



# Non-state armed groups and the separated, missing and dead

Obligations under international  
humanitarian law and examples  
of how to implement them



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# Introduction

Today, around 130 non-state armed groups (NSAGs) are parties to armed conflicts, meaning they engage in intense hostilities with state or non-state adversaries, often with devastating consequences for civilian populations. Fighting is increasingly taking place in populated areas, causing great destruction, suffering and displacement. Thousands of people – soldiers, fighters and civilians – are killed or captured by state and non-state parties to armed conflict. They are held away from their families, often in dire living conditions. Millions are forced to flee their homes.

As a result of the unprecedentedly high number of armed conflicts around the world, hundreds of thousands of families are separated. In many cases, communication lines are cut, leading to a complete breakdown in family contact.

The number of missing people continues to grow. In 2024 alone, the International Committee of the Red Cross (ICRC) registered more than 56,000 new missing person cases across the world – the highest yearly increase in at least two decades – resulting in a current total of nearly 255,000 cases that the organization is actively following up on.<sup>1</sup> Detainees are often held without their personal details being registered or their detention being communicated to their families.

Moreover, the dead are not always treated with respect and at times become “bargaining chips” between warring parties, impeding identification efforts and their return to their relatives. As a result, families suffer great anguish not knowing where their loved ones are and whether they are alive or dead. They make desperate attempts to find them, and live in uncertainty for years or even decades. Not knowing the fate and whereabouts of a loved one and not being able to mourn the dead are some of the deepest unseen wounds of armed conflict.

Clarifying the fate and whereabouts of missing people is a humanitarian imperative and a legal obligation. It should also be a priority of any party to an armed conflict for many other reasons. The ICRC has observed that when parties to armed conflict do not take specific steps to find missing people or to clarify their fate and whereabouts, they feed grievances, alienate communities and undermine their own legitimacy, as well as potentially fuelling hatred, violence or future conflict.

In international and non-international armed conflicts, state and non-state parties must take concrete steps to prevent people from going missing, to clarify the fate and whereabouts of those who do go missing, and to inform their families accordingly. Investigating and prosecuting crimes that result in people going missing – including when such people are forcibly disappeared – is an important step in delivering justice to families and communities and in preventing such crimes from occurring in the future.

In its operations in over 90 countries globally, the ICRC sees unacceptable levels of suffering when these obligations are disregarded. Ignorance of the obligation to protect civilians is widespread, as are blatant violations of this obligation. At the same time, we have also documented countless, daily efforts by parties to armed conflict to prevent family separation and to clarify the fate and whereabouts of missing people. We have observed efforts to treat the dead with dignity, to search for and identify them, and to return them to their families.

This study focuses on the international humanitarian law (IHL) obligations of NSAGs with respect to the separated, missing and dead, presenting a selection of practices showing how armed groups have implemented these obligations in practice. With its focus on non-state parties to armed conflicts, this study complements existing material produced by the ICRC for states and non-state parties to armed conflicts.<sup>2</sup> In providing practical guidance on how NSAGs can implement their legal obligations, it takes account of their varied capacities and the challenges that many groups face when aiming to implement the law.

This study is the result of in-depth research by the ICRC, which looked at the legal obligations of NSAGs regarding the separated, missing and dead, and reviewed examples of how such groups have implemented. It is part of an effort to improve compliance with IHL by NSAGs by providing positive examples that can help to guide them. It complements recent publications by the ICRC on NSAGs and the treatment of detainees, as well as a handbook for armed groups on reducing civilian harm in urban warfare.<sup>3</sup>

The study builds on a joint recommendation by states and the International Red Cross and Red Crescent Movement that “States Parties to the Geneva Conventions and other concerned actors, in particular the ICRC and, where possible, National Societies, encourage organized armed groups” to “resolve the problem of missing persons, assist their families and prevent others from becoming missing”.<sup>4</sup> It is hoped that this study will provide examples – grounded in, and derived from, the actions of NSAGs – of how parties to armed conflicts can prevent people from becoming separated and going missing, and clarify the fate and whereabouts of those who do.

## Structure of the study

The study presents seven rules that restate IHL obligations binding on all parties to non-international armed conflicts. It also makes two additional recommendations. For each rule, the study provides a short introduction explaining its humanitarian underpinning and recalls its source in IHL treaties or customary rules. These introductory sections also recall the severe suffering that disrespect for these rules causes. The main text under each rule or recommendation presents examples of measures that NSAGs have taken – or have indicated an aim to take – to implement the rule or recommendation. These measures are based on practices observed by the ICRC in its operations, on practices reported to the ICRC by NSAGs, on the doctrine of NSAGs, and on practices cited by experts in public reports and academic research.

In places, we have included text boxes containing explanations, additional advice, or words of caution on how acts by NSAGs may inadvertently put civilians at risk.

## Sources considered in this study

### Legal sources

Each rule presented in this study restates IHL obligations applicable in non-international armed conflicts. These obligations are found in IHL treaty law, as well as in customary IHL as identified in the ICRC Study on Customary IHL.<sup>5</sup> These rules are legally binding for state and non-state parties to armed conflicts.<sup>6</sup> The legal sources are cited immediately below each rule. Where relevant, the study also specifies which violations of IHL constitute war crimes or crimes against humanity under the Rome Statute of the International Criminal Court.<sup>7</sup>

The two recommendations presented in this study complement the legal obligations of parties to non-international armed conflicts. Some parts of the recommendations reiterate legal obligations, while others are drawn from the ICRC’s operational experience, reflect practices observed among state and non-state parties to armed conflict, and represent good practice. Implementing these two recommendations is an important step for any party to a non-international armed conflict to comply with IHL obligations.

Given the breadth and specificity of applicable IHL rules, the broad similarity between relevant rules of IHL and IHRL on this subject, and since it remains unsettled as to whether and to what extent NSAGs have human rights obligations under international law, this study does not include references to international human rights law.<sup>8</sup>

## Examples from the practices, reported practices and doctrine of NSAGs

This study reflects the observed practice, reported practice and doctrine of 64 NSAGs that are currently parties to non-international armed conflicts or have been so since the 1960s. The sources consulted for this study include the following:

- The **practices** of NSAGs, as observed and documented in the ICRC's operations
- The **reported practices** of NSAGs, as provided in interviews conducted by the ICRC with representatives of such groups
- The **doctrine** of NSAGs, i.e. the "laws", codes of conduct, policies and other documents developed by these groups<sup>9</sup>
- Other NSAG practices cited by experts in public reports and academic research

Emphasis is placed on examples that demonstrate an effort by NSAGs to comply with IHL. Where appropriate, lists of examples start with steps that should be taken early in an armed conflict, followed by those that address specific issues. Examples that NSAGs have reported to the ICRC, or that were found in NSAG doctrine, have been included to illustrate efforts that NSAGs consider feasible in order to comply with IHL. The ICRC has not systematically verified that a particular group fully implements its own rules or reported practices. In addition, in our research, we did not focus on practices or doctrine contrary to IHL, except where we felt it would be helpful to present IHL violations to explain misunderstandings of the law.

The vast majority of the examples cited in the study come from confidential ICRC sources. To protect its bilateral dialogue with parties to armed conflicts, the ICRC cannot attribute specific examples to individuals, groups or contexts. Instead, the endnotes present basic information in a decontextualized manner, specifying whether an example stems from the practice (as observed by the ICRC), reported practice and/or doctrine of one or several NSAGs, and the region of the world in which the cited NSAG(s) operated. The study also includes references to publicly available NSAG doctrine and academic research, where available.

## Addressing different operational contexts

Contemporary armed conflicts involve NSAGs with various objectives and capabilities and operating in very different contexts. Groups range from those that are primarily involved in hostilities to those that exercise stable control over a territory or territories and act like state authorities. Despite this variety, all NSAGs will have to handle dead bodies, many will detain people, and most will deal with requests to provide information about people who have been reported missing.

Under IHL, all parties to a non-international armed conflict have the same obligations. The degree of compliance with these obligations varies and seems to depend on several factors, including the party's knowledge of its IHL obligations, its willingness to implement different obligations, the extent to which a particular IHL obligation aligns with the group's values and beliefs, the group's capacity to comply, and operational challenges. For example, even if an NSAG is willing to bury all dead soldiers and fighters, it may not always be feasible to do so during hostilities, just as is the case for state armed forces. While some of the IHL obligations presented in this study set out fundamental guarantees that are not conditional on the capacity of a party to the conflict to implement them, it is understood that the way these obligations are implemented can vary according to a group's capabilities. For instance, the obligation to allow detainees to correspond with families can be complied with in various ways depending on what is feasible in the circumstances. For instance, detainees might be permitted to write letters, make phone or video calls, or send text messages or messages via the ICRC. Holding a detainee without any family contact, however, is prohibited and can never be justified on the grounds of a purported lack of capacity.

Importantly, not all examples can – or should – be considered as feasible in all contexts: some NSAGs may not be able to adopt certain practices presented in this study, and some of the examples set out below will not be suitable or relevant in a specific context. In the same vein, some NSAGs are able to do much more to fulfil their obligations – and in such cases, it is important that they do it. Moreover, this study is not exhaustive. While it is based on many first-hand experiences and observations collected by the ICRC, it nonetheless must be understood as reflecting only a fraction of NSAG practices.

The ICRC makes no suggestion that the examples presented in this study constitute “best practice”. Instead, this study presents examples of different measures that NSAGs have taken to prevent family separation, to account for missing people and to treat the dead with dignity, in accordance with IHL. These practices may not be the result of a policy or strategic decision by the party in question, but rather a reflection of practical measures a group can take considering its capacity and operational context.

## Definitions and terminology

### Missing (people)

In this study, the terms “the missing” and “missing people” refer to individuals about whom their families have no news, or who, on the basis of reliable information, have been reported missing as a result of an armed conflict.<sup>10</sup> This definition includes people who go missing even if no wrongful acts have been committed – for instance, if people become separated during conflict. It also encompasses members of state armed forces or NSAGs who may have gone missing in action; all people who may be victims of enforced disappearance; people who are detained and unaccounted for or held in a secret location and without contact with the outside world; and people whose bodies are abandoned, buried in haste or mismanaged, making it difficult or impossible to locate and identify the person in question.

### Separated (people)

The ICRC understands “the separated” and “separated people” as those who have lost contact with their families as a consequence of an armed conflict.<sup>11</sup>

## NSAGs and their international legal obligations

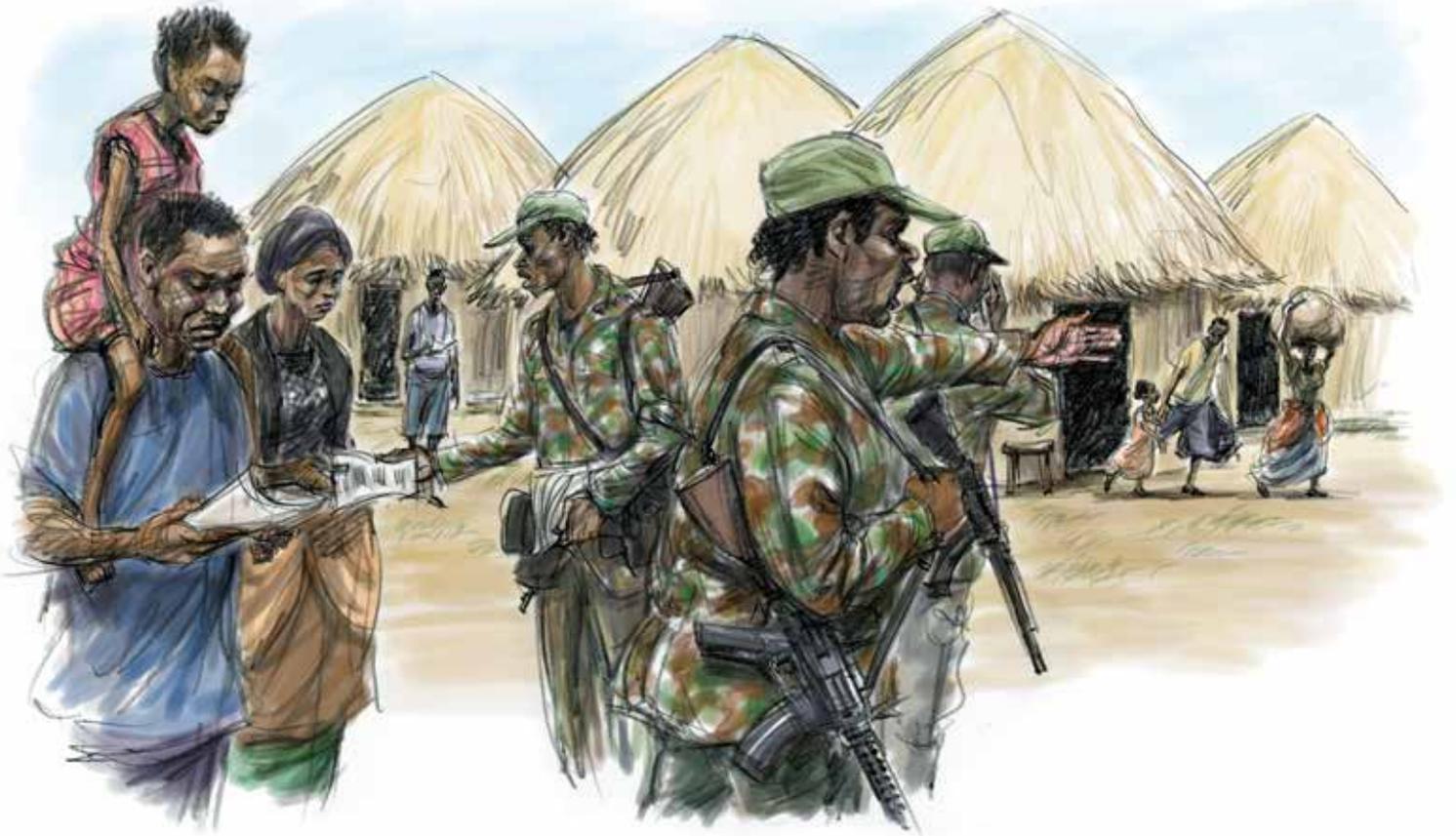
In this study, the term “non-state armed group” (NSAG) refers to armed groups that are parties to a non-international armed conflict. There are several hundred, or even thousands, of armed groups around the world. However, as of 2025, the ICRC considers about 130 of such groups to be parties to a non-international armed conflict. All parties to non-international armed conflicts must respect IHL.<sup>12</sup>

