The Return of Remains:
How Can Dignity Be Better Safeguarded?

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This thesis is submitted for obtaining the Joint Master’s Degree in International Humanitarian Action. By submitting the thesis, the author certifies that the text is from his or her own hand, does not include the work of someone else unless clearly indicated, and that the thesis has been produced in accordance with proper academic practices.
ABSTRACT

This thesis argues that the return of remains deserves greater attention in humanitarian action. When remains are returned in an undignified manner, or not at all, this can harm the deceased person’s family and provoke the surrounding community. The inability to return remains has a significant impact on the deceased’s family. A conceptual framework – using concepts of posthumous dignity, boundary objects and moral injury – is outlined in this thesis. An extensive literature review was conducted to landmark events and publications regarding human remains and the impact of returning remains to families. After examining a variety of sectors and professions for return-of-remains practices, it has been observed that the way in which remains are returned to families, including what they are interred within and surrounded by, is critical to preventing moral injury and other distress to the families. The thesis also contends that efforts to return remains to families are widely and well received by affected communities; however these efforts require a well-coordinated approach of standardised procedures. Examples of prevailing practices from several professions are used to propose a humanitarian approach for the return of remains to families, with a goal of safeguarding the dignity of the dead and helping families cope with their loss. An analysis of such case material makes possible the formulation of recommendations on how to improve practices in the humanitarian sector. Protecting the dead is a responsibility of the living, and guidance is needed on how to return remains in an appropriate and sensitive manner.
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ABBREVIATIONS

AGO  Office of the Attorney General
DPM  Department of Disaster Prevention and Mitigation
DVI  Disaster Victim Identification
GRS  Graves Registration Service
ICRC International Committee of the Red Cross
IFRC International Federation of Red Cross and Red Crescent Societies
IHL  International Humanitarian Law
INTERPOL International Police Organisation
IOM  International Organization for Migration
IRIN  Integrated Regional Information Networks
LTTE Liberation Tigers of Tamil Eelam
MdM  Doctors of the World
MSF  Doctors Without Borders
NEOP  National Emergency Operations Plan
PA  Palestinian Authority
PAHO Pan American Health Organization
PM  Post-Mortem
SOPs  Standard Operating Procedures
ULIMO-J United Liberation Movement of Liberia for Democracy
UN  United Nations
UNESCO United Nations Educational, Scientific and Cultural Organization
UNHCR United Nations High Commissioner for Refugees
UNOMIL United Nations Observer Mission in Liberia
USAID United States Agency for International Development
WHO World Health Organization
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1. INTRODUCTION

During all these years I knew he could not be alive, but one can never completely give up the dream that he might come home one day. I don’t know if there is any worse torture than that. Burying my son, with his name on a gravestone above his tomb, has curiously, paradoxically, rescued him for us. He came out of the fog of persons unknown (Forrest, 1996).

The above quote is the testimony of an Argentine poet, Juan Gelman, after the funeral of his son Marcelo Gelman, who went missing following his detention by the military in 1976. His remains were recovered and identified in 1989, bearing skeletal markers consistent with torture and execution-type trauma (Forrest, 1996).

When visiting my son’s grave and crying near his tombstone, I feel my grief become lighter. But I can’t find any comfort for the pain that constantly burns my heart, the pain of my missing son (Tidball-Binz, 2007, pp.384).

The above quote is the testimony of a mother of two soldiers, one of whom was killed and one of whom went missing in 2001 during the Armenia-Azerbaijan armed conflict over the Nagorno Karabakh territory (Tidball-Binz, 2007).

Juan Gelman’s and the mother’s anguish over their sons is a common reaction for one whose relative has gone missing. Such emotions arise as the result of armed conflicts, internal violence and natural disasters, where hundreds of thousands of families across the world live in anguish awaiting news of their loved ones. Information relating to whether the missing are alive or dead is crucial to families. If death is confirmed, some can accept it through words while others require evidential proof, such as a death certificate. However in some cases such a document will not initiate the mourning process (ICRC, 2004), nor may a death certificate be available. To some families, receiving the remains of the deceased may be fundamental to not only accepting the death of a loved one, but to beginning or completing the mourning process (Lindsey, 2001; ICRC, 2014; Tidball-Binz, 2007).

The first responders to conflict or a disaster are usually the local communities. The urgency of finding the missing is widely recognised by family members and also by actors, national and international. It goes without saying that uncertainty regarding the
fate of a loved one is incredibly painful. For example, such uncertainty is evident in Georgia, where the conflict with Abkhazia has left the fates of around 2,000 people still unaccounted for. In Georgian Orthodox churches, there is a place to light candles for the living, and a place to light candles for the dead. Families of missing persons often light a candle in both places, trapped in the agonising circle of hope and despair (ICRC, 2014). Here is the account of one woman desperate to find her son:

One woman who lives on the outskirts of Tbilisi last saw her son in 1993, when he left home to fight in the war. Eleven days later came word that most of his battalion had been killed. The woman sold her gold fillings to raise money so she and her husband could search for him. They walked from village to village but did not get as far as Tsugurovka, where it was rumoured that some men had been thrown off a cliff. “My main goal in life is to go to Tsugurovka, to the bottom of that cliff,” she told the ICRC. “Even if I find a skeleton I don’t care, I just want my son back (ICRC, 2014, p 9).

In 2003, the International Conference of Governmental and Non-Governmental Experts on the Missing, and the 28th International Conference of the Red Cross and Red Crescent recognised that the families of missing persons have specific needs. These needs include knowing the fate of their loved ones, conducting ceremonial rituals, receiving psychological and psychosocial support, and recognition of their suffering and gaining justice. When these needs are not met, families struggle to rebuild their lives (ICRC, 2014). For example, in Timor-Leste, after nearly twenty-five years of armed conflict, thousands of families did not know the fate of their loved ones. One man recalls how the disappearance of his two brothers affected his sleep:

I would like to forget about them but it’s impossible because they haunt my dreams… Something hasn’t been done for them and it’s like they are coming to remind us about it (ICRC, 2014, pp.8).

Knowing the fate of loved ones has practical benefits. Families gain insight into knowing the status of the body at the time of death; eyewitness accounts can confirm what they suspected. Once found, having the remains returned to families is a critical move towards finding consolation. Returning the remains means that funeral rites can be performed, thus making the mourning process less complex and their grief less likely to be unresolved. However, the mourning process is a step that frequently confronts obstacles.
Although not the main concern at the onset of a conflict or a disaster, searching and collecting the dead is paramount to their identification. If the dead cannot be identified, their remains cannot be returned to their respective families, which in some cases can hinder completion of the mourning process. For example, a young woman in Uspantán, Guatemala speaks about her missing father to the International Committee of the Red Cross (ICRC): “We talk about him as though he were alive, because we don’t know what happened to him – if he’s living or dead,” (ICRC, 2014, pp.9). In Peru, for example, more than 15,000 people went missing during the violence between 1980 and 2000. One man named Felipe Flores disappeared in 1984. When he went missing, his wife Lidia and her five small children left her hometown, and travelled to Lima to search the prisons. While searching for Felipe, Lidia met people in similar situations, some who told her about ravines filled with bodies. Since Felipe’s disappearance, Lidia has been determined to find him:

One night, her [Lidia’s] husband came to her in a dream and told her where to look for him. The next day she travelled to the city outskirts and came upon a terrible sight: dogs devouring the remains of human corpses. She recognized her husband’s trousers and picked up a skull, believing it to be his, though she never received confirmation that it was (ICRC, 2014, pp.24).

While investigating recovery operations following the attack on the World Trade Center in 2001, William Langewiesche asked the New York Medical Examiner principal liaison: “What is the bewilderment of loss that drives people to want so desperately to retrieve the bodies of their dead and, in the extremes of this case, to retrieve those bodies even after they are unrecognizable and torn to shreds?” (Wong, 2005, pp.611-612). In the spirit of his observation, this thesis argues that in natural disaster and conflict settings the importance of returning remains to the family, and doing so conscientiously, has not been afforded the attention it deserves.

More often than not, actions committed by soldiers decades before, desecrating the bodies of their enemies before their return, or denying the fallen their right to a decent disposal, hinder the return of remains to families. In natural disasters, the often exaggerated fear that the dead may spread disease\(^1\) leads actors to perform hurried burials, perhaps collective, an act that may deter identification and their return to families.

\(^1\) Notable exceptions are infectious outbreaks, such as the Ebola outbreak.
families. Such acts also deny the dead of their dignity, and inflict moral injury on the relatives awaiting the remains of their loved ones. In a 2013 article in the *New Yorker*, Hisham Matar, wrote about his father, who was imprisoned in 1990, and is still unaccounted for:

I envy the finality of funerals… Whenever I hear of someone in Iraq, in Argentina, or now in Libya finding the bones of his disappeared scattered in a mass grave, I covet the certainty. How it must be to wrap one’s hands around the bones, to choose how to place them, to be able to pat the patch of earth and sing a prayer (ICRC, 2014, pp. 26).

In an ICRC report titled *The Missing and Their Families*, the return of remains to families was argued to be of equal importance to providing evidence for criminal investigations, however the action, or rather non-action, does not reflect this statement (ICRC, 2003a). This thesis shall assess current humanitarian practice in the return of remains to families, and proposes that there should be a policy of principles and practical steps for the return of remains by humanitarian actors in both conflict and disaster settings. This policy is required to help protect the dead, and prevent causing harm to those involved in the return of remains process. One survivor of the Guatemalan conflict recalls the anguish of not knowing where the remains of a loved one lie:

Just a little bit of earth to be able to say there he is. There is the little cross, he is there, everything is there. There is our little bit of dust and we will go to show our respect, leave a candle … but when are we going to light the candle … and where are we going to …? There isn't any place. I feel so much pain. Each night I get up to pray, every night. Where can we go? (Catholic Institute for International Relations, 1999, pp. 20).

This is a young scholars attempt to envision what these guidelines for facilitating the return of remains to their families and safeguarding dignity might look like. The creation of international protocol and standards is a widely collective process, and requires the input of many experts and organisations. This thesis offers a draft that could be used as a starting point for further discussion.
1.1 THE RESEARCH PROCESS

In this section, I will give an overview of the aims and objectives, including the sub-questions chosen, and how the return of remains is relevant to humanitarian action. The research method and limitations will also be stated, followed by a description of each thesis chapter.

1.1.1 Aims and objectives

My undergraduate degree in forensic anthropology opened up a world of analysing human remains; the amount of information that can be extracted from bone, even the smallest fragment fascinated, and still does fascinate, me. Learning about human remains in this regard motivated me to further investigate the contexts in which the identification of human remains is required. Two such contexts concern conflicts and disaster, both of which fall within the field of humanitarian action.

The aim of this thesis is to assess current humanitarian practice in returning remains of those that have died - as a result of armed conflict, internal violence or natural disaster - to their families, and propose recommendations for procedures to facilitate the conscientious return of remains to families. This includes identifying current constraints regarding the return of remains, and assessing how the dignity of the dead can be better safeguarded. Humanitarian practice in conflict and disaster settings, as well as practice from other actors will be reviewed, specifically their policies, training, and manuals to see whether these include return-of-remains practices.

The main research question is:

_The Return of Remains: How Can Dignity Be Better Safeguarded?_

In order to answer this question, two sub-questions have been created:

1) What is the current range of practices and protocols regarding the return of remains in humanitarian crises and other related practices?
2) What are the shortfalls of current practices?
In order to answer these sub-questions, a background of the return of remains in conflict and disaster settings will be given, including a review of common practice in the military, in migration policies and procedures, and in the humanitarian sector.

In this research, the concepts dignity, boundary objects and moral injury are defined, and the relationships between each other are shown. Using these concepts, this research demonstrates one angle by means of which to emphasise the importance of returning remains, and assisting families and communities with their loss. This thesis concludes by looking at the constraints to returning remains, including the creation of a preliminary proposal towards an eventual set of guidelines.

1.1.2 Relevance to humanitarian action

Although it is acknowledged that management of the dead is a core element of humanitarian response (Tidball-Binz, 2007, pp. 422), little research exists on the return of human remains in humanitarian action. A lengthy scholarly analysis of the return of remains has, to the author’s knowledge, never been conducted, and thus, in conflict and disaster situations, the return of remains is not given the attention it deserves. The handling of human remains by non-specialists, coupled with a lack of practical guidelines is of increasing concern. Further, the mismanagement of the dead can cause deep suffering to bereaving families and affected communities, and the impact that maltreatment of remains has on family members has not been rigorously assessed. If the dead are not dealt with accordingly, humanitarian personnel are at risk of inflicting further moral injury onto the families, as well as developing secondary traumatisation themselves.

Currently there is no such practical checklist for preparing the dead for their return, or facilitating their return, and such a checklist would benefit the humanitarian community. Creating such guidelines will enable proper handling of the remains and ensure that the wishes of the family are taken into account, as well as advocate protection of the dignity of the dead. Such a checklist will emphasise the need for humanitarian actors to protect themselves from developing secondary traumatisation, advocate that protecting the
dignity of the dead is a duty of the living, and finally, assist in preventing moral injury and other distress to the relatives of the deceased.

The burden of the dead is not held solely by the State or the ICRC, but is a common duty for all humanitarian actors responding in situations of conflict and natural disaster. In disaster, the management of the dead is frequently conducted in an uncoordinated manner. Thus, one question to be asked is who is responsible for returning remains to families? Is it the murderer, government authorities, the families themselves? This is a question that should be considered. One example given later in this thesis concerns the aftermath of the 2004 tsunami, where it took three days to elect an organisation responsible for managing the dead. In humanitarian emergencies, where time is of the essence, what impact does this have on returning remains to their respective families?

Facilitating in the return of remains in timely and culturally appropriate ways falls squarely within the remit of the humanitarian imperative. This thesis argues that this should not be overlooked by any actor with the capacity to facilitate in this transition. More importantly, families have the right to know the fate of their relatives, and for their remains to be returned to them. With regards to conflict settings, this right is enshrined in international humanitarian law (IHL), of which State and non-State actors are obliged to uphold, and humanitarian actors have an obligation to advocate.

1.1.3 Research method

This research is based on qualitative research, specifically the common practice and guidelines relating to the dead in conflict and disasters. A desktop review, the collection of relevant documents, was conducted investigating the return of remains across a variety of case studies and professions. Words relating to the return of remains were used in the search including: repatriation, transference, return, human remains, dead bodies, disaster, conflict, and conveyed a wide range of results. A literature review analysed the return of remains and the protection of dignity. The data was collected through peer-reviewed articles, media articles and humanitarian organisation manuals, and analysed based on common themes emerging in the guidelines and common practice.
The wide range of terminology used for the return of remains and for Standard Operating Procedures (SOPs) made data collection difficult. Therefore this research cannot be considered exhaustive. This research will not analyse the legalities involved in the return of remains, nor contain an exhaustive list of constraints faced in the return of remains. Instead this thesis, by considering evidence from common practice and existing guidelines, will focus on analysing aspects of the return of remains in an effort to improve current practice, and formulate a procedure that can be applied and reinforced.

1.1.4 Research limitations

The research is not based on direct fieldwork, but builds upon my long-term interest in issues of human remains over several years. I have spent time with organisations investigating their role in facilitating the return of remains, and spent three years learning about the identification of human remains and the circumstances where this is a requirement. Although this thesis is limited to a literature review and analysis, a sufficient amount of reports and manuals, including excerpts from interviews and field observations, have been studied. This has allowed me to extract relevant data from a range of professions and apply it to the humanitarian arena.

There are currently no indicators to evaluate effectiveness of return-of-remains practices in humanitarian action, thus hindering a comprehensive assessment on the activity from being conducted. Organisations that have realised the importance of returning remains in an appropriate and sensitive manner have not released comprehensive information on such practice and its effects on relatives of the deceased. This is why the research provides a general interpretation of the topic, of which should be seen as a starting point for future discussion.

