exhumation (e.g. from graves, wells, caves) in the absence of forensic specialists**

1. The exhumation and recovery of bodies can be a highly sensitive political issue. Mishandling the remains can make a difficult situation worse.
2. In principle, the authorities should ensure that specialists perform this task.
3. Bodies should be exhumed in the absence of forensic specialists only when absolutely necessary (for example, when the exhumation is so urgent that there is no time to wait for specialist help to arrive.)
4. This checklist is therefore intended for the personnel of third parties, such as peace-enforcement units and humanitarian organizations, who are not forensic specialists and who must act in an emergency.

**5. Checklist**

**A. Before recovering buried or hidden human remains, non-specialists should:**

- a. Establish that it is impossible for the authorities concerned to do so;
- b. Ensure that all the authorities concerned know of their involvement in the recovery of human remains;
- c. Establish that the remains are going to be recovered anyway (for example, by the families, the local authorities, soldiers), possibly in an unskilful and undignified manner;
- d. Ensure that they are authorized to go where the remains are and benefit from adequate security guarantees;
- e. Check that the site is safe, e.g. that the bodies are not in a minefield or booby-trapped;
- f. Establish where the remains will go if they are removed (the hospital, the morgue, to the authorities or families) and ensure:
  - I. That the family is present to provide an appropriate burial / cremation;
  - or*
  - II. That the conditions of storage are appropriate;
- g. Ensure that permission and the documents needed to transport remains (this is especially important if any borders or front lines have to be crossed) are obtained.

**B. In addition, they should:**

- a. Find out about:
  - I. The events leading to the people being killed and their bodies being put in the grave;
  - II. The likely location of graves;
  - III. The likely number of bodies in each grave;
  - IV. The likely time of death;
  - V. The likely location of any families that may be concerned;
- b. Draw up a strategy for informing the families and the community;

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- c. Make sure logistic backup is available (human remains discovered in places such as latrines, caves, collapsed structures or bodies of water require special expertise and equipment and the adoption of specific safety measures);
- d. Make sure they have the right material and infrastructure (tools, tents, generators, etc.);
- e. Make sure they have the means to make the site secure;
- f. Provide for a secure storage area if no mortuary is available (see **Annex F: checklist on the management of human remains in a hospital mortuary, 5.A.**)

### C. Recovering buried or hidden human remains

- a. **The following measures must be taken:**
  - I. Put up a fence or secure perimeter at the site;
  - II. Employ a guard to be present at all times;
  - III. Note if the ground has been disturbed since the burial by, for example, vehicles or previous attempts at recovery;
  - IV. Photograph and document the ground or location of the remains;
  - V. Remove the surface soil by horizontal layers using hands or a metal instrument (do not dig directly down into the grave);
  - VI. As soon as contact is made with any remains, remove all soil by horizontal scraping until the remains are completely exposed;
  - VII. Even though handling the bodies of those who have died a traumatic death presents no increased risk of infectious disease, gloves should be worn routinely to protect against diseases such as HIV/AIDS and hepatitis B;
  - VIII. Note the number of bodies and the general state of the remains;
  - IX. Map and if permitted photograph any remains *in situ*;
  - X. Give each body a **unique reference (number + place and date)**, record this reference on a plastic or metal marker and attach the marker to the corresponding body;
  - XI. if permitted, photograph any remains after they have been removed from the grave.
- b. **If the remains are immediately identified visually by the family and claimed, they should only be released to the family after a record has been made of the identification and the family has signed for the remains; this will allow** a death certificate or ICRC attestation to be issued at a later date, if necessary (see **Annex B: checklist of information on the dead to be provided by the authorities**).
- c. **If the remains are not immediately returned to the families and if time and conditions permit, collect information for each body (part)** (see **Annex D** for the *checklist of the information to be collected on human remains*, and **Annex I** for the *checklist for forensic work when only external examination is possible*). At a minimum:
  - I. All remains should be marked with a **unique reference (number + place and date)**;