In IHL treaties, parties to non-international armed conflicts are at times referred to as “authorities”. The legal status of an NSAG under IHL remains unaffected by the use of this term, by the fact that such a group may have legal obligations, or by the fact that impartial humanitarian organizations take practical measures to make contact with the group in question.<sup>13</sup>

# **IHL rules regarding the separated, missing and dead covered in this study**

**Rule 1**

**Family life must be respected  
as far as possible.**



*This rule reflects IHL obligations found in Rule 105 of the ICRC Study on Customary IHL.*

The family is an essential, fundamental unit of society. Families provide people – especially children, older people and those with disabilities – with protection, support and psychological stability. Respecting family life is closely linked to preventing people from going missing. The risk of losing family contact is particularly severe when families are separated while fleeing hostilities or during displacement, or when a family member is arrested. In fact, as the ICRC has observed in many conflicts, it becomes impossible for people to send news to their loved ones, either because communication is disrupted or because parties to the conflict prevent separated people from contacting their families.

Parties to an armed conflict must therefore maintain family unity as far as possible, including by preventing the separation of families and facilitating the reunion of separated families. They must take steps to facilitate contact between family members and share any information on the fate and whereabouts of family members, including detainees, when such information is available. As this obligation applies on an “as far as possible” basis, it is not sufficient for a group to take minimum steps if it has the capacity to do more.

## **Examples of measures that NSAGs have taken that respect family life**

### **Measures to prevent family separation**

- NSAGs have committed not to recruit children into their armed forces.<sup>14</sup>
- One NSAG has included in its internal documents the right of children not to be separated from their families.<sup>15</sup>
- One NSAG has prohibited kidnapping in its internal documents.<sup>16</sup>
- NSAGs have instructed their fighters, before military operations, to protect civilians and prevent family separation.<sup>17</sup>
- NSAGs have aimed to avoid fighting in cities, including to avoid harming and displacing civilians.<sup>18</sup>
- NSAGs have informed communities – directly, through signals, through social media or through religious leaders – about their own upcoming military operations or about expected attacks from the enemy, allowing families to flee together to a safe area.<sup>19</sup>
- One NSAG has asked heads of households to ensure that all members are present when fleeing<sup>20</sup> and one NSAG has assisted families in fleeing.<sup>21</sup>
- NSAGs have assisted vulnerable members of communities – such as by carrying children – in cases of evacuations.<sup>22</sup>
- One NSAG has designated specific evacuation sites to help families reunite after fleeing.<sup>23</sup>
- One NSAG has required its own members to stay away from their own families and from other civilians to protect them against attacks.<sup>24</sup>

### **Measures to find family members following separation**

- NSAGs have helped people find separated family members, including by searching forests into which they might have fled, or have instructed patrolling group members to look out for them.<sup>25</sup>
- One NSAG has assisted civilians when looking for missing family members close to the front line.<sup>26</sup>
- NSAGs have allowed displaced people under their control to contact families, including by encouraging them to seek the help of the ICRC.<sup>27</sup>

For examples of how NSAGs have cooperated with impartial humanitarian organizations to restore family contact, see Rule 7.

**Rule 2**

**Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate.**



*This rule reflects IHL obligations found in Rule 117 of the ICRC Study on Customary IHL.*

Many people go missing as a result of armed conflict: civilians are killed, buried under rubble, flee hostilities, or become sick, wounded, detained or forcibly disappeared, and members of state armed forces or NSAGs are killed or captured and not properly accounted for. For those waiting to learn about the fate and whereabouts of a missing family member, knowing where their loved one is, whether they are dead or alive, and what happened to them is of the greatest importance. Families of missing people live in limbo, neither able to mourn nor able to stop hoping that their relative is still alive. Such uncertainty has severe psychological and emotional effects. In most cases, those who go missing are male and often the sole breadwinners, creating further legal, administrative, social and economic difficulties for families. The deep wounds inflicted when people go missing continue to undermine relationships between people and among communities, sometimes for decades. Families invest significant energy and resources in searching for their loved ones, putting themselves at risk in the process.

It is very important to search for missing people and to provide relatives with any available information on their fate and whereabouts, as this provides families with answers and helps alleviate their suffering. It also reflects a long-standing obligation under IHL, which is motivated by the right of families to know the fate and whereabouts of their missing relatives. Effective preventive measures that support efforts to account for missing people include instructing NSAG members to search for the missing and dead, registering information on those who are missing or have been killed and, if feasible, issuing identity tags to members of NSAGs (for instance with a number or a fictitious name, so that they can be identified at least by the NSAG if killed or wounded).

Too often, the ICRC has observed that parties to armed conflicts do not take measures to find missing people, or that they hide such information from families, causing great suffering. At the same time, there are many examples of measures that parties to an armed conflict have taken to account for the missing.

## **Examples of measures that NSAGs have taken to account for missing people**

### **Measures to search for people reported missing**

- One NSAG has included in its code of conduct the obligation to search without delay for the wounded, sick and disappeared.<sup>28</sup>
- NSAGs have developed policies under which members are required to collect information about civilians reported missing in territory they control, store this information in unified lists, and share information they obtain about missing people with their families.<sup>29</sup>
- One NSAG has regularly informed its members about measures they must take to search for missing people, in accordance with the group's customs and (unwritten) rules.<sup>30</sup>
- NSAG commanders have received requests for information about, including photos of, missing people, and have shared such requests within the group (including with subgroups and field commanders), with allies or with other community leaders.<sup>31</sup>
- NSAGs have established a focal point (e.g. an ombudsperson or a high-level representative) or a committee – sometimes with the participation of the ICRC or other international organizations – responsible for clarifying the fate and whereabouts of missing people and responding to enquiries from relatives.<sup>32</sup>
- NSAGs have taken different steps to search for missing people, including:
  - receiving requests from families
  - gathering relevant information from families (e.g. where the person was last seen, what clothes they were wearing, or any specific identifiers) and starting searches<sup>33</sup>
  - comparing information provided by families with information collected from dead bodies and other information in the group's possession<sup>34</sup>
  - regularly informing families about the results of their searches.<sup>35</sup>

- One NSAG has shared contact details of its focal point on missing people online.<sup>36</sup>
- NSAGs have responded to requests from families about missing enemies, including detained people, either directly or by providing information through community elders, religious authorities or other intermediaries.<sup>37</sup>
- NSAGs have allowed the ICRC to exhume and transfer bodies to the medicolegal authorities for identification and return to families.<sup>38</sup>
- NSAGs have developed processes to identify dead bodies, including:
  - recording identifiers (taking photos, recording tattoos)
  - comparing such identifiers with information about missing people in order to identify the dead
  - returning bodies to families if identified
  - burying bodies, and marking and recording the locations of graves.<sup>39</sup>

**Word of caution:** When NSAGs interact with civilian populations – for instance to seek or share information about missing people, or to help people flee – such interactions can put civilians at risk of harm by the enemy, which may consider them to be “collaborators”.<sup>40</sup> In some situations, a neutral intermediary may help with the sharing or seeking of information in order to avoid exposing civilians to additional risks.

### **Information-sharing with the enemy or with families of enemy soldiers and fighters**

- NSAGs have exchanged lists of missing people and detainees in their custody with enemies.<sup>41</sup>
- NSAGs have informed family members, or an impartial humanitarian organization such as the ICRC, about the death of a person.<sup>42</sup>
- One NSAG has set up specific mechanisms to exchange information about missing soldiers with the enemy and to coordinate the retrieval of the dead from the battlefield.<sup>43</sup>
- One NSAG has asked intermediaries to enquire about a missing person with the enemy.<sup>44</sup>

For examples of how NSAGs have cooperated with impartial humanitarian organizations to account for missing people and provide information to their families, see Rule 7.

### **Family support**

- NSAGs have worked with associations of families of missing people to share information about search efforts and to facilitate support for families.<sup>45</sup>
- NSAGs have provided some form of certification to relatives of missing people and have advised them on how to obtain formal certificates from government agencies.<sup>46</sup>
- One NSAG has facilitated the provision of psychological support to families of the missing.<sup>47</sup>
- NSAGs have relied on religious authorities to provide advice to families of people declared missing or dead at the family’s request in accordance with their religion or customs.<sup>48</sup>

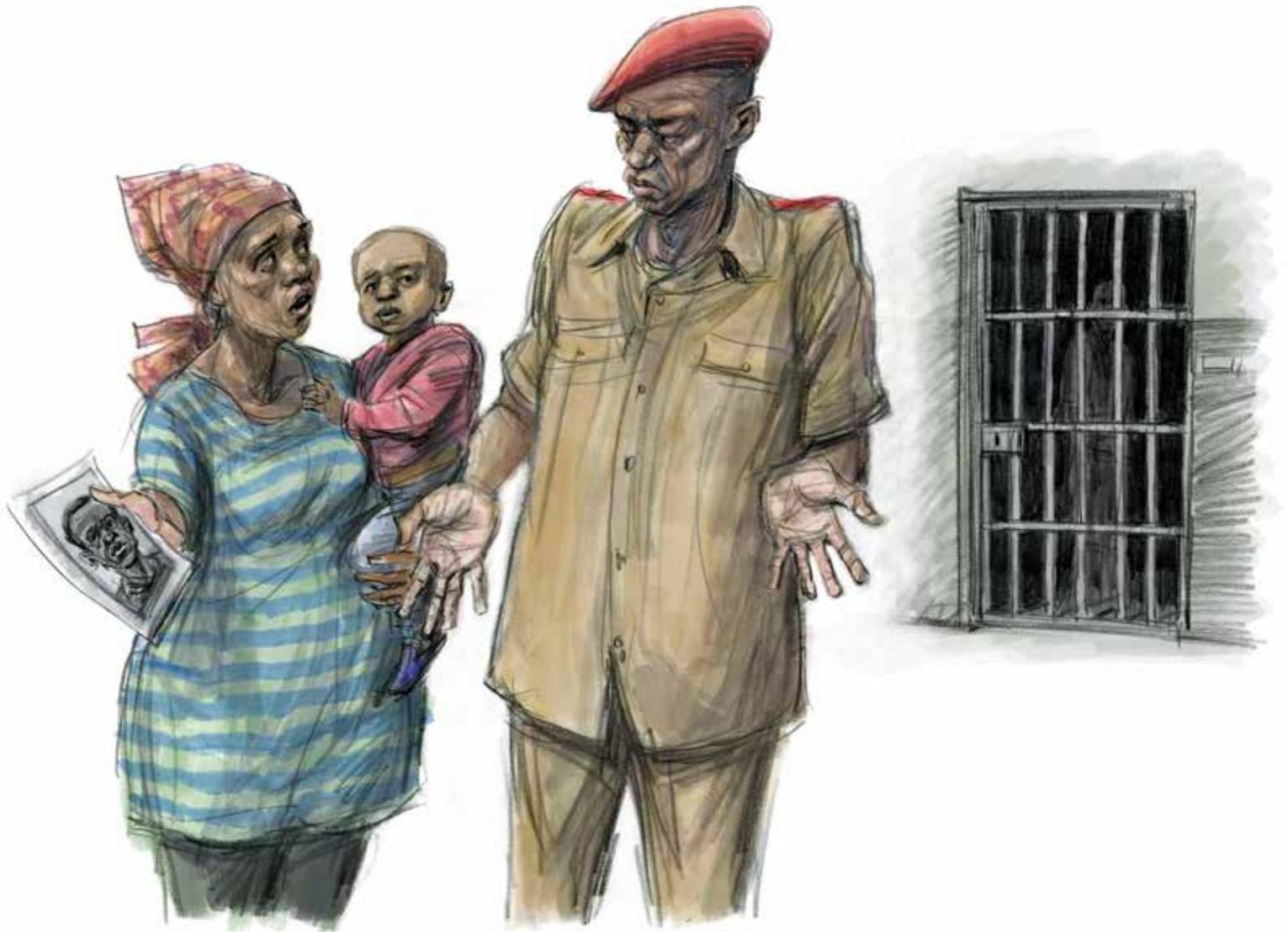
### **Measures taken by NSAGs in relation to their own forces, including to prevent them from going missing**

