THE FORENSIC HUMAN IDENTIFICATION PROCESS: AN INTEGRATED APPROACH
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In 2018, the Forensic Unit of the International Committee of the Red Cross (ICRC) set up several working groups attended by unit representatives and members of the Forensic Advisory Board (FAB), a group of experts with extensive experience in forensic science and its application to humanitarian issues. One of these working groups focused on revising the 2009 edition of the ICRC document *Missing People, DNA Analysis and Identification of Human Remains: A Guide to Best Practice in Armed Conflicts and Other Situations of Armed Violence*. During this review process, it became clear that the concepts and structure of the document did not reflect the latest developments in forensic science, the integrated approach to searching for and identifying missing persons, or relevant interactions between forensic and investigation teams and families. It was therefore decided to develop a new publication, which would draw on lessons learned from the Forensic Unit’s operations – and on the work of other agencies and organizations involved in missing person investigations – over the past couple of decades. The result is this guide, which is intended to serve as a clear reference to support the implementation of search for missing persons and human identification programmes. It is a revised, condensed version of an in-depth article published in a forensic science journal. It sets out the basic principles and minimum standards that apply to the identification process aiming at clarifying the fate and whereabouts of people who are missing as a result of armed conflict, other situations of violence or disasters, or in the context of migration.

This document does not provide detailed guidance on what action to take once the preliminary investigation phase suggests or supports the hypothesis that the missing person is alive. However, this initial phase is essential in determining, excluding and/or confirming the hypothesis of location and of identity of the missing persons who have died. The structure and content of this guide follow the sequence of steps from the moment the case is registered (be it as a missing person or as an unidentified individual). It therefore covers the relevant investigative actions, with an emphasis on the identification process.

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1. INTRODUCTION

Uncertainty about the fate and whereabouts of a missing relative can have a direct effect on all members of the family unit and, in some cases, on an entire community. Most families will continue to search for their loved one until all avenues have been explored and until they receive valid and reliable information on their fate and/or whereabouts.

Operations by mandated entities generally focus on the recovery and individual identification of human remains. Yet the reality is much more complex – especially in disasters, migration scenarios, armed conflict and other situations of violence, where it is not possible to assume in the first instance that the person is alive or dead and where, in the event of death, the remains are located. Indeed, for some it is possible that the remains will never be found or returned to their family. Not all missing persons are dead and not all searches for deceased persons result in finding a body. There is still, however, a need to carry out a process leading to the clarification of the fate and whereabouts of the missing. By default, all missing person cases should remain open or the family’s wishes should be otherwise followed until the person is found alive or dead, until the remains of the dead are located, identified and, where possible, returned to their family, and until the death is certified.

The effective search for the missing and the identification of persons, alive or dead, are core components in prevention and in resolving the issue of missing persons. The identification of persons in any context – in routine cases or in large-scale events such as armed conflict and other situations of violence, disasters and migration scenarios – is intrinsically linked to all the other steps in the search process. Reliable identification is essential for legal, administrative and humanitarian reasons, including providing answers to families.

Despite the growing literature on this field in the form of guides, manuals, scientific papers, action protocols, standard operating procedures and others, there is still a lack of documentation and publications describing the search as a process that includes different steps based on scientific methods and investigative principles. The preliminary actions and context analysis steps of the search process are an essential part of the identification of individuals, and as such should be considered within overall identification efforts.

There are many examples at the international level of efforts made by states, international organizations, non-governmental organizations (NGOs) and civil society in the search for and identification of missing persons resulting from diverse and complex contexts. However, in most cases, the search process (including the identification of individuals) has exceeded local capacities, and it has proven inadequate at ensuring...
a coordinated, integrated, multidisciplinary and very often multi-agency response as required. And in identification programmes, it can often prove challenging to appropriately integrate the initial phases of the search process into identification efforts, which adversely effects the outcome of identifications.

Much of the existing ICRC documentation and scientific literature on human identification provides useful information and recommendations for the location, recovery, examination and identification of human remains, including collection of ante-mortem and post-mortem data for identification purposes and the use of certain scientific techniques. However, less guidance is available on searching for and identifying living missing persons, and on searching in scenarios in which there may not be bodies. The notion that forensics refers only to the recovery, management and identification of human remains is overly narrow. Instead, it should be understood that forensic sciences and investigative techniques play a vital role in all steps involved in finding people who are reported missing or who are unidentified, irrespective of their possible fate – and specifically in the preliminary investigations and context analysis phases, which are essential parts of the identification process.

It is therefore necessary to revise traditional concepts and to expand the information that needs to be considered within the search and identification process. Doing so will support better investigations and help to reliably identify the missing in any state (dead or alive) and in any scenario (with or without bodies), while emphasizing the necessary integrated, multidisciplinary and very often multi-agency approach of the processes.

In light of the above, the main objectives of this document are:

- to set out the basic principles and minimum standards that apply to the process of identifying missing persons, with a focus on large-scale events and regardless of the nature of the investigation (humanitarian, criminal or other)
- to describe the main requirements to ensure effective articulation, communication and coordination between different levels of response (political, organizational and operational) and the involvement of concerned families, with clear roles and responsibilities
- to provide key aspects that must be included when implementing programmes aimed at clarifying the fate and whereabouts of missing persons in given contexts.

This document does not purport to be a thorough or detailed protocol or instruction manual on forensic and investigative techniques. Rather, it is designed as guidance with the main purpose of unifying and clarifying key concepts and providing recommendations to manage the process of investigating and identifying missing persons in a holistic way – one that properly considers the participation of families and is applicable to both single cases and complex contexts.

The document is intended for all those involved in the investigation and identification of missing persons irrespective of their fate (alive or dead) and their possibilities for location: forensic and health practitioners, investigators, judicial operators, the police and other law enforcement authorities, military personnel, disaster managers, decision makers and policymakers, commissions on missing persons, administrative authorities, international organizations, NGOs, civil society and more.

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7 For the purpose of this document, the term “investigation(s)” encompasses all actions involved in the preliminary steps of the missing person search and identification process, including searching for, recovering and identifying human remains. It includes, but is not limited, to the collection and analysis of information, from various sources and in different formats, required for determining the course of action in the search process, for identification purposes and, in the case of deceased individuals, for issuing the death certificate.
2. THE INTERNATIONAL LEGAL FRAMEWORK

International law – especially international humanitarian law (IHL) and international human rights law (IHRL) – contains obligations related to the missing and the dead. This section does not cover all IHL and IHRL rules relevant to this issue, but rather aims to outline legal obligations relevant to the search for and identification of missing persons and to the rights and needs of their families (including their participation in the search process).

2.1. INTERNATIONAL HUMANITARIAN LAW

IHL is a set of rules that applies to international and non-international armed conflicts. It includes rules that seek to prevent people from going missing as a result of armed conflict and to clarify the fate and whereabouts of those who do. Notably, IHL requires parties to the conflict to take all feasible measures to account for persons reported missing as a result of armed conflict and to provide their family members with any information they have about their fate.

IHL also requires that the dead be respected and protected during international and non-international armed conflicts. It requires that parties to the conflict take all possible measures to search for, collect and evacuate the dead without adverse distinction. They must also record all available information before disposing of them and mark the location of the graves, with a view to identification. Identification is an obligation in terms of means: in other words, parties must do all they can with all means available to them. IHL also contains rules to ensure that the bodies of those who have died during armed conflict are properly handled and their dignity protected. Under IHL, parties to an armed conflict must endeavour to facilitate the return of human remains to families upon their request.

IHL also establishes an obligation to investigate serious violations of IHL (or “war crimes”) and, if appropriate, to prosecute the suspect(s).

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11 Ibid.

12 For further information on this point, see “penal repression” at: ICRC, “National Implementation of IHL: Documentation”: https://www.icrc.org/en/war-and-law/ihl-domestic-law/documentation#penal. Under IHL, enforced disappearances are not specifically listed as grave breaches or other serious violations of IHL. However, when an act of enforced disappearance amounts to one of the grave breaches listed in the Geneva Conventions of 1949 and Additional Protocol I (e.g. torture, inhuman treatment, wilfully causing great suffering or serious injury to body or health, and taking of hostages), it must be investigated, and those allegedly responsible must be prosecuted as required by the grave breaches regime. Furthermore, under customary IHL, serious violations of IHL, whether committed in international or non-international armed conflicts, constitute war crimes. See: ICRC, “Customary IHL Database”, Rule 98 (Enforced Disappearance): https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule98; Idem, Rule 156 (Definition of War Crimes): https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule156; Idem, Rule 158 (Prosecution of War Crimes): https://ihl-databases.icrc.org/customary-ihl/eng/docindex/v1_rul_rule158.
The right of families to know the fate and whereabouts of their missing relatives is enshrined in Protocol I additional to the Geneva Conventions. Article 32 establishes a general principle by which, in international armed conflicts, states parties, parties to the conflict and humanitarian organizations “shall be prompted mainly by the right of families to know the fate of their relatives”. Moreover, under customary IHL, each party to an international or non-international armed 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”. As noted in the explanation to Rule 117 in the ICRC’s study on customary IHL, “[p]ractice indicates that this rule is motivated by the right of families to know the fate of their missing relatives”.