Due to the literature regarding the return of remains drawing upon different sectors, the terminology used varies within humanitarian action and across other professions. For example, key terms used to refer to the return of human remains include ‘repatriate’, ‘transference’, ‘return’, and ‘bringing back’, and key terms used to refer to human
remains include ‘dead bodies’, ‘corpses’, ‘the dead’, ‘human remains’ or ‘mortal remains’.² Therefore, considering the varied number of combinations that can be constructed from the aforementioned terminology, searching literature regarding the return of remains for this thesis cannot be considered exhaustive.

Finally, there are also cultural and religious differences in thinking about the dead. For example, one may believe that the dead have a soul, and appropriate commemorative rituals allow for the soul to transfer to another world. Such religious and cultural beliefs and practices may serve as incentive in returning remains to families. Although examples of religious practices are given in this thesis, considerations of the way that different religions and cultures treat the dead once returned fall beyond the scope of this research.

1.1.5 Thesis outline

The thesis consists of six chapters. In the first chapter the return of remains was introduced and the importance of their return to families was outlined. Aim and objectives of the research were defined and an introduction into the research being conducted was given. The methodology was also stated, specifically how the data was collected and analysed, and the research limitations found. The second chapter gives background information, and the wider contexts in which the return of remains takes place. The third chapter outlines the concept of posthumous dignity and relates this concept to the concepts of moral injury and human remains as a boundary object. Following this, a conceptual framework is constructed, of which will be applied in this thesis. In the fourth chapter, the conceptual framework will be linked to the guidelines and common practice associated with the return of remains, which will facilitate answering the following sub-questions: What is the current range of practices and protocols regarding the return of remains in humanitarian crises and other related

² The key terms referring to the dead are somewhat indicative of the status of the remains. ‘Corpse’ and ‘dead bodies’, for example, imply that the dead are a single entity, whereas ‘remains’ implies that the dead are skeletonised or are in several parts. However, returning the dead terminologies can arise confusion across contexts and cultures. Although ‘human remains’ is technically correct and considered more respectful than its aforementioned variants, PAHO et al., (2009) refer to human remains as ‘dead bodies’ as it is “less ambiguous for readers whose first language is not English” (pp.1). When producing international guidelines, I encourage the usage of the term ‘dead bodies’, and a statement declaring that the term refers to all conditions in which the dead may be found: whole bodies, body parts, partially or completely skeletonised.
practices? What are the shortfalls of current practices? The **fifth chapter** will also reveal and apply the conceptual framework to the findings of both sub-questions. The **sixth chapter** presents conclusions from the findings, and gives recommendations on how the dignity of the dead can be better safeguarded, and how the emotional distress of bereaving families can be minimised. The bibliography and appendices can be found at the end of the sixth chapter.

This section presented an overview of the aims and objectives of the research, and its relevance to humanitarian action. The research method and limitations were described, and an overview of each thesis chapter was given. To gain further insight into the context where this research process will be applied, a background regarding the return of remains will now be given.
2. BACKGROUND

In this section, a review of the return of remains entering humanitarian dialogue will be given, followed by a description of landmark events and publications regarding remains. As armed conflict settings are within the scope of this research, relevant customary IHL provisions and military manuals will also be reviewed.

2.1 The return of remains entering humanitarian dialogue

The return of remains to their respective home countries and families is a relatively new practice in humanitarian action. After the Second World War, the 1949 Geneva Conventions were established, followed by the creation of the 1977 Additional Protocols. These legal contracts have made it an obligation to protect the dead, and to specifically return the dead to their home countries and families in international armed conflicts. There is no treaty law stating the return of remains in conflicts of a non-international character, however such practice does occur in this setting, of which I will revisit at a later stage.

As far as I am aware, the first time the return of remains entered humanitarian dialogue was in 1973, at the 22nd International Conference of the Red Cross. At the conference, Resolution V was adopted by consensus, calling upon parties to armed conflicts “during hostilities and after cessation of hostilities . . . to facilitate the disinterment and return of remains” (Henckaerts and Doswald-Beck, pp. 414). The following year, the return of remains was also discussed by the United Nations (UN) General Assembly. The UN General Assembly adopted a resolution calling on parties to armed conflicts, irrespective of their character, “to take such action as may be within their power . . . to facilitate the disinterment and the return of remains, if requested by their families”.3 In 1987, de Mulinen reported that ICRC delegates around the world teach armed forces international law, including that efforts shall be made to return the remains and ashes of the dead to their home country (de Mulinen, 1987).

In 1989, the Inter-American Commission on Human Rights reported a case concerning

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3 UN General Assembly, Resolution 3220 (XXIX), 6 November 1974, paragraph 2.
Suriname. The report stated that the military refused family members to collect the remains of their dead following an attack by Suriname’s National Army. In 1995, a case concerning an indiscriminate attack in Columbia reported that, in 1990, a Columbian brigade commander allowed the witness to retrieve the body of her husband for burial.  

Dialogue on this topic was also raised in a UN report concerning Liberia. In 1996, the UN Secretary-General reported discussions between the United Nations Observer Mission In Liberia (UNOMIL) and the United Liberation Movement of Liberia for Democracy (ULIMO-J) regarding the release of soldiers’ remains killed in the hostilities. ULIMO-J agreed to facilitate their return, on the understanding that concerns of their soldiers would also be considered. Most recently in 1999, at the 27th International Conference of the Red Cross and Red Crescent, a Plan of Action for the years 2000-2003 was adopted. This Plan of Action called on all parties to an armed conflict to take effective measures in ensuring that “every effort is made . . . to identify dead persons, inform their families and return their bodies to them” (Henckaerts and Doswald-Beck, pp. 414).

2.2 Landmark events and publications regarding human remains

In order to understand how the dead are perceived in humanitarian action today, this section presents landmark events and publications released between 2004 – 2014 that have shaped and contributed to the evolution of remains practices within the humanitarian sector.

a) The aforementioned timeframe was chosen due to the Plan of Action 2000 – 2003 adopted by the ICRC at their 27th International Conference of the Red Cross and Red

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6 27th International Conference of the Red Cross and Red Crescent, Resolution I.
Observations and recommendations relating to the return of remains were published in a manual, one of the first presenting guidelines for the humanitarian sector. This manual titled *Operational Best Practices Regarding the Management of Human Remains and Information on the Dead by Non-Specialists* was published by the ICRC (2004), and recognises the importance of the management of human remains in conflict situations, as well as recognising the lack of forensic specialists available in conflict settings. The manual contains recommendations and best practices to be integrated into policies, training and operational practice of all armed forces and humanitarian organisations working in conflict settings. Section three outlines the responsibilities of political authorities and belligerents, of which include doing “everything in their power to find, identify and return to the families the remains of those killed in combat” (ICRC, 2004, pp. 23). The manual emphasises that humanitarian organisations can alleviate the mourning process by learning and respecting practices relating to the return of remains. Thus for the first time, the significance of the management of the dead, and the role that humanitarian organisations play in this, is recognised by the humanitarian community.

**b)** In the same year, an earthquake generated a tsunami, with an epicenter off the west coast of Sumatra, Indonesia. The tsunami affected 14 countries, killed over 230,000 people, and triggered an international response. Several publications addressed the management of human remains, one highlighting the lack of information available on this topic following a natural disaster. The publication also advocated for further research to be conducted on mass fatality management in such settings, including humanitarian organisations to provide assistance in managing the dead in future disasters (Morgan et al., 2006). The publication also emphasised the socio-cultural implications mismanagement of the dead have on the affected communities, and advocated for management of the dead to be included in the Sphere Project guidelines.

c) In 2004, the Pan American Health Organization (PAHO) in collaboration with the World Health Organization (WHO), published *Management of Dead Bodies in Disaster Situations* that clearly stated that the management of human remains, particularly their recovery, deserves greater attention and in some cases has been disregarded. PAHO and

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7 Please see Appendix A for more information on the Plan of Action 2000-20003 and the Agenda for Humanitarian Action.
WHO (2004) also emphasised that the management of human remains significantly affects the wellbeing of the deceased’s family members, and that irrespective of cultures or rituals, families value the measures taken to return the deceased’s remains to them.

d) In 2005, PAHO and the ICRC organised an international workshop in Lima, Peru to share experiences of natural disasters. The outcome of the workshop was a manual titled *Management of Dead Bodies after Disasters: A Field Manual for First Responders*,\(^8\) the draft version of which was used following the response to the 2005 Pakistan earthquake and the 2006 mudslide in the Philippines (PAHO, 2010). The manual promoted better treatment of the dead and their families, and recognised the vital role of local organisations and the difficulties associated with the management of the dead following natural disasters. The manual clearly stated that procedures involving the return of remains to families are to be clearly defined and can be provided by the physician or pathologist, and must consider the wishes of the family. Further, the publication highlighted the need for further practical guidance in managing the dead following mass fatality natural disasters.

e) Between 2007 and 2014, the Office of the Attorney General (AGO) returned the remains of 2,789 individuals who went missing because of forced disappearances. Peter Natiello, the United States Agency for International Development (USAID) Country Director for Columbia remarked that the return of remains brings peace to families affected by the conflict (International Organization for Migration, 2015).

f) In 2011, the Sphere Project released the third edition of the Sphere Handbook and included an additional guidance note on the management of human remains in disaster settings (The Sphere Project, 2011). The guidance note affirmed that in mass fatality disasters, the recovery and disposal of human remains is an urgent need, and that the rapid recovery of remains is required to minimise the psychological trauma for those who have lost loved ones and witnessed death on a large scale (WHO, 2015). I wish to bring to the readers attention that such a provision is based under the solid-waste management section of this document.

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\(^8\) The latest edition of the manual can be accessed through the following link:  
g) In 2012, a humanitarian news agency called the Integrated Regional Information Networks (IRIN) published an article titled *Analysis: Why Dead Body Management Matters*, emphasising that the way human remains are managed following a disaster can significantly affect the mental wellbeing of communities (IRIN, 2012). The article remarked upon the 2010 Haitian earthquake, where human remains were stacked outside mortuaries and hospitals, while thousands of unidentified remains were buried in mass graves. This media article was one of the first to cover the impact of mishandling remains in disasters, highlighting that undignified deaths, such as lack of proper burials or funeral rituals, deny affected communities the means to accept their loss.

The background research on the management of remains in conflict and disaster settings has revealed that the humanitarian sector lacked proper management of remains and their return to families until the 2004 tsunami. Even though the difficulties associated with management of remains were recognised, and the role the return of remains played in the mourning process, practical guidelines were, and still are, scarce.

With this history in mind, I now look at the legal obligations pertaining to this topic that are applicable in international and non-international armed conflicts.

### 2.3 Customary International Humanitarian Law regarding the return of remains

Customary International Humanitarian Law (IHL) is comprised of rules that are derived from general practice. Customary IHL serves to fill protection gaps left by treaty law, thereby strengthening the protection offered to those who are no longer participating in fighting.

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9 The potential issues concerning mass burial are well documented. Scholars and international standards concur that mass burials are rarely necessary and should be a last resort (Rosenblatt, 2010; Morgan, 2004; de Baets, 2004; The Sphere Project, 2011; PAHO and WHO 2004).
Customary rule 114 refers to the return of remains and states:

Parties to the conflict must endeavour to facilitate the return of the remains of the deceased upon request of the party to which they belong or upon the request of their next of kin. They must return their personal effects to them (ICRC, 2015a).

This rule is applicable to States in international armed conflicts. With regards to non-international armed conflicts, there is growing recognition of this obligation to return remains upon the request of the families.

2.3.1 International armed conflicts

Customary rule 114 is heavily based on the 1949 Geneva Conventions. However, the relevant provisions outlined in the Geneva Conventions are general, and an agreement between parties to a conflict is required for remains to be returned (Henckaerts and Doswald-Beck, 2005). Article 34 of the 1977 Additional Protocol I acknowledges an agreement between parties to facilitate the return of remains is necessary, and also includes a procedure to be adhered to in the absence of such an agreement:

3. In the absence of the agreements provided for in paragraph 2 (b) or (c) and if the home country of such deceased is not willing to arrange at its expense for the maintenance of such gravesites, the High Contracting Party in whose territory the gravesites are situated may offer to facilitate the return of the remains of the deceased to the home country. Where such an offer has not been accepted the High Contracting Party may, after the expiry of five years from the date of the offer and upon due notice to the home country, adopt the arrangements laid down in its own laws relating to cemeteries and graves.

One example of such an agreement is the Panmunjom Armistice Agreement. On 27 July 1953, the signing of the Panmunjom Armistice Agreement signified the end of the Korean War. Article II(13)(f) states that graves registration personnel are permitted to

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10 First Geneva Convention, Article 17(3); Third Geneva Convention, Article 120(6); Fourth Geneva Convention, Article 130(2).

11 First Additional Protocol, Article 34(2)(c) (adopted by consensus).

12 First Additional Protocol, Article 34(3) (adopted by consensus).

13 Other examples of such agreements include the Agreement on Ending the War and Restoring Peace in Vietnam, Article 8(b); Finnish-Russian Agreement on War Dead, and the Estonian-Finnish Agreement on War Dead (Henckaerts and Doswald-Beck, 2005).
enter the territory of Korea to evacuate “bodies of the deceased military personnel of that side, including deceased prisoners of war” (pp. 5). The Korean Communication Zone Operation Plan 14-54, known as Operational Glory, was established to fulfil this agreement and recover the remains of soldiers interred in enemy territory. Between September and October 1954, North Korea returned the remains of 4,167 UN military personnel to the UN, and 13,528 remains were returned to North Korea (Edwards, 2009). However, both the UN and North Korea claimed that not all deceased military personnel had been accounted for. Since the conclusion of Operation Glory, the United States has been “aggressively involved” in locating and recovering additional remains of Korean War veterans, and where possible has made every effort to return them to American soil (Edwards, 2009, pp. 124).

An example of national practice in the return of remains includes the exchange of remains between Egypt and Israel. Between 1975 and 1976, the exchange of mortal and combatant remains took place in the presence of ICRC auspices (ICRC 1976; ICRC, 1977). Another example includes the ashes of 3,500 Japanese soldiers killed in Irian Jaya, Indonesia during World War II, handed over to the Japanese ambassador in 1991 (Sik, Pinto and Syatauw, 1993).

There are numerous military manuals that include the obligation to facilitate the return of remains.14 The obligation is included in the United States military manual, even though the State is not party to 1977 Additional Protocol I. However, the United States supports the provisions in the protocol relating to returning remains when it is requested (Henckaerts and Doswald-Beck, 2005).

One country includes a provision pertaining to the return of remains in their national legislation, even though the State is not party to Additional Protocol I.15 In the Abu-Rijwa case in 2000, the Israel Defence Forces, requested by families to return the

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14 See, for example, the military manuals of Argentina, Australia, Croatia, France, Hungary, Netherland, Spain, Switzerland, United Kingdom and United States (Henckaerts and Doswald-Beck, 2005).

15 The country in question is Azerbaijan. Article 29(5) of the Law concerning the Protection of Civilian Persons and the Rights of Prisoners of War (1995) states that appropriate authorities of the Azerbaijan Republic shall ensure measures are taken to “return back their dead bodies and personal property, with the request of the parties and close relatives of the persons who are dead” (pp.8).
remains, conducted DNA identification tests. The report on the Practice of Israel states that when correct identification is possible, the remains will be returned.16

2.3.2 Non-International armed conflicts

Unlike international armed conflicts, there is no treaty provision pertaining to the return of remains to families in non-international armed conflicts. I wish to draw to the readers' attention that, considering the majority of armed conflicts that occur today are non-international, it is surprising that no legal obligation for the return of remains in this context exists. A study conducted on customary IHL concluded that three aforementioned resolutions17 in support of applying customary rule 114 in non-international armed conflicts did not “tip the balance” because practices concerning the return of remains were not consistent (Henckaerts, 2007, pp. 478).