- NSAGs have set up forms to register the personal details of, and other relevant information about, their own fighters, including any health conditions, as well as the personal details of their relatives. In some instances, the death of the fighter is recorded in a form, along with information about whether the body was recovered by the enemy or buried by the NSAG.<sup>49</sup>
- NSAGs have provided fighters who enrol with an identification tag, card or paper with their *nom de guerre* and have required them to wear it during combat.<sup>50</sup>
- One NSAG has informed families of newly recruited people within 24 hours of their recruitment.<sup>51</sup>

- 
- NSAGs have proactively informed families in the event that a member goes missing or dies, or have provided relatives with all information at their disposal upon request.<sup>52</sup>
  - NSAGs have searched for missing members after hostilities.<sup>53</sup>
  - One NSAG has sought information about missing members from civilians and religious authorities.<sup>54</sup>
  - One NSAG has provided material assistance to relatives of its missing fighters.<sup>55</sup>

**Rule 3**

**Enforced disappearance  
is prohibited.**



*This rule reflects IHL obligations found in Rule 98 of the ICRC Study on Customary IHL. A violation of this rule is a war crime and may amount to crimes against humanity (see, in particular, Articles 7(1)(i) and 8(2)(c)(i) of the Rome Statute of the International Criminal Court).*

While IHL does not provide a definition of “enforced disappearance”, the term should be understood, in the context of armed conflicts, as the arrest, detention, abduction or any other form of deprivation of liberty of persons by, or with the authorization, support or acquiescence of, a party to the armed conflict, followed by a refusal to acknowledge the deprivation of liberty or to provide information about the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law.<sup>56</sup>

Unfortunately, enforced disappearances are a reality in many conflicts around the world. This practice, which causes immense suffering for both disappeared people and their families, constitutes multiple violations of IHL: often, disappeared people are held arbitrarily, without family contact, are subject to torture and other forms of ill-treatment, and are murdered.<sup>57</sup> Their families, facing anguish and trauma, are caught between “hope and despair, wondering and waiting, sometimes for years, for news that may never come”.<sup>58</sup> Enforced disappearances erode the principles of justice, accountability and the rule of law, leading to a culture of fear, impunity and mistrust in societies.

The ICRC has observed, and has been told by NSAGs, that when civilians are “disappeared”, this damages a group’s reputation and erodes its support among the population.<sup>59</sup> One group, speaking about its past practices, has told the ICRC that “disappearing people has a devastating, long-lasting impact on families” and that “such acts should have been prohibited”.<sup>60</sup>

In many contexts, the ICRC has documented enforced disappearances by all parties to armed conflicts. Yet the organization has also observed measures taken by NSAGs to prevent this.

## **Examples of measures that NSAGs have taken to prohibit and prevent enforced disappearance**

### **Measures to prevent enforced disappearance**

- Some NSAGs have prohibited the practice of enforced disappearance in their codes of conduct,<sup>61</sup> while others have included this prohibition in the unwritten rules or customs that leaders demand members to follow and have reminded fighters of these rules ahead of hostilities.<sup>62</sup>
- One NSAG has included the prohibition of enforced disappearance in an agreement with its adversary.<sup>63</sup>
- One NSAG has informed members that committing war crimes – such as enforced disappearance – can lead to prosecution by international courts.<sup>64</sup>
- NSAGs have designated a senior commander or a “detainee committee” with responsibility for the lawful treatment of detainees,<sup>65</sup> responding to evidence that the absence of a strong chain of command undermines respect for internal rules and orders.<sup>66</sup>
- NSAGs have ensured that commanders exercise vigilant oversight,<sup>67</sup> for instance by requiring a senior commander to check on the well-being of detainees every few days.<sup>68</sup>
- NSAGs have registered detainees.<sup>69</sup>
- NSAGs have required that commanders are informed of all captures.<sup>70</sup>
- One NSAG has established procedures that require the commander to issue an “arrest warrant” before any arrest can be made, and NSAGs have informed families whenever a civilian is detained, at times issuing a document that certifies the arrest.<sup>71</sup>

**Measures to respond to allegations of enforced disappearance**

- NSAG leaders have made strong statements to their group members condemning abductions.<sup>72</sup>
- One NSAG has established a commission responsible for investigating the disappearance of civilians and fighters.<sup>73</sup>
- NSAGs have moved detainees out of secret places of detention.<sup>74</sup>
- NSAGs have investigated and punished violations of internal rules that prohibit enforced disappearance, for instance by demoting the individual(s) in question or by assigning them heavy duties at the front line.<sup>75</sup>

The ICRC frequently seeks information from parties to armed conflicts about people who were allegedly detained by that party. Many NSAGs respond to such requests, which is a simple and practical step to clarify the fate and whereabouts of missing people, and is often a step towards maintaining and re-establishing family contact.



**Rule 4**

**The personal details of detainees must be recorded.**



*This rule reflects IHL obligations found in Rule 123 of the ICRC Study on Customary IHL.*

During armed conflicts, many NSAGs detain soldiers, fighters and civilians. At times, personal details are either not recorded or are recorded inaccurately, placing detainees at risk of disappearance and preventing the NSAG from effectively monitoring and tracking their transfer. It is essential to record enough personal details that a detainee can be clearly identified, as this helps prevent disappearances, allows those reported missing to be traced, and enables family notifications and visits. It also permits the detaining NSAG to keep track of detainees in case they are moved. Moreover, when an NSAG knows the exact number of detainees in its custody, it can appropriately plan logistics and guarding staff. To the extent feasible, suitable data protection measures should be in place for personal data, especially where such data are stored electronically (e.g. lists on computers or phones) or contain biometric information.

Recording the personal details of detainees, and sharing this information with families and with humanitarian organizations such as the ICRC and National Red Cross and Red Crescent Societies, can help families find missing relatives and maintain contact. Conversely, if detainees are not registered or are held secretly, it becomes almost impossible to find the missing and maintain family contact.

## **Examples of measures that NSAGs have taken to operate a registration system**

- NSAGs have developed clear procedures to register all detainees.<sup>76</sup>
- NSAGs have maintained up-to-date lists of essential information on detainees, either manually (in a registration book or card register) or in a digital database (on a computer or smartphone).<sup>77</sup>
- NSAGs have assigned responsibility for registering detainees to a designated individual or body, such as their “military police” or the commander in charge of the detainee or the place of detention.<sup>78</sup>
- NSAGs have recorded information enabling a detainee to be identified with sufficient precision; depending on the context, such information has included the detainee’s name, age and place of origin and, where applicable, military rank, division in the armed group, military task, duration of military service and any health conditions.<sup>79</sup>
- NSAGs have allowed the ICRC and other impartial humanitarian organizations to visit detainees and to record their details.<sup>80</sup>

**Rule 5**

**Detainees must be allowed to correspond with their families, subject to reasonable conditions relating to frequency and the need for censorship by the authorities. They must be allowed to receive visitors, especially near relatives, to the degree practicable.**



*This rule reflects IHL obligations found in Article 5(2)(b) of Additional Protocol II and Rules 125 and 126 of the ICRC Study on Customary IHL.*

Too often, when soldiers or fighters are captured in hostilities, or when civilians are detained or arrested, families do not know where their relatives are and whether they are dead or alive. If detainees are held without family contact, relatives will consider them to be missing, which causes great anguish. Regular and meaningful contact with the outside world is essential to keep families informed of the fate and whereabouts of captured family members, helping to ensure the mental well-being of detainees and their families. Contact between parents and children is particularly important. The ICRC has also observed that family contact helps reduce tensions and violence by and among detainees, thus contributing to maintaining order in places of detention.

How family contact is facilitated is, to some extent, dependent on the capabilities of the detaining party as well as the context in which it operates. In practice, therefore, family contact can take any form that is feasible in the circumstances, such as letters, electronic messages, telephone calls, video calls, family visits, or messages sent through the ICRC. The detaining NSAG may also censor such correspondence, for instance to prevent the disclosure of sensitive information that is harmful to the group's security (such as the location of the place of detention), or to prevent the spread of false information. However, any censoring must be done in good faith and should not constitute a form of discipline or punishment.

Following the capture of a detainee, and subject to the latter's agreement, the detaining forces should proactively inform the detainee's family of the capture. This can be done directly, by providing such information to civilian or military representatives of the adversary, or through the ICRC or another impartial humanitarian organization.

## **Examples of measures that NSAGs have taken to facilitate contact between detainees and their families**

- NSAGs have enabled detainees to contact their families shortly after capture.<sup>81</sup>
- NSAGs have allowed detainees to contact their families through cards or letters;<sup>82</sup> such correspondence has sometimes, if deemed necessary, been read – and at times censored – by the NSAG.<sup>83</sup>
- NSAGs have allowed detainees to call their families.<sup>84</sup>
- NSAGs have allowed families to visit detained family members,<sup>85</sup> particularly when the NSAG in question controls territory and detains civilians, fighters or soldiers whose families live in that territory, and if the security situation is sufficiently stable to allow such visits to take place safely.
- One NSAG has transferred detainees to another location to meet family members, in order to protect the hidden nature of the place of detention.<sup>86</sup>
- NSAGs have informed families or the enemy about detainees' names and personal details and have provided information about their physical and mental well-being, either directly or through a middle person.<sup>87</sup>

**If family visits are permitted, NSAGs must not ask families for money, goods or services in exchange for the possibility of visiting a detainee.**

**Measures taken in circumstances where direct contact between detainees and families is not possible, or in addition to direct contact**

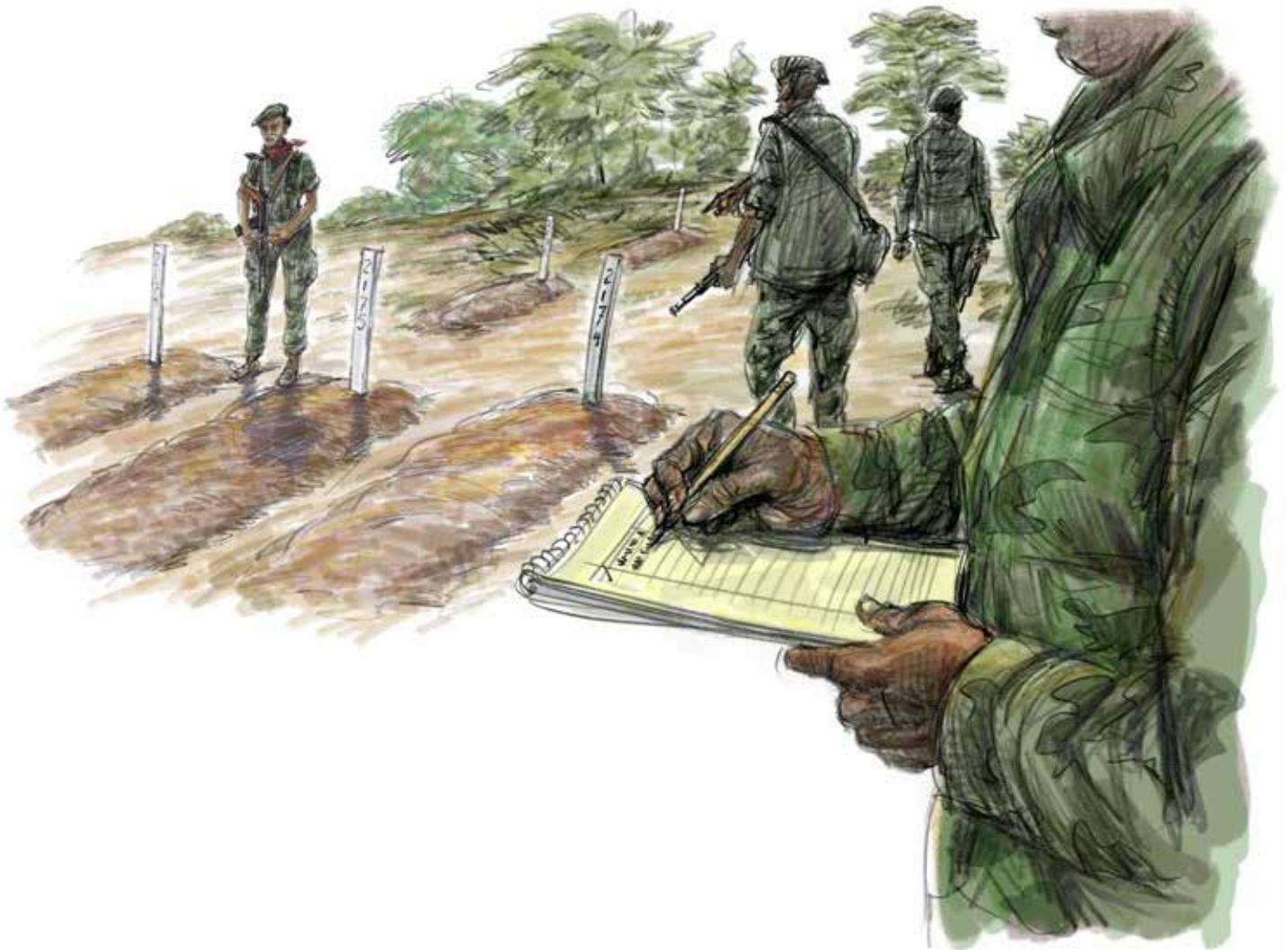
- NSAGs have asked the ICRC to visit places of detention to register detainees and inform families of their detention and well-being.<sup>88</sup>
- NSAGs have allowed impartial humanitarian organizations such as the ICRC to establish contact between detainees and their families, in particular through Red Cross messages containing brief family news.<sup>89</sup>
- NSAGs have informed impartial humanitarian organizations such as the ICRC of the names and personal details of detainees and have permitted such organizations to share that information with families.<sup>90</sup>
- One NSAG has allowed foreign detainees to contact the diplomatic representatives of their countries of origin.<sup>91</sup>



**Rule 6****To prevent the dead from going missing, and protect their dignity, parties must:**

- whenever circumstances permit, and particularly after an engagement, take, without delay, all possible measures to search for, collect and evacuate the dead without adverse distinction
- prohibit the mutilation of dead bodies and take all possible measures to prevent the dead from being despoiled
- dispose of the dead in a respectful manner, respect and properly maintain their graves and, with a view to the identification of the dead, record all available information prior to disposal and mark the location of the graves.