### 2.2. INTERNATIONAL HUMAN RIGHTS LAW

IHRL contains rules and standards on preventing people from going missing and on clarifying the fate and whereabouts of those who do, as well as on the treatment of the dead. The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) is the first universal treaty to include specific obligations for states parties to prevent and protect against enforced disappearance. In the case of alleged enforced disappearance, states must take all appropriate measures to search for, locate and release disappeared persons, including the dead, as well as to investigate acts of enforced disappearance and bring those responsible to justice. It also provides that states parties shall afford one another the greatest measure of mutual assistance with a view to exhuming, identifying and returning the remains of the dead. Finally, states parties must take appropriate measures to uphold the victims’ right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation, and the fate of the disappeared person.

Other than on the matter of enforced disappearance, human rights treaties do not contain detailed provisions dealing specifically with missing persons or the treatment of the dead. However, several provisions contained in these treaties have been interpreted by United Nations treaty bodies and regional courts as giving rise to obligations relevant to missing persons, including on clarifying their fate and whereabouts, as well as requiring states to comply with certain obligations relating to the dead and the rights of their relatives. Under IHRL, states can be held responsible for failing to uphold:

- the right to life
- human dignity
- the prohibition of torture, cruel, inhuman or degrading treatment or punishment
- the prohibition of enforced disappearance
- the right to private and family life
- the right to an effective remedy.

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14 Ibid.
16 ICPPED, Art. 24.
17 ICPPED, Art. 15.
18 ICPPED, Art. 24.
19 The relevant provisions can be found in several international human rights law instruments, such as the 1948 Universal Declaration of Human Rights (UDHR), the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the 2006 International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), as well as in various regional treaties such as the 1950 European Convention on Human Rights (ECHR), the 1969 American Convention on Human Rights (ACHR) and the 1986 African Charter on Human and Peoples’ Rights (AfCHPR).
Notably, the right to life imposes a procedural duty for states to carry out an effective investigation on unlawful or suspicious deaths that occur within their jurisdiction.20

Finally, based on the right to an effective remedy and the obligation of public authorities to carry out an effective investigation into the circumstances surrounding a disappearance or other gross violations of human rights, human rights bodies and regional courts have also recognized a right to the truth.21

### 2.3. INTERNATIONAL DISASTER RESPONSE LAW

Beyond IHRL and IHL, international disaster response law also includes a number of “soft–law” instruments related to forensic activities and the management of the dead. The 2011 *Humanitarian Charter and Minimum Standards in Humanitarian Response*, published by the Sphere Project, sets out a number of universal minimum standards for disposing of dead bodies in a manner that is dignified, culturally appropriate and based on good public–health practice.22 The Sphere Project also provides guidelines for handling the remains of the dead following a natural disaster. During armed conflict, however, IHL rules on the management of the dead will apply and take precedence.

### 2.4. TRANSLATING INTERNATIONAL LAW INTO PRACTICE

National implementation23 of these bodies of international law is a necessary step to ensure that the missing and the dead are searched for and that their families receive proper answers about what has happened to their relatives. As such, implementing international law involves working on the adoption or reform of laws, policies, administrative regulations and other texts, as well as taking measures to ensure these rules are applied in practice. Doing so will allow for the adoption of comprehensive national legal and policy frameworks to address the issue of missing and dead persons, and for the development of appropriate processes with clear mandates and capacities (including for search and identification) that meet the needs of their families.

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20 It is important to note, however, that these obligations only come into play when the death was the result of a potential violation of human rights. Indeed, under IHRL, the right to life imposes on states a procedural duty to investigate unlawful or suspicious deaths which are within their jurisdiction. See: United Nations Human Rights Committee, “General comment No. 36 on the International Covenant on Civil and Political Rights” (CCPR/C/GC/36), 3 September 2019, paragraphs 27–29: https://undocs.org/CCPR/C/GC/36.


3. GENERAL PRINCIPLES

The following key concepts and principles on the investigation and identification of missing persons apply in all circumstances in which people go missing and to all categories of cases. They are not legal in nature: they are based on the requirements of the scientific methods and investigative techniques that need to be applied to the process. While the exact procedures will depend on the approach applied in each case, these key concepts and principles remain relevant in all cases. And more importantly, they help to ensure that families are properly included and kept informed throughout the process.

a. The search and identification processes combine several interrelated steps leading to the clarification of the fate and whereabouts of a missing person or an unidentified person (alive or dead).

b. In a generic sense, and for the purposes of this document, “fate” refers to the state or condition of the person (alive or dead), while “whereabouts” relates to the person’s journey and the circumstances that led to that state (fate) and location.

c. The search for missing persons involves a series of steps aiming at tracking and reconstructing, in retrospect, their journey to determine with a degree of certainty or confidence their fate and whereabouts.

d. Information on a missing person’s whereabouts can help to infer their fate. However, to determine with certainty the fate of a missing person, it is necessary to identify them. (Identification is also required to issue a death certificate, which legally confirms the death of a person.)

e. The outcome of the process does not necessarily imply actually finding the individual or a body. It is possible to infer the fate of a missing person through investigation, or even to technically identify the person with confidence without physically accessing an individual or a body. Discussions around resolving missing person cases need to incorporate these scenarios and take a broad approach.

f. The identification phase is also of an investigative nature. In this phase, information collected from different sources is used to reconstruct the missing person’s journey and arrive at the resulting conclusions. Preliminary investigation and context analysis are fundamental aspects of the process. This includes collecting, evaluating and analysing information, and making hypotheses (such as on the missing person’s location or possible fate, or on the identities of located human remains) that will determine the next course of action.

g. Any methodological approach to searching for the missing must be based on the principle that, unless there is reliable information or evidence, the person’s fate is still uncertain and it should not therefore be assumed that they are dead.

h. Search and identification is a dynamic process. It should not be thought of as one-directional or as a linear sequence of phases, but rather as a process in which information is constantly analysed and cross-checked, and in which consideration is given to the outcome at each step. This then feeds back into ongoing activities, helping to establish what additional actions may be required.

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i. The complexity of the search and identification process depends on a variety of factors, including the circumstances of the case, the applicable legal frameworks and available institutional capacities.

j. The identification of an individual is a comparative exercise. It is not possible to reach a conclusion without comparing information coming from both the person being searched for (including the circumstances in which the person went missing) and the person/body whose identity is to be confirmed (including the circumstances of their finding). The quality, quantity and availability of this information have a direct impact on the identification. For this reason, information collected from both datasets should be equivalent, without prioritizing one to the detriment of the other.

k. Identification is the result of a process that includes collection, analysis and comparison of information, rather than a result of using a given technique (such as a laboratory test). The outcome of this process may also include the exclusion of identity.

l. Information should be compared as independent lines of evidence; each will include comparable data from different sources to confirm or refute a hypothesis formulated during the identification process.

m. Even in simple cases, the identification must involve several lines of evidence rather than relying solely on a single technique (such as fingerprints, dental records or DNA). The type and number of lines of evidence will depend on the context and complexity of the case. Assessing lines of information is a specific step in the process and has specific requirements in terms of the knowledge, background and experience of the human resources involved in this step.

n. A conclusion should be reached by considering all datasets without discriminating against any and by systematically reviewing not only what appears to match in similarities but also proactively seeking to find discrepancies, both explainable and unexplainable. In this sense, the process of identification requires access to and analysis of all information available on a given case.

o. In cases where it might not be possible to issue an identification report (such as in the absence of a physical individual or human remains), all available information should be used to establish the person’s fate and likely whereabouts based on circumstantial evidence. If the person is dead, this information can be used to issue a death certificate.

p. The act of correctly allocating a name to a person after the identification process per se is only one part of providing information to families. The retrospective reconstruction of the circumstances leading to the fate and whereabouts of a person is also an essential part of the identification process – not only to complete the final identification, but to inform families about the circumstances of their relative’s disappearance or death. It is therefore critical to ensure that efforts to clarify both these components – fate and whereabouts – are properly addressed. And it is equally important to include families in the process and to keep them informed at regular intervals, regardless of the outcome of the search.

q. As well as being direct beneficiaries of the response, families are also a source of essential information that can help to identify the dead, including the names and physical descriptions of missing relatives, and biological samples.

r. The families/relatives of missing persons (and the community at large) should be properly involved in the search process, and should be regularly informed of developments and decisions taken. The rights of families to justice, truth and reparation cannot be fulfilled unless they have clear information about

26 In this document, “evidence” refers to the information obtained from the processing of information and/or materials using scientific/criminalistic methods and expressed in a written report, usually in the form of conclusions. It should not be given any judicial or probatory value connotation within a criminal accountability investigative process, but a scientific identifying and individualizing value as explained in this document.
the circumstances of disappearance, the identification details and, if the person has died, the cause, manner and circumstances of their death.

s. The identification process must follow a scientific method and adhere to basic criminalistics and forensic sciences principles in order to improve the rate of success and guarantee the reliability of the results. This applies regardless of the purpose of the investigation (criminal proceedings or otherwise). Aspects such as documentation and preservation of evidence, chain of custody and quality assurance are vital to achieving a successful outcome, and will also help to build trust between families and the other parties involved.

t. Any decision on identification forms part of a process that is logical and objective, but also holistic and comprehensive. The process should also be multidisciplinary, objective, integrated, exhaustive, inclusive, multi-agency-coordinated, and able to withstand peer review/auditing.

u. Given its multidimensional nature, the identification process requires dynamic, multi-factorial and articulated dialogue throughout the investigation. This facilitates the decision-making process, including by ensuring that families have the information they need to make informed decisions.

v. Large-scale events require a comprehensive mechanism, in which protocols need to be adapted to properly address key challenges such as overwhelmed structures, weak information management systems and, in some cases, sometimes transnational exchanges. The scientific, criminalistic and investigative principles of the identification process – including the preliminary investigations and context analysis phases – should be adhered to at all times, and families should be appropriately involved.

w. Roles and responsibilities should be assigned according to the knowledge and skillsets of the parties involved, and in a manner consistent with the mandate of the relevant entities and/or the ultimate goal of a given project. Doing so will allow forensic experts, police investigators and other authorities (such as the judiciary) to coordinate their actions in an optimal, transparent, effective and efficient manner. Coordination, communication and information-sharing are vital to ensuring effective outcomes.

