



DOCUMENTING MISSING PERSONS

A missing person is a person who has disappeared and whose status as alive or dead cannot be confirmed as their location and condition are not known. Families of the missing have no communication with the individual, and no reliable information as to their whereabouts.

A person may go missing due to an accident, crime, natural disaster, or death in a location where they cannot be found (such as at sea). In most parts of the world, a missing person will usually be found quickly. However, in the context of active conflict or large-scale human rights violations, large numbers of people can go missing for complex and varied reasons. Such cases are much harder to resolve. The investigation and resolution of missing persons cases is an important aspect of justice processes that often continues for many years after a conflict has ended.

Unresolved missing persons cases have complex and serious repercussions for families. The lack of closure or traditional mourning rituals, such as a funeral, make it difficult for families to grieve and move past the loss. Many families spend huge amounts of time and resources attempting to locate their loved one. A missing husband can leave women vulnerable and stigmatized, unable to remarry. The situation also leads to legal difficulties. In many jurisdictions, relatives and third parties may not deal with a person's assets until their death is considered proven by law and a formal death certificate issued.

In the case of Syria, thousands of individuals have gone missing due to conflict and on migration routes. However, the primary cause of missing

persons in the country is enforced disappearance. Enforced disappearance is when state officials (or someone acting with state consent) or other armed groups, grab a person from the street or from their homes and then deny it, or refuse to say where they are or provide any updates on their status. In some cases, an individual may be detained with the knowledge of their families, but the state stops providing information on the individual, effectively 'disappearing' them days or even months after their original detention. Enforced disappearance is always a crime under international law.

Victims of enforced disappearance are often never released and their fate remains unknown. Victims are frequently tortured and many are killed, or live in constant fear of being killed. They know their families have no idea where they are and that there is little chance anyone is coming to help them. Even if they escape death and are eventually released, the physical and psychological scars stay with them. The victims of these crimes are not only those who are disappeared but include their family members as the uncertainty of a loved one's fate, and the inability to mourn them, creates pain and suffering unique to this type of crime.

Missing persons and international law

The following provisions are only applicable in the context of an armed conflict.

[Article 32 from the Protocol Additional](#) to the Geneva Conventions -- General principle

In the implementation of this Section, the activities of the High Contracting Parties, of the Parties to

the conflict and of the international humanitarian organizations mentioned in the Conventions and in this Protocol shall be prompted mainly by the right of families to know the fate of their relatives

[Article 33](#) from the Protocol Additional to the Geneva Conventions-- Missing persons

1. As soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches.
2. In order to facilitate the gathering of information pursuant to the preceding paragraph, each Party to the conflict shall, with respect to persons who would not receive more favorable consideration under the Conventions and this Protocol:
 - a. Record the information specified in [Article 138](#) of the Fourth Convention in respect of such persons who have been detained, imprisoned or otherwise held in captivity for more than two weeks as a result of hostilities or occupation, or who have died during any period of detention;
 - b. To the fullest extent possible, facilitate and, if need be, carry out the search for and the recording of information concerning such persons if they have died in other circumstances as a result of hostilities or occupation.
3. Information concerning persons reported missing pursuant to paragraph 1 and requests for such information shall be transmitted either directly or through the Protecting Power or the Central Tracing Agency of the International Committee of the Red Cross or national Red Cross (Red Crescent, Red Lion and Sun) Societies. Where the information is not transmitted through the International

Committee of the Red Cross and its Central Tracing Agency, each Party to the conflict shall ensure that such information is also supplied to the Central Tracing Agency.

4. The Parties to the conflict shall endeavor to agree on arrangements for teams to search for, identify and recover the dead from battlefield areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party. Personnel of such teams shall be respected and protected while exclusively carrying out these duties.

Enforced Disappearances as a Crime Against Humanity (outside of armed conflict)

[The International Convention for the Protection of All Persons from Enforced Disappearance](#) came into effect in 2010. It aims to prevent enforced disappearances, uncover the truth when they do happen and ensure that survivors and victims' families receive justice, truth and reparation. There are 98 signatories and 63 states party to the Treaty, indicating that it has gained importance though not universal acceptance.