Parties must also endeavour to facilitate the return of the remains and personal effects of the deceased upon the request of their next of kin.



*This rule reflects IHL obligations found in Article 8 of Additional Protocol II and Rules 105, 112, 113, 114, 115 and 116 of the ICRC Study on Customary IHL. Outrages upon the personal dignity of a dead person, including mutilation, as well as pillaging a dead person's belongings, are war crimes.<sup>92</sup>*

Searching for, collecting and evacuating the dead helps prevent people from going missing. This is the case irrespective of whether the dead are civilians or combatants, and from the side of the party in question or the enemy. It is a necessary first step for identifying the dead person, returning them to their family, and allowing for a respectful burial or funerary rites.

All dead people must be treated with respect. To protect their dignity and to facilitate their later identification, the dead must not be mutilated or despoiled, they must be disposed of respectfully – after all available information to facilitate their identification has been collected and preserved – and their graves must not be destroyed, removed or damaged. In the ICRC's experience, disrespect for the dead risks setting off a cycle of retributive violations of IHL, causing further harm to innocent families and potentially obstructing future identification efforts.

For the families of the dead, receiving the remains provides all-important certainty about the fate and whereabouts of their loved one, allowing relatives to grieve and to bury their family member according to their religion or beliefs. Finding and identifying the dead, and laying them to rest in accordance with religion, rites and beliefs, is also important for communities and societies. Thus, even if it is not possible to evacuate and return the dead, it is essential to bury them in a respectful manner and to take all possible measures to enable their identification at a later stage.

The ICRC has, however, observed that the bodies and remains of those who have died are often not treated with dignity. In some conflicts, the dead are ill-treated and their personal belongings are stolen. Photographs of the dead are taken and used for propaganda, causing profound distress to their families. Other bodies are left on the battlefield or under rubble, hampering identification efforts and impeding their return to their families. Additionally, some parties exploit families by demanding payment in exchange for information about their dead loved ones. The ICRC and forensic experts have also observed that mines or other explosive devices are placed into dead bodies, regularly causing harm to forensic experts and other civilians who aim to recover the dead.

There are, however, also examples of steps that NSAGs have taken to meet their obligations towards the dead.

## **Examples of measures that NSAGs have taken to search for, collect and evacuate the dead**

- One NSAG has included in its code of conduct an obligation to take all possible measures to search for, collect and evacuate the dead – enemy and own forces – without adverse distinction.<sup>93</sup>
- Prior to launching an attack, NSAGs have set up teams, or designated units, to search for and recover the dead after hostilities.<sup>94</sup>
- Following hostilities, NSAGs have instructed their fighters, or designated teams with forensic expertise, to search for and collect the dead and to gather any available information regarding the dead.<sup>95</sup>
- NSAGs have coordinated with their enemy in the search for people who went missing during combat and in body recovery operations (sometimes facilitated through local communities or through volunteer organizations acting as intermediaries).<sup>96</sup>
- NSAGs have allowed volunteer organizations, private funeral service providers or civilians to recover dead soldiers and fighters, to transfer them to government services and to collect any available information for their identification.<sup>97</sup>

- NSAGs have collected dead enemy soldiers or fighters and placed them close to a religious institution to allow for their return to the authorities or families.<sup>98</sup>
- NSAGs have agreed with their enemies to pause the fighting to allow for the evacuation of the dead.<sup>99</sup>
- One NSAG has transferred unidentified bodies to the local morgue or hospital.<sup>100</sup>

**Word of caution: Humanitarian and other organizations, government authorities and civilians involved in searching for, evacuating and identifying the dead must never be harmed.**

## **Examples of measures that NSAGs have taken to prevent the mutilation or despoilment of the dead**

- NSAGs have prohibited the mutilation and despoilment of the dead and/or their exposure to public curiosity in their codes of conduct or other religious or customary rules.<sup>101</sup>
- NSAGs have provided instructions to their members to treat the dead humanely and have punished those who violate these instructions.<sup>102</sup>
- One NSAG has made public statements committing the group to treating the dead with dignity and respect without adverse distinction.<sup>103</sup>
- NSAGs have adopted rules and instructed members to bury dead enemy soldiers and fighters with respect for local customs and religion, at times requiring that a religious service be performed.<sup>104</sup>
- One NSAG has used different units for fighting and for “clearing the battlefield” to avoid a situation where fighters who were involved in combat mutilate dead adversaries.<sup>105</sup>

## **Examples of measures that NSAGs have taken to dispose of the dead in a respectful manner, to respect and properly mark and maintain their graves, and to record all available information prior to disposal**

### **Collecting information before burial**

- NSAGs have searched the dead for identity documents or other identifying information.<sup>106</sup>
- NSAGs have taken information from name tags or collected other information if available (name, age, tribe, date of birth, place of burial) from dead enemies before burial, including as proof of death.<sup>107</sup> Importantly, the removal of identification discs or tags from a dead body may hamper further identification efforts, which is why forensic standards and practice require that one tag always be left on the body.
- NSAGs have received training in establishing a dedicated search and recovery team for those killed on the front lines, collecting information (including the use of GPS data to locate graves),<sup>108</sup> and documenting and managing post-mortem data.<sup>109</sup>

### **Burying the dead**

- NSAGs have buried dead enemies.<sup>110</sup>
- When the only option is to bury dead enemies on the battlefield, NSAGs have done so in accordance with local custom and religion,<sup>111</sup> marked the graves (at least with stones and trees)<sup>112</sup> and maintained a register of the location of all graves.<sup>113</sup>
- NSAGs have recorded GPS coordinates or other information regarding the location of graves.<sup>114</sup>
- One NSAG has put a glass bottle with a piece of paper containing the name of the dead person in the grave to allow for later identification.<sup>115</sup>
- As a last resort, if they have been unable to bury dead enemies, NSAGs have covered the bodies with cloths.<sup>116</sup>
- NSAGs have buried unidentified bodies in individual graves after collecting all relevant information about the dead, and have recorded the location of the graves.<sup>117</sup>

- One NSAG has supported the work of volunteer organizations in mapping mass graves.<sup>118</sup>
- One NSAG has cooperated with supporting states to train expert forensic organizations and has facilitated their operations in areas under its control.<sup>119</sup>

**Word of caution:** The ICRC and other forensic experts recommend that the dead should not be cremated, as cremation prevents their future identification.<sup>120</sup>

### Sharing information about the dead

- NSAGs have informed enemies about dead fighters or soldiers and the location of the graves and, at times, have permitted recovery of the dead during pauses in hostilities.<sup>121</sup>
- NSAGs have reported permitting medical or religious authorities that work in the territory under the group's control to provide a document confirming the death for those who have died in detention.<sup>122</sup>
- One NSAG has created commissions to deal with all questions regarding dead combatants, both friend and foe.<sup>123</sup>

**Word of caution:** NSAGs have taken photographs or videos of dead adversaries or civilians. To protect the dignity of the dead person and their family, photographs and videos showing the full face or body of the dead should not be shared with the media or published online. However, photographs and videos should be stored safely to facilitate the future identification of the dead person, and may be shared for this purpose with authorities or humanitarian organizations. In addition, parties to armed conflict may publish useful leads about the identity of a dead person, such as photographs of clothing, personal belongings or tattoos, provided they do not show the full face or body.

### Examples of measures that NSAGs have taken to facilitate the return of the remains and personal effects of the dead

- NSAGs have reported taking measures to return the remains and all personal effects of the dead to their families.<sup>124</sup> To this end, NSAGs have, for example:
  - worked with community leaders or elders, or private funeral service providers, to return the dead to their families or to the enemy<sup>125</sup>
  - coordinated with the enemy, or with government institutions such as the police, firefighters or civil defence, to return dead soldiers or fighters to their families, including those found in graves<sup>126</sup>
  - transferred the dead to a point (e.g. a village or road) at which they can be safely recovered by government authorities.<sup>127</sup>
- If NSAGs have been unable to return the bodies of deceased detainees to the family, they have buried the body, marked and recorded the grave,<sup>128</sup> and informed the family of the location of the grave.<sup>129</sup>
- One NSAG has collected and stored the personal effects of all unidentified bodies buried in territory under its control.<sup>130</sup>

## Examples of measures that NSAGs have taken regarding dead members of their own group

### Measures to prevent killed members of their group from going missing

- NSAGs have required commanders to maintain lists of – or simply to know – their subordinates and to identify who is missing or killed after each operation.<sup>131</sup> One group has included in such lists information that facilitates the identification of the dead (name, place of origin, photo, body measurements, blood group, next of kin).<sup>132</sup>
- NSAGs have required members to wear ID tags on the wrist, neck and waist to aid identification in case they are injured or killed, or to carry a plastic card issued by the group for the same purpose, or even a piece of paper with their *nom de guerre*.<sup>133</sup>
- NSAGs have sewn a number into fighters' uniforms and recorded this number, together with a *nom de guerre*, in a database to facilitate the identification of dead members.<sup>134</sup>
- NSAGs have created bodies or commissions to deal with all questions regarding dead members of their own group.<sup>135</sup>

### Measures to search for and evacuate dead members of their group

- One NSAG has established units (associated with medical staff) tasked with collecting dead members of the group after engagements, dressing them before returning them to families, and collecting at least one of their tags if the body is decomposed (according to forensic standards and practice: always leave one tag on the body).<sup>136</sup>
- Whenever feasible, NSAGs have collected dead members of their own group following engagements, evacuated them,<sup>137</sup> and returned their bodies to families.<sup>138</sup>
- NSAGs have used private funeral service providers to prepare the dead body of a member of the group and return them to the family.<sup>139</sup>
- NSAGs have buried dead members of their own group according to their religion or customs,<sup>140</sup> and have marked their graves.<sup>141</sup>
- One NSAG has sought information about the whereabouts of dead members of its group from civilians and religious institutions.<sup>142</sup>
- One NSAG has allowed government forces to return dead members of its own group and has returned these remains to families.<sup>143</sup>

### Contact with families of dead members of their group

- NSAGs have informed families – by phone or in person – about the deaths of members of their group,<sup>144</sup> in one case providing families with cards or books containing all available information about the deceased individual.<sup>145</sup>
- If a dead member of their group has been buried, NSAGs have returned the dead person's personal effects to their family.<sup>146</sup>
- NSAGs have explained to families of the dead member of their group the medicolegal routes they can take to obtain a death certificate and social benefits from government institutions.<sup>147</sup>
- NSAGs' "welfare units" have provided families with documents attesting to the death of a family member, allowing them to claim benefits.<sup>148</sup>
- NSAGs have offered compensation to the families of those killed as a result of their operations.<sup>149</sup>

