

# Weapon contamination and the recovery of human remains

## Challenges and efforts in Iraq

February 6<sup>th</sup> 2019

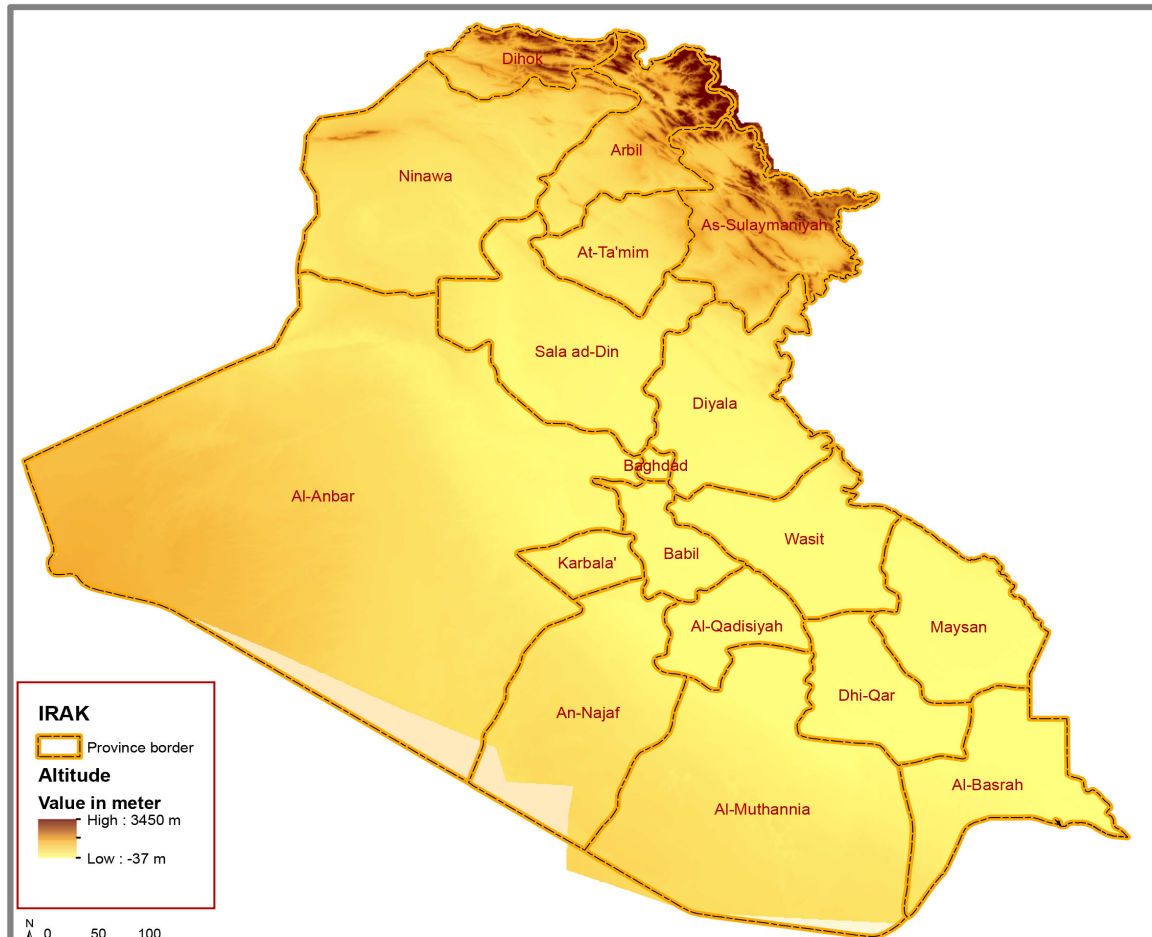


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# Weapon Contamination and the recovery of human remains

## IRAK: Regions

January 2019



1. Current situation in Iraq
2. Legal framework
3. Challenges



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# Weapon Contamination and the recovery of human remains

## 1. Current situation in Iraq



# Weapon Contamination and the recovery of human remains

How human remains can be found:

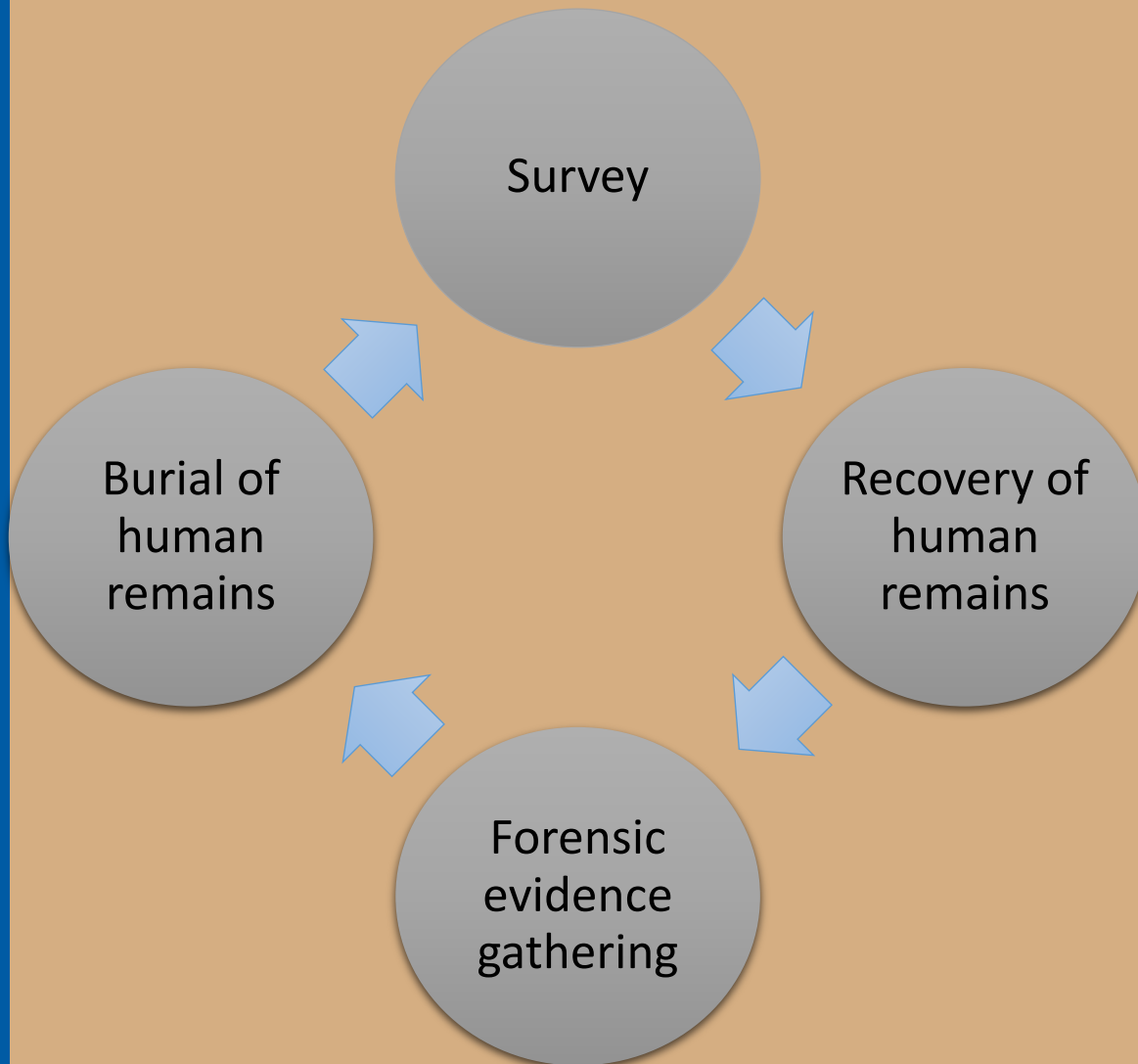
- a. Mass grave site;
- b. Individual grave;
- c. Unburied human remains.

Focus during recovery operations must always be on:

- a. The safe guarding of life (forensics and third party) takes precedence over all other actions;
- b. Prevent damage or distortion to the grave and/or human remains;
- c. Prevent or reduce damage to property or infrastructure.



# Weapon Contamination and the recovery of human remains



In every stage hazards regarding weapon contamination can be encountered if at a prior stage the hazard has not been identified and removed properly!!!

Involvement of mine action teams (EOD/IEDD) is a preliminary condition to safeguard lives before starting human remains recovery operations if weapon contaminated can't be excluded



# Weapon Contamination and the recovery of human remains

People conducting human remains recovery:

- a. MoD (both Iraqi and Iranian – especially mass graves) – Martyrs Foundation;
- b. Forensic specialists;
- c. Police;
- d. Civil Defense;
- e. Community workers;
- f. Civilians without any proper training.