Documentation of missing person's cases:

The documentation of missing persons can support a variety of justice processes. Such documentation can support criminal accountability for underlining crimes including enforced disappearance and extrajudicial killing. It also can support missing persons investigations and truth telling processes which help families discover the fates of their loved ones and, if they are deceased, gain possession of their remains for proper burial.

Documenting missing persons cases is difficult due to the lack of information available and the fact that the primary victim of the crime, the person who is missing, is not present. However, information can still be collected through a number of sources. First, families or other loved ones of the missing can supply important information about the circumstances of the disappearance, as well as potentially identifying features. Second, witnesses and survivors of detention centers and sites of other crimes related to disappearance, can provide valuable contextual information on how these systems operate. Third, forensic archeologists and anthropologists can analyze grave sites and unidentified human remains in order to identify the missing. This course will focus specifically on how to collect information on missing persons and victims of enforced disappearance from family members or friends of the missing.

Types of Questions:

Basic information about the Missing Person

Full name, Date of birth, Birthplace, Nicknames, if any, and current and previous addresses. Marital status, sex. If female, is she pregnant? Identity document: If available, enclose photocopy or photograph of ID. Are fingerprints available?

Occupation? Education? And his/her Religion?

Basic information on the Interviewee

Information about the information providers: their names, their father and mother's names, Place and date of birth and place of residence, the degree of relationship with the missing, and contact information.

Information about the last time the Missing Person was seen

- The time and location of where he/she was last seen
- The name and contact of the individual who last saw the missing person

- The name and contact of the individual who last talked at length with the missing person

If it is known that the person was detained:

- Location and date/time of their detention/arrest
- Any information on the arrest, identity of arresting entity etc.
- Were there witnesses to the arrest? Who?
- Were others arrested at the same time? What were their names? Are their current whereabouts known?
- Do you know of any detention facility where the missing person was held? When was he/she held there? How do you know?
- Are there any witnesses who have seen the missing person since their arrest? What is their name and contact?
- When did you last receive information on the missing person? What information did you receive? From whom?

If it is unknown whether the missing person was kidnapped or detained:

- What were the missing person's plans and/or activities on the day they went missing?
- Where was he/she going? Why was he/she going there?
- If the individual was traveling by car, can you provide the make and model number, license plate number, as well as registration (if possible)? Could you provide information about any other vehicles or mode of travel the missing person may have access too?
- What was the attitude of the missing person the last time seen? Was the missing person complaining of or concerned about anything before he/she went missing?

- Are there particular patterns of behavior/ travel that the individual has? For instance, does he/she go to a particular spot for coffee each day?

Remember to collect: Place, date, time, events leading to disappearance, other victims

Potential People that the Individual would contact

List all of the person’s friends and acquaintances who the missing person may try to contact. Try to include addresses and telephone numbers.

Antemortem Data

The following questions on a missing individual’s physical appearance, past injuries, dental records etc., are known as ‘antemortem data’ and are designed to produce data which can be compared with forensic data collected from human remains. Because this data is specifically designed to assist in looking for an individual who has passed, it may be particularly sensitive to family members. Families should be allowed to skip this section of the interview if they are not comfortable with it. In areas where grave openings have not begun, documenters should assess whether the potential emotional toll of asking these questions is worth the limited investigatory value.

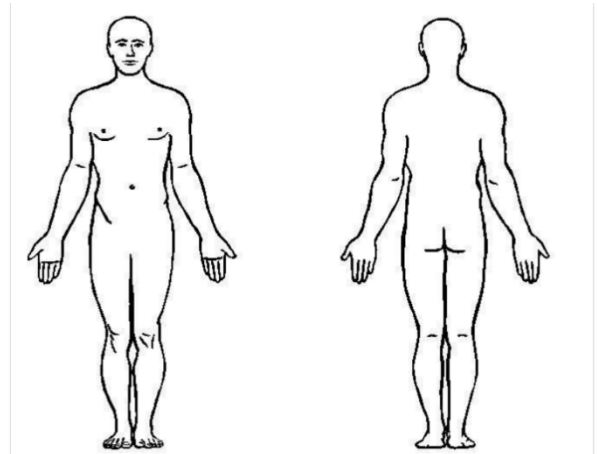
Physical description of the Missing Person

