

THE WORLD MEDICAL ASSOCIATION, INC.

WMA STATEMENT ON THE FORENSIC INVESTIGATIONS OF THE MISSING

Adopted by the 54th WMA General Assembly, Helsinki, Finland, September 2003
and amended by the 64th WMA General Assembly, Fortaleza, Brazil, October 2013

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 by the ICRC's forensic services and they provide a framework for humanitarian forensic action in situations of armed conflicts, other situations of violence and catastrophes¹. The principles also ensure the proper and dignified management and identification of the dead, and help provide answers to the bereaved.

National Medical Associations have a role in promoting these principles and 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.

In many countries NMAs will not have a role in certifying the qualifications and experience of forensic medical practitioners. NMAs should 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.

RECOMMENDATIONS

The WMA calls upon all NMAs to help ensure that, when its 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.

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

The WMA calls upon NMAs to develop expertise in the principles collated by the different authorities on forensic investigations for humanitarian and human rights purposes, including those developed by the ICRC to prevent new cases and resolve those of existing missing persons, and to assist their members in applying these principles to forensic investigations worldwide.

The WMA calls upon NMAs to disseminate the principles that should apply to such investigations, including those developed by the ICRC, and to attempt to ensure that physicians refuse to take part in investigations that are ethically or otherwise unacceptable.

The WMA calls upon NMAs to help ensure compliance by forensic medical practitioners with the principles enshrined in international humanitarian law for the dignified and proper management, documentation and identification of the dead, and, where possible, providing answers to the bereaved.

The WMA invites NMAs to be mindful of academic qualifications and ethical understanding, ensuring that forensic doctors practice with competence and independence.

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