## **Nurse disarms explosives on more than 1,000 dead bodies in Mosul**

→ Human remain recovery team ≠ mine action team

e.g. Civil Defense is not allowed to treat IED (Iraqi legal framework) but in reality recovered many human remains in Mosul in the beginning of 2018 → recipe for explosive incidents/accidents



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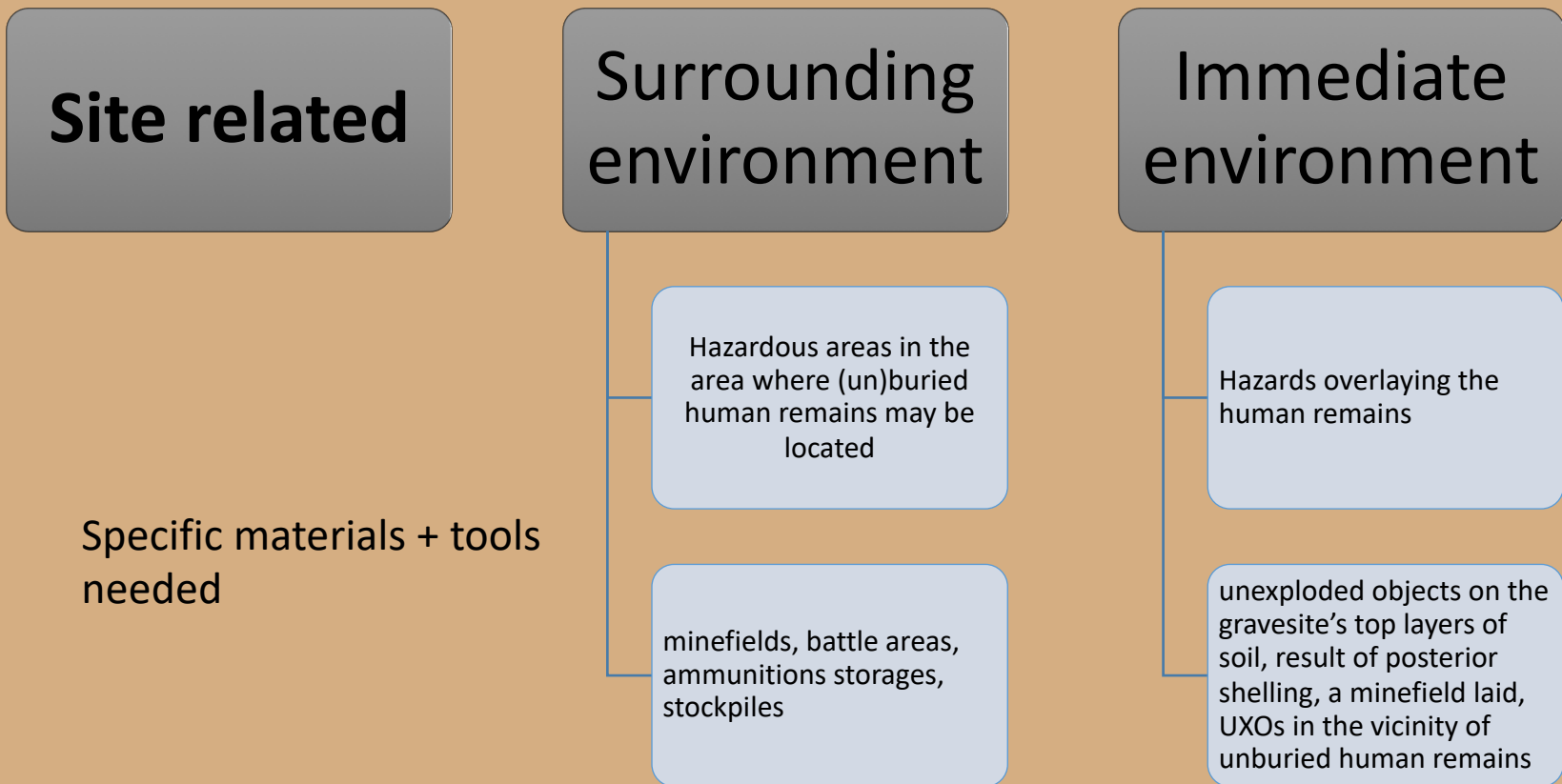
Types of weapon contamination that can be found:

- a. Mine field on a grave site or mines denying access to human remains;
- b. UXO in the (close) vicinity of a grave site;
- c. IEDs on the access route to a grave site;
- d. Persistent CBRN agents on human remains and/or on the forensic working site;
- e. Person Borne Improvised Explosive Device (PBIED; e.g. suicide belt) near and/or on human remains;
- f. Booby trapped human remains;
- g. Ammunition in a safe or transport status on human remains;
- h. Any other type of weapon contamination and/or a combination of several types of contamination.