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- II. Personal belongings should be collected, grouped and numbered with the unique reference **and stored separately in bags** labelled with the corresponding body's unique reference. When relevant, half of any identity disc should be included with the belongings.
- d. Remove the remains carefully.
- e. If body bags or coffins are not available, wrap the remains in a blanket or sheet.
- f. **If the remains must be moved to a place of temporary storage in a vehicle:**
  - I. Place the remains in the vehicle with great care;
  - II. Ensure bodies and the corresponding personal belongings are transported in the same vehicle;
  - III. Keep a copy of all records and notes;
  - IV. Ensure one record is kept and given to an appropriate authority or organization.
- g. The ideal conditions for the **temporary storage of remains if they are not to be buried immediately** are listed in **Annex F: *checklist on the management of human remains in a hospital mortuary (5.A)***.
- h. **After the human remains have been removed:**
  - I. If permitted, photograph the site;
  - II. Consider refilling the gravesite if necessary;
  - III. Consider the emotional impact on those exhuming or working on the bodies, as they will not be familiar with this kind of work.

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**Annex H: Checklist on the emergency or temporary burial of human remains**

1. **Human remains that have not been properly stored** become increasingly difficult to identify as time passes. Important points to remember are:
  - A. Bodies decompose rapidly when exposed to a warm climate, humidity, rain, etc.;
  - B. Animals may remove and scatter the remains;
  - C. Bones may be removed;
  - D. Decomposition, loss of bones and scattering increase with time;
  - E. Heavy clothing will slow down the process of disarticulation;
  - F. Climate and seasonal changes are important determinants of the ease with which surface remains are found.
2. If remains cannot be properly stored, they must be temporarily buried.
3. This checklist should be used essentially:
  - A. By armed forces / armed groups and by military forces serving in peace-keeping and peace-enforcement units, in order to draw up SOP on the handling of human remains on the battlefield and provide training in relation thereto;
  - B. By personnel working in health facilities or for organizations (such as the ICRC, UNHCR, MSF or MDM) that may have to manage human remains that have not been returned to the families.
4. **Checklist**
  - A. Material needed:
    - a. Paper and pencil;
    - b. Plastic or metal markers;
    - c. Plastic bags with labels (for belongings);
    - d. Surgical gloves or the equivalent thereof;
    - e. If permitted, a camera or video camera;
    - f. Body bags or coffins (at a minimum, blankets or sheets);
    - g. Shovels;
    - h. Depending on the soil conditions, and if necessary, lime;
    - i. Material to mark the graves.
  - B. **Human remains should undergo emergency or temporary burial only when the conditions for temporary storage as described in Annex F (checklist on the management of human remains in a hospital mortuary, 5.A) are not available; this applies whether or not the bodies have been identified.**

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- C. The human remains should be temporarily buried once all the information required has been collected on them** (see **Annex D: checklist of the information to be collected on human remains**). At a minimum:
- a. All remains should be marked with a **unique reference (number + place and date)**;
  - b. Personal belongings should be collected, grouped and numbered with the unique reference **and stored separately in bags** labelled with the corresponding reference. When relevant, half of any identity disc should be included with the belongings.
- D. The temporary burial site should be selected on the basis of the following criteria:**
- a. It should be as close as possible to the place where death occurred, taking into account the points below;
  - b. There should be soil in which to bury the remains;
  - c. The soil should be well drained and due consideration should be given to avoiding contamination of the water table (this might include sprinkling lime in the grave);
  - d. The site should be easily reached by vehicles;
  - e. The site should not be in a strategically or tactically significant area;
  - f. The site should be located at a reasonable distance from sources of water for human consumption, in order to prevent those sources from being contaminated.
- E. Each body should:**
- a. Be placed in an individual grave, if possible;
  - b. Be left clothed;
  - c. Be protected from water.
- F. Graves should be grouped according to nationality and/or religion** (see also **Annex A, Considerations on the meaning of death and recommendations for appropriate behaviour**).
- G. Each grave should:**
- a. Be as deep as practicable (1.5 to 3 meters is usually appropriate) or covered in a manner appropriate to the terrain, for example with a pile of stones;
  - b. When appropriate, be sprinkled with lime before the body is deposited in it;
  - c. Be clearly marked (to ensure that it can be found again) with an appropriate religious or cultural marker that:
    - I. Is high enough to be seen;
    - II. Is made of the most durable material possible;
    - III. Indicates the unique reference and, for an identified body, the name (alternatively, this information can be written on a piece of paper that is sealed in a bottle or other waterproof container and left in the ground above the body);
  - d. Be clearly marked on a map, along with any other appropriate information;