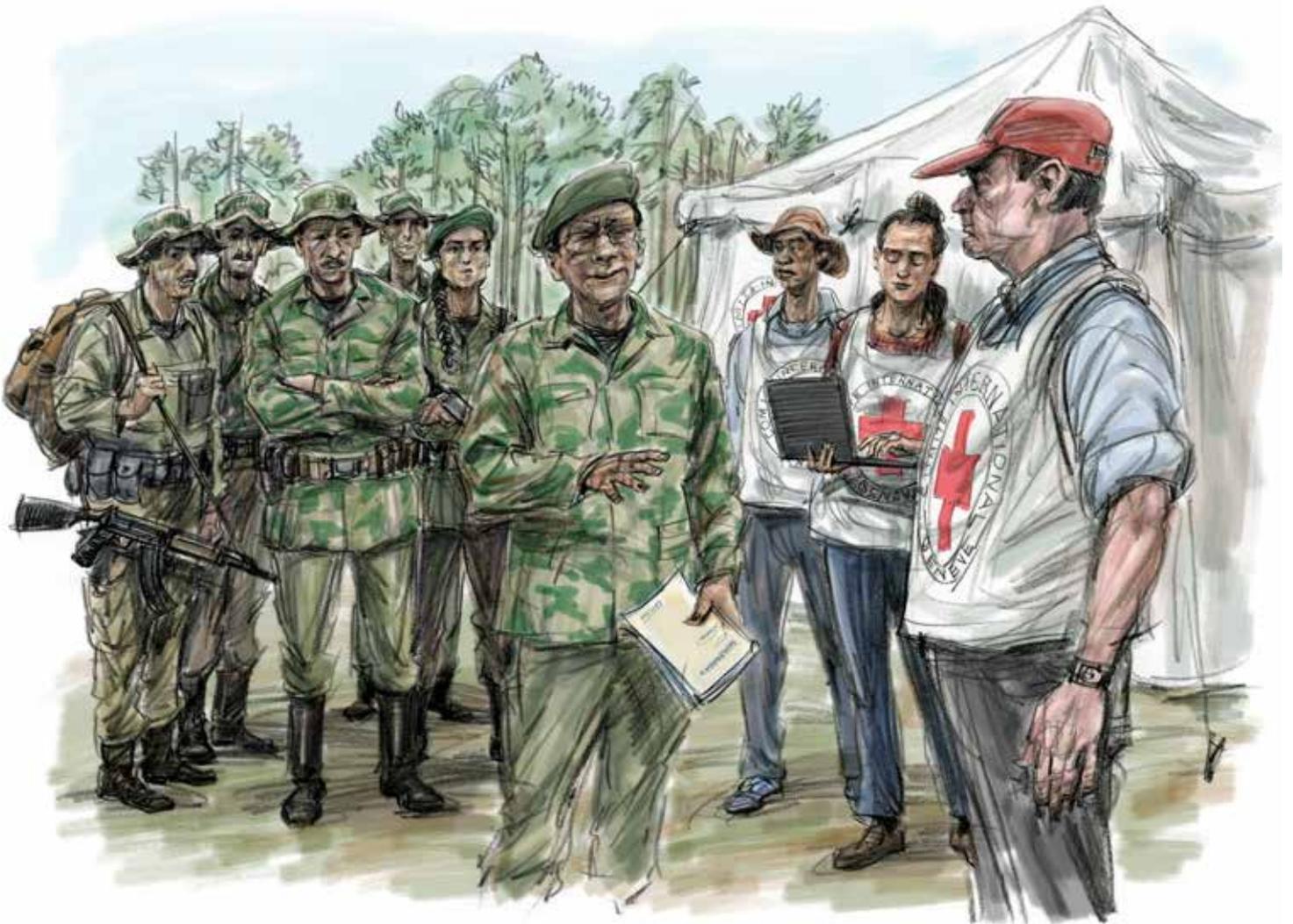
Word of caution: The ICRC recommends that documents attesting to the death of a person should only be issued if proof of death exists. The organization has encountered situations in which people who were declared dead have later reappeared.<sup>150</sup> Thus, unless proof of death exists, the ICRC recommends issuing a document stating that the person is missing.<sup>151</sup>

If compensation is provided to the families of killed NSAG members, such payments are without prejudice to the family's right to know the fate of their relatives, to any right to reparation that the family might have, or to judicial proceedings that might follow.

For examples of how NSAGs have cooperated with impartial humanitarian organizations regarding the dignified management of dead bodies, see Rule 7.

**Rule 7**

**Impartial humanitarian organizations, such as the ICRC, may offer their services with a view to undertaking humanitarian work in relation to the separated, missing and dead.**



*This rule reflects an explicit authorization found in common Article 3 and Rule 124 of the ICRC Study on Customary IHL.*

The primary responsibility for facilitating contact between separated family members (including detainees), assisting in the search for missing people, and identifying the dead and facilitating their return lies with parties to armed conflicts. However, allowing humanitarian organizations such as the ICRC to help people find missing relatives is often key to achieving these objectives. Such organizations may also provide expertise to parties to the conflict on the dignified management of dead bodies and the collection of information to identify them.

The ICRC, through its Central Tracing Agency, is experienced in working to keep families together, reunite them and help them stay in touch, to prevent people from going missing, to search for missing people, and to protect the dignity of the dead and support their families. It often carries out this work together with National Red Cross and Red Crescent Societies through the global Family Links Network.

The ICRC operates under a long-standing policy and practice of confidentiality, meaning it will keep confidential its observations on the conduct of parties to the conflict, its discussions with the parties, and the information it receives from them. The ICRC does not normally share such information with other parties to the conflict or with the general public.<sup>152</sup> To protect all data on the separated, missing and dead from unauthorized access or disclosure, the ICRC collects and processes personal information in accordance with a well-established data protection framework.<sup>153</sup>

## **Examples of measures that NSAGs have taken to allow humanitarian work in relation to the separated, missing and dead**

### **Cooperation with impartial humanitarian organizations to find missing people**

- NSAGs have approached the ICRC to obtain information from the enemy about fighters who have gone missing in action,<sup>154</sup> at times providing the ICRC with lists and details of missing people.<sup>155</sup>
- NSAGs have responded to ICRC requests for information about the fate and whereabouts of missing people – civilians or soldiers – and have provided any information in their possession, including DNA samples.<sup>156</sup>
- NSAGs have advised families of missing people from the enemy side to approach the ICRC to obtain information, and have assisted them in this process.<sup>157</sup>
- NSAGs have cooperated with the ICRC, at times alongside non-governmental organizations or civilian focal persons appointed by the NSAG, in the search for missing people, including by:
  - sharing information with the ICRC (lists of people it has detained,<sup>158</sup> the fate of people reported missing,<sup>159</sup> people allegedly detained by the enemy, locations of graves)<sup>160</sup>
  - giving permission to the ICRC to visit communities and places of detention under their control to look for people reported missing,<sup>161</sup> advising their fighters to assist the ICRC in its efforts to trace missing people,<sup>162</sup> and allowing the ICRC to visit the families of the missing, assess their needs, and distribute financial and material assistance to them (and facilitating such efforts).<sup>163</sup>
- NSAGs have sought educational materials, training and other assistance from the ICRC, as well as from states, to strengthen their processes for identifying missing people, particularly through proper management of the dead.<sup>164</sup>

### **Cooperation with impartial humanitarian organizations to reunite families**

- NSAGs have asked a National Red Cross and Red Crescent Society to help reunite displaced people under their control with family members living elsewhere.<sup>165</sup>
- One NSAG has permitted the ICRC to search for missing family members among populations under its control, including in camps for displaced people and places of detention, and to exchange messages between them and their families.<sup>166</sup>
- NSAGs have permitted the ICRC to reunite released detainees with their families.<sup>167</sup>
- NSAGs have facilitated efforts by impartial humanitarian organizations to reunite separated children with their families.<sup>168</sup>

### **Cooperation with impartial humanitarian organizations to search for, recover, identify and return the dead**

- NSAGs have asked the ICRC for body bags to transport dead bodies.<sup>169</sup>
- NSAGs have allowed the ICRC to search for, recover and identify the dead in areas under their control.<sup>170</sup>
- NSAGs have shared information about the dead with the ICRC, and have assisted the organization in identifying dead people, informing government authorities about the identity of the dead, and finding their families.<sup>171</sup>
- NSAGs have approached the ICRC to ask for help in identifying dead members of the group who were in the hands of the enemy, and in securing their return.<sup>172</sup>
- If NSAGs have been unable to return dead members of enemy forces to their family, they:
  - have transferred the dead, including their name tags, to the ICRC so they can be returned to their families<sup>173</sup>
  - have asked and allowed an impartial humanitarian organization to facilitate the return of the dead after hostilities<sup>174</sup>
  - have agreed with adversaries to allow the ICRC or a voluntary organization to return the remains of dead soldiers and fighters (including name tags) or civilians across front lines.<sup>175</sup>
- One NSAG has asked the ICRC to be present, as a neutral observer, during the transfer of human remains.<sup>176</sup>
- One NSAG has required members to collect, if feasible, the name tag and personal effects of all dead enemies and to transfer them to the ICRC (according to forensic standards and practice: always leave one tag on the body).<sup>177</sup>
- NSAGs have coordinated with the ICRC to facilitate the entry of government authorities into an area under their control for recovery of the dead.<sup>178</sup>
- One NSAG has worked with the ICRC to collect, and share with the enemy, information regarding mass graves in territory under its control.<sup>179</sup>
- NSAGs have asked experts, including the ICRC, for advice and training in forensics, and have participated in such training sessions.<sup>180</sup>

### **Cooperation with impartial humanitarian organizations on the protection of detainees**

- NSAGs have developed internal rules to grant impartial humanitarian organizations such as the ICRC access to places of detention.<sup>181</sup>
- NSAGs have contacted the ICRC and asked it to visit places of detention under their control,<sup>182</sup> or have responded positively to requests by impartial humanitarian organizations such as the ICRC to visit places of detention.<sup>183</sup>
- NSAGs have developed written agreements with impartial humanitarian organizations such as the ICRC to allow such organizations to conduct visits to places of detention.<sup>184</sup>
- When allowing the ICRC to visit places of detention, NSAGs have accepted the organization's standard working procedures:<sup>185</sup>
  - allowing ICRC staff to visit all parts of a place of detention and all detainees of interest to it
  - allowing the ICRC to speak to any detainee privately without guards being present and without any threats against the detainee<sup>186</sup>

- allowing the ICRC to repeat its visits
- providing the ICRC with a list of detainees or allowing the organization to register detainees and compile such a list.
- If, for security reasons, it has not been possible to permit the ICRC to visit a place of detention, NSAGs have allowed the ICRC to meet detainees in another, safe place, and have provided help to this end.<sup>187</sup>
- NSAGs have invited the ICRC to observe the transfer or release of detainees, and have shared a list of transferred detainees with the organization to ensure released detainees are accounted for.<sup>188</sup>
- NSAGs have asked or allowed the ICRC to facilitate communication between detainees and their families.<sup>189</sup>

**Word of caution: ICRC visits to detainees are part of the organization's impartial, humanitarian work. The ICRC may provide expertise to parties on the dignified management of a place of detention, and may support parties in implementing their IHL obligations. Such visits must not be made conditional on whether the enemy allows the ICRC to visit detainees.**<sup>190</sup>

# Recommendations

## Recommendation 1

### To implement their obligations under IHL to collect, store and provide information about missing people, parties to non-international armed conflicts should:

- establish a process for recording information about people in their hands, detainees and the dead alike, ideally in one central place (see Rules 2, 4 and 6)
- designate a point of contact to receive enquiries from families looking for their relatives in order to collect all relevant information on their fate and whereabouts and to facilitate the provision of such information to the families (see Rule 2)
- when needed, agree to use the services of an impartial humanitarian organization, such as the ICRC's Central Tracing Agency, to act as a neutral intermediary between parties in order to record and transmit information about people in their hands and to inform families of their fate and whereabouts, including in case of death.



Collecting, storing and providing information about missing people is essential to clarify their fate and whereabouts and to get information to their families. In armed conflicts between states, both sides are obliged to set up national information bureaux to collect information about prisoners of war, about wounded, sick, shipwrecked and dead military personnel, and about detained civilians. The bureau must then transmit such information to the enemy through the ICRC's Central Tracing Agency, which is one of the organization's oldest humanitarian services.<sup>191</sup>

In armed conflicts involving NSAGs, IHL does not provide similar obligations on establishing information bureaux and transmitting information to the ICRC's Central Tracing Agency. However, from a practical perspective, parties to such conflicts should endeavour to establish and implement special agreements on recording and transmitting information about detainees, the missing and the dead.<sup>192</sup> The UN Security Council has urged "parties to armed conflict to establish national information bureaux or other mechanisms, upon the outbreak of a conflict, to exchange information on detainees and civilians belonging to an adverse party, to transmit such information to that party, with the support of the Central Tracing Agency as a neutral intermediary, where appropriate, and to open enquiries regarding these persons".<sup>193</sup>

In its operations,<sup>194</sup> the ICRC has recommended parties to non-international armed conflicts to appoint a person or committee with responsibility for:

- collecting information, for instance by maintaining a comprehensive list, in a folder or spreadsheet, about all conflict-related detainees (for examples of NSAG practices, see Rule 4), people reported missing (for examples of NSAG practices, see Rule 3) and the dead (for examples of NSAG practices, see Rule 6) who are under the control of any group fighting on behalf of that party, or located in territory under its control
- coordinating the search for people reported missing (for examples of NSAG practices, see Rule 3)
- transmitting such information to an independent and impartial body such as the ICRC (for examples of NSAG practices, see Rule 7).

The information that should be collected, to the maximum extent feasible, includes:

- the identity of the person: name, age, place of origin and, where applicable, military rank, division in the armed group; and, if the detainee agrees, the names and contact details of their family members, including parents
- the person's state of health (e.g. in good health, sick, slightly wounded, seriously wounded)
- the person's whereabouts and status, such as whether the person is detained or hospitalized (and if so, where), whether they have died or whether they have been released
- for dead detainees, certificates of death with the above information about their identity, the date and place of their death, the cause of death, and the date and place of burial.