Height, weight, age, hair color/length of hair, eye color, skin color, body hair, any distinguishing marks – such as tattoos, birthmarks, scars, etc. beard/mustache/sideburns and find the most recent photo of the missing person

Continue on additional sheets if needed. Use drawings and/or mark the main findings on the body chart:

Any Past injuries: amputations include location, side, fractured bone, joint, (e.g. knee), and if person limped? Any other operations, diseases?

Any implants like: pacemaker, artificial hip, IUD, metal plates or screws from operation, prosthesis etc.



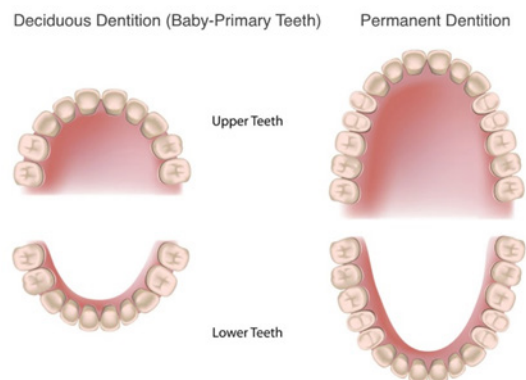
Dental condition: Please describe

General characteristic: Missing teeth, broken teeth, Decayed teeth, Discolorations such as stains from disease, smoking or other?

Any Gaps between teeth? Crowded or crooked? Any overlapping teeth? Any Jaw inflammation or abscess? Any adornments? Inlays, filed teeth? Any other special feature?

Dental Treatment:

Has the Missing Person received any dental treatment such as crowns, gold-capped teeth?



Color: gold, silver, white?

Fillings (color if known)

False teeth: upper, lower, Any Bridge or other special dental treatment? Or any Extractions?

Habits and Personality of Missing Person

Does the individual smoke?

Clothing that the Missing Person was wearing the last time seen

Clothing worn when last seen: Style and color of shirt, style and color of pants, style and color of jacket or outerwear. If applicable, type of headwear, type of glasses, (glasses color, shape,) contact lenses, type of gloves and type of footwear (boot, shoes, sandals, color, brand, size.) Describe these in as much detail as possible.

Any watch, jewelry, wallet, keys, photographs, mobile phone (include make, provider, number), medication, cigarettes, etc. Describe in as much detail as possible.

Overall health and condition of the missing person

Physical condition: Any known medical problems? Is the person suffering from Alzheimer's disease/dementia/memory loss? If so, is he wearing an identification bracelet or carrying an identification card? Any handicaps or disabilities? Any psychological problems? Any medications that the individual is taking? Any addictions that the individual has? Provide the name of the missing person's family physician and their health card number, if possible. Could you provide the name of the missing person's main dentist, if possible?

Ethics of Documentation:

The first principle of investigating missing persons is that one should always assume that the missing individual is alive until proven otherwise. This

is true even if you are collecting documentation intended to help identify human remains. When interviewing families of missing persons documenters should be sensitive about the uncertainty of the persons safety and never uses language that presumes that the individual is dead or will not return.

When preparing to document a missing person with their loved one, it is important to manage their expectations regarding the prospects of the investigation. Many missing persons will never be discovered, and those that are often take many years to find. While participating in a missing persons interview is a valuable way for family members to support the effort to find their loved ones, it is important that they understand that the process does not guarantee them any resolution.

And remember "Do No Harm" is the guiding principle of documentation. Put the safety and psychological well-being of the interviewee first, from choosing the interview location to safeguarding your digital and physical data. It is your duty to work with the highest standards, without over-promising or putting pressure on the interviewee. Connect the interviewee with available support services that are in the area (medical, psychosocial, economic, etc.) in case s/ he needs assistance.