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- e. Contain one half of the identity disc (if one is present), the other half to be included with the belongings;
  - f. Be treated with respect and in keeping with any known religious or cultural beliefs.
- H. Specifically for group graves:**
- a. The bodies should be laid out in a recognizable sequence, preferably side by side;
  - b. A marker must be used to indicate the beginning of the sequence;
  - c. Two lists should be prepared with the sequence of the bodies: one list should be left beneath the marker and the other kept with the record of the grave (see J below);
  - d. A record should be kept of the number of bodies;
  - e. A record should be kept of the names of people known to be in the grave but whose bodies are unidentifiable.
- I. A religious official may preside over the emergency burial** of any remains, no matter what the religion or culture of the dead person. If no religious official is present, another person may perform this function. Any ceremony involving human remains must be dignified.
- J. The following information should be recorded** for each grave, kept and transmitted whenever necessary to the ICRC:
- a. All information marked on the grave;
  - b. Any information pertaining to the person's identity;
  - c. The exact location of the grave, marked on a map or with a precise grid reference;
  - d. The appearance and nature of the material with which the grave is marked;
  - e. The total number of graves in the same location;
  - f. Whether the grave contains only body parts;
  - g. Whether it is a group grave (if yes, there should be a list with the sequence of the bodies).
- K. The ICRC must forward information about graves and human remains to the competent authorities at the latest when plans are made for exhumation and identification and an adequate framework has been established for this.**

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**Annex I: Checklist for forensic work when only external examination is possible**

1. It may be necessary under difficult conditions, with little time and without access to mortuary facilities, to examine a number of bodies with a view to both identifying them and establishing the cause of death. In such cases, performing only an external examination would be compatible with professional conduct given the constraints.
  - A. Such situations are recognized in the introduction to the Model Protocol for Disinterment and Analysis of Skeletal Remains (Annex V to the UN Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions): *"Variation from this protocol may be inevitable or even preferable in some cases. It is suggested, however, that any major deviations, with supporting reasons, should be noted."*
  - B. The objective of such an examination is to collect and preserve as much information as possible with a view to maximizing the chances of later identification.
2. Forensic pathologists are best qualified to perform such an abbreviated examination of recently dead bodies, while forensic anthropologists might be best equipped to so examine skeletal remains.
3. In such situations, the interaction between the community, the families, politicians, the military and the forensic specialist is likely to be tense and difficult.
4. For the purposes of maximizing the chances of later identification, each body must be labelled with a **unique reference (number + place and date)**. When only external examination is possible, the remains should be managed as specified in **Annex E** (*checklist on the immediate management of human remains (collection / transport)*) and **Annex D** (*checklist of the information to be collected on human remains*).
5. **External examination comprises at a minimum:**
  - A. An estimation of time since death;
  - B. Photographs of the face and of the whole body (clothed and then without clothes); each photograph must include the unique reference (number + place and date);
  - C. Registration and storage of all shoes, clothes and personal effects;
  - D. The recording of all signs of external injury;
  - E. The recording of:
    - a. Sex;
    - b. Approximate age;
    - c. Height;
    - d. Build (stocky, medium, fat, thin);
    - e. Skin colour;
    - f. Hair colour and style;
    - g. Facial hair (beard, moustache);

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- h. Eye colour;
- i. Ethnic appearance / likely ancestry;
- j. Clothing, shoes and/or uniform plus any numbers, insignia or signs of rank;
- k. Jewellery (watch, rings, etc.);
- l. Tattoos;
- m. Birthmarks;
- n. Scars (surgical or traumatic);
- o. Dental abnormalities that are easily visible, such as gold teeth or missing teeth;
- p. Unusually distributed hair;
- q. Nicotine staining of fingers;
- r. Condition of fingernails;
- s. Obvious deformities or malformations;

F. if appropriate, the taking of fingerprints;

G. an examination and if possible x-ray of any remaining teeth.

H. Material should be kept only for the purposes of identification or to establish the cause of death.

**6. Taking samples for subsequent DNA analysis:**

A. When only external examination is possible, it may be appropriate to take hair samples (including the roots) for subsequent DNA analysis.

B. **All samples must be clearly labelled with the body's unique reference.** Consideration must be given to how these samples are to be stored, registered and transported; all may be difficult given the constraints.