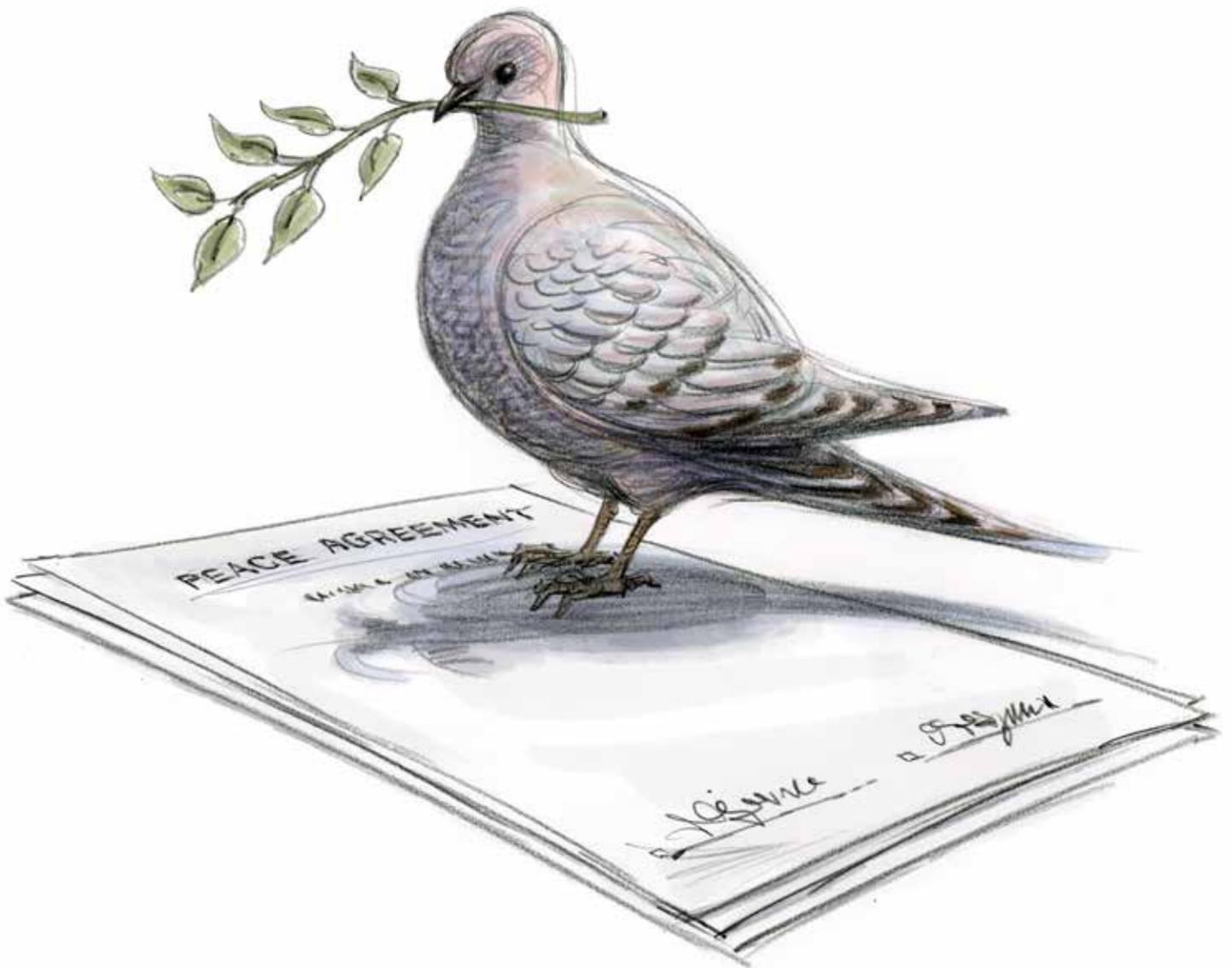
For good practices on processes established by NSAGs for receiving enquiries from families, collecting all relevant information about the fate and whereabouts of those missing, and facilitating the provision of such information to families, see the examples listed under Rule 3.

To facilitate the transmission of information between the parties, an independent and impartial body such as the ICRC should:

- receive the information from the parties
- store the information in a secure and confidential database
- supplement the information received from the parties with information it has collected itself, for example when registering detainees, gathering information directly from families or assisting parties in identifying the dead
- share information it has received about detainees, missing people or the dead with their families when they enquire about the fate and whereabouts of their loved ones, provided that doing so does not present a risk for the people concerned or their families
- receive requests from families about missing relatives, share information it has with them and request additional information from the parties if needed
- facilitate the exchange of letters or other messages between detainees and their families, if permitted to do so.

**Recommendation 2**

**Parties to non-international armed conflicts should include the search for the missing and dead in truce, ceasefire or peace negotiations and agreements.**



Searches for missing people – both civilians and members of armed groups and forces – are most frequently conducted following the close of hostilities. It is essential to provide families with information about missing and deceased loved ones. Indeed, doing so is a legal obligation, even after the end of an armed conflict. Clarifying the fate of missing people is also an important step towards peace and stability for communities and the country as a whole. For example, as a result of peace agreements, parties have recognized their responsibility for committing acts of enforced disappearance, worked to provide information so that remains can be located, formed humanitarian initiatives to search for missing people, and worked with victims and national authorities to find and identify the remains of the dead.<sup>195</sup> At the same time, individual criminal responsibility for IHL violations, including enforced disappearances, needs to be addressed,<sup>196</sup> and possible reparations for victims considered.

On the difficult road towards truce, ceasefire and peace agreements, cooperation between enemies in searching for the missing and dead can help to build trust.<sup>197</sup> Against this backdrop, the UN Security Council has called upon “all parties to armed conflict, when negotiating and implementing peace agreements, to include provisions to facilitate the search for missing persons”.<sup>198</sup>

**As a confidence-building measure during negotiations, and in peace agreements, parties to non-international armed conflicts should:**

- commit to take all necessary measures to search for, collect, identify and return missing people, and to protect them from any harm or ill-treatment<sup>199</sup>
- agree to release and transfer detained people and return dead bodies to the other party<sup>200</sup>
- agree to exchange information with national authorities regarding the fate of missing people and to assist in search operations<sup>201</sup>
- agree to set up a working group or other process, which includes all parties to the conflict and the ICRC, to:
  - search for and collect information about missing people<sup>202</sup>
  - exchange information about missing people, and provide such information to the ICRC<sup>203</sup>
  - provide information about missing and dead people to families
  - coordinate the recovery, identification and return of the dead<sup>204</sup>
  - agree on the transfer of all remains of those who have died,<sup>205</sup> and provide national authorities with information about the locations of graves and the circumstances surrounding the death of civilians.<sup>206</sup>

## Endnotes

1. International Committee of the Red Cross (ICRC), “The ICRC is registering unprecedented numbers of missing persons”, 2 April 2025: [www.icrc.org/en/statement/icrc-registering-unprecedented-numbers-missing-persons](https://www.icrc.org/en/statement/icrc-registering-unprecedented-numbers-missing-persons), all web addresses accessed November 2025.
2. See, for example: ICRC, *National Mechanisms for Missing Persons: A Toolbox*, ICRC, Geneva, 2022: <https://missingpersons.icrc.org/library/national-mechanisms-missing-persons-toolbox>; ICRC, *Guiding Principles for the Dignified Management of the Dead in Humanitarian Emergencies and to Prevent them Becoming Missing Persons*, ICRC, Geneva, 2021: <https://www.icrc.org/en/publication/4586-guiding-principles-dignified-management-dead-humanitarian-emergencies-and-prevent>; ICRC, *The Forensic Human Identification Process: An Integrated Approach*, ICRC, Geneva, 2022: <https://www.icrc.org/en/publication/4590-forensic-human-identification-process-integrated-approach>.
3. See: ICRC, *Detention by Non-State Armed Groups: Obligations Under International Humanitarian Law and Examples of How to Implement Them*, ICRC, Geneva, 2023: <https://www.icrc.org/en/document/detention-non-state-armed-groups>; ICRC, *Reducing Civilian Harm in Urban Warfare: A Handbook for Armed Groups*, ICRC, Geneva, 2023: <https://www.icrc.org/en/document/reducing-civilian-harm-urban-warfare-handbook-armed-groups>.
4. 28th International Conference of the Red Cross and Red Crescent, *Declaration: Agenda for Humanitarian Action*, 2003, General Objective 1 and Final Goal 1.6: <https://library.icrc.org/library/docs/DOC/icrc-1103-002.pdf>.
5. Article 3 common to the Geneva Conventions (“common Article 3”); Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of 8 June 1977 (“Additional Protocol II”); J.-M. Henckaerts and L. Doswald-Beck (eds), *Customary International Humanitarian Law. Volume I: Rules*, Cambridge University Press, Cambridge, 2005 (“ICRC Study on Customary IHL”). A number of rules cite customary IHL rules verbatim, while for other rules, the drafters have summarized or simplified IHL obligations.
6. IHL obligations must be complied with regardless of whether the enemy fulfils them. This means, for example, that parties to an armed conflict must provide families with any information they have about a person reported missing – including detainees or dead enemy fighters or soldiers – no matter whether the other party shares similar information.
7. For this study, reference is made to the Rome Statute of the International Criminal Court to identify which violations of IHL can be prosecuted as war crimes or amount to crimes against humanity. With regard to war crimes as defined in customary IHL, see Rule 156 of the ICRC Study on Customary IHL.
8. Among human rights treaties, the International Convention for the Protection of All Persons from Enforced Disappearance is particularly important for preventing people from being forcibly disappeared. Under the Convention, such acts may be perpetrated not only by state agents but also by non-state actors acting with – or without – the authorization, support or acquiescence of the state (Articles 2 and 3). See, for example: Committee on Enforced Disappearances, *Statement on non-State actors in the context of the International Convention for the Protection of All Persons from Enforced Disappearance*, CED/C/10/Rev.1\*, 10 June 2024. It is also important to note that, in a number of instances, states – notably through resolutions adopted in United Nations (UN) organs such as the Security Council, the General Assembly and the Human Rights Council – and human rights experts have called on NSAGs that exercise *de facto* control over territory to comply with human rights law in addition to fulfilling their IHL obligations. As a matter of policy, the ICRC takes a pragmatic approach and operates on the premise that “human rights responsibilities may be recognized *de facto*” if an NSAG exercises stable control over territory and is able to act like a state authority. See: ICRC, *International Humanitarian Law and the Challenges of Contemporary Armed Conflict: Recommitting to Protection in Armed Conflict on the 70th Anniversary of the Geneva Conventions*, ICRC, Geneva, 2019, p. 54: <https://shop.icrc.org/international-humanitarian-law-and-the-challenges-of-contemporary-armed-conflicts-recommitting-to-protection-in-armed-conflict-on-the-70th-anniversary-of-the-geneva-conventions-pdf-en.html>. For further discussion, see: T. Rodenhäuser, “The legal protection of persons living under the control of non-state armed groups”, *International Review of the Red Cross* (IRRC), No. 915, August 2021, pp. 991–1020.
9. A significant number of these documents can be found in Geneva Call’s *Their Words* database: <http://theirwords.org/>.
10. ICRC, “Q&A: The ICRC’s engagement on the missing and their families”, *IRRC*, No. 905, August 2017, p. 536.
11. ICRC, “ICRC Protection policy”, *IRRC*, No. 871, September 2008, p. 774.
12. These obligations are found in common Article 3, in Additional Protocol II as applicable, and in the obligations of non-state parties to armed conflicts identified in the ICRC Study on Customary IHL.