Nevertheless, agreements do exist on the return of remains in non-international contexts, and include the Plan of Operation for the Joint Commission to Trace Missing Persons and Mortal Remains Proposal 2.1, and the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law in the Philippines, Part IV, Article 3(4) (Henckaerts and Doswald-Beck, 2005). Examples of practice include the exchange of remains of more than 1,000 soldiers and Liberation Tigers of Tamil Eelam (LTTE) fighters in Sri Lanka in 1998, with the ICRC acting as a neutral intermediary (ICRC, 1999a). In July 2008 the ICRC also acted as a neutral intermediary and facilitated in the handover of remains between Hezbollah and the Israeli authorities (Reuters, 2008). Another example of practice took place in 1985, where a Colombian Administrative Court affirmed that families are not to be denied the right to claim bodies of relatives, but are to bury them according to their wishes.18 Further, there has

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17 These resolutions mentioned in Section 2.1 were: 22nd International Conference of the Red Cross, Resolution V; UN General Assembly, Resolution 3220 (XXIX), and 27th International Conference of the Red Cross and Red Crescent, Resolution I.

18 Colombia, Administrative Court in Cundinamarca, Case No. 4010.
been a government party to a non-international armed conflict stating it would facilitate in the return of remains (Henckaerts and Doswald-Beck, 2005).\textsuperscript{19}

Other examples of practice include a case where the military denied family members from collecting remains of the dead, who were killed by government forces. The annual report of the Inter-American Commission on Human Rights 1988-1989 stated that between 10 and 30 September 1987, civilians were killed by the Military of the National Army on the 79 kilometre road, known to the local people as Tjongalangapassie, between Brownsweg and Pokigron, Suriname. Until 15 October 1987, the military strictly forbade any person to leave Tjongalangapassie, or collect the human remains without military permission. Whether such permission was granted to families is not mentioned (Organization of American States, 1989).

The differences between customary law pertaining to the return of remains in international and non-international armed conflicts has been demonstrated. With this in mind, I now look at provisions regarding the return of remains that are included in military manuals.

\subsection*{2.3.3 Military manuals}

Numerous military manuals affirm that remains of the dead are to be searched for, collected and returned home to families. These military manuals are interesting as some States who are not party to Additional Protocol I, of which affirms that parties are to facilitate the return of the remains, include this affirmation in the military manual. The United States is such an example.\textsuperscript{20}

Protocols are provided in 15 military manuals, all of which have similar or striking variations. Six manuals mention that the remains shall be kept or forwarded to the Graves Registration Service (GRS),\textsuperscript{21} such a provision reflects Article 17 of 1949

\footnotesize
\begin{itemize}
\item \textsuperscript{19} Henckaerts and Doswald-Beck (2005) state that this is the case, however information on the government party who made this statement, or the non-international armed conflict where this occurred could not be found.
\item \textsuperscript{20} For all military manuals, please see www.icrc.org/customary-ihl/eng/docs/v2_rul_rule114
\item \textsuperscript{21} These States are: Argentina, Australia, Belgium, Spain, UK, and the USA.
\end{itemize}
Geneva Convention I. Other manuals state that remains shall not be repatriated until an agreement is reached between all parties involved\textsuperscript{22} or the home country makes known its arrangements.\textsuperscript{23} The military manual for Belgium states that if remains are found in territories under the control of Belgian armed forces, the Prisoners of War Information Bureau shall be informed. It is interesting that not all manuals mention the establishment of a GRS or an equivalent. The military manual for France states that the dead are to be buried to facilitate possible return of remains, and only the UK manual defines protocol where agreements between parties to return remains have not been reached.

The UK manual states that in absence of an agreement, the authorities of the territories where graves are located may offer to return remains to the home country. If such an offer is not accepted within five years, the remains are to be managed in accordance with national legislation relating to cemeteries and graves. Although no specifics regarding the remains are given, this manual provides more depth than others and reflects Article 34 of the 1977 Additional Protocol I.

In contrast, other manuals are less descriptive; Brazil states the importance of evacuating all living persons prior to managing the dead (ICRC, 2015a). This is an important distinction to make, however no mention of how to proceed in light of discovering remains is given. Cameroon’s Instructor’s Manual states that in some cases, “certain bodies may be repatriated” (Ministère de la Défense, 2006, pp. 265), however under what circumstances such a procedure may take place is not specified. The 2006 Instructor Manual for Chad states that facilities must be provided for remains to be returned to their home country (ICRC, 2015a), however what these facilities are and whose responsibility it is to provide them is not mentioned. Other manuals also present vague descriptions in light of returning remains. For example, Croatia and Hungary military manuals state that one of the measures required is to return ashes and remains; the Netherlands and Peru manuals state that measures are to be taken to facilitate the return of remains (ICRC, 2015a), and the annotated supplement to the United States

\textsuperscript{22} This is stated in the military manual for Switzerland.

\textsuperscript{23} This is stated in the military manuals for the UK, Argentina, and the USA.
Naval Handbook (1997) states that they will facilitate the return of remains “when requested” (Oceans Law and Policy Department, 1997, pp.478).

As can be seen, provisions relating to the return of remains in military manuals are vague and often do not consider the logistics of returning remains, or the effect of returning remains on families. More often than not, it is unclear whether it is the responsibility of the GRS to facilitate the return of remains to their home country, or whether the service acts as a ‘holding bay’ until another actor takes over.

This section reviewed the return of remains entering humanitarian dialogue, as well as landmark events and publications concerning remains. With regards to armed conflict settings, an overview of relevant customary IHL provisions and military manuals were given. Now that we have a better understanding of the context, we will move towards the conceptual framework in the next chapter.
3. CONCEPTUAL FRAMEWORK

Theoretical strands that are relevant for this thesis have been drawn from a number of fields. These include the study of theories about how organisations create practices and protocols for consistent responses to crises; philosophical theories of dignity, the relationships people have with the remains and how this affects their actions; and psychological and anthropological accounts of mourning and funerary practices.

When conducting research, discussions relating to the concept of dignity of the dead in humanitarian action were not found. Therefore, this section shall first review the concept of dignity in relation to humanitarian action and other related arenas, and then extrapolate on whether dignity can be applied to the dead from the philosophical and historical arena. An outline of dignity to the dead will be given below, followed by outlines of the concepts boundary objects and moral injury. Reasons why particular concept definitions are chosen will be given, and relationships between the concepts will be shown.

The concept dignity has been used and applied across many professions, such as bioethics (Pellegrino, Schulman, and Merrill, 2008) and nursing (Griffin-Heslin, 2005), included in humanitarian legal documents (UNESCO, 1997) and used for advocacy purposes by a variety of human rights groups.24 Funeral companies frequently include the word dignity in their names25 and refer to their cremation and burial services as ‘dignified’.26 However this concept has a multitude of definitions, some of which are described below.

3.1 Conceptualising dignity

In the Oxford Dictionary, dignity is defined as “the state or quality of being worthy of honour or respect” (Oxford Dictionary, 2015). Thus, the main principles of dignity are

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24 Two examples include DignityUSA (www.dignityusa.org/) and Dying with Dignity Canada (www.dyingwithdignity.ca/)

25 Two examples include Dignity Caring Funeral Services (www.dignityfunerals.co.uk/) and Dignity Memorial (www.dignitymemorial.com/en-us/plan-now/funeral-service.page)

26 These are a few examples of funeral companies offering ‘dignified’ services: www.nycremationoptions.com/; www.albertaburialandcremation.com/; www.amherstcremation.com/
possessing honour or respect. The concept dignity has helped shape human attitudes, and influenced national State legislation and international law. In the 20th century, prior to the Second World War, dignity was ratified in at least thirty-seven national legal systems (Schulman, 2008). For example, the Basic Law (Grundgesetz) of Germany (1949); Article 1(1) affirms human dignity to be inviolable (Federal Ministry of Justice and Consumer Protection, 2014). Following the Second World War, ‘human dignity’ was a prominent concept and adopted into legal language on an international level (Dicke, 2002, pp.112). The term is used in the preamble to the Charter of the United Nations (1945):

We the people of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the rights of men and women and of nations large and small… (United Nations, 1945).

The Universal Declaration of Human Rights (1948) affirms that “the inherent dignity” is understood as “the foundation of freedom, justice and peace in the world” (United Nations General Assembly, 1948, Preamble).

The codification of human dignity into legal documents is yet another example in how the concept is applied and interpreted. In these documents human dignity is portrayed to be a “supreme value” that all human rights and duties depend on (Schulman, 2008, pp.13), yet its meaning and basis is not overtly expressed. For example, the United Nations Educational, Scientific and Cultural Organization’s (UNESCO) Universal Declaration on Bioethics and Human Rights uses the term dignity eleven times but refrains from declaring their definition of dignity or why it is applicable in its declaration (UNESCO General Conference, 2005). The assertions on human dignity made in these international documents simply declare basic human rights and freedoms human beings are entitled to. However, when writing such legal documents, achieving consensus on the meaning of dignity was not the objective, but to prevent a recurrence of the atrocities human beings were subject to during the Second World War; to ensure a Holocaust was never repeated (Schulman, 2008).

Dignity is deemed as nothing more than an obligation to show respect towards all human beings. Like all concepts, this one is a source of continued debate. For example,
European Courts sometimes confuse Kantian dignity, the basis of human rights, with dignity encompassing respectability and dignified behaviour (Wilkinson, 2012). Confusions of the concept further compound any form of agreement on the term being reached. In legal documents, dignity is linked to the biological human being and not, by Kant’s standards, to a rational or moral person. The indeterminate nature of human dignity adopted in legal discourse does not offer a clear application in all contexts, such as the dead in armed conflict.

For questions looking at whether the dead have dignity, let me emphasise that my call for a more conscientious treatment does not impinge on this. This is an interesting philosophical speculation, but on pragmatic utilitarian grounds, people should return remains to minimise the suffering of families and communities. Discussions concerning whether there is dignity after death are given below.

3.2 Is there dignity after death?

Reviewing academic literature on the subject of dignity after death, there is no universally agreed definition of what this constitutes, but there are cases where dignity has been applied to the dead. There is support that dignity does not cease once life ends (de Baets, 2008; Foster, 2014) and that the dignity of the dead should be respected. One of the most universally validated facts is that the living shows respect toward the dead; even Neanderthals buried their dead in “summarily arranged tombs” (Strauss, 1955, pp.267-268). Statements encouraging the respect of human remains are enshrined in the 1949 Geneva Conventions, and the war crime “outrages upon personal dignity” upheld within the jurisdiction of the International Criminal Court (ICC) also incorporates the dead. In the M.Schmid trial, the accused was convicted of wilfully

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27 In social literature, Kant’s theory of dignity has had a central importance, so I thought to mention his theory in Appendix E.

28 Strauss (1955) originally wrote: “Il n’existe probablement aucune société qui ne traite ses morts avec égards. Aux frontiers mêmes de l’espèce, l’homme de Néanderthal enterrait aussi ses défunts dans des tombes sommairement aménagées.” Antoon de Baets (2004) translated this as: “There is probably no society that does not treat its dead with dignity. At the borders of the human species, even Neanderthal man buried his dead in summarily arranged tombs” (pp.119).

29 The establishment of the ICC was powerfully motivated by the “posthumous restoration of the dignity of the dead of serious human rights abuses” (de Baets, 2008, pp.77).
desecrating the remains of a prisoner of war, and denying a decent burial (Dörmann, 2003).

Practices supporting the existence of posthumous dignity include burial and cemetery regulations across numerous countries, which safeguard the decent treatment of human remains. Where remains are not available for proper disposal, some communities have erected monuments to commemorate the dead. It could be argued that such monuments support the existence of posthumous dignity, and provide a place for local communities to come together to grieve. Communities in Guatemala, for example, erected ‘truth monuments’ to remember the suffering endured throughout the Guatemalan conflict, to “restore a sense of dignity” and for recognition of outstanding injustices (Gidley and Roberts, 2003, pp.152). Such monuments list the names of the dead, and include something about their lives, such as which community they belonged to.

Further, the finances and time invested into searching and recovering fallen soldiers or those who have died in disasters suggests that the dead possess dignity (de Baets, 2008). For example, following the 2015 earthquake in Kathmandu, rescue workers dug for eight hours to find the body of a local shopkeeper buried underneath the rubble. Once found, the workers placed the body in a black body bag, pricked a cucumber lined with sticks of incense, and laid it next to the body to mask the smell of the decomposition (Phillips, 2015). It could be argued that such commemorative acts would not be committed if the dead did not possess dignity.

Another example is DNA analysis, a time-consuming and expensive process that has been used to identify both the recent and long-deceased. An ICRC guide concerning best practice for DNA analysis and identification of human remains states that, “the only relief for their [a missing person’s] families is … knowing that the remains of their relative have been or can be treated with dignity” (ICRC, 2009, pp.3). Scully (2014) conducted a study on whether DNA identification of the long-deceased demonstrates care towards the dead. Common features in why participants took part in the study included the terms “looking after” and care:
Thus, it can be argued that showing care towards the dead supports the existence of dignity after death.

Lastly, the desecration of human remains, including mutilation and denying them a decent burial, is evidence that human remains and graves are perceived to be higher than a ‘thing’ status. The action is often perceived as an insult to most people, suggesting that human remains possess value (de Baets, 2008).

### 3.3 Assumptions for the existence of posthumous dignity

According to de Baets (2008), the existence of posthumous dignity rests on five assumptions that can be separated into three categories:

<table>
<thead>
<tr>
<th>Assumptions regarding the dead</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The status of human remains rests between ‘human being’ and ‘thing’.</td>
</tr>
<tr>
<td>2. Once deceased, “symbolic traces” of the humanity and personality had in life are retained (de Baets, 2008, pp.120). These are to be protected by the living. In this assumption, de Baets makes clear his belief that the passing of time does not completely decay respect and compassion towards the dead. The way that both the recently deceased and the long-deceased are treated is evidence that the dead have value (de Baets, 2008). The humanity and personality of the dead may be resembled in living family members and in memories that people have of them. Further, former human beings may leave traces of their lives in objects, such as work projects or personal collections. Such objects demonstrate that a relationship exists beyond their death.</td>
</tr>
</tbody>
</table>
Assumption regarding the dead while alive

3. The interests and claims a person may make while alive can extend beyond their lifespan. Requests concerning disposal of their body, and what will happen to their finances “are often expressed as promises, contracts, life insurance policies, testaments and deathbed wishes” (de Baets, 2008, pp.120). Such wishes are made assuming that they will be respected posthumously. Further, once deceased, the hope that we will be treated with respect and that our wishes will not be disregarded are contributing factors to an attitude of respect towards the dead.

Assumptions regarding the relationship between the dead and living

4. More often than not, the duties we may have shown towards a person in life do not cease once they have died. People show respect and compassion towards the dead because “we think of the dead as the persons they were antemortem” (Callahan, 1987, pp.347). This includes cherishing objects that were closely associated with them, such as their personal belongings, mentioned in assumption two.

5. The living and the dead belong to the same community. In 1997, UNESCO stated, “the human genome underlies the unity of all members of the human family and can be called, in a symbolic sense, the heritage of humanity” (de Baets, 2008, pp.121). At the same time however, sufficient differences between the living and the dead has led to each group being assigned a different moral status: responsibilities for the living and protection for the dead.

3.3.1 Conceptualising posthumous dignity

De Baets (2008) strongly defends that although the dead do not have rights, because they are no longer human beings, this does not mean that the living have no form of
duty regarding them. De Baets states that because the dead are past human beings, ‘human dignity’ would be incongruous with their condition, and believes a more appropriate term is ‘posthumous dignity’. De Baets defines posthumous dignity as "an appeal to respect the past humanity of the dead and constitutes the foundation for the duties of the living" (de Baets, 2008, pp.119). According to de Baets (2008), the dead have dignity because traces of humanity and personality the person had in life survive after death, giving the remains symbolic value.

Within de Baet’s (2008) concept of posthumous dignity, another concept can be identified: value.

Value can be described as beliefs held by members of a culture about what is good or bad, desirable or undesirable. Values can influence human behaviour and be used as guidelines in situations. Examples of such values in humanitarian action include the principles humanity, impartiality, neutrality and independence (ICRC, 1995). To value something is to give it importance. For example, the International Federation of the Red Cross and Red Crescent Societies (IFRC) promotes humanitarian values in an effort to influence behaviour in the community. These values include: the protection of life, health and human dignity, and respect (IFRC, n.d.). Thus, posthumous dignity implies that remains are important and possess value. De Baets (2008) argues that because the dead have dignity, they deserve respect.