7. If the bodies are not claimed by the families or the competent authorities, they should be stored or temporarily buried as specified in **Annex F** (*checklist on the management of human remains in a hospital mortuary*) and **Annex H** (*checklist on the emergency or temporary burial of human remains*).

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**Annex J: Checklist of information to be collected on events, to be adapted to the context**

1. Date on which and place where the information or witness account (see **Annex L**, *Checklist for the collection of direct witness accounts*) was recorded.
2. A detailed description of the event and circumstances. This should:
  - A. Not be just a list of facts, but rather an exhaustive description illustrating comprehension of the event;
  - B. Make it possible to discern points requiring further investigation;
  - C. Make it possible to assess the reliability of the testimony.
3. Alleged perpetrator(s).
4. Victims / casualties (persons affected, see **Annex K** below, *Checklist of additional information to be collected on persons, to be adapted to the context*).
5. The consequences in humanitarian terms and any needs observed.
6. Follow-up to be given and by whom.
7. Complete information (at least full name and address) on the source / direct witness (the source must always be known, even if it may not be revealed during any action taken subsequently).
8. A clear indication as to whether the information can be transmitted (with or without an indication of the source), and to whom (the authorities, the family of the person concerned, other humanitarian organizations).
9. Confirmation that the witness was informed that the ICRC will not transmit information to tribunals.
10. Name of the person who recorded the information.

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**Annex K: Checklist of additional information to be collected on persons, to be adapted to the context**

When collecting witness accounts and information on events, it is essential accurately to record all the data required to identify people, whether they are presumed to be dead or alive. The data needed are listed below.

1. **Ideally**, the following information should be collected on all individuals:
  - A. Full name, expressed in accordance with cultural norms;
  - B. Alias;
  - C. Nicknames;
  - D. Sex;
  - E. Date of birth;
  - F. Place of birth / origin;
  - G. Full name of father, expressed in accordance with cultural norms;
  - H. Full name of mother, expressed in accordance with cultural norms;
  - I. Social security number (when relevant in the context);
  - J. Ethnic origin / caste / tribe (when relevant in the context and not prejudicial);
  - K. Religion (when relevant in the context and not prejudicial);
  - L. Language;
  - M. Present location, address;
  - N. Power of origin, and, if different, the power on which the individuals depend and/or country of usual residence;
  - O. Name and address of the person to be informed.
2. In addition, **depending on the specific situation of each person** concerned, the following **additional items are needed**:
  - A. For **persons whose identity is in doubt (small children, those who are severely ill or wounded, the handicapped, etc.)**:
    - a. A photograph;
    - b. A physical description;
    - c. Any additional information that may help identify a person whose identity is in doubt;
  - B. For **members of the armed forces / armed groups**:
    - a. Army, rank, regimental, personal or serial number;
  - C. For **(seriously) sick or wounded persons**:
    - a. State of health;
    - b. Address to which correspondence can be sent;
  - D. For **civilians who have been / are going to be evacuated or transferred**:
    - a. Present location / address;
    - b. Future location / destination;
    - c. Former (usual) residence;
    - d. Specific reasons / criteria why they should be registered and followed up;

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**E. For persons deprived of their liberty:**

- a. Date and place of capture / arrest;
- b. Place of detention;
- c. Information about any criminal proceedings;
- d. Information about any change of situation affecting them, such as transfers, evacuations, release, escape, recapture, repatriation, etc.;
- e. Marital status;
- f. Name and address of spouse;
- g. Address to which correspondence can be sent;
- h. Information as to whether the family has been informed and whether visits are allowed;
- i. Address before detention;
- j. Information on any visits by the ICRC or others;

**F. For the dead:**

- a. Date and place of (capture and) death;
- b. Particulars concerning wounds / illness and cause of death;
- c. Date and place of burial, with particulars to identify the grave;
- d. In the case of members of the armed forces / armed groups, half of the identity disc (the other half to remain with the body);
- e. Personal effects;
- f. In the case of unidentified human remains or remains whose identity is in doubt, any particulars that may help identify them, such as photographs, when possible fingerprints, body measurements, or a description of the teeth or special features the family can be expected to know about (see **Annex D**, *Checklist of the information to be collected on human remains*).