13. As common Article 3 states, the application of IHL to NSAGs, and the offer of services by an impartial humanitarian body such as the ICRC to a party to a non-international armed conflict, “shall not affect the legal status of the Parties to the conflict”. In IHL treaties, NSAGs are at times referred to, for example, as “party to the conflict”, “those who are responsible” or “competent authority”. See: common Article 3; Article 5 of Additional Protocol II.
14. See: Geneva Call, *Deed of Commitment under Geneva Call for the Protection of Children from the Effects of Armed Conflict*, currently signed by 31 NSAGs: <https://www.genevacall.org/wp-content/uploads/2023/07/Official-DoC-Protecting-children-in-armed-conflict.pdf>.
15. Found in the doctrine of one NSAG in Asia. For a public reference, see: Sudan People’s Liberation Movement (SPLM), *Human Rights Charter*, 1996, found in practice collected for the ICRC Study on Customary IHL, Rule 105: <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule105>.
16. Found in the doctrine of one NSAG in Asia.
17. Found in the reported practices of several NSAGs in Africa and Asia.
18. Found in the practices and reported practices of several NSAGs in Africa and Asia.
19. Found in the practices and reported practices of several NSAGs in Africa, Asia and the Americas.
20. Found in the reported practices of one NSAG in Africa.
21. Found in the reported practices of one NSAG in Asia.
22. Found in the reported practices of several NSAGs in Africa.
23. Found in the reported practices of one NSAG in Asia.
24. Found in the reported practices of one NSAG in Africa.
25. Found in the reported practices of several NSAGs in Africa.
26. Found in the reported practices of one NSAG in Africa.
27. Found in the practices of several NSAGs in Africa and Asia.
28. Found in the reported practices of one NSAG in Africa. For a public reference, see: National Transitional Council/Free Libyan Army (NTC/FLA), *Code of rules and attitudes of the organisation for the successful conduct of fighting*: [http://theirwords.org/media/transfer/doc/ly\\_ntc\\_2011\\_04\\_eng-37607a6aa5ec5080127c21e730a8f9e9.pdf](http://theirwords.org/media/transfer/doc/ly_ntc_2011_04_eng-37607a6aa5ec5080127c21e730a8f9e9.pdf).
29. Found in the practices of several NSAGs in Asia. For a public reference, see: International Commission on Missing Persons (ICMP), *Missing Persons in North East Syria: A Stocktaking*, ICMP, The Hague, 2020: [icmp-gr-mena-065-6-w-doc-stocktaking-missing-persons-in-north-east-syria.pdf](https://www.icmp.org/en/missing-persons-in-north-east-syria.pdf).
30. Found in the reported practices of one NSAG in Africa.
31. Found in the practices and reported practices of several NSAGs in Asia, Africa, the Americas and Europe.
32. Found in the practices and reported practices of several NSAGs in Europe and Asia.
33. Found in the reported practices of several NSAGs in Asia.
34. Found in the reported practices of several NSAGs in Europe, Africa and Asia.
35. Found in the reported practices of several NSAGs in Africa and Asia.
36. Found in the practices of one NSAG in Europe.
37. Found in the practices and reported practices of several NSAGs in Africa and Asia.
38. Found in the practices of several NSAGs in the Americas.
39. Found in the practices of several NSAGs in the Americas, Europe and Asia.
40. Found in the practices and reported practices of several NSAGs in Asia.
41. Found in the practices and reported practices of several NSAGs in Asia and Europe.
42. Found in the practices of several NSAGs operating in all parts of the world.
43. Found in the reported practices of one NSAG in Asia.
44. Found in the reported practices of one NSAG in Africa.
45. Found in the practices and reported practices of several NSAGs in Europe and Asia.
46. Found in the reported practices of several NSAGs in Asia and Europe.
47. Found in the practices of one NSAG in Europe.
48. Found in the practices of several NSAGs in Africa and Asia in the 2000s and 2020s.
49. Found in the practices and doctrine of several NSAGs in Africa and Europe. For a public reference, see: Sudan People’s Liberation Movement/Army (SPLM/A), *Penal and Disciplinary Laws*, 1984, Section 24(1): <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule117>.
50. Found in the practices of several NSAGs in Africa and Asia.
51. Found in the practices of one NSAG in Asia.
52. Found in the practices and reported practices of several NSAGs in Africa and Asia.
53. Found in the practices and reported practices of several NSAGs in Asia and Europe. For a public reference, see: ICPM, *Missing Persons in North East Syria: A Stocktaking*, 2020.
54. Found in the reported practices of one NSAG in Africa.
55. Found in the practices of one NSAG in Europe.

56. This suggested understanding of enforced disappearance in non-international armed conflicts builds on Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, and on Article 7(2)(i) of the Rome Statute of the International Criminal Court. Moreover, customary IHL prohibits enforced disappearance. See Rule 98 of the ICRC Study on Customary IHL: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule98>.
57. These acts violate common Article 3; Articles 4 and 5 of Additional Protocol II; and Rules 89, 90, 98, 99, 125 and 126 of the ICRC Study on Customary IHL.
58. See: Working Group on Enforced or Involuntary Disappearances, “About Enforced Disappearance”: <https://www.ohchr.org/en/special-procedures/wg-disappearances/about-enforced-disappearance>.
59. Found in the practices and reported practices of several NSAGs in Africa.
60. Reported by one NSAG in Europe.
61. Found in the reported practices of several NSAGs in Africa and the Americas. For two public references that reflect this point, see: NTC/FLA, *Code of rules and attitudes of the organisation for the successful conduct of fighting*, Article 2(2)(d): [http://theirwords.org/media/transfer/doc/ly\\_ntc\\_2011\\_04\\_eng-37607a6aa5ec5080127c21e730a8f9e9.pdf](http://theirwords.org/media/transfer/doc/ly_ntc_2011_04_eng-37607a6aa5ec5080127c21e730a8f9e9.pdf); FARC-EP, *Statutes*, Article 7(k): <https://farc-ep.com>.
62. Found in the reported practices of several NSAGs in Africa.
63. Found in the reported practices of one NSAG in the Americas. For a public reference, see: Government of El Salvador and Frente Farabundo Martí para la Liberación Nacional, *Agreement on human rights*, July 1990: <https://ucdpged.uu.se/peaceagreements/fulltext/ELS%2019900726.pdf>.
64. Found in the reported practices of one NSAG in Africa.
65. Found in the reported practices and doctrine of several NSAGs in Africa. For a public reference, see: P. Bongard, “The National Movement for the Liberation of Azawad (Mouvement National de Libération de l’Azawad, MNLA), Mali”, in Geneva Academy *et al.* (eds), *From Words to Deeds: A Research Study of Armed Non-State Actors’ Practice and Interpretation of International Humanitarian and Human Rights Norms*, Geneva Academy, Geneva, 2021, p. 36.
66. Found in the practices of several NSAGs in Africa.
67. Found in the practices of several NSAGs in Africa and Asia.
68. Found in the practices of one NSAG in Asia.
69. Found in the practices, reported practices and doctrine of several NSAGs in Africa, Asia and Europe. For public references, see: Government of the Republic of the Philippines and National Democratic Front of the Philippines (NDFP), *Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines*, The Hague, 1998: <https://ihl-databases.icrc.org/en/national-practice/comprehensive-agreement-respect-human-rights-and-international-humanitarian-law-0>; and J. Plamenac, *Unravelling Unlawful Confinement in Contemporary Armed Conflicts: Belligerents’ Detention Practices in Afghanistan, Syria and Ukraine*, Brill Nijhoff, Leiden, 2022, p. 178.
70. Found in the doctrine of several NSAGs in Europe and the Americas.
71. Found in the practices and reported practices of several NSAGs in Africa and Asia.
72. Found in the reported practices of several NSAGs in Africa and the Americas. For a public reference, see: FARC-EP, *Declaración Pública*, 2012: [http://theirwords.org/media/transfer/doc/co\\_farc\\_ep\\_2012\\_31-56cefdb693ccdee9714ddoab1ffabafd.pdf](http://theirwords.org/media/transfer/doc/co_farc_ep_2012_31-56cefdb693ccdee9714ddoab1ffabafd.pdf).
73. Found in the reported practices of one NSAG in Europe.
74. Found in the reported practices of one NSAG in Europe.
75. Found in the reported practices of several NSAGs in Africa and the Americas.
76. Found in the practices, reported practices and doctrine of several NSAGs in Africa, Asia and Europe. For public references, see: Government of the Republic of the Philippines and NDFP, *Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines*, 1998; J. Plamenac, *Unravelling Unlawful Confinement in Contemporary Armed Conflicts*, 2022, p. 178.
77. Found in the practices and reported practices of several NSAGs in Africa and Asia. For public references, see: ICRC, *Rapports de visites 1968, 01/11/1968*, Nigeria, 1968, ACICR, B AG 219 147-001.02; and ICRC, *Rapports de visites aux prisonniers portugais au Zaïre. Camp de Kinkuzu et prison de Kinshasa*, 28 Juin 1971, ICRC, Angola, 1971, ACICR, B AG 219 003-007-01.
78. Found in the reported practices of several NSAGs in Africa and Asia.
79. Found in the practices and reported practices of several NSAGs in Africa and Asia.
80. This practice is common in ICRC visits to NSAG places of detention in all parts of the world. For public references, see: P. Bongard, “The National Movement for the Liberation of Azawad (Mouvement National de Libération de l’Azawad, MNLA), Mali”, in Geneva Academy *et al.* (ed.), *From Words to Deeds*, 2021, p. 18, para. 48.
81. Found in the practices and doctrine of several NSAGs in Africa and Asia. For a public reference, see: NTC/FLA, *Code of rules and attitudes of the organisation for the successful conduct of fighting*, 2011: [http://theirwords.org/media/transfer/doc/ly\\_ntc\\_2011\\_04\\_eng-37607a6aa5ec5080127c21e730a8f9e9.pdf](http://theirwords.org/media/transfer/doc/ly_ntc_2011_04_eng-37607a6aa5ec5080127c21e730a8f9e9.pdf).

82. Found in the practices and doctrine of several NSAGs in Africa, Asia and Europe.
83. Found in the practices of one NSAG in Africa.
84. Found in the practices and reported practices of several NSAGs in Africa and Asia.
85. Found in the practices, reported practices and doctrine of several NSAGs in Africa, Asia and Europe. For public references, see: O. Bangerter, *Internal Control: Codes of Conducts within Insurgent Armed Groups*, Occasional Paper 31, Small Arms Survey, Geneva, 2012, p. 105: <https://www.smallarmssurvey.org/resource/internal-control-codes-conducts-within-insurgent-armed-groups-occasional-paper-31>; P. Bongard, “The National Movement for the Liberation of Azawad (Mouvement National de Libération de l’Azawad, MNLA), Mali”, in Geneva Academy *et al.* (ed.), *From Words to Deeds*, 2021, p. 37; United Nations Operation in Côte d’Ivoire (ONUCI), *Rapport sur la situation des établissements pénitentiaires en Cote d’Ivoire*, ONUCI, Abidjan, 2006, p. 100.
86. Found in the reported practices of one NSAG in Africa.
87. Found in the practices, reported practices and doctrine of several NSAGs in Africa, Asia, Europe and the Americas. For public references, see: Government of Nepal and Community Party of Nepal (Maoist) (CPN-M), *Unofficial Translation of the Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist)*, 2006, p. 10, para. 7.3.2: [http://theirwords.org/media/transfer/doc/ut\\_np\\_cpn\\_m\\_2006\\_03-b5c6ff99a053a5f1719237df63c2927c.pdf](http://theirwords.org/media/transfer/doc/ut_np_cpn_m_2006_03-b5c6ff99a053a5f1719237df63c2927c.pdf); O. Bangerter, *Internal Control*, 2012, p. 95; J. Plamenac, *Unravelling Unlawful Confinement in Contemporary Armed Conflicts*, 2022, pp. 178 and 183.
88. Found in the practices and reported practices of several NSAGs in Africa.
89. Found in the practices and reported practices of several NSAGs in Africa, Asia and Europe. For public references, see: ICRC, *Rapports de visites 1968, 01/11/1968, 1968*; ACIRC, B AG 219 003-007-01.
90. Found in the practices and reported practices of several NSAGs in Africa, Asia and the Americas.
91. Found in the doctrine of one NSAG in Africa.
92. International Criminal Court (ICC), *Elements of Crimes*, ICC, The Hague, 2013: definition of the war crimes of “outrages upon personal dignity”, “mutilation” and “pillaging”, in particular fn. 49 relating to Article 8(2)(b)(xxi).
93. Found in the doctrine of one NSAG in Africa.
94. Found in the practices and doctrine of several NSAGs in Europe and the Americas.
95. Found in the practices and reported practices of several NSAGs in Asia and Europe. For a public reference, see: ICPM, *Missing Persons in North East Syria: A Stocktaking*, 2020.
96. Found in the practices and reported practices of several NSAGs in Europe, Asia and the Americas.
97. Found in the practices and reported practices of several NSAGs in Europe, Africa and the Americas.
98. Found in the practices and reported practices of several NSAGs in Africa.
99. Found in the practices and reported practices of several NSAGs in Asia and the Americas.
100. Found in the reported practices of one NSAG in Asia.
101. Found in the reported practices of several NSAGs in Africa and Asia. For a public reference, see: Moro Islamic Liberation Front/Bangsamoro Islamic Armed Forces (MILF/BIAF), *Resolution to reiterate MILF policy of strongly and continuously condemning all kidnap for ransom activities in Mindanao and everywhere, and to take drastic action against the perpetrators of this heinous crime in all MILF (Moro Islamic Liberation Front) areas*, 2002: [ph\\_milf\\_biaf\\_2002\\_06-6bd99b91fd576e25a44bcdf18e43af9d.pdf](ph_milf_biaf_2002_06-6bd99b91fd576e25a44bcdf18e43af9d.pdf).
102. Found in the reported practices of several NSAGs in Africa and Asia. For a public reference, see: MILF/BIAF, *Resolution to reiterate MILF policy of strongly and continuously condemning all kidnap for ransom activities in Mindanao and everywhere, and to take drastic action against the perpetrators of this heinous crime in all MILF (Moro Islamic Liberation Front) areas*, 2002.
103. Found in the practices of one NSAG in Asia.
104. Found in the doctrine of several NSAGs in the Americas, Africa and Asia.
105. Found in the reported practices of one NSAG in Africa.
106. Found in the practices and reported practices of several NSAGs in Africa.
107. Found in the reported practices of several NSAGs in Africa.
108. Found in the practices of several NSAGs in Africa, Asia and the Americas.
109. Found in the practices of several NSAGs in Asia and Europe.
110. Found in the reported practices of several NSAGs in Africa and Asia.
111. Found in the reported practices of several NSAGs in Africa and Asia.
112. Found in the practices and reported practices of several NSAGs in Africa and Asia.
113. Found in the practices of several NSAGs in different parts of the world.
114. Found in the reported practices of several NSAGs in Africa and Europe.
115. Found in the practices of one NSAG in the Americas.
116. Found in the practices of several NSAGs in different parts of the world.
117. Found in the practices and reported practices of several NSAGs in Europe.
118. Found in the practices of one NSAG in Europe.