Respect sometimes involves the recognition and fulfilment of requirements. For example, all parties to a conflict are encouraged to respect IHL. However, respect can also refer to refraining from causing harm. The obligation to respect the dead is included in Additional Protocol I, and the Commentary on the Additional Protocols (1987) remarks that respect means “to spare, not to attack” (Sandoz, Swinarski, and Zimmermann, 1987, pp.146). Therefore, if the dead have posthumous dignity, then they retain symbolic value and are also deserving of respect. However, as the dead are no longer human beings, they cannot protect their dignity, and therefore the living have duties regarding the dead.

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30 Additional Protocol I, Article 34(1) (adopted by consensus).
3.3.2 Living duties regarding the dead

De Baets (2008) suggests that the living duties towards the dead can be divided into four categories: body and property-related duties, personality-related duties, general duties and consequential rights.

<table>
<thead>
<tr>
<th>Category</th>
<th>Duties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Body and property-related</td>
<td>Body - The duty to protect the physical integrity of the dead.</td>
</tr>
<tr>
<td></td>
<td>Funer al - The duty to honour the dead with last rites.</td>
</tr>
<tr>
<td></td>
<td>Burial - The duty to bury or cremate the dead decently and not to disturb their rest.</td>
</tr>
<tr>
<td></td>
<td>Will - The duty to respect the will of the dead concerning their body and property.</td>
</tr>
<tr>
<td>Personality-related</td>
<td>Identity - The duty to search for and identify the dead; to record their death and its cause, their name, date of birth and death, and (if applicable) their nationality.</td>
</tr>
<tr>
<td></td>
<td>Image - The duty to weigh the privacy and reputation of the dead against the public interest when disclosing facts about them.</td>
</tr>
<tr>
<td>General</td>
<td>Heritage - The duty to identify and safeguard the heritage of the dead.</td>
</tr>
<tr>
<td>Consequential rights</td>
<td>Memory - The right to mourn, to bury and cremate, and to commemorate.</td>
</tr>
<tr>
<td></td>
<td>History - The right to know the truth about past human rights abused.</td>
</tr>
</tbody>
</table>

Table 1: Living duties regarding the dead. Table adapted from Table 4.1 in de Baets, (2008), pp.123.

If these duties cannot be performed, then moral injury may be inflicted.

3.4 The concept of moral injury

The concept of moral injury is a relatively new concept in the social sciences and humanities, and therefore limited literature is available. Maguen and Litz (2012) define moral injury as: “An act of serious transgression that leads to serious inner conflict because the experience is at odds with core ethical and moral beliefs” (pp.1). The textbook case of moral injury is the soldier who was ordered to commit an atrocity and is then traumatised by the knowledge of what he has done; such a soldier has suffered a
moral injury. Moral injury can take psychological, spiritual, behavioural and social forms, and the degree of moral injury inflicted is influenced by the context and the reactions of others (Litz, et al., 2009). For example, a soldier who desecrated remains of enemies and stole their personal belongings as ‘battle trophies’ may eventually feel guilty for their former actions, due to believing they transgressed a moral standard (Higgins, 1987). As such, the soldier may attempt to reconcile their actions, for example by returning stolen personal belongings to the deceased’s family. A former Navy electrician, H.S., returned from war with numerous mementos, all of which he gave away except a Japanese soldier’s pocket book. “I saw it as something personal, and that’s the reason I held onto it for fifty-one years” (Harrison, 2008, pp.779). H.S. wished to return the pocket book to the family of the deceased, and governmental officials in Japan managed to locate the dead soldier’s brother. Upon receiving the pocket book, the brother wrote to H.S.: “I was deeply moved by the fact that you have kept this notebook over five decades and have tried to find the family of the owner. This notebook was my brother's soul, and I feel as if my brother has finally come back to us” (Harrison, 2008, pp.779).

When describing the experiences of soldiers, Wood (2014) describes moral injury as “a sense that their fundamental understanding of right and wrong has been violated, and the grief, numbess or guilt that often ensues” (Wood, 2014). The field manual titled *Management of Dead Bodies in Disaster Situations* states that failure to identify remains causes moral injury to family members of the deceased (PAHO and WHO 2004). This example from the field manual suggests a broad interpretation of the concept of moral injury: those who come to know about an offence act, but did not commit it, may also suffer moral injury – as in the case of a family who learns that the remains of a loved one were disposed of carelessly.

Therefore, it can be argued that moral injury also occurs where activities that minimise the suffering of others, such as returning remains to bereaving families, are not conducted. Both definitions of moral injury can be explained by the relationship the living form with the human remains. Thus, human remains can be considered to be ‘boundary objects’.
3.5 The concept of human remains as a boundary object

Human remains, and objects associated with them while living, are boundary objects of agency (Moon, 2012). Star and Griesemer (1989) define a boundary object as “an object that lives in multiple social worlds and which has different identities in each” (Star and Griesemer, 1989, pp.409). Examples of boundary objects include physical structures, such as buildings, belongings, or information. Boundary objects connect actors from different social worlds, such as those who personally knew the person prior to death and those who did not. Although actors may have common or diverging interests, a boundary object connects them, and allows relationships to be established. The structure of a boundary object “is common enough to more than one world to make them recognisable” (Star and Griesemer, 1989, pp.393). For example, in the mid 1980s, the Argentinean government began exhumations of individuals killed by the junta. In 1984, the government requested some mothers to claim their children’s remains, as well as receive an insurance payment and sign a certificate confirming, “the child had fought with the police and was killed as a consequence” (Guzman-Bouvard, 1994, pp.140). Such conditions colluded with the junta’s assertion that a violent response had been necessary. As a result, the mothers refused to accept the remains. This case demonstrates the communicative capabilities of human remains, and requires that the boundary object be, “also situated in the context of the motivations of the people that choose or draw upon the object” (Moon, 2012, pp.164). Therefore, the investment in remains is different if groups have diverging interests. The relationship between the significance of remains and their ‘use’ can either safeguard the dignity of the dead or inflict moral injury.

3.6 Choosing concepts

De Baet’s (2008) definition of posthumous dignity regards the dead as retaining symbolic value. The moral obligations the living have towards the dead can be considered duties, and the dead rely on the living to protect them. Of course, this is not always the case, however assuming that our remains will be treated with respect, our wishes will be granted, and memories will be treasured and shared strongly indicate the value the living associates with the dead. Remains hold connections between ideas, professions and communities. The remains are a symbol of who the person once was, and the relationship that the dead once had with the living does not disappear entirely.
but evolves into another form. De Baet’s (2008) posthumous dignity highlights that the dead are positioned between the statuses of ‘human being’ and ‘thing’, and not pertaining to either statuses is an important distinction to make.

Star and Griesemer’s (1989) concept of boundary objects especially directs attention to social worlds. Moon (2012) builds upon this concept, emphasising that the different investments of multiple social agents regarding boundary objects affects not only their significance but the way a context is interpreted. The fact that human beings are able to continue their relationships with the living once dead, and through objects which held significant meaning for them, exemplifies their ‘boundary’ nature. However, it must be emphasised that human remains are more than an ‘object’, and I agree with de Baet’s (2008) notion that human remains are less than human beings and more than things.

Litz et al’s (2009) concept of moral injury reflects how an act of transgression can contradict ethical or moral standards and cause internal conflict. Such an act can affect the likelihood of remains being positively identified, and thus cause emotional distress to bereaved families who do not receive their loved one’s remains.

Therefore de Baet’s (2008) concept of posthumous dignity, Star and Griesemer’s (1989) concept of boundary objects, and Litz et al’s (2009) concept of moral injury shall be used to create a conceptual framework.

3.7 Creating the conceptual framework - putting concepts together

According to de Baets (2008), the dead retain traces of their humanity and personality as symbolic value, and therefore have posthumous dignity. Due to possessing posthumous dignity, the dead deserve respect. As the dead are unable to protect their dignity, it becomes the responsibility of the living to safeguard it. The living safeguard posthumous dignity by fulfilling the duties of the living outlined by de Baets (2008). However, the physical environment and behaviour of others influence whether posthumous dignity is promoted or whether posthumous dignity is diminished.
The relationship that people have with the boundary object will affect whether posthumous dignity is promoted or is diminished. For example, if a community shares a common interest regarding the boundary object, and are working towards a common goal, then the moral injury inflicted on the individuals attempting to safeguard posthumous dignity is likely to be low. However, if a community has diverging interests regarding the boundary object, and is trying to ‘use’ the boundary objects in different ways, then moral injury is inflicted because a person’s sense of moral right and moral wrong is being violated. Such was the case regarding the Argentinian government. In this case, moral injury and other harm were inflicted on the mothers when inquiries into who was responsible for the children’s deaths were not conducted.

Therefore, the relationship with the boundary object acts as a dignity promoter or diminisher. Common or diverging interests regarding boundary objects, and the moral injury inflicted when diverging interests are present will be analysed in the discussion.

3.8 Conclusion

This section has shown the conceptual framework, comprised of the concepts posthumous dignity, moral injury and boundary objects, to be applied in this thesis. This framework provides guidance in facilitating analytical findings that can be drawn from this research. Through using the conceptual framework, the next chapter will investigate current practices and protocols regarding the return of remains, and the shortfalls of current practice.
4. RESEARCH FINDINGS

In this chapter the research findings will be presented. In sub-question one, common themes emerging in current practice and protocols will show where the return of remains has been emphasised or under-prioritised. In sub-question two, such themes will present the shortfalls of current practice and the impact actors can have on affected communities and return-of-remains procedures.  

4.1 Research findings: What is the current range of practices and protocols regarding the return of remains in humanitarian crises and other related practices?

4.1a Military practice

People often remember the intricate details involving the death notification of a loved one, including the tone of voice, words used and the facial expression of the person delivering the news (Meoli, 1993). In the United States, Ben-Ari (2005) notes that the military has a specialised administrative structure that develops and implements casualty-related procedures. The structure’s activities include notifying family members of death, recovery and transport of human remains, and conducting funeral services (Ben-Ari, 2005). Older military personnel notifying the family of a death of their loved one constructs a “buffer zone” around the family, and separates them from the larger armed forces (Ben-Ari, 2005, pp.660).

The United States military aims to uphold a ‘leave no man behind’ ethos. The practice of the United States military involves heavy risks, including going into dangerous conflict zones to retrieve the remains of the fallen. In some cases, more deaths have ensued in the efforts to retrieve the dead. At first, such a practice was customary and involved no legal obligations. However in 2003, collecting the remains of the dead was codified into the military manual, despite the risks. These shall be discussed later on in this chapter.

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31 For reasons given in the research limitations, these findings cannot be considered exhaustive. For findings regarding three other common themes found, please see Appendix B, Appendix C and Appendix D.
4.1b Returning remains to country: protocols and practices

In some cases, remains are returned to their home country. For example, the remains of 91 British citizens who died during the 2004 tsunami were returned to the UK (BBC, 2005). Following the 2007 bombing attacks on London, a mass fatality plan for the city was established (London Resilience Partnership, 2012). The plan includes making provisions for returning remains to their respective home countries, consulting with Immigration and Attorney General’s chambers and considering finances for such actions (PAHO et al., 2009). Arrangements for home countries receiving the remains of their nationals are also to be included in the plan, as well as provisions for handling the remains once received (PAHO et al., 2009). Returning remains overseas may require additional procedures, such as embalming and how documentation of death will be issued (PAHO et al., 2009).

Regarding migration practices, the Mexican government has made efforts to institutionalise the return of deceased Mexican migrants from the United States to Mexico through the establishment of a bureaucratic protocol (Félix, 2011). In 2008, a medical doctor was assigned to manage the arrival of remains at Zacatecas International Airport, Mexico. The doctor described the procedures involved in carrying out such work:

Over the course of the last six months we have coordinated with the airport authorities, through committee meetings, and we requested that we receive all official medical documents concerning every cadaver that arrives at this airport. Previously there was no such coordination or no established process. . . . Now there is a commitment on behalf of the actors involved in carrying out these repatriations and those receiving the cadavers. Thanks to our committee meeting and our request per the Zacatecas public health services, they are now following these guidelines and honoring the commitment on behalf of the agency that processes these repatriations (Félix, 2011, pp.168).

4.1c Humanitarian protocols and practice

The ICRC (2004) manual titled *Operational Best Practices Regarding the Management of Human Remains and Information on the Dead by Non-Specialists: for all Armed Forces, for all Humanitarian Organisations*, from herein referred to as the ICRC (2004) manual, provides a number of checklists that are to be used by armed forces, including
peacekeeping units to create SOPs related to the management of human remains. They are also to be used by humanitarian organisations, such as the ICRC, the United Nations High Commissioner for Refugees (UNHCR), Doctors without Borders (MSF) or Doctors of the World (MdM), that may manage remains that have not been returned to families (ICRC, 2004). I would like to point out that there is no checklist pertaining to the return of remains. Further, no SOPs pertaining to the return of remains were found while conducting this research.

The ICRC (2004) manual includes general considerations, some of which pertain to the return of remains to families. For example, General Consideration 2.6 emphasises that States, all humanitarian organisations and the ICRC should make actors aware of IHL that they are legally bound to, including the return of remains to families, and if necessary via a neutral intermediary (ICRC, 2004). In many cases, the ICRC has acted as a neutral intermediary. For example, in January 2015 the ICRC facilitated in the handover of soldiers remains killed during the Iran-Iraq conflict.

A Tripartite Committee concerning persons missing since the Iran-Iraq war was established between Iran, Iraq and the ICRC. Acting as a neutral intermediary, the ICRC attended the handover of remains between parties, trained Iranian and Iraqi forensic personnel, and supplied equipment for the recovery and identification of the remains. Patrick Youssef, head of the ICRC delegation in Iraq stated, “it is vital that families know the fate of their missing sons if they are to reach any kind of closure and deal with their pain” (ICRC, 2015b). Another case where the ICRC has acted as a neutral intermediary concerns the 1992-1993 Abkhazian conflict. The remains of two individuals who went missing during the conflict were returned to their families in March 2013. Jelena Milosevic Lepotic, ICRC regional coordinator on issues concerning

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**32** Annex D is a checklist concerning the information to be collected on human remains; Annex E is a checklist concerning the immediate management of human remains, including their collection and transport. Annex F is a checklist on the management of human remains in a hospital mortuary, and outlines measures to be taken where remains, both identified and non-identified, have not been returned to families. Section H of Annex F states that a hospital mortuary is to keep documentation of human remains, including recording “the particulars of the person to whom the body was released, with the date” (ICRC, 2004, pp.36). Annex H is a checklist on the emergency or temporary burial of human remains (ICRC, 2004).

**33** In international armed conflicts.
missing persons commented on the handover of the remains as “providing families with answers” (ICRC, 2013).

4.1d Preparing to return remains to families

In the ICRC (2004) manual, it states that staff returning remains to family members “must be prepared” (pp.18). In each context, workers should have a document that describes “the role of the remains in the mourning process” (ICRC, 2004, pp.18), and appropriate measures to take where remains are absent. The relevant General Considerations34 given in the manual provide more guidance than earlier considerations given to returning remains to families. These ensure that the family member is supported as well as the workers delivering the remains, however, how staff are to prepare the remains for their return is not stated.

Regarding General Considerations 7.7, I wish to bring to the readers attention that 7.7C considers the presence of a local member of the community, considering cultural aspects.35 The PAHO and WHO (2004) manual reaffirms the important role religious institutions or other local groups can play in organising the community. “They can help to provide basic information for identification files and assist family members in the process of identifying corpses as well as in the delivery of corpses to the family” (PAHO and WHO 2004, pp.31). These groups have the trust of the affected communities, and have a stronger voice in comparison to an outsider attempting to enforce rules and regulations.