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**Annex L: Checklist for the collection of direct witness accounts**

1. In principle, witnesses should be told exactly how the information they have provided will be used. As this is often impossible to do, they should be given a comprehensive explanation of how the concerned agency works and what it tries to achieve; they should be asked if the information they have provided is transmissible, and to whom (see also 4 below).
2. Identity of the person(s) concerned by the account - see **Annex K** above, *Checklist of additional information to be collected on persons, to be adapted to the context*:
  - A. If the witness account concerns identified individuals, the personal data of the person(s) concerned should be **sufficient to identify them beyond doubt**, and there should be no possibility of confusion with another person.
  - B. The account should include information about how the witness knows the identity of the person concerned and information that can be corroborated with data provided by the family.
  - C. In many if not most cases, eyewitnesses who are not close family members or friends will not be in a position to provide particulars such as date of birth, parent's names, or even the full name of the person concerned. They may, however, be able to provide other details which, when cross-checked against those provided by the family, can help to ascertain identity.
  - D. If the witness account concerns non-identified individuals, ask how many people were arrested, whether those deprived of their liberty were hidden and by whom, how many bodies were seen, whether in mass graves, etc.
3. Detailed information about the event itself: see **Annex J** above, *Checklist of information to be collected on events, to be adapted to the context*, and, regarding grave sites, see **Annex C**: *checklist for the management of sites containing human remains, including graves*.
4. If the witness account concerns **dead** identified individuals, consideration must also be given to the points below.
  - A. The information collected, if it is reliable, may be the only information transmitted to the family on the death of a relative.
  - B. The only prerequisite to mourning is the belief that the missing person is dead; credible information about the death of a relative is therefore essential to the mourning process, as it puts an end to the family's uncertainty and helps the family come to terms with its grief. As much information as possible should be collected, even if it can be transmitted only in part or orally.
  - C. In principle, depending on the context, information will be considered reliable and allow (the ICRC) to issue an attestation of death only if the following conditions are met:
    - a. The witness must be a direct witness of the death and/or burial;
    - b. The witness account must include information on how the witness knows the identity of the person concerned, so that that information can be corroborated with family members or friends;

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- c. The witness account must include the date and place of death and/or burial;
  - d. The witness account must include whether the witness knows if the family has been informed about the death, and if so, how; in either case, the account must be registered, as it may serve different purposes (*inter alia* to issue an attestation or to help locate the remains);
  - e. The witness agrees to have direct contact with the ICRC.
5. Identity of the witness: name and contact address, with a statement as to whether the witness agrees to release his/her identity (name and address) to the family / to the authorities / to the ICRC.
- A. Witnesses must always be asked whether or not their names and addresses can be quoted / transmitted. They are asked to confirm their choice by placing their signature beside one of the two possibilities given on the form: transmission mentioning them as the source, or anonymous transmission.
  - B. If a witness refuses even the anonymous transmission of information, the interviewer should endeavour to understand why. If the witness fears for his/her safety or that of family members, other, informal ways of transmitting the information should be examined. The absence of a good reason, on the other hand, casts serious doubt on the reliability of the statement.
  - C. If the witness agrees to the release of the information, he/she should be asked to write a message (for example, an RCM) that could be used to present the news to the family, if it is felt doing so may be beneficial to the family. The message is no substitute for direct contact and does not replace a death certificate or ICRC attestation. If the family's location is unknown at the time, the message should be kept in the CTA file until contact is established.
  - D. Witnesses may write such messages without providing names and/or addresses: "I was in the same military unit / detained in the same cell as your brother X from ... to ..., and ...".
  - E. Alternatively, witnesses can agree to be contacted by the family, or to contact the family on their own.

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**Annex M: Surface findings of human remains: Summary recommendations for non-specialized personnel**

**A. Introduction**

A.1 These recommendations are intended to help non-specialized personnel use the "*Operational best practices regarding the management of human remains and information on the dead by non-specialists*" to manage surface findings of human remains.

A.2 The management of human remains, including investigating suspicious deaths, recovering, storing and identifying the remains, issuing death certificates and authorizing or ordering burials or cremations, is the duty and sole responsibility of either the relevant authorities (judicial, police, health, municipal, military, etc.) or the parties to the conflict, depending on the context and circumstances. In addition, the families of the dead and often community and/or religious leaders and authorities play a key role in the care and disposal of the remains.

