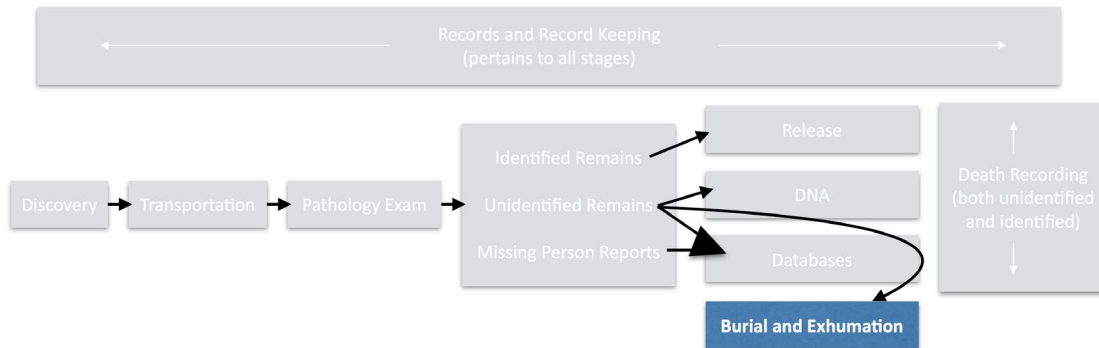


## Section 9: Burial and Exhumation



### INTRODUCTION

The guiding principle of this section is that regardless of any structural or economic circumstances, the bodies of unidentified dead should be preserved for future identification and reunification with family. Unidentified remains should always be left as fully intact as possible after postmortem examinations, and retrievable after subsequent release and burial. In most cases, identified remains will be returned to their families, while unidentified remains will be released to the care of the county in which the body was recovered.

The notion that unidentified remains should be available for families to reclaim is an internationally held principle. It is adhered to even in the course of active war-time conditions, when the dead may not be retrievable for the period of armed conflict [17]. In the case of mere economic constraints, as opposed to conditions of active combat, international requirements for the treatment of the dead during war should be considered a basic guideline for those responsible for releasing unidentified decedents.

The 1949 Geneva Conventions require that

Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead.

[Parties to the conflict] shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. For this purpose, [parties to the conflict] shall organize at the commencement of hostilities an Official Graves Registration Service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the site of the graves, and the possible transportation to the home country. These provisions shall likewise apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

As soon as circumstances permit, and at latest at the end of hostilities, these Services shall exchange, through the Information Bureau mentioned in the second paragraph of Article 16, lists showing the exact location and markings of the graves, together with particulars of the dead interred therein [48].

## ISSUES

### Remains have been buried without proper samples and documentations, by which they could be exhumed

1. Bodies have been found in communal graves, without clear body tags or reference number related to the postmortem investigations [49][38][39].
2. Bodies have been buried without postmortem investigation other than external exam.
3. Appropriate samples have not been taken before burial (see sections on Pathology and Identified, Unidentified and Missing).
4. When an identification has occurred, the county was not able to locate a grave to exhume and repatriate the body.

### Lack of clear national guidelines for unidentified remains [21]

National guidelines concerning procedures that must be followed when a decedent cannot be identified are very loose or nonexistent. It is not required that identifying samples be taken or that information on the decedent be uploaded to a database for future crosscheck with missing persons. There are no federal regulations for how the body should be disposed of after release.

### Counties not able to pay for burial

Bodies have been cremated, and ashes have been scattered at sea in counties that have not been able to pay for burial or storage. With this method, gravesites are nonexistent and unrecorded, which is problematic for the prospect of future repatriation of remains.

## BEST PRACTICES

### For Burial

*Unidentified bodies should only be buried after appropriate postmortem investigation and samples taken [21]*

Because a body will continue to decompose after recovery, and especially after burial, samples must be taken while a body is in a lesser stage of decay as they may not be available later. Essentially, after burying a body, investigators may lose the chance to gather pertinent data that could lead to identification.

### *Registration of Graves [21]*

1. Graves should be permanently marked.
2. Cemeteries should be plotted, and mapped, so that all decedents can be located according to name or unique identifying number.
3. This information should be consulted in order to locate a body for exhumation.

### *Identifying marker buried with remains*

1. Tags will ideally contain a GPS beacon attached so that the bodies can always be located after burial.
2. A non-degradable body tag listing a unique reference number associated with the body's postmortem records should be used [19].
3. This number should allow officials to locate all recorded antemortem and postmortem data on the individual [17][19].

### **For Exhumation**

1. Exhumations must be conducted by specialists.
2. Leading up to exhumation [17]
  - Remains should be mapped and photographed *in situ* after a body is uncovered, but before it is fully exhumed. This allows for the state of the body to be recorded before it is removed from its grave.
  - The body's unique reference number (a body tag should be included on the remains) should be recorded, or if none exists, assign one. This should include a number, as well as the location and date of exhumation.
3. Photograph the site after the body is exhumed [17].
4. If multiple exhumations are occurring at once, or the site has an unknown number of graves, it must be secured [17].

### **Family needs and unresolved grief**

For families of the missing, grief may be unresolved for long periods of time, when they do not know what has happened to their loved one. With this in mind, nothing should be done to make this process more difficult for a grieving family [17][34].

### **Cremation should only be performed when it is absolutely necessary**

1. As cremation destroys a body and is rejected on religious grounds by many individuals, it should be avoided.
2. Cremation prevents future identification measures to be performed on an unidentified corpse, and also prevents a recognizable body from being returned to its family.

### Dignity of the dead

Related to the concerns expressed above, methods of burial or exhumation should be performed in a respectful manner, in acknowledgement that a decedent cannot give consent, but that does not negate the religious beliefs or end-of-life wishes of a dead person. Those conducting burial or exhumation should also be respectful that remains may be the only link a family has to their deceased loved one. Mishandling remains may make a difficult emotional and political situation worse [17].