34 General considerations: “ 7.7 The process of informing the families about the death of a relative and of returning personal effects or human remains must be well prepared:

A. The family member to whom the information, personal effects or human remains are to be delivered should be determined in advance on the basis of local custom;

B. Whenever possible and reasonable, an appointment should be made in advance to ensure the presence of family member(s) whose presence is required; it is important that relatives are not alone when the news is delivered and that children are not excluded;

C. Those delivering the information, personal effects or human remains could be accompanied by a culturally appropriate support person (such as a community or religious leader or a health worker), who is in a position to provide the necessary support” (ICRC, 2004, pp.19).

35 The lack of cultural consideration when returning remains to families was also raised at the international conference in Geneva (ICRC, 2004).
Following on from the aforementioned consideration, the ICRC (2004) manual states that before the remains are released to the family, certain criteria are to be considered. General Consideration 7.8 affirms that how the remains will be delivered should be considered, along with the status of the remains, the wishes of the family with regards to additional remains found, and offering the family emotional and financial support during the funeral (ICRC, 2004). In contrast, PAHO et al., (2009) do not mention such considerations, but indicate that remains should only be released when identification is definite. The International Police Organisation (INTERPOL) and Tidball-Binz (2007) echo that identification is to be accepted by the local authority before the remains can be released (INTERPOL, 2014, Tidball-Binz, 2007). INTERPOL further states that once the release of the remains has been authorised, arrangements then can be made to return the remains to their respective families (INTERPOL, 2014).

The authority responsible for the remains should normally be the ones to release them, however who is responsible for arranging such procedures differs across the actors involved and contexts. For example, PAHO et al., (2009) state that such procedures can be provided by the physician. Other terminology is also used for whom should release the remains, including the medical examiner or pathologist (PAHO et al., 2009). In contrast, INTERPOL has specific personnel who are responsible for overseeing the return of remains to their home country. These posts include the Disaster Victim Identification (DVI) Commander, whose role is to consult with the coroner or equivalent authority to determine return of remains processes (INTERPOL, 2014), and DVI Post-mortem (PM) Coordinator, whose role is to “monitor the return of remains procedures in accordance with the direction of the Coroner or equivalent authority” (INTERPOL, 2014, pp.85).

However, it is not always possible to return remains to families. More information on this topic can be found in Appendix C.

36 Although no reference is given to how the manual should be read, numerous considerations in the manual follow on from one another. In my opinion, General Consideration 7.8 should come before General Consideration 7.7, as first it has to be considered how the remains will be returned, and then the family members are involved in the process.
4.1e Documentation of death

Tidball-Binz (2007) states that authorities responsible for releasing the remains must also provide documentation of the release (Tidball-Binz, 2007), such as a letter or a death certificate (ICRC 2004; PAHO et al., 2009). Providing proof of death is necessary to facilitate the mourning process, however the death certificate alone may not be adequate proof (ICRC, 2004). Following the Mesa Redonda Fire in 2001, human remains were returned to family members, accompanied with documentation of their death and proof of burial. Such documentation was required to proceed with the final disposal of the remains (PAHO and WHO, 2004). Interestingly, a death certificate is not issued when the remains are released but is provided later by the authorities (ICRC, 2004). However, the rapid processing of death certificates “should be considered and publicized within the affected communities” (PAHO et al., 2009, pp.26).

States, as well as the ICRC, are responsible for ensuring the authenticity of death certificates, and criteria is given to ensure its credibility (ICRC, 2004). In many countries the Police are responsible for managing the documentation of the dead (PAHO et al., 2009), however it is unsure whether this responsibility includes issuing death certificates or documentation supporting proof of death. In mass fatality plans, a mortuary management team may be established; elements that are to be included in such a plan include documentation (PAHO et al., 2009).

4.1f Encasing the remains

In the ICRC (2004) manual, Annex M states that, “logistics of handling the remains, from recovery to burial, should be planned beforehand” (ICRC, 2004, pp.53). It notes that remains that retain soft tissue, therefore not completely skeletal, should be placed in body bags, cloth or another suitable material. It distinguished that skeletal remains should be placed in hard cardboard boxes or a similar container to prevent causing postmortem damage (ICRC, 2004); that there should be one set of human remains per bag or box, and commingling “should be avoided at all costs” (ICRC, 2004, pp.53).

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37 Names and contact details of the person or family members who claim the remains should also be recorded, along with the remains unique reference number(s) (PAHO et al., 2009; Tidball-Binz 2007).

38 Other relevant elements that are to be included in responsibilities for the Mortuary Management team include release of body, bodies not claimed, and repatriated bodies (PAHO et al., 2009, pp.54).
Coffins are under some circumstances obligatory however “not systematically recommended” (ICRC, 2004, pp.23). Where coffins are unavailable, “the corpse is wrapped in a white or beige cotton shroud” (ICRC, 2004, pp.23). Here it is unclear whether this procedure also applies to skeletal remains or body parts (ICRC, 2004), however Annex G states that remains should be placed in body bags or coffins, and where coffins are not readily available, the remains should be wrapped in a blanket or sheet (ICRC, 2004). Regarding the return of migrants from the United States to Mexico, the remains are transported in “an appropriately sealed container so that it can leave the airport”, and is then transferred to the cemetery (Félix, 2011, pp.168).

The PAHO and WHO (2004) manual states that the remains should be packed in marked body bags or containers, though it is unclear whether this is specific to the recovery process, and later states that remains should be placed in “well-sealed bags” (PAHO and WHO 2004, pp.41). A technical note released by the World Health Organisation (WHO) states that in the absence of coffins, “corpses should be wrapped in plastic sheeting” so that the remains are kept separate from the soil (WHO, 2009). The technical note does not distinguish a different procedure in the event of skeletal remains or body parts, however Tidball-Binz (2007) affirms that body parts, such as limbs, are to be treated as individual bodies (Tidball-Binz, 2007).

4.1g Transportation
Transporting the remains is given wide coverage in all of the manuals. During the recovery phase, stretchers, body bags, trucks or trailers are suitable to transport remains (PAHO et al., 2009), and the remains should be placed in the vehicle “with great care” (ICRC, 2004, pp.39). Authorization and “necessary clearances, including security, should be obtained beforehand” (ICRC, 2004, pp.53), and the remains should be transported in a dignified manner, concealed from public view (ICRC, 2004; Tidball-Binz, 2007).

When transporting remains, health service vehicles should not be used as these are reserved for the living, “even though it is a common practice” (PAHO and WHO 2004, pp.19). Ideally, a refrigerated truck or container should be used (ICRC, 2004), or vehicles may be adapted, such as trucks or vans, and their floors should be waterproof or covered with plastic (PAHO and WHO, 2004). PAHO and WHO (2004) prohibit the
piling of bodies on top of the other, but distinguish such an act is “permissible…when transferring them from one point to another in available vehicles, or in extreme situations when it is necessary to use refrigeration to preserve the bodies” (PAHO and WHO, 2004, pp.23). Further, lettering or symbols and license plates on the vehicle should be covered. “This is to avoid possible prejudice or negative repercussions for the owners should pictures of the vehicles be taken by the press and distributed” (PAHO and WHO, 2004, pp.19). Once the remains have been identified, they should be transported in mortuary hearses (PAHO and WHO, 2004).

Where remains are being transported to another country, the sensitivity of the situation must be considered, and information to both local and international media should be controlled (PAHO et al., 2009). INTERPOL suggests that many funeral directors are knowledgeable of the legal requirements concerning the international transportation of remains. Effective coordination between actors providing transport, and the responsible authorities dispatching and receiving the remains, can lead to a speedier return of the remains to their respective families (INTERPOL, 2014).

**4.1h Supporting family members and minimising suffering**

In the United States military, soldiers recover the dead to “spare families the agony of living with uncertainty” (Wong, 2005, pp.605). According to Lieutenant Colonel Hal Moore, taking risks to recover the remains of five of his men meant that:

> ![image]

INTERPOL states that the central feature of the DVI process is to identify the remains and return them to their families. Throughout this process, ensuring that the emotional needs of the families are met is of utmost importance (INTERPOL, 2014). Cooperative relationships between responsible authorities and families ensure that the

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39 The process of returning remains to their respective families or home countries is likely to be under constant scrutiny. The quality and sensitivity of the services from all disciplines involved will be judged. Local, national and international arrangements to return the remains are to be met, satisfying procedural and legal requirements (INTERPOL, 2014).
highest level of respect is afforded to bereaving family members (INTERPOL, 2014). Most importantly, the family members and friends of the deceased are to be reassured that the remains of their loved ones have been tended to in a respectful and caring manner (INTERPOL, 2014).

While viewing the remains,\(^{40}\) it is advised that skilled personnel accompany them and provide emotional support. Family should be given privacy and be allowed to touch the remains. If the remains have been mutilated or desecrated, the family should be informed prior to viewing the body. However, the psychological impact of viewing dozens or hundreds of remains may decrease the likelihood of remains being identified by visual recognition (Tidball-Binz, 2007; PAHO et al., 2009). To minimise emotional suffering of families, and thus to increase the likelihood of positive identification through visual recognition, photographs may be used instead of viewing the remains, and should be described before presenting them to the family members (PAHO and WHO, 2004; PAHO et al., 2009).

PAHO and WHO (2004) state that an important element in returning remains is to obtain free-of-charge or inexpensive funerals for families with a low-income (PAHO and WHO, 2004). Delays in delivery of the remains and uncertainty about finances increase suffering for the families. In such cases, providing material support for funerals is to be considered. This includes materials such as burial shrouds and coffins (PAHO et al., 2009).

The Mexican Consulate in Los Angeles offers a subsidised programme to financially disadvantaged Mexican families, so that they can receive material assistance to return their loved ones. The Consulate has partnered with six funeral services in the county, who provide a basic and inexpensive service: “This basic package includes a coffin made of compressed wood, processing of all documentation necessary for the repatriation, embalming, and transportation of the body to an international airport” (Félix, 2011, pp.166). In one case, the surviving children of the deceased had gone into debt to finance the return of their relatives’ remains to Mexico (Félix, 2011). In cases

\(^{40}\) More information regarding the viewing area is available in Appendix B.
where more than one relative has died, and finances are restricted, difficult decisions have to be made regarding who is to be returned to Mexico:

> Two of three of my family members who have perished in the U.S. were brought back. Sadly, my father stayed over there because we did not have the resources to bring him back (Félix, 2011, pp.175).

Frequently, authorities place little importance on funeral services, especially in the aftermath of a disaster (PAHO and WHO, 2004). It is advised that connections with local psychosocial support teams be made, and their level of assistance for affected families should be defined (PAHO et al., 2009). With regards to migration practices, migrant social networks can provide information and resources related to the return of remains. A mother in Los Haro whose son died in a car accident acknowledged the work of such networks:

> They helped us with money. A lot of folks donated money, including my son’s boss, my nephews and all of our people who reside over there. They all raised money and helped out so that we could bring my son back…Without their help, it would have been very difficult to bring my son back (Félix, 2011, pp.173).

Once identified, and to minimise the suffering of families, the remains should be returned to their home country or respective families as soon as possible. In 1992, Andrés Bermúdez’s brother, José, was injured in a car accident in the United States. Before dying, José requested to be buried in his hometown Jerez, Mexico. Andrés, a federal official, described procedures involving his brother’s return to Mexico as emotionally draining and heavily bureaucratic. In response, Andrés spoke with Mexican airlines to prioritise space for transporting remains, and thereby accelerated the process of returning his brother’s remains:

> Having a cadaver in an icebox is an ugly feeling… For a mother to know that her son is dead but not know where he is or if he is frozen somewhere… [T]his is why it is best to speed up the process (Félix, 2011, pp.172).

Families who are not given the opportunity to identify their loved ones or conduct culturally appropriate funeral rituals are at great risk of not completing the mourning process or from obtaining death certificates necessary for making legal claims (The Sphere Project, 2011).
In relation to migration practices, it is common for people in the United States to accompany the remains back to Mexico. In one case, a man in Los Haro, whose son was murdered in Colorado, stated one of his son’s co-workers travelled to attend the burial (Félix, 2011).

**4.2 Research findings: What are the shortfalls of current practice?**

**4.2a Lack of Standard Operating Procedures**

Although there was much support behind the creation of SOPs, I have been unable to find whether SOPs specific to the return of remains have been created and integrated into humanitarian policy practice. Evidence was found on the creation of a National Plan for Sri Lanka regarding the creation of SOPs for the management of the dead in disaster settings, the drafting of which was to be finalised by May 2012 (ICRC, 2012). It is important to note that SOPs concerning the return of remains to family members were not specifically mentioned. In November 2012, a rehearsal of Sri Lanka’s National Emergency Operations Plan (NEOP) took place, the plan of which was next to be submitted to the National Council of Disaster Management through the Ministry of Disaster Management. The NEOP was to be made operational and incorporated into the Disaster Management Programme by 2013 (UNDP, 2012). Initially, it was unclear whether the National Plan regarding the management of the dead was included in the NEOP, however upon inspection of the Sri Lanka Disaster Management Programme for 2014 – 2018, SOPs regarding the management of the dead in disaster settings, and thus for the return of remains to family members, were not found (Ministry of Disaster Management, 2014). The creation of SOPs was also encouraged in the city of Tacloban, following typhoon Haiyan in 2013. Tacloban had the greatest number of dead following the typhoon, and bodies were temporarily buried in mass graves across the city. Between November and December 2013, an international expert was invited to establish SOPs regarding dead body management, “including practice on the ground, registration and tracking” (WHO, 2014, pp.8). WHO supported the exhumation of mass graves, in order to identify and return the remains of loved ones to their families (WHO, 2014).
**4.2b Using the remains as political bargaining chips**

In 2003, the United States military ‘leave no man behind’ ethos changed from an unspoken norm into a codified statement (Schubart and Gjelsvik, 2013), and is now mandatory training for the entire army (Wong 2005). However, there are implications of institutionalising such an unspoken norm that may hinder the return of remains to families. These shall be described below.

The value placed on the body of a human being is evident, and in some cases actors may use this to their advantage. In armed conflicts, on a tactical level, combatants may lure enemies into an attack knowing that they will want to retrieve their dead. In March 2002, for example, seven American soldiers were killed in the Shahikot Valley of Afghanistan. The first soldier to be killed by al Quaeda members was Neil Roberts, who fell out of a Chinook helicopter as it lifted while under heavy fire. Another Chinook helicopter flew in to retrieve Roberts, and a further six soldiers and airmen were killed in the incident (Wong, 2005). Another implication of the ‘leave no man behind’ ethos is that it may not apply to soldiers outside of the military unit. Such was the case in the Second World War, where the enemy dead were not treated with the same respect: “[Those] from our own battalions, our friends from our terribly close family of survivors, their deaths diminished us, but German dead didn’t count at all,” (Linderman, 1999, pp.284).

Independent of the ‘leave no man behind’ ethos, government authorities have also withheld remains for negotiation purposes. In 2011 Somali kidnappers, who took a French woman hostage and who later died, demanded a ransom for the return of her remains. Gerard Longuet, the French Defence Minister, reported that the kidnappers even attempted to sell the remains (Samuel, 2011). Another example concerns the return of the remains of American soldiers who died in the Korean War. North Korea has benefitted financially from cooperating in search and recovery operations regarding the remains of American soldiers, however in 2005 operations were suspended due to issues regarding the safety and security of American personnel (McDonald, 2012). In April 2010, North Korea’s official Korean Central News Agency stated:

If thousands of U.S. remains buried in our country are washed off and lost due to the U.S. side’s disregard, the U.S. side should be wholly responsible for the consequences as it has developed the humanitarian issue into a political problem (McDonald, 2012).
In 2012, the United States agreed to pay North Korea a further $5.7 million to resume joint field searches for soldiers missing in action. However, when North Korea planned to launch a long-range missile in the same year, the United States once again suspended search and recovery operations.