A.3 Non-specialist humanitarian field workers are occasionally required to report and document findings of human remains and in exceptional cases may be called on to recover and manage the remains. Regardless of the circumstances, humanitarian workers called on to help manage human remains should always seek and secure all necessary authorizations and clearances, the acceptance of the families and, if relevant, the agreement of community leaders and religious authorities. They should obtain the necessary security guarantees. Failure to do so can result in criminal liability and unnecessary security risks for those involved and the organization they represent.

**B. Reporting findings**

B.1 **All findings of human remains should be immediately reported** (i.e. **denounced**) to the **relevant authorities** (civilian, military, religious or municipal) or the **parties to the conflict, which are responsible for investigating and certifying deaths and for managing the remains, before the remains are recovered**.

B.2 Unauthorized **tampering with the scene** of death or **handling of human remains** is a **serious offence** in most countries and jurisdictions (**no matter how well intentioned**); the corresponding criminal liability may be subject to long statutes of limitation (i.e. you and/or your organization may be held accountable long after the offence).

**C. Recording (documenting) findings by non-specialists**

C.1 The tasks of examining and recovering human remains are greatly facilitated if the findings are properly documented (recorded).

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C.2 In **some circumstances** humanitarian workers have to **record (document) findings** of human remains. Non-specialist humanitarian workers perform this task **only as an exception, when those responsible** (i.e. the police, judicial authorities, the military, etc.) have **proven to be unable or unwilling** to fulfil their obligations in this regard promptly. This should be confirmed beyond reasonable doubt. **Assurances and/or authorization should be secured accordingly.** A **copy** of the **record should be delivered to the authorities** as soon as possible.

C.3 **Findings** should be **recorded** (documented) **as stipulated** in the **Operational guidelines**, particularly those included in the **checklists** in **Annex C** (*management of sites*), **Annex D** (*information on the remains*), **Annex J** (*information on events*), and, if possible, **Annex L** (*witness accounts*).

C.4 At the very least, the humanitarian workers concerned should obtain and record the items of information listed in the questionnaire below; they should refrain from touching the remains and associated evidence and should ensure the scene is disturbed as little as possible, if at all.

1. **The time, date, place and circumstances** of the **finding** (**map** and a detailed description of the **location**, preferably with an 8-figure international **grid reference** obtained using a GPS device).
2. The time and date of recording; the name and contact details of the person recording the findings.
3. **A summary description** of the **scene**, including the location of the remains. Describe any obvious disturbance (i.e. 3 sets of human remains over sandy beach on riverside, 10 meters from the shore and approximately 50 meters north of the pier. Signs of scavenging by crocodiles and birds of prey).
4. The code and/or number assigned to the set of remains and case (including reference to place and date of recording).
5. **The season, average temperature, weather conditions and environment** (i.e. rainy season, 31°C, sunny weather, tropical rainforest).
6. **The circumstances of the discovery** (i.e. found during mine clearance operations; informed of existence by local residents, etc.).
7. Are the remains in a **dangerous area**? (**Risk evaluation**, see section D below).
8. Do the **remains** appear to be **complete**? If incomplete, describe what has been discovered and how certain it is that it may be human (i.e. certain, probable, uncertain). Explain.<sup>26</sup>
9. Do the remains appear to be **recent or old**? Include a description of their degree of decomposition (i.e.: not decomposed; putrefied; partially decomposed/skeletonized, and fully decomposed/skeletonized, i.e. no soft tissues).
10. Do the remains appear to be those of an **adult** or a **child**? Explain (i.e. clothing, size, etc.).

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<sup>26</sup> Unless it is certain that the remains are human, they should be referred to as *probably* human.

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11. Do the remains appear to be those of a **male or a female**? Explain (i.e. beard, genitals visible, etc.).
12. Do the remains appear to be those of a **military** or a **civilian** person? Explain (i.e. uniform visible, ID tag, weapon/ammunition found nearby, etc.).
13. If the remains appear to be those of a **military person, give details to facilitate identification**, including any visible affiliation, such as uniform, ID tag (name, rank, unit), etc.
14. Are the **remains** believed to be **linked** to a **particular incident**? Describe.
15. Give as many **details** as possible about the **remains** (i.e. tattoos, birthmarks, etc.) and the **associated evidence of identity**, including clothing and apparent personal belongings (i.e. type of shoes, fabric of clothing, glasses, jewellery, watches, etc.).
16. Indicate **any other** relevant **particulars** that **might be useful** for the examination and **eventual identification** of the remains **in the context** (i.e. trauma).

