

GUIDELINES FOR FIRST RESPONSE:

SAFEGUARDING KNOWN OR SUSPECTED GRAVE OR BODY DISPOSAL LOCATIONS

I. INTRODUCTION

1. The International Commission on Missing Persons (ICMP) is a treaty-based international organization based in The Hague, the Netherlands. Its mandate is to secure the cooperation of governments and others in locating and identifying missing persons from conflict, human rights abuses, disasters, organized crime, irregular migration and other causes and to assist them in doing so. It is the only international organization tasked exclusively to work on the issue of missing persons.
2. This document is intended to provide guidance to agencies or individuals in safeguarding and documenting locations where human remains are, or are suspected to be deposited.

II. OVERVIEW

3. In conflict or post-conflict areas, agencies or individuals may discover or come to learn of locations where human remains (bodies, mass graves, individual graves, etc.) have been, or are suspected to have been, deposited. The protection of gravesites and body disposal locations is necessary in order to guarantee the right of individuals to effective and official investigations. Legal instruments such as the International Covenant on Civil and Political Rights (ICCPR) and its regional counterparts enshrine states' obligations to conduct effective investigations regarding missing persons. The lack of such an investigation can constitute a grave abuse of the rights of surviving relatives and others, including violations of due process, the right to family life, and the right to recognition as a person before the law. The right to life in particular rests on the procedural guarantee that abuses will be officially investigated irrespective of whether such abuses are considered to be attributable to actions or omissions by the State.
4. Tampering with a gravesite or compromising the integrity of evidentiary remains contained in a gravesite can hinder a state's ability to establish the circumstances in a given case and thus carry out an effective investigation. The protection of the site by authorities is also essential in terms of maintaining public confidence in the rule of law and preventing any appearance of collusion in or tolerance of tampering.
5. The circumstances and context of the depositing of human remains may vary greatly, which means that detailed or rigidly specific operating procedures are not generally applicable. However, the guidelines listed below are intended to address key steps that can be taken.
6. Prevention of tampering with a site safeguards evidence and preserves the physical integrity of the remains. This is important for the ability to document the circumstances of deaths, to enable investigations that may result in the identification of victims and the return of mortal remains to families, and to preserve evidence for criminal prosecution. Such sites are sensitive, and consideration should be given to whether steps to safeguard a site could inadvertently draw attention to it in a way that might invite disturbance, whether by perpetrators or by others who

wish to hide evidence, by the local community, or even by poorly conceived actions on the part of inexpert authorities. Consideration should be given to the length of time that is likely to pass between site discovery and appropriate investigatory actions, the degree of risk posed by natural elements or animal activity, the local context regarding the security and vulnerability of the site, and the motivations and intentions of stakeholders (such as families of the missing). These considerations may require modifications of the general guidelines listed below.

7. There are four main components to be addressed:

- 1) Physically safeguarding the site through barriers and/or surveillance;
- 2) Accurately recording the location;
- 3) Documenting the nature of the site; and
- 4) Notifying the relevant authorities.

III. GUIDELINES

1) Safeguarding and protecting the immediate area of interest to prevent accidental tampering and/or access to people and/or animals:

a. Install fencing

- i. The fencing materials used will depend on availability and may be flexible or rigid, e.g. chicken wire or garden fencing, but sufficiently robust to withstand the prevailing climatic conditions, e.g. wind and sun;
- ii. Fencing should have fixed points secure in the ground; trees and/or other fixed points can be used to secure the fencing and delineate the area of interest;
- iii. The area fenced should be larger than the limits of the suspected grave/disposal site;
- iv. Fencing should not be erected on or within the boundaries of a suspected grave/disposal area;
- v. Crime-scene tape may be used to delineate the extent of the area of interest and/or the area may be marked with a written sign.

b. Horizontal coverage of area with surface lying remains:

- i. Wire/mesh may be used to cover the site of interest, secured with pegs/long metal nails in the ground;
- ii. Where possible (depending on the extent of the area of interest) pegs/long metal nails used to secure the mesh/wire cover should be outside the boundaries of the suspected grave/disposal area;
- iii. The area should be covered with soil or some other material without disturbing the nature of the site.

c. In addition to the above, arrangements for security guards or regular on-site monitoring is optimal

2) Recording the location of a suspected mass grave:

- a. Record site location while at the site using available devices, which may include:
 - i. Recording of a GPS/MGRS coordinate on handheld GPS device;

- ii. Recording of location on maps on mobile phone device;
- iii. Extracting location meta-data from photographs taken on smart phone devices.

3) Documenting the nature of the site:

- a. Photo or video-documentation of the nature and extent of the suspected site;
 - i. Including documentation of micro-location of significant features such as exposed human remains.
- b. Written description of the nature and extent of the suspected site;
- c. Drawings or maps indicating important features.

4) Notification of relevant authorities.

- 8. Information about the site may be provided to ICMP through its website by using the Site Locator function and associated information fields on ICMP's **Online Inquiry Center (OIC)** (<http://bit.ly/2scO1Gb>).
- 9. The OIC is an interactive missing persons search tool. It has an open-access function that allows families and other stakeholders to obtain and provide information. The Site Locator application, in particular, allows for the reporting of mass graves and other sites where mortal remains of missing and disappeared persons may be located. Information can be provided anonymously, or may include contact details. Personal data that is provided is treated as confidential and used only for the purposes for which it has been provided.

IV. OTHER CONSIDERATIONS

- 10. Evidence and/or items should not generally be moved from the site. This includes, for example, clothing and/or ID cards. These should be photographed and documented but not removed and/or relocated. Exceptions may be appropriate, however, considering the capabilities of the responder and the immediate vulnerability of the site/evidence.