Another example where remains have been used for political purposes involves Israel and Palestine. In September 1998, near the city of Hebron, Israeli soldiers killed two Palestinian brothers, and their bodies were interred at a cemetery for the enemy dead near Adam Bridge in the Jordan Valley. In August 2000, on behalf of their widows, HaMoked, an Israeli human rights organisation, petitioned the brothers’ remains to be released for a decent burial. However, their release was delayed because the Israeli military demanded that the Palestinian Authority (PA) must first guarantee the maintenance of security and order during the funerals. The following year, HaMoked petitioned the release of the brothers’ remains again, however Israel reported that their remains had not been delivered because the PA refused to commit to maintain security and order during the funerals. Inquiries with PA members revealed that the PA had consented to maintaining security and order, but had “refused additional demands as to the burial location and funeral arrangements” (HaMoked, 2011). However, an incident further prolonged the delay of the remains. In June 2006, Hamas militants captured Gilad Shalit, an Israeli soldier. The delay in returning the brothers’, and others, remains was because “they were bargaining chips in the negotiations for the soldier’s release” (Levinson, 2011).

4.2c Treatment of the dead

In conflict and disaster settings, there appears to be an inconsistent level of treatment given to the dead when returning remains to families. For example, in the aftermath of the attack on the World Trade Center in 2001, firemen were portrayed as national heroes, “and subjected to the full force of modern publicity” (Langewiesche, 2002,

41HaMoked: Center for the Defence of the Individual is an Israeli human rights organisation, whose primary aim is assisting Palestinians of the Occupied Territories whose rights are violated due to Israeli policies.
Their recovery involved the closing down of the disaster site, with a flag draped over the remains and a “cordon of saluting firemen” (Wong, 2005, pp.610); this is in contrast to “the jaded ‘bag ’em and tag ’em’ approach that they took to civilians,” (Langewiesche, 2002, pp.79). Such preferential treatment was also exhibited following the 2010 Haiti earthquake, where governments around the world deployed teams to retrieve the remains of their nationals (Aguirre and Quarantelli, 2008). The UN, for example, provided body bags and wooden caskets for their personnel who died in UN office buildings. The UN compound also contained refrigerated containers (McEntire, Sadiq, and Gupta, 2012). In contrast, the Haitian government made little effort to preserve remains for later identification; some remains were piled in the streets (McEntire, Sadiq, and Gupta, 2012). The dead were collected with dump trucks; trenches were dug with bulldozers, and thousands of remains were buried in mass graves. One reporter emphasises the treatment of the remains:

…some dump trucks seem to have simply unloaded their cargo of corpses and rubble into the open [elsewhere]. Some halfhearted attempts at burial have been left incomplete. The result is a scene from a bad horror film: mounds of red earth, with body parts sticking out at grotesque angles. Some bodies are totally exposed, putrefying into a shade of yellow (Ghosh, 2010).

Consequently, some survivors of the earthquake felt “numb” because they were uncertain where their loved ones were buried, and believed the treatment of the dead was insensitive (McEntire, Sadiq, and Gupta, 2012, pp.27).

The above examples exemplify issues associated with the handling of remains by non-specialists. The work of non-specialists in the early phases: recovery, documentation and storage, “will determine much of the success of future identification by forensic specialists” (PAHO et al., 2009, pp.13), and therefore determine the success of returning remains to families. The 2004 tsunami highlighted the need for SOPs regarding the management of the dead to be in place. Search and recovery teams in Thailand, for example, did not label the remains, nor document the location of where the dead were found (Sribanditmongkol et al., 2005). Though manuals on the topic are available (ICRC, 2004; PAHO and WHO, 2004; PAHO et al., 2009), it is evident that such problems still exist both within and outside of the humanitarian sector (PAHO and

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42 For further findings concerning the training of workers, please see Appendix D.
WHO, 2004; Malone, 2014). For example, in 2014, a mass grave of unidentified migrants was uncovered in south Texas. A funeral home, which had been paid by the state to bury the remains, had stuffed several individuals into rubbish and shopping bags (Malone, 2014). During the burial of the Ebola dead in Johnsonville, Liberia, a resident said the dead “were left in a hole that was not properly excavated and when it rained some of the bodies were seen floating because the area is close to a water way close to the pipeline community” (Seaklon, 2014).

On the contrary, the shortfalls regarding the treatment of the dead do not solely rest on the shoulders of non-specialists; cultural beliefs also influence practices concerning treatment of the dead. PAHO and WHO (2004) give an example of how, despite being aware that the remains were not an infectious risk, unfounded beliefs prevailed:

After a landslide, the recovered corpses were being placed in the street. The president of the country arrived with his personal physician who, upon viewing the scene, ‘counseled’ the president to immediately have the area fumigated in order to prevent the spread of disease. Even though the public health professionals who were present knew that fumigation was pointless, they could not go against the order (PAHO and WHO, 2004, pp.100).

In cases where the remains present an infectious risk, the prevailing of cultural traditions can continue the spread of an epidemic. For example, it is recognised that Ebola bodies are infectious for a time following their death. Tarik Jasarevic, a spokesperson for WHO said: “When the person has just died, that is when the body is most contagious. It’s when the virus is overtaking the whole body” (Ohlheiser, 2014). In some cases, local communities continued to perform funeral rituals, however were unaware that such practices were a route of Ebola transmission (Nielson et al., 2015). In Sierra Leone, Margaret Kamara, whose brother died from Ebola spoke about the changes in burying the dead: “The way the authorities take these bodies is not pleasing. Before now we used to wash our dead bodies and bury them in the Muslim way,” (Mazumdar, 2015). However, efforts to integrate religious traditions into safe burial practice were found; shroud and coffins were used where families provided them (Nielsen et al., 2015). Following the 2010 Haiti earthquake, one UN personnel spoke about the difficulty in meeting local customs:
The logistical issues highlighted by the UN personnel represent a large obstacle in the dead being treated respectfully. Following the 2015 earthquake in Kathmandu, Nepal, crematory pyres were hastily arranged outside Pashupatinath Temple. An officer with the municipal government said “we just do not have enough space in the [morgue] refrigerators,” (McCauley, 2015). Following the Ebola outbreak in West Africa, officials were also faced with the logistical task of where to bury the dead at a safe distance from the living and water sources (Ohlheiser, 2014; Seaklon, 2014). Aside from the emotional distress caused to families, the burial of (sometimes unidentified) remains in mass graves also has legal implications (PAHO and WHO, 2004; Perera, 2005).

4.2d Financial burden and legality issues

In principle, an individual is considered dead upon issuance of a death certificate, however in conflict or disaster settings proof of death is not always possible. As a result, families are unable to access financial assets, such as bank accounts or pension funds, are prevented from collecting property in the name of the missing, and cannot collect life insurance or reparations (PAHO and WHO, 2004). For example, in 1998 Hurricane Mitch hit Nicaragua, causing an avalanche of the Casitas Volcano, and resulted in over 2,500 deaths. Of this number, no remains were identified, no death certificates were issued, and the dead were referred to as missing persons. A legal repercussion of this was seen in the 1999 mayoral elections. “Since the victims were not officially dead, the Municipal Electoral Council of Posoltega did not delete their names from the electoral registries” (PAHO and WHO, 2004, pp.168), and technically could still vote. However, notable exceptions have been found. Following the attack on the World Trade Center in 2001, the City and State of New York adopted special
procedures to accelerate the processing of death certificates43 (Helping Handbook, 2001; PAHO and WHO, 2004), as well as the Mexican consulate practices in facilitating the return of remains to their home country.

Returning remains to their home country is far from inexpensive. More often than not, financially disadvantaged families are unable to pay the cost, and therefore the remains are not brought home. This is especially the case with regards to the migration policies between the United States and Mexico. Although a subsidised programme is available for financially disadvantaged families, many do not know that the service exists. Further, the cost of returning the remains also involves the collective expenditures of those wishing to attend the funeral service in Mexico (Félix, 2011). A study conducted by Félix (2011) involved one interviewee, whose brother died in Los Angeles, who commented on the financial expense of returning the remains, “It’s not just the cost of repatriating the body, you have to account for the costs of the family members who come” (Félix, 2011, pp.174). Another interviewee commented on the death of his son in the United States, “fifty-two people came. Ten of my children who reside in the U.S. came and all of their children and grandchildren… [The] entire airplane was full,” (Félix, 2011, pp.174).

Another issue is that family members are sometimes unable to attend funeral services in the United States for legal reasons. A man in El Durazno who son died in a road traffic accident in the 1980s said:

Nobody came. My in-laws could not come because some of them didn’t have papers and others because their jobs did not permit it. Back then there was a lot of work… [That] is why nobody came (Félix, 2011).

4.2e Lack of a unified command system

In conflict or disaster settings, the search and recovery of human remains can be conducted by a large number of actors; in some cases, the first responders to the scene may be the local community, government authorities, or humanitarian organisations. Such was the case following the 2004 tsunami, where the recovery of the dead in Thailand, Indonesia and Sri Lanka was largely uncoordinated and involved a number of

43 In the United States, an average of three years must pass before “obtaining a judicial ruling on the presumed death of a person who is missing due to accidents or catastrophic events” (PAHO and WHO, 2004, pp.133).
different agencies. In Thailand, the dead were recovered by the local government, the military, police, volunteer teams, local NGOs, and foreign tourists (Sribanditmongkol et al., 2005; Morgan et al., 2006); in Indonesia the recovery phase was coordinated by the military and involved 42 organisations, and in Sri Lanka, the majority of the dead were recovered by the affected communities. In all countries, the dead were taken to multiple places, and family members did not know the location of their loved ones (Morgan et al., 2006).

A lack of a unified command approach, especially following the onset of a conflict or disaster, can be a major constraint in identification and the return of remains procedures (PAHO and WHO, 2004; PAHO, 2009). In the 2004 tsunami, for example, it took three days for the Department of Disaster Prevention and Mitigation (DPM) to take responsibility for the management of the dead in Thailand (Sribanditmongkol et al., 2005). Coordination issues were also present within burial teams during the Ebola response (Nielsen et al., 2015), and in the response to Hurricane Katrina, the latter of which also included disagreement on which actor was responsible for recovering the dead (Moynihan, 2009).

A lack of effective government command was also exhibited in the first five days following the 2010 Haiti earthquake. One UN official recalled a lack of professionals following basic rules, regarding “when you take a body, how you identify it, whether you take a photo or not, where you should keep immediate belongings, should they be kept in a vault or not?” (McEntire, Sadiq, and Gupta, 2012, pp.24). Overall, the lack of a unified command approach regarding the management of the dead has a significant impact on the return of remains to families.

In this section, sub-question one identified the current practices and protocols regarding the return of remains across several practices. Sub-question two identified shortfalls of current practices, and the impact actors can have on affected communities and the return

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44 In February 2003, a car bomb exploded in the garage of the El Nogal club in Bogotá. Thirty six individuals were identified and their remains were delivered to families. However, the main constraint reported in this investigation was the lack of coordination among agencies, and a unified command approach was suggested as a possible solution (PAHO and WHO, 2004).
of remains procedures. In the next chapter, the findings will be linked to the concepts described in chapter three.
5. DISCUSSION

In this section, the research findings will be linked to the concepts posthumous dignity, moral injury and boundary objects. Common themes identified in the previous chapter will also be applied in the discussion of findings for both sub-questions.

5.1 Discussion of findings: What is the current range of practices and protocols regarding the return of remains in humanitarian crises and other related practices?

5.1a Military practice

The United States military taking care of the deceased is directly related to its relationship with who the person once was. The remains of that individual connect the soldiers to the deceased’s families, to political circles, the media and potential military recruits (Manigart, 2005). Leaving the dead behind is unthinkable for the United States military (Wong 2005). Recovering the remains of fallen soldiers serves to eliminate uncertainty for the family, “gives the family something tangible to grieve over” (Wong, 2005, pp.606), and is a way for the military unit to be complete again (Ben-Ari, 2005). On the one hand, it can be supposed that recovering the remains and returning them to their respective families minimises the amount of moral injury the family are exposed to. On the other, military soldiers performing their duties and fulfilling the ‘leave no man behind’ ethos minimises the moral injury they too are exposed to. To leave a man behind would result in an act of transgression that may manifest in several forms.

Another possible explanation why soldiers recover their dead may be as a sign of their allegiance to the military, and an attempt to preserve “the fantasy of war’s beauty”, and to maintain the wholeness of the body (Ben-Ari, 2005, pp.658). But can it really be considered that soldiers wish to preserve such a fantasy of war? The physical and psychological consequences of war are widely acknowledged, and it seems unlikely that soldiers would wish to entertain such a view. Making efforts to keep the dead as one single entity is likely to minimise the impact of moral injury on the solider, giving closure and making the death easier to accept. For example, soldiers are interred in coffins as a symbol of the wholeness of the body (Ben-Ari, 2005).
The United States military are willing to manage the remains and their disposal, arranging the funeral service, and supporting bereaved family members (Ben-Ari, 2005). Such military practice also demonstrates that both the military and the families of the deceased have a common interest in recovering the remains of fallen soldiers, returning them home and supporting the bereaved as much as possible.

5.1b Returning remains to country: protocols and practices
The very act that remains are returned to their home country not only represents an interest in the remains, but demonstrates that their return is a recognised need of families. Implementing de Beats (2008) concept of posthumous dignity, provisions that outline how remains should be handled signifies that the remains have symbolic value, and therefore if not properly handled may cause emotional distress to respective families. Further, the efforts of treating remains with respect, or disrespect, and the moral injury inflicted as a result, is evidence that the dead possess dignity.

5.1c Humanitarian protocols and practice
Although there is no checklist pertaining to the return of remains, this topic is mentioned in manuals. Considering that this practice is not mandatory in non-international armed conflicts because practice was not consistent suggests that there is not a common interest in returning the remains to their respective families. For example, in the case of Suriname, the military soldiers did not allow family members to collect the remains without permission. Although this can be considered as them complying with the family’s wishes, the application of Star and Griesemer’s (1989) concept of boundary objects shows that there was a shared common interest in the remains, but different ‘uses’. The family wished to collect the remains of their loved one to perform funeral rites, whereas the military wished to deny involvement with the remains altogether and conceal the fact that they had killed civilians. Or perhaps the remains served as a warning sign to the local population. These different ‘uses’ caused significant emotional distress to the family, however it can also be supposed that the soldiers who were ordered to kill and prevent the remains being collected without permission suffered moral injury, if such acts conflicted with their moral and ethical beliefs (Litz et al., 2009).
The ICRC has a common interest in the remains in order to uphold their humanitarian mandate. Acting as neutral intermediary in the return of remains procedures shows that there is a common interest to return such remains (Star and Griesemer, 1989), and recognises that not returning remains means the families will not be provided with answers, and will not receive closure to manage their mourning. Another possible explanation could be that the ICRC is simply ensuring that actors uphold IHL that they are legally obliged to. On the other hand, the ICRC has conducted training sessions to help local authorities in handling remains “with dignity” following disasters (ICRC, 2015c), work which does not involve encouraging actors to uphold IHL.

5.1d Preparing to return remains to families
The criteria that have to be met prior to releasing the remains to families recognises the social and legal outcomes following the death of a loved one. INTERPOL having specific posts to manage and monitor the return of remains procedures shows that there is an invested and common interest in ensuring remains are returned to families (Star and Griesemer, 1989). Respecting and performing the wishes of the family shows an effort to prevent causing further suffering to family members.

5.1e Documentation of death
Manuals state the importance of the death certificate in facilitating the mourning process. This document is also important for proceeding with disposal of the remains. On the other hand, this document is important for social and legal purposes, and therefore may be purely a legal requirement.

Recommended rapid processing of such a document recognises how much communities or family members may be affected by the loss of a loved one. Therefore, workers wish to minimise the emotional distress of families by allowing them to initiate or facilitate the mourning process. By facilitating in processing death certificates, workers can be spared an act of transgression, and therefore are unlikely to experience moral injury (Litz et al., 2009).

5.1f Encasing the remains
Wrapping the remains in shrouds or encasing them in coffins demonstrates a sign of respect towards the remains. Seeing their loved ones treated with respect is important to
bereaved families, and therefore complying with such wishes demonstrates a common interest in showing respect towards the remains and their families; having their wishes considered reduces the impact of emotional distress they experience. Considering de Baets (2008) assumptions of the existence of posthumous dignity, the encasing of remains is also suggestive of the presence of dignity. On the other hand, the use of a sealed container in migration practices suggests that encasing the remains may be only to comply with transit security procedures.

