

WMA STATEMENT ON FORENSIC INVESTIGATION OF THE MISSING

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PREAMBLE

Over the last three decades, forensic investigations into the whereabouts and fate of people killed and missing as a result of armed conflict, other situations of violence and catastrophes, have made an important contribution to humanitarian action on behalf of victims, including [the deceased and] bereaved families. Forensic investigations have also helped in achieving justice and reparations for victims.

In 2003 the International Conference on The Missing and Their Families, organized by the International Committee of the Red Cross (ICRC), adopted a set of recommendations to help prevent people going missing, and resolve the cases of those already missing, as a result of armed conflicts and other situations of violence. The recommendations include ethical, scientific and legal principles that must apply to forensic investigations in the search, recovery, management and identification of human remains. These principles have since been further developed and provide a framework for humanitarian forensic action in situations of armed conflicts, other situations of violence and catastrophes [1]. The principles also ensure the dignified and professional management of the dead [2], adherence to cultural and religious practices and help provide answers to the bereaved.

The WMA and its Constituent Members have a role in promoting these principles, encouraging compliance with them, and for ensuring the highest possible ethical, scientific and legal standards in forensic investigations aimed at addressing the humanitarian consequences of armed conflicts, other situations of violence and catastrophes.

RECOMMENDATIONS

1. The WMA calls upon its Constituent Members to:

- draw the attention of practitioners to the best practice guidelines produced by the ICRC, the United Nations and Interpol, and recommend or, where possible, require compliance with those standards;
- help ensure that, when its individual physicians members take part in forensic investigations for humanitarian and human rights purposes, such investigations are established with a clear mandate based upon the highest ethical, scientific and legal standards, and conform with the principles and practice of humanitarian forensic action developed by the ICRC [3] and the United Nations [4];
- acquire expertise in the principles collated by the different authorities on forensic investigations for humanitarian and human rights purposes, including those developed by the ICRC and the United Nations to prevent new cases and resolve those of existing missing persons, and to assist their members in applying these principles to forensic investigations worldwide;
- disseminate those principles and support physicians refusing to take part in investigations that are ethically or otherwise unacceptable;
- help ensure compliance by forensic medical practitioners with the principles enshrined in international humanitarian law for the dignified and professional management of the dead, including taking all measures to ensure their identification, while ensuring respect for their families.

2. The WMA invites its Constituent Members to be mindful of academic qualifications and ethical understanding, ensuring that forensic physicians practice with competence and independence.

[1] The ICRC defines catastrophes as disasters beyond expectations. See: M. Tidball-Binz, *Managing the dead in catastrophes: guiding principles and practical recommendations for first responders*. International review of the Red Cross, Vol 89 Number 866 June 2007 p.p. 421-442.

[2] Management of the deceased (MotD) refers to a process encompassing different stages that begin with the information or report of death and finalizes with the return of the body to the bereaved, issuance of death certificates and final disposition.

[3] [ICRC Guiding Principles for Dignified Management of the Dead in Humanitarian Emergencies and to Prevent them Becoming Missing Persons](#); [Forensic Identification of Human Remains](#); [Management of dead bodies after disasters: A manual for 1st responders](#); [Guidelines for the use of Forensic Genetics in Investigations into Human Rights and International Humanitarian Law Violations](#).

[4] [UN Minnesota protocol](#) applicable for the MotD in context of violations of human rights and criminal investigations.