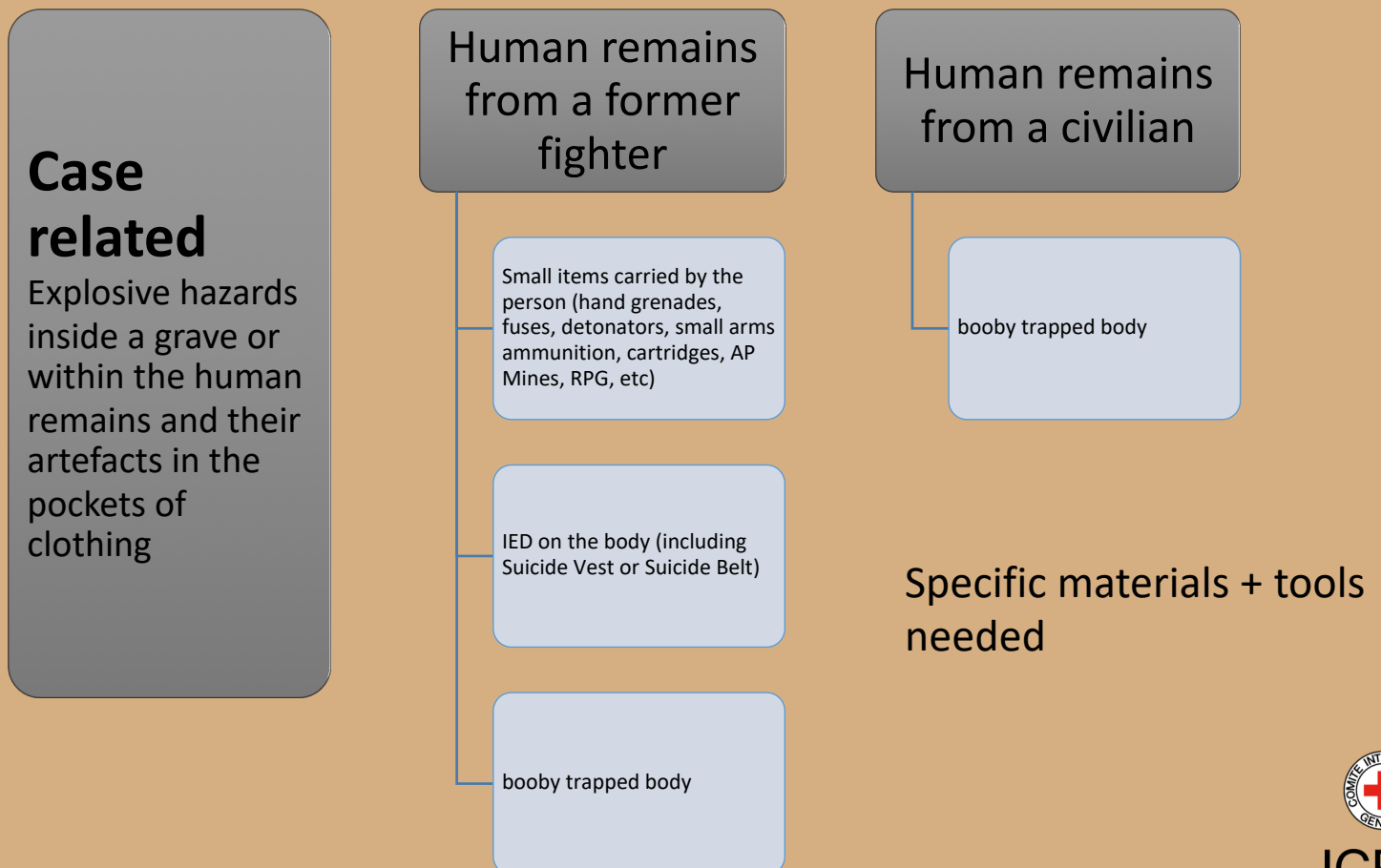
# Weapon Contamination and the recovery of human remains

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## 2. Legal framework



# Weapon Contamination and the recovery of human remains

Existing legal framework: + TN for MA 10.10/01 (Guidelines on the mgmt of human remains located during MA Ops)

## Customary Humanitarian International Law

Search for and collection of the dead (rule 112)

Respectful treatment of dead bodies (rule 113)

Return of dead bodies (and their effects) to next of kin (rule 114)

Respectful burial of the dead (rule 115)

Accounting for the dead (rule 116)

## Iraqi national framework

Scattered over several laws relating to the treatment of human remains

Law No 5 of 2006: Mass graves protection law

Law No 20: Law on Compensation of Victims of Military Mistakes, Military operations and Terrorist Attacks

## Multinational agreements on mass graves

+  
APMBC  
CCW  
CCM



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# Weapon Contamination and the recovery of human remains

Efforts done by ICRC in Iraq:

- a. Drafting presentations on recovery of human remains in weapon contaminated circumstances:
  - ✓ Weapon contamination awareness for human remains recovery teams;
  - ✓ Weapon contamination Awareness for forensic specialists;
  - ✓ Weapon contamination awareness for exhumation teams,
- a. Drafting Standard Operational Procedures (ICRC wide) for recovery of (unburied) human remains.



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## 3. Challenges



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Additional efforts needed:

- a. Drafting international standards (IMAS framework?);
- b. Strengthening the national legal framework to adequately reflect international standards in Mine action including integrating aspects of Mine Action during human remains recovery;
- c. Risk Awareness/Safe Behavior for all concerned authorities, organizations and involved staff.



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