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4. THE IDENTIFICATION PROCESS

4.1. DEFINITIONS

While there is no legal definition of a “missing person” under international law, the ICRC understands missing persons as individuals of whom their families have no news and/or who, on the basis of reliable information, have been reported missing as a result of an armed conflict – international or non-international – or other situations of violence, or any other situation that may require the involvement of a competent state authority (including disasters and migration scenarios).

For the purposes of this guide, there are two broad categories:

- **missing persons** (identities without bodies): The identity of the person is known (from a list of names of missing persons) but their fate and the whereabouts are unknown.

- **unidentified persons** (bodies without identities): The person (alive or dead) is physically present but their identity is unknown. Normally, a dead body is not legally considered to be a “person” but the term as used here is inclusive of both living and deceased individuals. In many contexts, a distinction is made between unidentified persons, “unidentified decedents” and “unidentified human remains”. For the sake of simplicity, the term unidentified person will be used throughout this guide regardless of the person’s status.

This guide also introduces two concepts that mark a departure from conventional thinking. In the past, the term “ante-mortem” referred to all information relating to missing persons, and the term “post-mortem” referred to all the information relating to unidentified human remains. Yet these terms are restrictive and not suitable for all scenarios, meaning that their generic use is not appropriate in all cases. Not all missing persons are dead, so “ante-mortem” (i.e. before death) is not appropriate. The term can incorrectly imply death without any evidence, and it is usually painful, even offensive, to relatives. Likewise, not all unidentified persons are dead, since there are frequent cases in which living people require their identity to be proven (such as undocumented individuals, infants and children stolen or separated from their families, unaccompanied children in migration or mass-disaster scenarios, people requiring treatment for an illness or after a trauma, detainees in clandestine detention centres). Therefore, “post-mortem” (i.e. after death) is also too narrow and generic.

In keeping with the missing person/unidentified person distinction explained above, the following two terms will therefore be used throughout this guide:

- **missing person data**: This replaces the traditional term “ante-mortem data”.

- **unidentified person data**: This replaces the traditional term “post-mortem data” when referring to individuals (alive or dead) whose identity is unknown (post-mortem data are only one part of this broader category when reliable proof of death has been confirmed).

“Identification” could be defined as “the individualization of a person to determine who they are”. This can be applied to living persons as well as to human remains (in any state of preservation) when their identity is unconfirmed or unknown and implies the allocation of the correct name/identity to an unidentified person. Identification is achieved through the process of comparison of information. It is necessary to deconstruct the concept of identification frequently used, in a narrow sense, as a synonym of the technique applied to reach the conclusion (e.g. genetic identification or dental identification), and to adopt a broader comprehensive, holistic, integral and multidisciplinary approach.
“Identity” refers to the relationship between a name and a physical body. But it also encompasses the social ties that bind a person to a place, a time and, most importantly, to other people.\textsuperscript{29} In this sense, the identification process should consider not only the technical challenges, but also the political and social complexities and their meaning.

In establishing the identity of an unidentified person (alive or dead), there are several levels of recognition:

1. The **technical and legal level** (as mentioned above), where the individualization and correct name of the person are attributed. This is the initial act of recognition and reattaches the individual identity to a body (alive or dead, physical or documentary).
2. The **family level**, in which the relatives accept (or reject) the evidence of identification of the missing person.
3. The **community/social level**, i.e. the collective recognition of the missing and their identification.

Without credibility, legality and legitimacy at all levels, the identification will be seriously challenged. It is necessary to build trust and ensure the legitimacy of the operations, not only for the families themselves but also for communities and civil society as a whole.\textsuperscript{30} Establishing appropriate interaction between families and relevant entities, encouraging the proper involvement of families and regularly keeping them informed about the process and results helps to build a trusting environment that facilitates communication and understanding and, therefore, acceptance of the identification results.

### 4.2. STRATEGY

The strategy employed in a specific operation will depend on the scenario considered. Even though the methodology is based on key concepts and principles, the procedures will need to be adapted to the context, the type of case, its magnitude, its complexity and the time of intervention, as well as to context–specific patterns or trends. Examples include:

- international and non–international armed conflicts
- other violence
- disasters, including those with mass fatalities
- migration
- a combination of the above.

The practices set out in this document may also be useful in situations not specifically listed here, such as in cases of femicide, human trafficking, routine missing person and death cases.

In addition to the above, of the following key considerations should be taken into account when adapting procedures and implementing processes aiming at the identification of missing persons:

a. The strategy used to conduct an investigation and its feasibility depend on the **moment in time** in which it is carried out and the most pressing interventions (e.g. priority to preserve life immediately after a missing person disappears versus the need to preserve a mass grave site as an objective, years after an armed conflict has ended). Time–related challenges differ in recent cases versus an enquiry into events that happened in the past. But they include common aspects such as security (of all those involved, including persons of interest and families); mobility (geographically speaking) of persons of interest; access to witnesses, alleged perpetrators and/or missing persons' relatives; the quality of the available information about the missing persons and/or unidentified bodies; the political context; motivations; altered landscapes, revitalization or development of affected areas; possible changes of burial sites; and the availability of human remains.


b. Another factor that influences the methodology is whether investigations are carried out as part of national operations (i.e. involving one country only) or international operations (i.e. involving more than one country), as this may incorporate different governmental and non-governmental coordination components. This situation is evident, for example, in the location and identification of missing migrants where it is necessary not only to implement a national search system, but also to develop transnational coordination mechanisms. The same applies to mass-disaster incidents such as plane crashes, or to other disasters where foreigners may be included among the dead.

c. Determining the scale or magnitude of the case to be investigated is fundamental to adjusting procedures during the planning and implementation phases. For this purpose, it is necessary to quantify, as accurately as possible, the number of missing persons and/or deceased resulting from the event(s). The challenge (and starting point) is to compile a list of names that is as exhaustive as possible, and that is centralized, unified and coordinated among the institutions or organizations involved in the investigation. Few countries have the economic and structural capacity to address large-scale events and can be further overwhelmed by the magnitude or complexity of a case when they lack a pre-established and well-implemented contingency plan. The local capacity to respond to large-scale events, including existing regulations, available alternative infrastructure and extra human resources, needs to be evaluated so that a contextualized strategy can be developed.

d. Another factor to consider is the categorization of the case, which is based on the availability of confirmed information about the victims and their identity. A case will be categorized as closed if the number of victims of a specific event is known and if there is a list of the alleged individuals that may be related to the event in question. It will be categorized as open when there is no such list, which will greatly affect the complexity of the case and the specific requirements in terms of methodology. The classic example of a closed population event is plane crash, in which the list of the presumed deceased is available via the flight manifest. When conducting search operations, forensic practitioners and other entities are usually faced with mixed or semi-closed contexts, in which the identity of some but not all missing persons is known, or in which there is a partial list of possible individuals or identity hypotheses. An open population event may involve single or multiple incidents in which an unknown number of individuals are affected and for which there is no presumed list of names. Multiple incidents may occur over a short period of time or for many years (e.g. armed conflict, other violence or migration scenarios), leading to large inventories of missing persons and human remains requiring reconciliation and identification, hence the open or unknown population dynamic of those that should be included in the investigation. In some events, not all families will report their relatives missing, or may do so to some but not all entities or through other avenues.

e. There are other components to consider that add to the complexity of investigations per se, as well as response-related aspects that will affect strategy development. Event-related factors could include population displacement or separation (at the national and/or international level); voluntary disappearance or voluntary loss of contact; change of identity; biological and socio-economic diversity within the group of missing persons; the conditions/state of preservation of the body (decomposed, commingled, incomplete and/or fragmented, burnt, etc.); subsequent events that may have caused the alteration, relocation and/or mixture of human remains (poor search and recovery techniques, failure to respond in a timely manner to preserve the sites and prevent further damage and compromise by the environment, secondary graves, exhumation, transportation, poor mortuary management practices, lack of body security, deliberate malicious interference, etc.); and access to sources of information (protection of personal information, restricted security information, military files, mobility of witnesses and relatives).

f. Other factors more related to the context and available local capacities include weak or non-existent birth, death and migration registration systems, and inadequate detention and health-care facilities.
g. Lastly, it is important to consider political will in the design and/or implementation of search policies and actions. Political will is often one of the key factors in this regard, and is often directly linked to the availability of funding or budget allocation.

It is common to observe efforts being devoted to collecting genetic samples from missing persons’ relatives and from unidentified persons at the expense of a thorough investigation. Other steps in the investigation and identification procedures that are particularly critical – such as collecting information on events and individuals, and recovering and examining remains in cases of death – are often neglected or left unattended. As a result, there is often a lack of information to reconstruct events and determine the person’s whereabouts, as well as a shortage of comparative data to support or sustain an identification in clarifying their fate.

