Weapon contamination and the recovery of human remains

Challenges and efforts in Iraq

February 6th 2019
Weapon Contamination and the recovery of human remains

1. Current situation in Iraq
2. Legal framework
3. Challenges
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1. Current situation in Iraq
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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.
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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.
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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 will prevent recovery teams from carrying out their work. They can be:

**Site related**

**Surrounding environment**
- Hazardous areas in the area where (un)buried human remains may be located
- minefields, battle areas, ammunition storages, stockpiles

**Immediate environment**
- Hazards overlaying the human remains
- unexploded objects on the gravesite's top layers of soil, result of posterior shelling, a minefield laid, UXOs in the vicinity of unburied human remains

Specific materials + tools needed
Weapon contamination will prevent recovery teams from carrying out their work. They can be:

**Case related**
- Explosive hazards inside a grave or within the human remains and their artefacts in the pockets of clothing

**Human remains from a former fighter**
- Small items carried by the person (hand grenades, fuses, detonators, small arms ammunition, cartridges, AP Mines, RPG, etc)
- IED on the body (including Suicide Vest or Suicide Belt)
- booby trapped body

**Human remains from a civilian**
- booby trapped body

Specific materials + tools needed
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2. Legal framework
### Existing legal framework: + TN for MA 10.10/01 (Guidelines on the mgmt of human remains located during MA Ops)

<table>
<thead>
<tr>
<th>Customary Humanitarian International Law</th>
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<tbody>
<tr>
<td>Search for and collection of the dead (rule 112)</td>
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<tr>
<td>Respectful treatment of dead bodies (rule 113)</td>
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<tr>
<td>Return of dead bodies (and their effects) to next of kin (rule 114)</td>
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<tr>
<td>Respectful burial of the dead (rule 115)</td>
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<td>Accounting for the dead (rule 116)</td>
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<th>Iraqi national framework</th>
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<td>Scattered over several laws relating to the treatment of human remains</td>
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<tr>
<td>Law No 5 of 2006: Mass graves protection law</td>
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<td>Law No 20: Law on Compensation of Victims of Military Mistakes, Military operations and Terrorist Attacks</td>
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<th>Multinational agreements on mass graves</th>
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<tr>
<td>+ APMBC</td>
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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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