5.1g Transportation
Refrigerated trucks or containers may be used for preservation purposes for the remains, for identification purposes. The application of Star and Griesemer’s (1989) concept of boundary objects shows that there is a common interest in the remains being identified and returned to their families. Being transported in mortuary hearses is a way of preserving the dignity of the deceased (de Baets, 2008), and demonstrates to the family members that their loved ones remains have been treated in a respectful manner.

5.1h Supporting family members and minimising suffering
INTERPOL states that ensuring the emotional needs of the families are met throughout the identification and returning remains processes is highly important. There is recognition that the human remains are of significant value to the families, and thus is evidence of posthumous dignity (de Baets, 2008). Moreover, efforts made to return the remains give closure to the families, facilitate the mourning process, and demonstrate that the remains connect social worlds; the diverse actors have an aligned interest in the remains (Star and Griesemer, 1989).

Free-of-charge funerals shows an understanding of the financial burden placed upon the family following the death of a loved one. The Mexican Consulate in Los Angeles partnering with funeral services in the county demonstrates a conscientious effort in meeting both the emotional and financial needs of the families. Families who have gone into debt to finance the return of their relative’s remains demonstrated a clear interest in having those remains returned, and from minimising the effects of moral injury and other harm. Families would rather live with the financial debt than an act, or rather inaction, which contradicts their moral and ethical beliefs (Litz et al., 2009).
People are grateful for the financial help of others to assist them through the return-of-remains process. This shows that the remains mean something to both the family members and to the donors. Another possible explanation may be to avoid future political feuds. However, people may donate money to prevent them from committing an act of transgression by not helping the family when they are financially able to do so (Litz et al., 2009). A person travelling to attend the burial is a sign of respect, and such an act is suggestive that the remains are valued and therefore possess dignity (de Baets, 2008).

5.2 Discussion of findings: What are the shortfalls of current practice?

5.2a Lack of Standard Operating Procedures

Through applying de Baet’s (2008) concept of posthumous dignity, a lack of SOPs may be indicative that the management of the dead is not considered to hold the same value across countries, and therefore the return of remains to families is also viewed in a similar light. However, another possible explanation could be that lack of financial and person support are preventing SOPs from being created, or that Sri Lanka already has procedures for handling the dead in place that were not included in the NEOP. The fact that SOPs were proposed by the ICRC and military units supported the creation of SOPs concerning the dead (Star and Griesemer, 1989), and therefore due to the dead holding value I argue that this shows that they have dignity (de Baets, 2008).

5.2b Using the remains as political bargaining chips

Irrespective of alive or dead, the military ‘leave no man behind’ ethos places significant value on the human body. The retention of remains by enemy combatants reasserts the value placed on the human body (de Baets, 2008), although diverging interests exist in these cases (Star and Griesemer, 1989). Enemy combatants wish to ‘use’ the remains to receive a financial fee, to gain revenge, or as part of negotiations concerning political affairs between countries.

The capacity of remains to connect social worlds and affect them differently is significant (Star and Griesemer, 1989). This capacity is exhibited in a number of ways.
Families of the dead more often than not request the remains of their loved ones be returned home; military units wish to fulfil their duties to the military as well as to their fellow servicemen; humanitarian organisations advocate on behalf of the families; political parties negotiate with other political parties and armed groups; and the international community publicly condemn such affairs. The case of the French woman seized by Somalis, who attempted to sell the remains further demonstrates that the remains possess value (de Baets, 2008).

In the case of negotiations concerning the search and recovery programmes following the Korean War, it is clear that North Korea and American have a common interest in returning the remains to their respective home countries. However, North Korea ‘uses’ the remains to benefit financially, whereas the United States ‘uses’ financial means to facilitate the return of remains to their families (Star and Griesemer, 1989). It is debatable whether United States personnel involved in suspending recovery operations experienced moral injury, as the act could be interpreted as an act of transgression (Litz et al., 2009). The statement given by an official of the Korean Central New Agency further deepens the consequences of this act. The fact that the United States reinitiated operations, investing a further $5.7 million, is indicative of a determined nature to return the remains to American soil, perhaps to minimise the impact of previously acting against moral beliefs. However, the suspension of recovery operations, due to safety and security issues of American personnel, could be interpreted as an act to save moral injury from occurring. For example, if the safety and security of American personnel had been compromised, then their deaths would have caused suffering to the families whose loved ones died.

5.2c Treatment of the dead
Following the attack on the World Trade Center, the varied treatment of the dead is illustrative of the value given towards those that died, and the connections experienced with that person. Showing preferential treatment when handling the remains of a fellow servicemen or loved one inflicts emotional distress on the other servicemen participating in recovery operations, or civilians observing such operations. Through applying de Baet’s (2008) concept of posthumous dignity, the actions of international governments and the UN following the 2010 Haiti earthquake also demonstrate a higher value is consigned to their personnel, and therefore more time, energy and finances are
invested into recovering and returning their remains. In contrast, the minimal efforts of the Haitian government in preserving remains for identification may be due to a disinterest in identifying the remains, the mass graves of which support this view. Such mistreatment fails to protect the dignity of the dead, and disregards their value to those who they had strong connections with, and the value of the remains themselves. Another possible explanation is that the Haitian government associated the dead with disease, and therefore resorted to mass graves to prevent infectious outbreaks. Regardless, mass burial could have inflicted moral injury on construction personnel facilitating the disposal of remains into mass graves, as the act is one of transgression if it contradicts their moral or ethical beliefs (Litz et al., 2009). Mass burial also caused emotional distress to family members due to their uncertainty of where their loved ones were buried, as well as the way in which the dead were treated.

Through applying Star and Griesemer’s (1989) concept of boundary objects, unidentified migrants buried in rubbish and shopping bags shows that the perpetrators did not have a strong connection with the deceased, and therefore the efforts made with regards to their disinterment were minimal. On the one hand, it can be argued that funeral home personnel may have experienced moral injury; using rubbish and shopping bags to bury the remains could have conflicted with their moral and ethical beliefs (Litz et al., 2009). On the other, the act of encasing the remains in any material demonstrates an act of care towards the dead, and perhaps not encasing the remains may have resulted in a larger act of transgression.

Burial teams working during the Ebola outbreak in West Africa are likely to have experienced moral injury. Burial team personnel and family members both share a common interest in wishing a proper burial, which may include performing funeral rituals. However, burying the Ebola dead in defiance of local customs, as well as recognising the suffering of family members as a result of this, provides strong foundations for moral injury (Litz et al., 2009). The extent of moral injury experienced is dependent on the connections made with the deceased and their family members (Star and Griesemer, 1989).

The UN personnel’s account on the difficulty in meeting local customs demonstrates a common interest to meet both the local customs as well as to preserve remains, although
the latter is prioritised in such settings. Preference may be given to identification solely because of fulfilling job responsibilities, and due to the logistical difficulties in adhering to a variety of religious beliefs. The UN personnel may have had strong connections with all UN personnel who died in the 2010 Haiti earthquake, and thereby prioritising preservation of the remains over performing local customs prevents preferential treatment being given to one person and their religious beliefs. Such an act may inflict moral injury because to defy local customs can be an act of transgression, however the moral injury experienced if preferential treatment was given to a particular individual or religion may have been a greater act of transgression (Litz et al., 2009).

Following the 2015 earthquake in Nepal, the saturation of mortuary storage facilities and the subsequent erection of crematory pyres is likely to have inflicted moral injury on government and mortuary personnel; those facilitating in cremating the dead are also likely to have experienced moral injury if such acts contradicted their moral and ethical beliefs (Litz et al., 2009). This may be especially true in cases where unidentified remains are cremated, and therefore such personnel must live knowing that there may be families who may never be certain of the fate of their loved ones. In addition to their grief, the lack of proof of a loved one’s death may have additional economic consequences. A lack of death certificates issued in the 2,500 deaths following the avalanche of the Casitas Volcano further supports this statement. In contrast, the adoption of special procedures by the City and State of New York demonstrates a strong connection with those who lost their lives in the attack on the World Trade Center, 2001, and an interest in minimising the suffering of families (Star and Griesemer, 1989). The emotional distress that may have ensued if family members had to wait three years until certifying death may have been a contributing factor in adopting such procedures.

The health officials and the local villagers share an interest in burying the Ebola dead and doing so without potentially harming the living. However, the health officials may have experienced moral injury if the burial site resulted in consequences, such as contamination of a water source. Moreover, the extent of moral injury experienced is shaped by connections made with the dead in life, and with the local villagers protesting against the chosen burial site (Litz et al., 2009).
5.2d Financial burden and legality issues
The Mexican consulate in Los Angeles demonstrates a conscientious effort to minimise the suffering of Mexican families. Federal official Andrés Bermúdez, whose brother was injured in a car accident and later died, proposed that airlines prioritise space for transporting remains to their home country. It is evident that the death of his brother influenced Andrés’s actions; families requesting the speedy return of their loved one’s remains is something Andrés can, understandably, relate to, and strengthened the connection between him and the families. Thus, through application of Star and Griesemer’s (1989) concept of boundary objects, the families and Andrés shared a common interest in returning the remains and doing so quickly. But is it really true that this was the sole reason for accelerating the return of the dead? Another possible reason could be that to not make efforts to accelerate the return of remains, and therefore not negotiate with airlines even though Andrés is in a position to do so, would have been an act of transgression.

5.2c Lack of a unified command system
Through applying de Baet’s (2008) concept of posthumous dignity, an uncoordinated effort can be interpreted as disregarding the dignity of the dead. The chaotic nature of the dead being taken to multiple locations caused additional suffering to the families. One UN official speaking about the lack of knowledge concerning the management of the dead demonstrates that such an activity has not been given significant value to warrant training to non-specialised personnel. Another possible explanation is that there may be an interest to recover the dead but not necessarily to return them to their respective families. This may be due to associating the dead with disease, or due to a shortage of specialists available.

In this section, the concepts posthumous dignity, boundary objects and moral injury were applied to the research findings. Such an analysis makes possible the formulation of recommendations on how to improve practices in the humanitarian sector; these will be given, along with conclusions, in the following chapter.
6. CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusions

Since the dignity of the dead in return-of-remains practices has been inadequately addressed in the existing literature, especially in conflict and disaster contexts, I have focused my research on this topic. Therefore, this thesis investigated return-of-remains practices by using the concepts of dignity, moral injury and boundary objects. In order to analyse this, current practices pertaining to the return of remains within and outside of humanitarian action were investigated, in addition to outlining the shortfalls of such practices. The research question was the following:

The Return of Remains: How Can Dignity Be Better Safeguarded?

In order to answer this question, data concerning current return-of-remains practices was collected. Background information on the topic entering humanitarian dialogue, customary IHL and international manuals was to show the existence of documents that supported return-of-remains practices, but also to gain an insight into the evolving symbol of the human body. Especially since the 2004 tsunami, activities pertaining to the return of remains have been heavily discussed. However, there are issues that appear to be characteristic of mass fatality events in humanitarian action, which will be described later in this section. The establishment of international manuals outlining guidelines for managing the dead in conflict and disaster situations have facilitated in filling an information gap for non-specialists. However, the information gap on the return of remains continues to be left vacant which, in turn, fails to both safeguard dignity of the dead and minimise the suffering of families.

Nevertheless, return-of-remains practices that occur today continue to face major constraints experienced in earlier phases. The work of non-specialist and specialist personnel, critical in achieving positive identification for the dead, is frequently uncoordinated; the variety of actors involved in such a process with differing protocols,
or perhaps none at all, greatly impact the likelihood of positive identification, and proper treatment of the dead. Such uncoordinated efforts are stressful to families and affected communities, and fail to show that their loved ones have been treated in a respectful manner. However it has been found that, in mass fatality events, taking photographs of the dead can increase the likelihood of positive identification as well as reducing the suffering of families. It has also been found that offering financial and material support in returning the remains safeguards the dignity of the deceased and therefore minimises their suffering of families by facilitating the mourning process. For example, such material support given by burial teams during the Ebola outbreak is indicative of respecting religious customs, and provides reassurance to families that there is a common interest in safeguarding the dignity of their loved ones. In contrast, activities such as piling of the dead do not safeguard their dignity but violate it.

Religious institutions and local groups can sometimes play an integral role in assisting in the organisation of the affected communities. Such groups are trusted by affected communities; providing information through these groups, on the identification process or delivery of remains for example, can serve to encourage and empower the bereaved, and thereby minimise their suffering. However in disasters, returning remains is dependent on whether it is believed that the dead are a source of disease. Widespread support of such exaggerated fears encourage mass burial practices, of which impede positive identification, and cause greater uncertainty for families who do not know the burial site of their loved ones.

Return-of-remains practices that occur outside of real-time also face constraints. Humanitarian actors serving as neutral intermediaries in the return of remains between parties has assisted in ensuring the long-deceased are not forgotten, and ensuring that actors uphold IHL obligations. However, it has been found that remains are often ‘used’ as bargaining chips in political negotiations, or to benefit financially. The lack of treaty law pertaining to the return of remains in non-international armed conflicts is concerning, and gives actors the opportunity to refuse the return of remains or create new political narratives, causing great suffering to affected communities. A legality issue present in both conflict and disaster settings is the documentation of death. In

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45 When the actors involved are the affected communities themselves, who may have not had training on the recovery of remains.
absence of a death certificate, families are unable to access finances or property in the name of the deceased, and therefore their emotional suffering is further compounded by economic consequences. Lack of documentation also means that the death is never confirmed, and therefore political elections may be affected as a result.

Regarding this research, I chose to focus on organisational accounts and protocols rather than attempting to conduct field interviews. Though field interviews may have yielded a rich dataset, they would have given a more anecdotal representation of current return-of-remains practices. As a result, I decided to focus on a systemic approach to generate a fairer representation of current practices and protocols. Regarding the conceptual framework, my experience and knowledge in return-of-remains practices may have induced bias into my thinking. Such a bias may have influenced the research findings, meaning some topics were potentially given more prominence over others.

Overall, return-of-remains practices deserve greater attention in humanitarian action. Failing to consider the return of remains as a crucial component in humanitarian response hinders its effective implementation, disregards the dignity of the dead, and causes further suffering to the bereaved. Based on the analysis of the research findings, recommendations on how to improve return-of-remains practices in the humanitarian sector will be given below.

6.2 Recommendations

By identifying some of the shortfalls of current practice, lessons can be learned for future humanitarian crises, and the development of relevant guidelines. By gaining insight into current practices that affect the dignity of the dead, future practice can specify their priorities and develop a sustainable model for families and affected communities. This research is not only relevant for psychosocial interventions, but for armed forces creating SOPs pertaining to the return of remains, and the integration of these into the policies and operational activity of relevant humanitarian organisations.

The main concern is that the return-of-remains practice is under-prioritised in humanitarian action. Although international documents and organisations have
advocated for actors to facilitate in the return of remains, little effort has been invested into creating SOPs to be implemented by all actors. Therefore, the general message in the following recommendations is that the creation of SOPs for return-of-remains practices should be a key focus, of which can be incorporated into the policies and operational activity of both humanitarian organisations and armed forces.

The following are recommendations for all armed forces and humanitarian organisations:

• **Encourage the creation of Standard Operating Procedures (SOPs)**
  Such SOPs should include the authorities responsible for the return of remains to families, and incorporate this information into national plans, mass fatality frameworks, and the policies and operational activity of humanitarian organisations. If a responsible authority is not currently available, establish a management team and identify the roles and responsibilities of each personnel concerning the return of remains procedures. These procedures should also consider the cultural practices appropriate to the contexts, including commemorative rituals and what materials to encase the remains in. Within these SOPs, it is encouraged to include subsidised programmes for assisting financially disadvantaged families. In doing so minimises the suffering caused to the families, and ensures the dead retain their dignity.