If the investigation of a case and the identification of missing persons are understood as processes and not as the result of specific techniques, no stage is more important than another. Having incomplete information or delivering poor performance at any stage of the identification process will compromise the ability of other parties to play their part in resolving cases.

The investigation and identification of missing persons are complex procedures requiring a vast number of professionals and, in some cases, involving a long-term operation over several years. The appropriate involvement of families – not only as providers but also as repositories of information – will be beneficial in avoiding uncertainty during the process. This will ensure that they participate as much as possible in the investigation and that the authorities keep them informed. The methodology must therefore adopt a holistic approach: reconstructing the history of an individual from the beginning of their journey to the end, informing and involving families to the extent they so wish at different stages of the search process, and letting go of the commonly held assumption that all missing persons are dead.

4.3. ORGANIZATIONAL STRUCTURE

Since the identification process must consider all possible lines of evidence and information available, it seems logical to recommend that it be performed under a multidisciplinary approach. Each discipline offers the necessary expertise for a comprehensive information-gathering, analysis and reconciliation process. However, it is often the case that multiple institutions or agencies are mandated for different tasks of the same search process. Therefore, a multi-agency approach – with clear roles and responsibilities – should be envisioned so that each step of the process is carried out in an integrated manner.

Ideally, there should be a leading agency (or leading agent) responsible for the overall management of the process, primarily to ensure the above-mentioned requirements are fulfilled. The medico-legal system is usually responsible for identifying missing persons. In the death investigation process, it is also responsible for identifying human remains. Given the nature of human identification and the various stages or steps as explained in this document, different units or subsections will normally have specific tasks and responsibilities according to their main role. The identification coordinator must ensure that the outcome of each step is appropriately integrated into the process, and that information is analysed and reconciled.

In large-scale events or contexts with high number of missing persons/unidentified bodies, and in cases where the state of preservation of bodies challenges the identification process, it has proved necessary to set up special identification units and/or an identification committee – at a governmental or mixed (state-NGO) level – in order to resolve cases in a more integrated and holistic manner. Examples include the Special Forensic Identification Unit, which is part of the Chilean Medical Legal Service, and the Special Investigations Unit, which is part of the British Columbia Coroners Service in Canada.
When developing a missing person and unidentified person investigation strategy and establishing a functional structure, especially in complex contexts or large-scale scenarios, it is important to pay attention to the following items:

- existing (and lacking) legislation, regulations and procedures
- local capacity and expertise (to leverage or build)
- infrastructure and equipment (e.g. mortuaries, cemeteries)
- information management
- family/community needs and services (e.g. support centres).

Appropriate physical and psychological care for the people that carry out the operational work needs to be included in the scope. The well-being of human resources (judicial authorities, forensic staff, etc.) has a direct impact on the outcome of the work, as well as on their interaction with other experts, institutions and, by extension, families. This concept is widely considered among forensic teams and institutions, who can address it through continuous training. Providing care for workers contributes to the professionalism of staff and empowers them to interact with relatives in a precise and respectful manner.

4.4. RELATIONS WITH FAMILIES

Interactions with families during past missing person and/or unidentified person investigations have allowed reflection on the role and responsibilities of judicial operators, investigators and forensic practitioners in supporting these families in the identification process. Multiple experiences in different contexts have enabled experts and other parties to develop and agree on minimum standards of practice. These recommendations and principles, beyond addressing the needs of families, also have a significant impact on the quality and reliability of the work.

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31 A national mechanism such as a commission on missing persons, including national/local family focal points, facilitates interaction and engagement with families.

Families should receive different types of information throughout the process. This right of access also covers forensic information, including the results of the identification process and other potential analyses, technical details, and the limitations that may challenge the outcome of the search process. Institutional difficulties should also be communicated to families transparently. Informing relatives about the work of investigators, including forensic experts, will provide clarity on the ongoing efforts and on operational timeframes; this directly helps to mitigate wrong assumptions and expectations. Experiences of search operations have highlighted that regular meetings between authorities, investigators, forensic experts and families drastically decreases uncertainty and alleviates anxiety, as well as contributing to the acceptance of results. 

The search itself generates great anguish in families and the idea that something may have happened to their loved ones causes enormous suffering. This feeling of not knowing if their loved ones are alive or dead has been referred to by Pauline Boss as “physical ambiguous loss”. It describes how the missing individual is psychologically present within the family but not physically present owing to the unknown proof of death or being alive. It is recommended that the minimum standards of psychosocial support be integrated at the national level into public policies, legal frameworks, and the regulations and procedures of the institutions in charge, for both experts and families. 

When families have no news of the fate and whereabouts of their loved ones, they begin the search on their own. Authorities must mitigate this risk by anticipating this action, as well as other needs and expectations of families, and adapting the legal frameworks and institutional structures so that they meet the families’ evolving requirements, as well as by placing families at the centre of the operation, following applicable international obligations, standards and best practices. Measures must integrate the communities and highlight respect for, and recognition of, the rights of missing persons’ families.

Collecting information about the missing person is a crucial component of the search, adding to the required responsibility to search, follow up and resolve the case. Some family members may require privacy and confidentiality. Others, meanwhile, may ask for the family to be included in reconstructing the biography of their loved ones. Other members of the community may even be involved in this reconstruction work, if cultural customs so indicate. Family members may also request support from legal representatives, forensic experts or other members of family associations to help them understand technical language. The interviews must take place where families feel safe and comfortable to talk, for instance in public or semi-public spaces such as public offices, NGO offices, consulates or universities, or directly in the community. The ability to participate in the process also gives family members the possibility not to participate, including by withdrawing previously provided information such as biological reference samples for genetic analysis.

Aside from information about the missing person, it is important to collect information about the expectations and wishes of the family through the identification process, and to properly inform them of the possibilities and limitations involved, so as not to raise unrealistic expectations.

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4.5. LEGAL ASPECTS

Identification should always be mandatory under the domestic legal framework for the medico-legal investigation of deaths, and not only to establish the cause, manner and circumstances of death. In this way, it should be possible – from a legal and public policy perspective – to identify all citizens. The authorities should have the necessary resources to include, within the medico-legal system, a structure responsible for identifying deceased persons. In the same way, the institutions and structures responsible for identifying deceased persons may build the rights of families into their policies and procedures in such a way their demands are properly attended to and managed. Preventive efforts are also important, such as ensuring that management of the dead and affected families is part of National Emergency Preparedness and Response Plans, which states usually adopt by way of domestic legislation.

Forensic sciences have been considered as a useful tool to support states in meeting their obligations on the identification of missing persons, including for serious violations of IHRL and IHL (e.g. enforced disappearance).

Some forensic investigations, especially those conducted by law enforcement agencies investigating large-scale cases, focus on ascertaining the “categorical identification”\(^\text{35}\) of the individual (such as their ethnicity, religion and biological profile, and the cause and manner of their death). Categorical identification is generally needed for prosecution purposes, except for instance, in cases of genocide, where the identification of single bodies is not necessary to demonstrate that the crime was committed. However, once these attributes have been established, the “individual identification” of the person should be addressed, in order to meet the rights and the needs of the families and the individual.

In law enforcement cases, the identification of an unidentified person requires that all pertinent evidence is collected, documented, analysed and preserved in a manner that will render it admissible to a court. The management of any evidence admitted must withstand the legal test of challenge. Equally, all scientific techniques applied, and the subsequent interpretations derived, must be defensible.

Even in deaths that are not linked to criminal investigations (most deaths are not murders and the associated evidence in non-criminal deaths is not routinely presented in court), the same strict policies and practices should be adhered to in order to ensure that the forensic identification is reliable and that the conclusion is accurate. After all, identification contributes to the resolution of other legal proceedings, provides clarity surrounding the death in response to community safety and security concerns, contributes to vital statistics and, most importantly, meets the needs of surviving families.

The final decision involving an identification is a legal decision. For this reason, it should be made by authorities with competence in the matter (legal identification) and should be supported by a series of lines of evidence, including the conclusions reached at the technical or forensic level and provided in the form of an Integrated Forensic Identification Report (technical identification). In other words, legal identifications are validated by a competent authority based on the technical opinion or decision of experts.

4.6. THE PROCESS

The various stages of the identification process will be presented in the sections that follow. They are represented visually in Figure 2 below. However, as mentioned earlier, the identification process is dynamic and information flows in different directions. In other words, the process cannot be treated as a linear, unidirectional sequence of events.

4.6.1. PRELIMINARY INVESTIGATION AND CONTEXT ANALYSIS

The preliminary investigation and context analysis involve evaluating and analysing all the available information in order to formulate a hypothesis and to establish the next course of action (including collecting additional information). The hypothesis can include, but is not limited to, the possible persons’ identities (lists of missing and/or dead persons), how they went missing (reconstruction of the events since they went missing), and the place in which they may be found (alive or dead). Understanding the context at the moment the person went missing should be inherent to any operation. This can include the political/security situation, the presence of non-state armed groups in the area (for armed conflicts and/or other violence), patterns of disappearance, migration routes, and the original migration purpose and destination.

Information at this stage can be grouped into several categories: written sources, oral sources, audiovisual sources, and social media and cyber-communication sources. While these types of sources will have an impact on the strategy and procedures, information should always be collected and recorded thoroughly, in detail and by trained individuals.