C.5 The questions should be answered succinctly and on the basis of direct findings. If permitted, the scene should be photographed and/or filmed, including panoramic shots and close-ups of relevant features (i.e. facial features, personal items, etc.). Whenever possible, a separate questionnaire should be used for each set of remains. If necessary, one questionnaire can be adapted for a general case description of a finding of multiple human remains, and the corresponding individual forms appended thereto.

C.6 The **report** should be **signed, dated** and **delivered to any authorities**, and a **copy** kept by the **organization concerned** for its records.

### D. Security

D.1 The security risks and health hazards should be thoroughly assessed and acted on before the site is visited and throughout the process.

D.2 **Security risks** may be site-related (i.e. mines, booby-traps, UXO, etc.), situation-related (i.e. sniper-fire, armed attacks, acts of intimidation, etc.) or case-related (i.e. retaliation against investigators, criminal liability, etc.). The **health hazards** (biohazards) of handling remains are often low, but include contamination (i.e. toxic, radioactive, bacteriological, etc.) and infection (hepatitis, tetanus, HIV, typhus, plague, etc.).<sup>27</sup> If necessary, **specialist advice** should be sought and reasonable **precautions** taken, including vaccination,<sup>28</sup> prophylaxis, vector control, use of protective wear (i.e. masks, goggles, gloves, boots, impermeable and disposable overalls, etc.), mine-marking and mine-clearance of the site, etc. Recovery should be conditional on manageable risk levels and acceptable levels of safety.

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<sup>27</sup> All blood and certain body fluids are considered potential vectors of the hepatitis B and C viruses, the human immunodeficiency virus (HIV) and other blood-borne pathogens.

<sup>28</sup> Vaccination against tetanus and hepatitis should be firmly advocated in all circumstances.

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D.3 The **psychological burden** for non-specialist humanitarian workers carrying out this exceptional (and unpleasant) task should be part of the **risk assessment** and **preparations**.

D.4 The **site/s** where human remains are found **should be secured** until the remains can be recovered, to **ensure** that they and the scene **remain intact**. Given the security implications of this task, it is not usually conducted as part of a humanitarian operation but is the **responsibility** of the **authorities or the parties to the conflict**, a point they should be **reminded of**.

### E. Recovery of human remains by non-specialists

E.1 **Proper recovery** of human remains **helps prevent the remains from being lost, despoiled or desecrated, makes it easier to identify them and treat them with dignity** and **ensures respect** for the **families' right to know**, enabling them to start the mourning process and organize funeral ceremonies.

E.2 **Non-specialist humanitarian workers** perform this task **only in exceptional circumstances** (see checklist under **Annex E** (collection/transport)). The authorization and/or justification for their work should be documented accordingly.

E.3 **All the logistics of handling the remains**, from **recovery to burial**, should be **planned beforehand**. See **checklists** under **Annex C, Annex D, Annex E, Annex F** and **Annex H**.

E.4 The **numbers and/or codes** assigned to a **particular** set of **human remains, associated evidence (i.e. personal effects)** and corresponding **case** should be the **same throughout the process, until the body or body parts and personal effects** have been identified and released (returned to the family, for administrative disposal, etc.). Any files, bags, boxes and temporary burial sites used should be clearly tagged or marked accordingly.

E.5 **All** but completely skeletonized **remains** should be placed in **body bags**. If no body bags are available, the remains should be wrapped in cloth or some other suitable material. **Skeletal remains** are best **collected, transported and stored** in suitably sized, hard **cardboard boxes or similar containers, which will help keep them safe from damage**.

E.6 Human **remains** should be **collected and stored individually** (i.e. one set of remains per bag or box). The **commingling** of remains should be **avoided at all costs**. When unavoidable (i.e. the remains were commingled when found), this should be documented. **Body parts** should be **collected in separate containers**, unless clearly related to the same individual/s. This should be documented.