119. Found in the practices of one NSAG in Asia. For a public reference, see: ICPM, *Missing Persons in North East Syria: A Stocktaking*, 2020.
120. Word of caution included in light of the practice of some NSAGs to cremate dead bodies or body parts. Under IHL, the dead must be buried and may only be cremated in exceptional circumstances, namely because of imperative reasons of hygiene, on account of the religion of the deceased or in accordance with the express wish of the deceased. See: ICRC, Study on Customary IHL, Rule 115, Commentary. See also: ICRC, *Guiding Principles for the Dignified Management of the Dead in Humanitarian Emergencies and to Prevent them Becoming Missing Persons*, 2021, principle 17.
121. Found in the reported practices of several NSAGs in Africa and Asia.
122. Found in the reported practices of several NSAGs in Africa and Europe.
123. Found in the practices of one NSAG in Asia.
124. Found in the reported practices and doctrine of several NSAGs in Africa, the Americas and Asia.
125. Found in the practices and reported practices of several NSAGs in Asia and the Americas in the 2020s.
126. Found in the practices and reported practices of several NSAGs in Asia, the Americas and Europe.
127. Found in the practices of several NSAGs in the Americas.
128. Found in the reported practices of several NSAGs in Africa and Asia.
129. Found in the practices, reported practices and doctrine of several NSAGs in Africa and the Americas.
130. Found in the practices of one NSAG in Europe.
131. Found in the reported practices of several NSAGs in Africa and Asia.
132. Found in the reported practices of one NSAG in Asia.
133. Found in the practices, reported practices and doctrine of some NSAGs in Africa and Africa and Asia.
134. Found in the reported practices of several NSAGs in the Americas.
135. Found in the practices of several NSAGs in Asia.
136. Found in the reported practices of one NSAG in Asia in the 2000s.
137. Found in the practices and reported practices of several NSAGs in Africa and Asia.
138. Found in the reported practices of several NSAGs in Africa and Asia.
139. Found in the reported practices of several NSAGs in the Americas.
140. Found in the reported practices of several NSAGs in Africa and Asia.
141. Found in the reported practices of several NSAGs in Africa and in Asia.
142. Found in the reported practices of one NSAG in Africa.
143. Found in the practices of one NSAG in Asia.
144. Found in the reported practices of several NSAGs in Africa and Asia.
145. Found in the reported practices of one NSAG in Asia.
146. Found in the reported practices of several NSAGs in Africa.
147. Found in the practices of several NSAGs in the Americas.
148. Found in the practices and reported practices of several NSAGs in Africa and Asia.
149. Found in the reported practices of several NSAGs in Africa and Asia.
150. Found in the practices of one NSAG in Africa.
151. See: ICRC, *Missing persons and their families: Recommendations for drafting national legislation*, ICRC, Geneva, 2023: [https://www.icrc.org/sites/default/files/document/file\\_list/missing-persons-and-families-icrc-eng.pdf](https://www.icrc.org/sites/default/files/document/file_list/missing-persons-and-families-icrc-eng.pdf).
152. The ICRC's commitment to confidentiality is not unconditional. The purpose of, and justification for, this commitment derive from the quality of the dialogue that the organization maintains with the authorities and from the humanitarian impact achievable through bilateral, confidential communication. In exceptional and serious circumstances, if the ICRC has exhausted all other options and has got nowhere, it may decide to make its concerns public. The ICRC does this if it is convinced that it is the only way to improve the humanitarian situation. See: ICRC, "Action by the International Committee of the Red Cross in the event of violations of international humanitarian law or of other fundamental rules protecting persons in situations of violence", *IRRC*, No. 858, June 2005, pp. 393–400.
153. ICRC, "The ICRC data protection framework", 2 June 2020: <https://www.icrc.org/en/document/icrc-data-protection-framework>.
154. Found in the practices and reported practices of several NSAGs in Africa and Asia.
155. Found in the practices of several NSAGs in Europe and Africa. For a public reference, see: Government of the Republic of the Philippines and MILF, *Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the GRP-MILF Tripoli Agreement on Peace of 2001*, 2001, Article IV(4): [https://www.peaceagreements.org/media/documents/ag401\\_563210d76c6f4.pdf](https://www.peaceagreements.org/media/documents/ag401_563210d76c6f4.pdf).
156. Found in the reported practices of several NSAGs in Africa, Asia and Europe.
157. Found in the reported practices of several NSAGs in Asia and Europe.
158. Found in the practices of several NSAGs in Asia and Europe.
159. Found in the practices and reported practices of several NSAGs in Africa, the Americas and Europe.
160. Found in the practices of several NSAGs in Europe.

161. Found in the practices of several NSAGs in Africa and Europe.
162. Found in the doctrine of one NSAG in Asia. For a public reference, see: Hezb-i-Islami, *Monthly Bulletin, Communiqué on International Humanitarian Law*, October 1988, found in practice collected for the ICRC Study on Customary IHL, Rule 117: <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule117>.
163. Found in the practices and reported practices of several NSAGs in Europe.
164. Found in the practices and reported practices of several NSAGs in Europe.
165. Found in the practices and reported practices of several NSAGs in Africa.
166. Found in the practices of one NSAG in Asia.
167. Found in the practices of several NSAGs in all parts of the world.
168. Found in the reported practices of several NSAGs in Africa. For a public reference, see: Geneva Call, *Deed of Commitment under Geneva Call for the Protection of Children from the Effects of Armed Conflict*.
169. Found in the practices of several NSAGs in all parts of the world.
170. Found in the practices of several NSAGs in Europe.
171. Found in the practices of several NSAGs in the Americas.
172. Found in the reported practices of several NSAGs in Asia and Europe.
173. Found in the practices and reported practices of several NSAGs in Africa, Asia and the Americas. For public references, see: ICRC, “Colombia: ICRC Returns Assembly Members’ Bodies to Families, 10/09/2007”, News Release 07/98, 10 September 2007; Reuters, “Red Cross hands over 11 bodies in Colombia probe”, Reuters, 9 September 2007.
174. Found in the practices and reported practices of several NSAGs in Africa, Asia and the Americas.
175. Found in the practices of several NSAGs in Europe, Asia and the Americas.
176. Found in the practices of one NSAG in Europe.
177. Found in the reported practices of one NSAG in Asia.
178. Found in the practices of several NSAGs in the Americas.
179. Found in the practices of one NSAG in Europe.
180. Found in the practices of several NSAGs in Asia, Africa and the Americas.
181. Found in the practices and doctrine of several NSAGs in Africa, Asia and the Americas. For public references, see: P. Bongard, “The National Movement for the Liberation of Azawad (Mouvement National de Libération de l’Azawad, MNLA), Mali”, in Geneva Academy *et al.* (ed.), *From Words to Deeds*, 2021, p. 15; ICRC, *Safeguarding the Provision of Health Care: Operational Practices and Relevant International Humanitarian Law concerning Armed Groups*, ICRC, Geneva, 2015, p. 58: <https://www.icrc.org/en/publication/4243-safeguarding-provision-health-care-operational-practices-and-relevant-international>.
182. Found in the practices and reported practices of several NSAGs in Africa and Europe.
183. Found in the practices and doctrine of several NSAGs in Africa and Asia. For public references, see: P. Bongard, “The National Movement for the Liberation of Azawad (Mouvement National de Libération de l’Azawad, MNLA), Mali”, in Geneva Academy *et al.* (ed.), *From Words to Deeds*, 2021, p. 30; ICRC, “Mali: ICRC Visits Detainees in the North”, News Release 12/160, 31 July 2012.
184. Found in the practices of several NSAGs in Africa.
185. This practice is common in ICRC visits to NSAG places of detention in all parts of the world.
186. Found in the practices and doctrines of several NSAGs in Africa and Asia; for public references, see: P. Bongard, “The National Movement for the Liberation of Azawad (Mouvement National de Libération de l’Azawad, MNLA), Mali”, in Geneva Academy *et al.* (ed.), *From Words to Deeds*, 2021, p. 30; ICRC, “Mali: ICRC Visits Detainees in the North”, 31 July 2012.
187. Found in the practices of several NSAGs in Africa and Asia.
188. Found in the reported practices of several NSAGs in Europe and Africa.
189. Found in the practices of several NSAGs in all parts of the world.
190. While many NSAGs do not make ICRC visits conditional on their adversary also permitting such visits, some NSAGs have done so. This practice was observed among several NSAGs in Africa, Asia and Europe.
191. For details of the legal framework governing National Information Bureaux under IHL, see ICRC, *Overview of the Legal Framework Governing National Information Bureaux*, ICRC, Geneva, 2022: <https://www.icrc.org/en/publication/4616-overview-legal-framework-governing-national-information-bureaux>.
192. Common Article 3 recommends that parties to non-international armed conflicts conclude such agreements: “The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention”.
193. UN Security Council, Resolution 2474 (2019), UN Doc S/RES/2474 (2019), 11 June 2019, paras 9 and 10.
194. Found in the practices of several NSAGs in Asia.
195. See, for instance, the work of the Corporación Humanitaria Reencuentros: <https://corporacionreencuentros.org/>.
196. See, in particular, Rules 150, 151, 158 and 159 of the ICRC Study on Customary IHL.

197. UN Security Council Resolution 2474 (2019), paras 14–16. See also: ICRC, *Guidance for mediators on addressing the fate of missing persons*, ICRC, Geneva, 2024, p. 8: <https://www.icrc.org/en/publication/guidance-mediators-addressing-fate-missing-persons>.
198. UN Security Council, Resolution 2474 (2019), para. 15.
199. See, for example: Government of the Republic of the Philippines and NDFP, *Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines*, 1998, Part IV, Art. 4(9); Government of Colombia and FARC–EP, Joint Communiqué No. 62, Havana, 17 October 2015: <https://www.peaceagreements.org/agreements/1368/>. During the peace negotiations between the Government of Colombia and the former FARC–EP, both parties committed to implement immediate confidence-building measures to support the search for, and the location, identification and dignified return of, persons missing in connection with the armed conflict and formally requested the ICRC to address this.
200. See, for example: Yemeni parties and the Arab Coalition Representative, *Agreement for the exchange of prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest*, Yemen, 2018, Principles 1, 2, 5, Implementation Mechanism, para. 8: <https://unmha.unmissions.org/prisoner-exchange-agreement>.
201. See, for example: Government of the State of Israel and the Palestine Liberation Organization, *Agreement on the Gaza Strip and the Jericho Area*, Cairo, 1994, Art. XIX: <https://www.un.org/unispal/document/auto-insert-185298/>; Federal Republic of Yugoslavia and Republic of Croatia, *Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia*, Yugoslavia, 1996, Art. 6: <hr20rs960823agreementnormalizationrelationsyugoslaviacroatia.pdf>; Yemeni parties and the Arab Coalition Representative, *Agreement for the exchange of prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest*, 2018, Implementation Mechanism, paras. 1, 2.
202. See, for example, Yemeni parties and the Arab Coalition Representative, *Agreement for the exchange of prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest*, 2018, Implementation Mechanism, para. 9; Government of the Russian Federation and Government of the Chechen Republic of Ichkeriya, *Protocol of the Meeting of the Working Groups, Formed under the Negotiations Commissions, to locate Missing Persons and to Free Forcibly Detained Persons*, Nazran, 1996, paras. 1, 5: <https://peacemaker.un.org/sites/default/files/document/files/2024/05/ru960610protocol20of20the20meeting20on20missing20and20detained20persons.pdf>.
203. The establishment of such a working group was also discussed (but not concluded) with one NSAG in Asia. For public references of other agreements, see: Government of Colombia and FARC–EP, *Acuerdo Final Para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*, Colombia, 2016: <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=79893>; The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, *The General Framework Agreement for Peace in Bosnia and Herzegovina*, Bosnia and Herzegovina, 1995, Annex 7, Art. V: <https://www.osce.org/files/f/documents/e/o/126173.pdf>.
204. All these aspects are included in agreements involving several NSAGs in Europe.
205. See, for example, Government of the Russian Federation and the Government of the Chechen Republic of Ichkeriya, *Protocol of the Meeting of the Working Groups, formed under the Negotiations Commissions, to locate Missing Persons and to Free Forcibly Detained Persons*, 1996, para. 6; Yemeni parties and the Arab Coalition Representative, *Agreement for the exchange of prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest*, 2018, Implementation Mechanism, para. 10.
206. See, for example, Socialist Federal Republic of Yugoslavia, Republic of Croatia, Republic of Serbia, Yugoslav People's Army and ICRC, *Plan of Operation for the Joint Commission to Trace Missing Persons and Mortal Remains: Rules of Procedure and Plan of Operations*, Pècs, 1991.







### Mission

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 armed conflict and other situations of violence and to provide them with assistance. The ICRC 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 Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.



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