While conducting the search to locate the missing person, efforts to reconstruct their whereabouts will also provide families, communities and societies with an accurate account of the events (i.e. to uphold the right to know, right to truth). It is equally important to consider aspects related to data protection and the “do no harm” principle, especially where families remain in a vulnerable position within bigger state systems. The data protection principles of minimization and proportionality (i.e. only information necessary for the stated purpose is to be processed) should also be considered properly at all levels. Given the possibilities of modern technology – especially social media data – it is likewise important to take all required measures, to ensure prior analysis has been conducted, and to make sure proper governance is in place.

![Figure 2: Visual representation of the different steps in the identification process (arrows reflect the flow of information).](image-url)
During the initial phases, a list of missing persons and/or unidentified bodies should be compiled. Compiling a unified list of missing persons is one of the main challenges in the implementation of large-scale investigations. In the case of unidentified bodies, the existing medico-legal system should be able to draw up a consolidated record of the number of cases after an event. In most open cases, the list of missing persons and/or unidentified bodies might be produced at the same time as the missing person search and identification process is set up. It is unrealistic to expect that a consolidated list will be ready before the process starts; the list of names/figures can be adjusted during the process.

In general, after any event, there are many incomplete lists of victims drawn up by different agencies and institutions, by relatives' organizations and by NGOs, among others. This can cause confusion and errors if a complete list is not centralized or collated and systematically updated. Immediately after a large-scale event, shock and uncertainty as to the whereabouts of loved ones can significantly inflate the number of people reported missing for several reasons, associated mostly with a failure of relatives to positively communicate with their loved ones. But the opposite can also occur when investigations are conducted years after an incident or series of events. Here, the number of missing/dead persons is often underestimated for a number of reasons, including:

- fear of reporting
- mobility
- economic or administrative obstacles
- security concerns
- dispersed populations (migration, diaspora)
- lack of coordination among participating agencies
- a non-existent or vague system for the reporting of disappearances
- politicization of an event
- stigmatization of missing persons’ families
- corruption and fraudulent motivations to report higher numbers of missing and dead.

In contexts of enforced disappearances or migration, the fear of risk of prosecution or incarceration (of the missing person, reporting family member or other family members) may prevent relatives from approaching authorities.

When drawing up consolidated lists, it is essential to have a robust information management system in place. This will not only support centralization and consolidation, but also avoid duplicate cases from being registered. The simple act of misspelling a name can cause a single missing person to be registered twice if reported by two different people, while not differentiating missing persons from their registered relatives in the system could lead to overestimation of the number of entries.

Irrespective of whether the situation is a missing person report or a large-scale event, every person reported as missing should be assigned a **Unique File Number (UFN)**. This is essential for quantification purposes and allows for tracking/traceability of professional management of all associated file material. It also supports effective communication and exchange between investigators, families and agencies, and maintains an established means of managing physical evidence. In short, a UFN ensures that everybody is speaking the same language and referring to the correct case and related information. Even in the case of homonyms with the same date of birth, a UFN means that each individual has a separate file.

This unique number is also important to register kinship when taking biological reference samples (BRS) from relatives for genetic analysis. This is because, in addition to the problems described above, the same sample may have to be used for several missing biological relatives. Consequently, the sample number will be insufficient to refer to each specific kinship. Each BRS, coded with the donor’s unique number, needs to be associated with the missing person through their UFN, also indicating their biological kinship. This will support traceability, ensure that the BRS is correctly linked to the individual, and keep the information confidential when the sample is sent to the genetic lab. Additionally, the UFN should be associated with the person’s status (missing, deceased, survivor, etc.) in order to maximize the possibilities of quantification and traceability.
Having a consolidated list of missing persons, with adequate safeguards and based on the informed consent of those involved, will also help relevant entities know who their relatives are, so that families can be integrated into the search process and follow-up. This will also facilitate the required integrated approach throughout the investigation and identification processes, and help to ensure that families receive appropriate support. If a consolidated list is not part of the preliminary information, it will also inform additional information-gathering aiming in order to understanding other needs (financial, administrative, legal, psychosocial, etc.) that require specific courses of action.

**4.6.2. COLLECTION OF MISSING PERSON DATA**

The information collected in order to clarify the fate and whereabouts of the missing person should be consolidated into a **missing person case file**. This file, which incorporates the person’s biological and social background, represents the minimum set of information that should be collected and stored about the missing person. The file includes missing person data collected from different sources in different formats (oral, audiovisual and written), which will be analysed throughout the investigation and/or compared against the unidentified person data during the identification phase (in the event of death).

An important aspect to consider, when collecting information of any kind, is the fact that the exact type of information and identifying features and other characteristics that will be used in the search and identification process are unknown at the data collection stage. The quantity and quality of the information collected is therefore crucial. No assumptions should be made as to what is “enough” or “unnecessary”, since the value of a piece of information may become clear at a later stage in the process.

As part of the personal background, the standard is to collect as much detailed information as possible, including:

- any official or reliable **identification documentation** of the missing person (such as their national identification card, passport, driver’s licence, birth certificate, employment security access card or (where relevant) death certificate), which will be electronically stored (after scanning or photographing) in the missing person case file.

- **biological and physical background information**, including the person’s biological profile (which includes sex, age and height), ethnic affiliation, distinct physical features (specific marks, complexion, morphological traits, etc.), physical activity, genealogy descriptions, medical history and dental charts. It is important to gather photographic material, medical and dental radiographs, dental casts, fingerprints and other similar evidence, which will be electronically uploaded to the missing person case file.

- **social history and lifestyle information**, which is useful for characterizing individuals, potentially linking scene or autopsy findings with certain aspects of the individual, and informing (or sometimes excluding) hypotheses of location and/or identity. This category of information includes the missing person’s professional, academic and political background (if any), their associations, their relationships with other potential witnesses, missing persons and deceased persons, their nicknames or political aliases, and their recreational and sporting activities. Increasingly, the use of social media can heavily contribute to the understanding of the missing person’s last communications and activities, especially where this information help to establish more accurate hypotheses of the person’s whereabouts (to be confirmed or further investigated). This information also takes on an extra dimension when providing results and (in the case of death) returning remains to families, since it personifies the remains and contributes to the psychological processes of acceptance and mourning.  

In some contexts, there may be a lack of medical or dental records for a number of factors. For instance, the population may have limited or no access of the population to health-care services, archives may be destroyed after a period of time, records may be of poor quality, or they may be lost or destroyed as a result of the incident. In these circumstances, much of this information can only be collected through interviews with the individual’s family members or close relatives, with all the loss of accuracy and veracity that this often entails.

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37 Experience in the restitution of human remains to affected families in various contexts has shown how this type of information contributes to acceptance of the identification results, since it goes beyond the scientific aspects, which are often too technical for relatives to understand.
During the interviews, it is fundamental to respect the cultural and religious context of the witnesses and relatives and, as far as possible, to build a relationship based on transparency, trust and care for their confidentiality and security. Often, in haste to obtain information, interviewers have failed to recognize that the time, place and manner of the interview can not only be inappropriate, but also pose a threat to the interviewees’ security. Furthermore, unique features and personal experiences of a sensitive nature may yield very high value, but relatives are unlikely to share them openly if they do not have sufficient trust and confidence in the process. Likewise, it is neither commonplace nor indeed possible to collect all relevant information in just one interview. Families must therefore be informed of the possibility of coming back to continue the interview, either because there is information that needs to be clarified or that was not collected in the first place, or because additional information from other sources needs clarifying or confirming by the relatives.

It is essential to develop appropriate mechanisms to collect information, with trained staff and protection of the confidentiality and security of the interviewees. In general, it is advisable to conduct interviews with several family members and close relations of the individuals, if possible, holding more than one meeting (suitable in terms of when and where), using specific standardized technical forms, and staff trained and mentored in their use. Standards on data protection must be followed. The Handbook on Data Protection in Humanitarian Action\(^{38}\) contains recommendations on processing sensitive data in the context of humanitarian activities.

Since the search and identification process falls under the responsibility of authorities, and very often within a specific legal framework, the information collected and used in the identification process and on the death certificate must comply with certain requirements (in terms of who can collect it and how it should be processed, including chain-of-custody and quality-assurance aspects) in order for it to be admissible.

Because identification is a dynamic process, changes in the missing person’s status and mobility must be taken into account when collecting information and during wider operations. For instance, a person’s whereabouts may have changed multiple times since the last time they were seen. Likewise, the fate of the missing person might change: while the preliminary investigations might focus on searching for a missing person in locations where they could be found alive, the course of the investigation will change if the person subsequently dies.