• **Encourage consistent and non-preferential treatment of remains**
  Irrespective of connections made or not made with the deceased in life, the remains and the bereaved are to be shown the highest level of respect. Ensuring that all remains are treated with respect serves to minimise the suffering of both actors involved in return-of-remains practices and the families. The piling of remains should be discouraged, exceptions being when the remains are in transportation, or in refrigeration for preservation purposes. Mass burial is also discouraged, as it disregards the dignity of human remains and further compounds the grief of bereaved families.

• **Encourage training of non-specialist personnel**
  Specialised personnel are often not available in the aftermath of a humanitarian crisis, sometimes for days or weeks after the event has occurred, to assist in the
recovery and identification of remains. For this reason, training programmes pertaining to the management of remains, including the return of remains to families, are encouraged. The work conducted, from recovery to burial, influences the likelihood of remains being returned to their respective families. Further, training should also cover psychological support to prevent staff from developing secondary traumatisation.

- **Encourage cooperation between actors**
  Early and cooperative coordination between actors is essential in facilitating activities necessary for the return of remains to families. These include: proper management of the dead; identifying necessary resources, such as personnel, facilities and materials; implementing SOPs; and ensuring accurate information is being disseminated to affected communities. Lack of coordination in the recovery and identification phases greatly affects the likelihood of remains being returned to families.

- **Involve local psycho-social organisations**
  Local psychosocial organisations should be located and contacted following the onset of a conflict or disaster. The availability of psychosocial support for staff members prevents the development of secondary traumatisation. Such support for affected communities is necessary to ensure their grief is validated, and facilitate the mourning process. The level of assistance that psychosocial organisations can provide should be defined, and information regarding such assistance should be disseminated to the affected communities.

- **Discourage remains being used in negotiation strategies for financial gain**
  There are occasions where the return of remains is deliberately withheld for negotiation purposes. In some cases, remains are exchanged between two parties, however sometimes a financial fee is requested for their return. Purposefully delaying the return of remains causes emotional distress to family members, and can prevent the mourning process from being initiated. Therefore, such negotiation strategies should be discouraged and, regarding international armed conflicts, actors should be reminded of their commitment to IHL.
• **Ensure the remains are encased in materials that are appropriate**
  It is important to ensure that the encasing of remains is in accordance with local customs, the wishes of the deceased, or their family. Such material will vary between religions, cultures and operational practice; for example, the Jewish or Muslim faiths usually wrap the remains in a white or beige shroud, whereas the military typically encase the remains in coffins (of course these categories may overlap). Ensuring the appropriate materials are used is fundamental in showing respect towards the remains, and facilitating the mourning process for family members. Speaking to local leaders, affected communities or family members will determine what materials are appropriate.

• **Ensure documentation stating the release and claim of remains accompanies the remains**
  When identification is definite, the remains can be released to the families. To authorise their release, the responsible authority should provide a signed document signifying their involvement in preparing and releasing the remains. This document is fundamental where death certificates are not issued with the remains, and may provide adequate proof to proceed with the final disposal of remains, such as burial. Information concerning the contact details of those claiming the remains should also be documented, in the event where future contact is necessary, for example if additional remains are found. To ensure the chain of custody is maintained, copies of the signed document(s) should be retained by the responsible authority, and accompany the remains upon deliverance to the family.

• **Ensure senior personnel notify and deliver the remains to families**
  People often struggle to recollect the details of a crisis. However, many remember events concerning death of a loved one in meticulous detail, often for the rest of their lives. The details that are often remembered include the tone of voice, the exact words used, and the facial expression of the person delivering the news.

  Such details are critical to showing the highest level of sensitivity and respect towards bereaved families. Older people are usually perceived as being more
experienced with funerals and death than young people, and in general tend to be 
more accustomed with appropriate ways to act in such circumstances.

There may be cultural contexts where having a senior person does not matter or is 
seen as a negative. However, in most circumstances, senior personnel are 
appropriate in notifying and delivering remains to families; this ensures a sensitive 
approach is taken to facilitating the families’ grief. For these reasons and unless it 
defies the cultural context, humanitarian organisations should appoint appropriate 
and senior members of staff to notify and deliver the remains to families.

If implemented, the above recommendations may serve to improve return-of-remains 
practices in humanitarian action. To conclude, I would like to return to the words of 
Juan Gelman after the funeral of his son:

> During all these years I knew he could not be alive, but one can never 
completely give up the dream that he might come home one day. I don’t know 
if there is any worse torture than that. Burying my son, with his name on a 
gravestone above his tomb, has curiously, paradoxically, rescued him for us. He 
came out of the fog of persons unknown (Forrest, 1996).

As Juan Gelman’s testimony reminds us, returning the remains of a loved one is more 
than a physical transfer. It may not end the anguish or provide answers to all the 
questions, but it allows the deceased and living family members to come together and, 
in a sense, return home.
BIBLIOGRAPHY


APPENDICES

Appendix A – Plan of Action and Agenda for Humanitarian Action

The ICRC has played a large humanitarian role in protecting the dead and calling for the return of remains to their respective families. The topic of protecting the dead has been highlighted at three International Conferences of the Red Cross, calling for parties to respect their commitments to IHL and to facilitate in returning the remains to families. In 1999, at the 27th International Conference of the Red Cross, the ICRC adopted the Plan of Action 2000 – 2003.

Plan of Action 2000 – 2003

Sub-section 1.1e) proposed that effective action must be taken to identify the dead, inform their families and return their remains to them. The document highlighted that appropriate measures are to be established “at the latest from the beginning of an armed conflict” (ICRC, 1999b). Workshops were held with the input of governmental and non-governmental experts.

The workshops raised the importance of proper handling of human remains, from search and recovery to their identification. It is noted that observations and recommendations were given for the procedures for returning remain to families to be “well-prepared” (ICRC, 2003a, pp.17), however additional insight into how these procedures were to be prepared or what materials are at the disposal of humanitarian organisations is not given. Overall, the workshops reflect a general consensus to safeguarding the dead, and recognise the consequences of failing to return remains to families. Further observations and recommendations made at the workshops highlighted that the current protocol for returning remains to families often do not take religious customs into consideration.

Results attained from the Plan of Action events were presented at an international conference for governmental and non-governmental experts in Geneva between 19 and 21 February 2003.46 The conference recognised that human remains must be treated

46 Over 350 experts from more than 90 countries attended, including representatives of families of missing persons.
with dignity and returned to families. It was recognised that for many families “the swift return” of remains is essential in order for them to complete the mourning process (ICRC, 2003a, pp.60), and that exhumation and identification procedures should not commence until a framework, which included procedures for returning remains to families, was established. As far as I am aware, a framework that includes considering how to return the remains to families, prior to exhumation and identification, is yet to be established.

At a military workshop and at the conference, the relationship between management of the dead and persons unaccounted for in armed conflict was highlighted. Members encouraged the creation of Standard Operating Procedures (SOPs), and stated that SOPs for the return of remains to families, “must be implemented” (ICRC, 2003a, pp.35). These SOPs were to be created by armed forces, and to provide military training for all personnel that may be involved in management of the dead. These SOPs were also aimed at humanitarian organisations, the aim of which was to integrate these into their current policies, training and operations. The creation of SOPs was to reflect IHL and include ICRC practical checklists specific to the management of the dead. These checklists include numerous circumstances where management of the dead may be required, including performing emergency burials, and searching and collecting the dead, however a checklist for the return of remains to families is not provided.

At the international conference, the recommendation that the process in returning remains to families needs to be “well prepared” (ICRC, 2003a, pp.63) was adopted by consensus. The summary of the events (workshops) and the international conference in Geneva were comprised into a follow-up report of the Plan of Action 2000-2003, which reiterated that human remains must be returned to their families, but omitted more detailed steps mentioned in earlier reports (ICRC, 2003b). The creation of SOPs and their associated checklists by armed forces were also omitted. The follow-up report was then refined to specifically address ‘areas of concern’, to create the Agenda for Humanitarian Action (ICRC, 2003c), a plan that was presented at the 28th International Conference of the Red Cross and the Red Crescent in 2003.

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47 The speaker at the conference was Tetsuo Hani, Adviser to the Armed Forces, Unit for Relations with Armed and Security Forces.
Agenda for Humanitarian Action

The 28th International Conference of the Red Cross and Red Crescent noted that one of the challenges faced by the humanitarian community is the lack of respect for dignity (ICRC, 2003c). The Agenda of Humanitarian Action was compiled to contain a list of concrete goals to address this challenge, however no final goal reflected protecting the deceased or their families, nor the right of families to know the fate of their relatives. No final goal reflected earlier statements, that returning remains to families was of equal importance to providing evidence in a criminal investigation, or that for some families the return of their loved ones remains was fundamental to their completion of the mourning process. No final goal reflected the need to create SOPs for armed forces and humanitarian organisations in the return of remains, or the application of the practical checklists.

The final goal 1.4.2 affirmed that a framework should be agreed upon before exhumation and identification procedures begin, however unlike the recommendations of the international conference in Geneva, that included the return of remains to families in the framework, there was no specific reference to what the framework should contain.

Why important considerations relating to the return of remains were not included in final reports, and why the return of remains was not more highly prioritised is not known. It is without a doubt that the vague conference recommendation: the process of returning remains to families should be “well prepared” (ICRC, 2003a, pp.63), would have been, and is of, limited use to humanitarian actors. Following the omission of the topic of returning remains in the Agenda for Humanitarian Action, documents concerning the management of remains in disasters were published.
Appendix B – Temporary Facilities

When preparing temporary facilities, there should be three working areas: holding area, viewing area and an examination area. The holding area is for remains that do not require an examination because the family has identified them (PAHO and WHO, 2004). Remains are held here if legalities have not been completed prior to releasing the remains to the family, “or because they have not been identified, or because the body must be embalmed before being transported out of the country” (PAHO and WHO, 2004, pp.25). A viewing area should be available for the families to view the remains (PAHO et al., 2009; PAHO and WHO, 2004). Temporary facilities may also use refrigerated containers, however these require considerable quantities of fuel and are therefore expensive to run (PAHO et al., 2009; London Resilience Partnership, 2012).

PAHO and WHO (2004) declare that in mass fatality disasters, “it is not an ethical violation to place remains individually on the ground, in an organised and respectful manner” (PAHO and WHO, 2004, pp.23), but should only be done when the holding area for remains has been exhausted.

The 2012 London Fatality Plan states that the remains will be transferred to a funeral director where the family may view the remains “with the maximum dignity and respect for the families concerned” (London Resilience Partnership, 2012, pp.15). As they point out, mortuaries are where intrusive examination procedures are conducted, which may compound the distress of the families (London Resilience Partnership, 2012).
Appendix C – Where Remains are Not Returned to Families

There are many reasons why remains may not be able to be immediately returned to families. For example, human remains may not be identifiable by external examination alone, or families may not have reported a loved one to be missing. Where immediate return to families is not possible, the remains should be marked with a unique reference number (ICRC, 2004), and preserved either in storage or arranging temporary burial (ICRC, 2004). Proper storage of remains is necessary until forensic specialists are able to investigate (PAHO et al., 2009; Tidball-Binz 2007); in some circumstances, this may take years. Burial is considered the most practical method of long-term storage of human remains because it preserves evidence for potential forensic investigations (Tidball-Binz, 2007, pp.435). In humanitarian emergencies, cremation is not advised as it decreases the likelihood of positive identification, and arranging for a large number of dead to be cremated is logistically difficult (Tidball-Binz, 2007).

Once remains have been identified, “measures must be taken to inform the families when a relative has died, to provide them with certificates / attestations of deaths, and to return … whenever possible the remains” (ICRC, 2004, pp.13). Further, the remains “should be returned as soon as possible to their bereaved relatives” (Tidball-Binz, 2007, pp.435). Although it is clear that measures must be in place, what these measures are and how these differ across contexts is unclear (ICRC, 2004). For example, storing remains may be affected by cultural beliefs and local customs.48 Discussions should occur with the physician and social welfare or other relevant local agencies regarding the disposal/burial of unclaimed remains (PAHO et al., 2009).

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48 The lack of attention given to cultural considerations has been raised in earlier events/reports (ICRC, 2003a).
Appendix D – Training of Workers

The majority of the manuals and provisions available highlight that specialists may not be readily available, and thus such publications were created (ICRC, 2004, PAHO et al., 2009). PAHO and WHO (2004) emphasise the need for all actors involved in the management of human remains to receive specific training on proper handling of remains (PAHO and WHO, 2004).

Prior to returning remains, they first have to be identified. There are conflicting points on whether non-specialists should be involved in the identification process. One manual states that a mass fatality plan should consider the involvement of non-specialists to facilitate identification (PAHO et al., 2009), however other manuals only refer to specialised personnel involved in identification procedures. Annex I of the ICRC (2004) manual is titled Checklist for Forensic Work When Only External Examination is Possible. This Annex mentions the involvement of forensic pathologists and forensic anthropologists, and, unlike prior checklists, omits an introductory paragraph declaring the checklist is to be used by armed forces or humanitarian organisations (ICRC, 2004).

It is emphasised that workers, both forensic specialists and non-specialists, should receive training and support when working with families of the missing (ICRC, 2004; PAHO and WHO, 2004). Providing psychosocial support to first responders is important in a disaster, especially those handling human remains, many of which “are young volunteers and military personnel” (PAHO and WHO, 2004, pp.123). The PAHO and WHO (2004) manual is the only manual that does not advise persons under the age of 21 to participate in handling human remains (PAHO and WHO, 2004).

Moreover, such training should cover psychological reactions of the traumatised, and how staff can protect themselves from developing secondary traumatisation. The continued support is necessary to manage issues that arise while working with families, such as when informing families of death, and workers are to be encouraged to take time off work to prevent burnout (ICRC, 2004). General Consideration 9.7 affirms that special training given to workers is sufficient preparation to avert secondary
traumatisation when returning remains (ICRC, 2004). When notifying the family about a death, or visual recognition of human remains, it is advised that two people make the notification (PAHO and WHO, 2004).
Appendix E – Kantian Dignity

In the social literature, Kant’s definition of dignity has been of central importance. An outline of Kant’s definition will be given below, followed by a conclusion stating the relevance of the definition to my thesis.

Kant’s definition of dignity
From a philosophical perspective, Kant depicts humans, or rational beings, as capable of moral thought and actions. Kant described that some things should not be considered in terms of their value, for value is relative and relies on a person’s judgement. Things that are deemed beyond all value, such as humans, possess dignity. Humans have desires and goals, which is what makes them different from valued ‘things’. For example, if a person wishes to improve their darts skills, a darts manual has value for their goal. If a person wishes to travel around the world, transport is of value to their goal. Without the desire, the darts manual or the transport will have no value to the person (Rachels, 1986). Kant also held that humans have free wills and are their own agents; having the ability to make decisions (and duty to act on them), and set goals means they have dignity (O'Hara, 1999, pp.471). Kant affirms a human can be an end in itself (Kant, 1785), and the condition morality requires humans to treat others with respect and not manipulate them to achieve their own goals.

Relevance to thesis
Kant wholly submerged human dignity in rational autonomy, not associating morality with other aspects of humanity, such as family life, emotions, and biological elements of the human being. Kant’s concept of dignity arises controversy in several subjects. For example, if rational autonomy comprises all of human dignity, why should it matter if embryos are cloned, or if we use drugs to enhance performance or control our moods? Why should it matter if the burial requests of the deceased are not fulfilled? Further, applying rational autonomy in practice is complex. If dignity equates to rational autonomy, are those who do not yet possess it, such as new-borns, or who have lost it, such as the dead, undeserving of human dignity? Kantian human dignity can be used to uphold a moral principle, for example despoiling the dead is a violation of international humanitarian law, or as an argument based on consequences: despoiling the dead is wrong because it reduces the likelihood of positive identification. In relation to the
dead, human dignity cannot be divided so easily into ethics of principles or ethics of consequences (Schulman, 2009). If morality and humanity end with death, Kant implies that dignity ceases to exist after life. As the dignity in this research concerns the dead, Kant’s definition of dignity is not applicable.