E.7 **The transportation** of human remains from the site of the finding to the storage site should be **authorized** and **all necessary clearances**, including security, should be **obtained beforehand**. The remains should be transported **swiftly**, in a **dignified manner** and respectfully **concealed from public view**, ideally in a **refrigerated truck/container**. See **checklist** under **Annex E** (collection/transport). The smell of

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decomposing remains can be masked (but not eliminated) using specially designed products.

### F. Storage of human remains by non-specialists, including temporary burial

F.1 The purpose of **storing** human remains is to **protect and preserve** the remains in the best possible way with a view to their subsequent **examination and identification**. See **checklist** under **Annex F** (*management of remains in hospital mortuary*). The remains should be sorted with **the greatest respect for their dignity** and their **families, communities, religion and customs**. See **checklist** under **Annex A** (*meaning of death and appropriate behaviour*). All relevant information on the dead should be made available to the authorities concerned and to the families where appropriate.

F.2 **If appropriate refrigerated storage facilities are unavailable**, it may be perfectly legitimate and justified to bury the remains temporarily; this requires proper management. See **checklist** under **Annex H** (*emergency or temporary burial*).

F.3 Specific information that could serve to identify the remains should be collected before the remains are buried. Consideration should be given to collecting and preserving samples (i.e. for DNA profiling), where appropriate. See **checklist** under **Annex I** (*external examination*).

F.4 A fully reliable **system for tracking stored and buried remains**, including the corresponding **files and grave locations**, should be **set up beforehand** so that the remains can be recovered when required. All necessary information should be made available to the relevant authorities. Suitable **tags** with the **information** needed to **identify the remains** should be **attached to or enclosed with them** (i.e. using **non-perishable and indelibly marked** material).

F.5 The **temporary burial site** should be adequately **secured and protected** and **graves marked**, with corresponding codes/numbers, in such a way as to **withstand the passage of time**.<sup>29</sup>

F.6 While religious and cultural customs should be observed, it is best **not to use religious symbols to mark the temporary burial sites** of **unidentified** remains, as they may not correspond to the beliefs of the person buried or the families concerned.

### G. Burial and cremation by non-specialists

G.1 **Definite burial** of human remains, **even in an emergency situation, requires an order or authorization** from the relevant authorities (which usually require a death certificate or equivalent document) and the **authorization of the families, if they are known**. The procedure should observe relevant cultural and religious codes and practices. All the conditions for burial should be met or satisfactorily cleared.

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<sup>29</sup> Stone or cement slabs (with codes/numbers engraved or otherwise suitably marked), firmly planted over the burial site, are a good and cost-effective option in most contexts.

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G.2 The provisions of F.4 and F.5 above on the marking of graves and tracking of remains also apply to definite burials.

G.3 For burial procedures and the necessary logistics, see **checklist** under **Annex H** (*emergency or temporary burials*)

G.4 **The cremation** of human remains **before** they have been **examined and identified or without the approval of the families should be avoided at all costs**. The health concerns that justify cremation in certain circumstances can be met using proper burial procedures, even in emergencies.

G.5 **The cremation** of human remains **requires** an **order or authorization** from the relevant authorities (which usually require a death certificate or equivalent document) and the **authorization of the families, if they are known**. The procedure should observe relevant cultural and religious codes and practices. All the conditions for cremation should be met or satisfactorily cleared.

G.6 While religious and cultural customs should be observed, it is best **not to use religious symbols to mark the definite burial sites** of **unidentified** remains, as they may not correspond to the beliefs of the person buried or the families concerned.

## **MISSION STATEMENT**

**THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) IS AN IMPARTIAL, NEUTRAL AND INDEPENDENT ORGANIZATION WHOSE EXCLUSIVELY HUMANITARIAN MISSION IS TO PROTECT THE LIVES AND DIGNITY OF VICTIMS OF WAR AND INTERNAL VIOLENCE AND TO PROVIDE THEM WITH ASSISTANCE.**

**IT DIRECTS AND COORDINATES THE INTERNATIONAL RELIEF ACTIVITIES CONDUCTED BY THE MOVEMENT IN SITUATIONS OF CONFLICT. IT ALSO ENDEAVOURS TO PREVENT SUFFERING BY PROMOTING AND STRENGTHENING HUMANITARIAN LAW AND UNIVERSAL HUMANITARIAN PRINCIPLES.**

**ESTABLISHED IN 1863, THE ICRC IS AT THE ORIGIN OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT.**

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