The collection of BRS (e.g. blood/saliva) from relatives for forensic genetic analysis purposes also requires a clear strategy that includes:

- assessing and determining the most suitable moment to start the collection of samples in line and in accordance with the given context.
- addressing legal and ethical aspects involved with the families giving their consent to conduct genetic studies, ensuring confidentiality and restricted access to the information collected.\(^{39,40}\)
- considering cultural and religious aspects regarding the collection of biological samples (including social dimensions of ascribing family kinship, and the concept and understanding of biological relations vs social relations in many populations, since a lack of distinction can later challenge the correct interpretation in the genetic matching).
- ensuring technical conditions and capacities to collect, store and process samples as well as the available resources, including proper referential and statistical tools for analysis, reporting and documenting results in line with internationally accepted standards.\(^{41}\)


• ensuring a clear policy for managing incidental findings related to discrepancies in kinship (misattributed parentage). For instance, in cases where an instance of non-paternity is discovered during the identification effort, this should not be disclosed to family members. In other words, a policy of non-disclosure of incidental findings is recommended.42

More information on the collection of BRS can be found in the Guidelines for the Use of Forensic Genetics in Investigations into Human Rights and International Humanitarian Law Violations.43

In addition to properly collecting information, it is imperative to underscore the importance of information analysis; collecting information is not synonymous with analysing it. In this sense, disciplines such as physics, mathematics, geology and engineering are very useful as information analysis tools and can be used to generate lines of investigation and evidence. For example, they can be helpful in establishing hypotheses of identity, analysing networks and patterns (e.g. relationships between missing persons, detention centre circuits, relations between detention facilities, refugee sites and burial sites, and circuits of dead bodies when recovered, transported and disposed of during or after events) and producing hot-spot maps (key points in migration routes, places of execution, places where human remains are deposited, etc.). Mathematical models can be used to predict or prioritize certain individuals who are more likely to be connected to specific events for identification purposes.44 45 46 The goal is not only to identify a missing person, but also to do so in a timely manner so as to reduce their exposure to risk of harm, while also ensuring their prompt return or to establish communication with their family in order to reduce suffering and uncertainty.

Information analysis should, as far as possible, be multidisciplinary and coordinated. It is therefore essential to develop mechanisms for the collection, recording and comprehensive analysis of information in a centralized, multi-agency, multidisciplinary and coordinated manner, with an appropriate data protection policy in place.

4.6.3. COLLECTION OF UNIDENTIFIED PERSON DATA

For humanitarian and legal (civil or criminal) reasons, accurate personal identification is one of the main challenges usually faced by forensic practitioners. Although identification is more often associated with the deceased, forensic practitioners frequently deal with the identification of living persons, such as migrants, victims of human trafficking or child abduction, or those with mental conditions (e.g. Alzheimer’s disease or psychological trauma). For clarification, this document does not cover the use of biometrics to identify the living for criminal investigation purposes.

As part of the identification process, it is necessary to collect detailed information on the unidentified person with the purpose of creating an unidentified person case file that includes their biological information (resulting from the forensic examination) and background information (resulting from the investigation and the recovery).

If the person is alive, the basic unidentified person case file usually contains:
• a review of the circumstances that led to their status as an unidentified person (the information collected during the investigation as described above)

• a personal interview with the unidentified person (if feasible)
• forensic examinations and documentation, including physical aspects (fingerprints, photographs, biological sampling, etc.), psychological aspects and related personal effects (details of personal property, and specifically communication and electronic devices such as mobile phones and computers).

If the person is dead, the basic unidentified person case file contains:
• a review of the circumstances that led to their status as an unidentified person (the information collected during the investigation as described above)
• information on the recovery of all human remains in situ, including detailed information on location
• forensic examinations (human remains and personal effects) and documentation (including, fingerprints if possible, plus photographs and a collection of biological samples)
• information on the cause, manner and circumstances of death
• details of personal property, and specifically communication and electronic devices such as mobile phones and computers.

In any setting, the recovery of human remains is a destructive process and is therefore unique, irreversible and unrepeatable. Once the recovery is completed, that site is changed forever. It is therefore critical that human remains be recovered properly, and that procedures and evidence be documented thoroughly. This should also be well coordinated to ensure that all mandates, including criminal and humanitarian, are both respected and accommodated in a set of legally admissible processes.

Forensic recovery must be done by trained experts (forensic archaeologists, anthropologists, criminalists, etc.). Among other things, proper recovery makes it possible to:
• comply with the scientific standards that apply to any type of missing person investigation
• collect (and preserve) all physical evidence (biological and non-biological)
• map and document of findings
• interpret the site
• minimize commingling and post-mortem damage to the evidence
• properly label, secure and handle evidence
• take appropriate process quality-control and quality-assurance measures
• guarantee the traceability of the evidence, following a proper chain of custody.

Improper recovery and handling of human remains and associated evidence can result in the loss of important data, seriously undermining the forensic investigation and causing extreme trauma for families.

In the same way, forensic examinations must be performed by trained experts (forensic pathologists, anthropologists, odontologists, crime scene officers, forensic technicians, etc.). These trained individuals are responsible for collecting unidentified person data, which includes the following types of information:
• physical description, including biological profile (age, sex, height, ancestry) and distinguishing features that help to characterize the individual (tattoos, scars, birthmarks, deformities, piercings, etc.)
• medical and dental data, especially radiographic records (fractures, diseases, surgical procedures, dental treatment, missing teeth, etc.)
• psychological evaluation (in the case of living persons)
• assessment of trauma and mechanisms of injury
• cause and manner of death
• fingerprint information (to be considered according to the context of the case)
• sampling for further genetic, toxicological or other analysis (to be considered according to the context of the case)
• clothes and items found with the unidentified person.

Here, characterization refers to building up a possible profile of the individual based on inferences from the physical findings (clothing and personal belongings) and the circumstances in which the unidentified person was found. This allows hypotheses to be developed about which group of individuals the unidentified
person could belong to. When available information does not permit a presumption of identity or a confirmed identification, this characterization (or profiling) contributes to the initial steps of the investigation and is sometimes the only starting point for the case.

The revised Minnesota Protocol (2016)\textsuperscript{47} and the Istanbul Protocol (2004)\textsuperscript{48} are recommended as international standards for procedures involving the recovery and forensic examination of living persons and human remains.

4.6.4. LINES OF EVIDENCE FOR IDENTIFICATION PURPOSES

Lines of evidence can be defined as independent comparable data sets from various types of information that tend to confirm or refute a hypothesis of identity to support any conclusion (or to narrow down the list of possible candidates). They include not only dactyloscopic (fingerprint), dental, genetic and medical information, but also contextual information relating to the case (such as the circumstances of the disappearance/finding, geographical–temporal data and relationships with other individuals), biological profiles, personal belongings, individualizing features, and more. Each comparable data set may point to a line of evidence that can either support an identity hypothesis (in case of agreement) or refute it (in case of inconsistencies or discrepancies that cannot be explained).

The types of information most commonly used in human identification – and which may produce comparable data that may constitute lines of evidence – include:

- contextual or background information from the recent, ongoing or historical investigation (context and circumstances of the disappearance/finding)
- visual recognition
- documentation and identification tags (often referred to in the military as “dog tags”)
- fingerprints
- radiological data
- dental data
- genetic data
- biological profile and physical information
- individualizing features (tattoos, scars, piercings, etc.)
- medical/health conditions
- personal belongings and clothing.

Figure 3 below is an example of comparable data (lines of evidence) that illustrate the process by which information is compared (see 4.6.5 Integrated reconciliation of information).

It is essential to ensure that lines of evidence and related information are managed systematically. An effective, dedicated and tailored information management system is a vital component of the identification process. It is based on the premise that accurate and timely information is available. The information management system, including the archiving and filing procedures, must have the following essential features:

- accessibility and usability: by all who need to use it, including inter-connections
- flexibility (ability to be changed): expansion, adjustments, updates
- economy: in terms of cost and space (physical and electronic)
- security: limitations on access by unauthorized persons
- safety: protection of files from damage (fireproof containers/facilities, scanning of documents prior to storage, back-ups in case files become corrupted, etc.)
- centralization: limited dispersion of information inter- and intra-institutionally.


There is a strong link between, on the one hand, the identification stage of the process and the preliminary investigations/context analysis and, on the other hand, the formulation of hypothesis. In other words, the comparison of data resulting from the historical investigation of the case carries specific weight (specific to each case) as a line of evidence to support identification.

However, not all information has the same probative value or weight in the final decision. For instance, a match between the hair colour of a missing person and an unidentified body does not hold the same weight as a fingerprint or genetic-profile match (characteristic vs individualistic). It is therefore necessary to consider a second component: the **discriminating power** (or weight) of each line of evidence, which refers to the individualizing capacity of that type of comparable data or information, i.e. the number of possible candidates (identities) that can be excluded on that basis. Some techniques (such as nuclear genetic markers, dental radiographic comparison and fingerprint comparison) are highly individualizing to the extent that all other possible candidates can be excluded. Other lines of evidence, although less probative, can contribute significantly to the overall consistency of the case and to the exclusion of incompatible candidates (such as biological profile, geo-temporal information or medical information). For instance, fingerprint comparison has a greater discriminating power than comparing biological profiles or personal belongings. Yet no specific line of evidence should be considered mandatory *a priori*: it is important to first evaluate the case and deciding on the most appropriate techniques to apply. It is not uncommon to find contexts where the authorities request or order a genetic test without first investigating the type of case, whether there are reports of missing persons, the availability of comparative samples, and so on. This approach can negatively affect the process in terms of time and resources, since not all cases require (or are solvable through) the use of this specific technique.

Equally, there is a common perception that best practices in forensic genetics refer solely to technical aspects (i.e. laboratory analysis). This is untrue, because they also call for the use of other non-genetic data and contextual information when formulating hypotheses and statistically evaluating the case – in other words, techniques that go beyond the use of software (e.g. lack of contextual information when using prior probabilities and establishing thresholds for likelihood ratios, misuse of population allele frequencies, and cultural and social dimensions of ascribing family vs biological kinship).
Even where genetic analysis is appropriate in the investigation of a case, a genetic match in kinship analysis, for instance, is merely one more line of evidence to support or refute an identity hypothesis rather than a technique that can or must prove an identity by itself (without contextual information or other lines of evidence). Take the example of a positive genetic match in kinship analysis between the parents of a missing person and human remains found in a cemetery, with a posterior probability in excess of 99.99%. In principle, this would seem to be enough to identify the body and hand it over to the family. But if, for example, the individual had another missing biological brother, or if the correct statistical calculations were not performed (local reference population database, prior or a priori probability value, etc.), the body could be misidentified and returned to the wrong relatives. Misidentifying a body and/or returning it to the wrong family triggers a ripple effect, lead to either the failed identification or misidentification of a second body, which will in turn affect another family. This ripple effect will also erode confidence in the authorities among other families. In other words, integrating multiple lines of evidence should be considered as mandatory during the identification process, even when using forensic genetic analysis.

It is not possible to predict in advance which or how many lines of evidence will be necessary to resolve a case. The amount and type of information to be collected, as well as the techniques or laboratory tests to be used in a case, should be selected based on their relevance to the context and their reliability, the type and complexity of the case, the availability of comparable information from both the missing person and the unidentified person, the feasibility of obtaining and using such information, and the condition of the remains requiring future identification efforts.

An incomplete but identified body must also be assessed when deciding what lines of evidence are still required for future identification of outstanding parts. For instance, an incomplete body identified by fingerprints but missing a lower limb will require other lines of evidence to be retained for subsequent identification and reunification of the recovered lower limb, potentially days, weeks, months or even years later. In this case, creating a DNA profile in addition to having the fingerprints of the identified body, for future comparison to reported incomplete body parts, would be strongly advisable prior to the body being returned to family or buried. The same applies to the retention of other comparative data, such as radiography and dental records. One again, this underscores the importance of a centralized information management system for collecting and recording all missing person data and unidentified person data for the future identification of incomplete remains and body parts.

Supporting the identification with multiple lines of evidence relies on investigators looking beyond the biological features to secure reliable comparative data. Circumstantial information is extremely important and must be used in combination with all other scientific lines of evidence to support a given conclusion: identification, inconclusive or exclusion.

**4.6.5. INTEGRATED RECONCILIATION OF INFORMATION**

The process of comparing information with the purpose of finding evidence that supports or excludes an identification involves looking for homologous data pairs, i.e. data pairs of the same nature (e.g. sex, age, date the person went missing vs date an unidentified person or human remains were found), with the aim of establishing their compatibility (consistency) or discrepancy (inconsistency). These homologous data pairs (or lines of evidence) are contained in both the background (investigative) and technical information collected throughout the identification process.

Figure 4 below gives a visual representation of the different comparison and analysis steps involved in this process, which is known as the integrated reconciliation of information. This process takes place during the final stages of the overall identification process, using the information obtained during the preliminary investigations and context analysis, as well as missing person data, unidentified person data and the various lines of evidence. Responsibility for the integrated reconciliation of information should fall to the identification coordinator/identification unit, with support from all relevant disciplines (see 4.3 Organizational structure).
These comprehensive comparisons can result in several different outcomes:

- **compatibility**: data that are compatible, matching, coincidental or consistent.

- **relative or explainable inconsistencies/discrepancies**: data that are incompatible, contradictory or inconsistent, but explainable through logical thinking. These inconsistencies do not contribute to an identification decision, but do not rule out such a decision in absolute or excluding terms.

- **absolute or excluding inconsistencies/discrepancies**: data that are incompatible, contradictory or inconsistent and, if confirmed, cannot be explained through logical thinking, thus excluding any possibility of an identification.

Based on the weight and reliability of the line of evidence, compared information can lead to explainable discrepancies. For example, any slight difference between the age or height that the family remembered and reported, and the estimated age or height in the forensic analysis of an unidentified person could be explained in multiple ways (distorted memory, cultural variables, a methodological error in the technical estimation, etc.) This would class as a relative inconsistency. However, if the difference were strong (once recording or traceability errors or have been ruled out), it could qualify as an absolute inconsistency, thus excluding the possibility of an identification. One such example would be a tooth that is documented as missing in the missing person’s dental charts and radiographs but is present in the unidentified person being compared.

In some cases, an explainable inconsistency may hold less weight than the combined weight of all other consistencies and matches available through the analyses of all available lines of evidence. But if, when comparing multiple lines of evidence, there are several unexplainable discrepancies, exclusion becomes the only possible conclusion. For this reason, it is essential to consider all the information relevant to a case in a comprehensive manner during the comparison process. In other words, it is necessary to integrate and reconcile the different lines of evidence in order to increase certainty in the identification.

Identifications in open incidents (for example, an earthquake in a city) will require more lines of evidence (and, therefore, a larger amount of comparable data, probably including laboratory analysis) with a greater individualizing power than those in closed incidents (such as confirmation of identity hypotheses, or plane crashes).
There is an inherent complacency and bias towards finding similarities in order to secure identifications, particularly in mass-fatality incidents. To make the process objective, it is as important to find consistencies in the lines of evidence, through thorough examination, as it is to proactively seek out unexplainable inconsistencies. In other words, it is essential to challenge the results in order to ensure that an accurate conclusion is reached – i.e. there is only one possible candidate for this identification, excluding all others, with no absolute or excluding inconsistencies.

This entails a paradigm shift from the classical approach of using scientific techniques (fingerprints, genetic analysis, or unique dental or medical features) supported by non-scientific information of another kind, in which excessive emphasis was placed on the technique(s) used in the process, rather than on consolidating multiple lines of evidence.

The identification process usually includes both constructing hypotheses of identity by analysing the information available through different lines of evidence, and reconciling the information resulting from the comparison of the missing person’s and the unidentified person’s data. This two-way path ensures that the identification process follows a comprehensive and multidisciplinary approach, and that the emphasis is on evaluating of lines of evidence rather than on the combining different techniques.

This dynamic, multi-factorial, comprehensive and holistic identification process is illustrated in Figure 2 (see page 21), which shows the flow of information from the different stages in different directions, with all elements converging on the integrated reconciliation process.

The use of computerized tools to compare different sets of information can be a key asset in solving large-scale missing person cases, particularly in narrowing the investigation and refining the process from many-to-many queries to one-to-one comparisons. Although these tools should not replace a solid forensic data management and governance strategy, they are extremely helpful in supporting case management and improving the quality-control procedures inherent in any forensic operation (including data protection and confidentiality requirements).

The final decision in the identification process must be conclusive, with a degree of certainty that could be considered “beyond reasonable doubt” in technical and legal contexts. The conclusion must fall into one of the following three categories:

I. Identification: All the information relevant to the case is comprehensively coherent, and there is enough consistency in the comparison of individualizing traits (discriminating power), as well as a lack of excluding discrepancies (any inconsistency must be reasonably explained), to conclude that the individual in question is the expected person, excluding any other possibility.

II. Exclusion: All the information relevant to the case is comprehensively incoherent or there are serious inconsistencies (absolute or unexplainable discrepancies), leading to the conclusion that the individual in question is not the expected person.

III. Inconclusive: All the information relevant to the case is not sufficient to conclude with certainty in favour of either possibility (identification or exclusion). In this case, it is not possible to reach a sufficiently grounded conclusion about the identity of the person and it will be necessary to expand the investigative and/or scientific information on the case.

The use of other subcategories for identification (such as “presumptive”, “circumstantial”, “possible”, “probable” or “positive”) is not advisable. An individual either is the expected person (identification) or is not the expected person (exclusion), or it is not possible to confirm their identity (inconclusive). The other subcategories raise excessive doubt from the point of view of decision theory, resulting in ambiguous and unfair outcomes for the individuals and their families.

Finally, as part of the identification process, potential error (degree of certainty) is evaluated but is not necessarily quantified. The only way to perform this evaluation is to review all the information in a comprehensive manner until there is no other possible conclusion, i.e. the probability of error in the identification, as supported by the different lines of evidence, is so small that it is regarded as being beyond reasonable doubt.

One of the strengths of genetic testing is its capacity to quantify the degree of certainty of a result. However, this statistical calculation will only be true if the right methodological steps have been taken (population databases, likelihood ratio quantification, assessment of the posterior probability value, etc.). Otherwise, it can lead to false positives (adventitious matches) or false negatives (false exclusions) in the identification, which cannot be detected unless all the information available is comprehensively analysed. Even though certainty in a genetic comparison is quantifiable, the conclusion on the identification must be reached after the genetic result has been reconciled with all the other information relevant to the case (i.e. exceeding purely scientific considerations). Since it is not possible to exclude clerical or administrative errors, or misinterpretation of findings, from even the most stringent standard operating procedures, it is important that other lines of evidence can call into question potential matches brought about by error, or alternatively draw attention to other consistencies in lines of evidence even when one line of evidence incorrectly produces a false exclusion.

The information resulting from the different stages or techniques used in the identification process is usually submitted to the relevant legal or judicial authority in partial reports. This may lead to the submission (by uncoordinated experts) of investigative reports containing partial information and results that are very often contradictory, which can hinder the process and, in the worst cases, leading to wrong conclusions.

The results obtained through information analysis and reconciliation should therefore be recorded in an Integrated Identification Report: a single document, which includes and comprehensively analyses all the results of the different technical studies and the available information, for submission to the relevant authority in a coordinated and consensual manner. This report is primarily a scientific document, explaining the correlation/consistency between all the information obtained about the missing person (including the circumstances of their disappearance) and all the information available about the unidentified person (including the circumstances of their finding/recovery). It compares, analyses and interprets the various lines of evidence that, taken together, support the identification of the person or the remains. This report will make it easier for the competent authority to make a final decision (at the legal, judicial or administrative level).

A sample structure of an Integrated Identification Report is given below:

I. UFNs of the unidentified body and the missing person
II. Case background
III. Findings in the recovery/find
IV. Findings in the examination of the body/remains or autopsy report:
   a. State of the body
   b. Biological profile and individualizing features
   c. Dental analysis
   d. Trauma analysis
   e. Other findings
V. Personal effects and associated artefacts
VI. Sampling
VII. Results of complementary analyses:
   a. Radiological analysis
   b. Toxicological analysis
   c. Dactyloscopy
   d. Genetic analysis
   e. Other analyses
VIII. Interpretation of results:
   a. Reconciliation process regarding identification
   b. Medico-legal opinion on the nature of the injuries and the cause and mechanism of death (from the autopsy report)
   c. Other results relevant to the case

IX. Conclusions:
   a. Identification
   b. Statement of the medical cause of death based on the autopsy report
   c. Other conclusions

4.7. MISIDENTIFICATION

Misidentifications are common and not restricted to countries with limited forensic resources. Forensic practitioners need to be constantly aware of the potential for misidentification. While some identifications are very complex, it is often basic failures that cause bodies to be misidentified and/or returned to the incorrect family – failures in the management of evidence from the scene, in the investigative process or in the return of the remains, or a lack of quality-control systems.

Poor documentation management or insufficient collection of information accentuate the risk and variety of potential errors. For example, simply failing to properly label a body at the scene – or labelling it incorrectly – can have disastrous consequences. Another common error seen in disasters is the commingling of body parts from two or more individuals into a single body bag. This is a serious problem that poses many and varied challenges for practitioners and experts in every step of the process that follows.

Potential causes of misidentification include:
- a lack of rigorous procedures (meaning that the approach is not comprehensive, integrated and systematic, and fails to take into consideration all available lines of scientific and circumstantial evidence)
- a hierarchical and exclusive approach to identification
- over-reliance on one just identification criterion or technique
- reliance on visual recognition in isolation
- acceptance of circumstantial personal information alone (such as clothing or personal effects, or documents found with a body)
- use of unreliable identification methods
- use of unreliable information on the missing person
- inadequate recovery of human remains
- inadequate forensic examination of the unidentified person or body
- a lack of, or inadequate, comprehensive interpretation and reconciliation of the information
- a lack of traceability (chain of custody) throughout the identification steps (poor labelling, record-keeping and traceability systems and practices)
- a lack of appropriately qualified practitioners in each step of the process (investigation, recovery, forensic examination, further analysis, reconciliation of information)
- a lack of quality-control and quality-assurance mechanisms
- external pressure to complete an identification without following accepted procedures and/or achieving the necessary degree of certainty.

These systematic flaws are frequently observed in mass-fatality incidents, where local resources are put under tremendous strain to deliver services well beyond their capacity or expertise, and where political and public pressure is exerted on authorities for timely resolution of all cases. Since most identifications in routine casework rely predominantly on visual recognition by the family, rudimentary errors can sometimes occur when there is less local expertise and experience in working with multiple lines of evidence. This can be further compounded by poor planning and preparedness, including failure to conduct disaster victim
identification training for mass-fatality events. Unfortunately, these serious issues are not always obvious until nearly all bodies have been returned to families.

There is almost no justification for misidentifying a person, and doing so can have psychological, religious, cultural, psychosocial, financial, legal and other consequences for the family. One misidentification can cause the public and families to lose confidence in the overall response and begin to question all other identifications that were made. That said, any misidentification must be thoroughly investigated, the accurate identification established and the correct body returned to the family. Technical teams and legal authorities are strongly advised to dedicate enough time and efforts to properly explaining the reasons for the misidentification to families, and to outline what measures or actions have been taken to resolve the issue and prevent it from happening in future cases. Failure to address the error and a lack of transparency will cause further complications in the system and, potentially, additional misidentifications.

In some cases, the available lines of evidence related to the missing person or the data representing the unidentified person are insufficient to make an identification. Confirming that identification cannot be made is a finding that is justifiable, and maintains credibility and professionalism. The objective decision to refuse to make an identification must be demonstrated when the lines of evidence do not provide the level of certainty required to meet competent peer review, even where there is strong suggestion or suspicion of a match by circumstances.

4.8. NOTIFICATION AND FINAL DISPOSITION

Notification of the death and identification of a missing person is a crucial moment that requires thorough preparation. Notification can be given via different communication means and at different stages. The details should be previously agreed with family members. In practice, relatives should decide how the notification will be carried out (in private, through a focal point, with other representatives of the family, with the community present, in the presence of religious or community leaders, or some other arrangement). For families, the search may reach an end once the death of the missing person is confirmed, once the death certificate has been officially issued and registered, and once the remains have been retrieved. The death certificate is the legal document that declares the death and legally confirms the identification of the deceased person. Once registered, it allows family members to exercise their legal and administrative rights related to the death of their loved one.

Following identification, restitution of the remains should be carried out in accordance with local regulations and taking into consideration the wishes of the families. Families should be able to decide on the specific restitution arrangements, which should also be discussed in advance. Standards for proper and dignified handover and final disposition of human remains should be followed, including respect for local culture, religion and beliefs where applicable. Usual practice is to transport human remains in a dedicated vessel (such as a body bag, coffin or shroud), especially in the case of temporary burial. For more information on this subject, please refer to Annex 7 of Management of Dead Bodies after Disasters: A Field Manual for First Responders.50

Procedures should be adjusted to the scale of the operations. Ideally, a specific area should be designated as the place for the restitution of remains or handover of bodies to families. Usually, the remains are stored in a morgue or a forensic facility, close to the forensic examination area; forensic staff may then be best placed to facilitate the allocation of a space for proper and dignified handover to families. In routine cases, families may be present at different steps, and proper handover is part of the chain of procedures performed by a funeral provider.

Before restitution of remains takes place, a **preliminary preparatory meeting** should be held with all participants in the handover. The relevant documents should be reviewed, and the team should make sure that the information is exhaustive and in a format in which it can be delivered to the families: forensic experts must describe their findings in a professional, clear and understandable manner. Ideally, all experts from all disciplines should attend the meeting. But as a minimum, at least one representative of the forensic experts should be present. It is important to set aside enough time for the meeting with the families. They may ask for in-depth details about the case, such as what procedures the remains underwent, what types of test were performed or why the team concluded that they belong to their relative. Such discussions can be challenging, especially since scientific results may not be understood by non-experts (e.g. a 99% probability may leave place for 1% of harmful doubt). Relatives also often ask about the cause, manner and circumstances of death. Sensitive information needs to be provided carefully and in accordance with relevant rules and standards, including those relating to personal data protection.

In most cases, the next step will be the disposition of the remains. They should be properly arranged (e.g. on a table or in a coffin) so that the families may see their loved ones if they wish to. The viewing may be important for the grieving process, but each family should be consulted and their wishes respected. During the final moments and the handover process, the investigator, identification coordinator or prosecutor in charge usually works with staff with a background in psychology and/or experience in psychosocial support.

When repatriating human remains to a different country, it is essential to follow local regulations and procedures, and to liaise with the authorities (consulates, border authorities, etc.). Swift repatriation is only possible if the deceased has been formally identified, as evidenced by a death certificate. Additional documentation related to embalming and burial is also required. Experts should be aware of the possibility and the right to challenge the findings and should support the investigation of these findings transparently.

### 4.9. FINAL CONSIDERATIONS

Despite all efforts, not all missing persons will be found. Likewise, not all those who have been located will be identified or willing to restore family links. Families should be made aware of issues around incomplete bodies and body parts. Some parts will not be found or identifiable, and others may be identified after the initial identification of a first set of human remains. A decision must then be taken on the final disposal of these remains, such as whether they go back to the family (if identified) or are brought to an ossuary. Families may also need to be made aware of this possibility, so they can indicate their wishes should this happen. Unidentifiable and unidentified remains (e.g. fragments) may be memorialized if the community and families chose this option.

Equally important technical considerations apply in those cases in which there are no human remains, either because they could not be retrieved or because they have been destroyed (for whatever reason). In such cases, forensic analysis of available data may also provide evidence to support legal decisions that lie outside the scientific realm but are necessary to resolve cases and proceed with other legal and administrative steps.

For humanitarian reasons, and given the time it takes to complete the process, relevant entities are encouraged to establish and maintain regular channels of communication with families. Even if the information that families receive is not definite or complete, it will help to provide the answers they need as the process goes on.
The ICRC helps people around the world affected by armed conflict and other violence, doing everything it can to protect their lives and dignity and to relieve their suffering, often with its Red Cross and Red Crescent partners. The organization also seeks to prevent hardship by promoting and strengthening humanitarian law and championing universal humanitarian principles. As the reference on international humanitarian law, it helps develop this body of law and works for its implementation.

People know they can rely on the ICRC to carry out a range of life-saving activities in conflict zones, including: supplying food, safe drinking water, sanitation and shelter; providing health care; and helping to reduce the danger of landmines and unexploded ordnance. It also reunites family members separated by conflict, and visits people who are detained to ensure they are treated properly. The organization works closely with communities to understand and meet their needs, using its experience and expertise to respond quickly and effectively, without taking sides.