

CONCEPT PAPER ON ICMP DISASTER VICTIM IDENTIFICATION (DVI):

COVID-19 RESPONSE

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PROJECT TITLE:	ICMP Disaster Victim Identification (DVI): COVID-19 response
COUNTRY:	All Countries
ENVISAGED OUTCOMES:	<p>There is a globally available standing capacity that can help to:</p> <ul style="list-style-type: none"> • Accord the same scientific forensic standard of identification to all unidentified deceased persons; • Assist ministries of health, medical services and others in performing identifications of unidentified deceased persons as a result of COVID-19; • Eliminate the threat of unidentified COVID-19 transmission chains that may result when victims are not identified to scientific standards.

I. CONTEXT AND NEED FOR THE PROGRAM

1. The COVID-19 pandemic is a global disaster that more than meets the criteria laid down by the International Federation of Red Cross and Red Crescent societies: a sudden, calamitous event that seriously disrupts the functioning of a community or society and causes human, material, and economic or environmental losses that exceed the community's or society's ability to cope using its own resources.
2. The COVID-19 crisis highlights the fact that manmade and natural disasters can affect all countries, including developed countries, at any time and in the case of a pandemic at the same time. Global warming, political instability and armed conflicts exacerbate the impact of disasters in poorer countries. The COVID-19 pandemic, perhaps more than any other event in recent history, has exposed the extent of human vulnerability: it has depleted response capacities and threatened to undermine social cohesion regardless of political, cultural or religious contexts. It has also created uncertainty over the fate of large numbers of people, and placed exceptional strain on efforts by authorities to sustain social recovery.
3. A 2013 risk analysis prepared by the German Government for the attention of the Bundestag (Drucksache 17/12051) modeled the effects of a Coronavirus pandemic on Germany. The analysis predicted heightened numbers of missing persons, with persons dying under circumstances where they cannot be identified, or where the identity of bodies is lost in subsequent handling. As the current COVID-19 disaster takes its toll, reports from around the globe reveal a new and growing missing persons problem.
4. This is already a major issue in the Americas, where it is compounded by migration streams,¹ and by human rights violations related to the suspension of civil liberties and the use of force in response to the threat of COVID-19. Without adequate, impartial and transparent official investigations into persons going missing and disappearing, the COVID-19 disaster could create a human rights crisis driven by impunity.
5. In the United States, in particular in New York City, unclaimed human remains are being buried in large numbers. In Los Angeles, fear of deportation has kept undocumented aliens from

¹ <https://www.nytimes.com/2020/04/08/world/americas/ecuador-coronavirus.html>

claiming the remains of their deceased loved-ones.² Italy's Polizia di Stato has received reports of persons missing because of COVID-19 across the country.³ The problem is likewise present in Spain where, amid pressures on overburdened hospitals, remains of COVID-19 victims have been reported missing, or identifying markers have been lost.⁴ In addition, information systems in many health sectors do not allow for real-time data exchange in some countries, creating significant risk of human identification errors.⁵

6. In many countries, law enforcement accords different treatment to deaths that may have been the consequence of a crime, as manifested by some visible indicator, and those where there is no visible reason to suspect criminal activity. In the latter case, investigative standards are often lower, including standards of human identification. COVID-19 deaths will normally be considered the result of natural causes and as such may not come within the more rigorous forensic investigative standards applied to criminal investigations.
7. This deficiency represents a real and present danger in the context of the COVID-19 pandemic. Allowing significant numbers of victims to remain unidentified weakens real-time data capture in relation to potential risks and exposures, including transmission chains, the prevalence of COVID-19 infections and deaths by geographic location outside hospitals, epidemiological data and trend analysis, and understanding death rates and comorbidity issues.
8. The International Commission on Missing Persons (ICMP) proposes global, large-scale DNA testing and kinship matching for unidentified COVID-19 victims to facilitate contact tracing in order to locate persons where the likelihood of exposure to the disease is high. ICMP proposes that biological samples for DNA profiling for human identification are taken and analyzed for all unidentified or unclaimed COVID-19 victims, and that the location of bodies, including graves, is accurately documented. ICMP also proposes that all persons showing symptoms of infection are permitted or asked voluntarily to submit biological samples for DNA kinship matching to a secure, central database that can be queried globally.
9. ICMP maintains a high throughput standing capacity for DNA testing. Its integrated laboratory system is coupled with specialized human identification informatics, the Identification Data Management System (iDMS). ICMP proposes that its Online Inquiry Center (OIC), which is part of the iDMS, is instituted globally as a register for families throughout the world who have lost track of their loved ones due to COVID-19, with a focus on human remains that have not been identified. This would frame the magnitude and geographic location of the problem and would define a target group for addressing it. In addition, ICMP proposes that authorities around the world make use of its iDMS to sample unidentified bodies with swab incision, conducted by personnel who are already trained in disease transmission avoidance from human remains, i.e. pathologists and health care workers.
10. ICMP's overall technical capacity is underpinned by policy frameworks for data processing and protection, and by international partnerships that enable effective global operational deployment, including partnerships with the International Criminal Police Organization (INTERPOL) and domestic agencies charged with responding to disasters, such as the Netherlands Forensic Institute and others. ICMP's DNA testing and reporting components are internationally accredited to ISO/IEC 17025 standard.

² <https://www.youtube.com/watch?v=1wcCd5f5W8k>

³ <https://www.poliziadistato.it/articolo/225e8360eb22e57446969897>

⁴ <https://majadahondamagazin.es/un-video-de-daily-star-confirma-la-denuncia-de-la-enfermera-de-majadahonda-cuerpos-en-los-suelos-159744>

⁵ https://medium.com/@richardensor_50805/a-chat-with-mexicos-coronavirus-czar-e2117a3a4757

II. ABOUT THE IMPLEMENTING PARTNER

11. ICMP is an independent, treaty-based international organization, with more than 20 years of experience in 40 countries. Managing global programs from its Headquarters in The Hague, the Netherlands, the organization is entirely voluntarily funded and receives most of its support from governments.
12. ICMP was created at the 1996 G-7 Summit to address the issue of persons missing as a consequence of the conflicts in the Western Balkans. Starting in 2004, it began working globally. In 2014, the Netherlands, the United Kingdom, Belgium, Sweden and Luxembourg signed an international agreement establishing ICMP as an intergovernmental organization with Headquarters in The Hague to respond to the global challenge of missing persons. ICMP is the only international organization tasked exclusively to work on the issue of missing persons and as such it has helped governments build rule-of-law institutions that successfully and impartially search for and identify missing persons.
13. ICMP has also helped governments to develop legislation to enable families of the missing to assert their rights; and has assisted governments in the excavation of more than 3,000 mass graves using advanced forensic techniques. ICMP is perhaps best known for its pioneering use of modern DNA techniques to identify around 20,000 persons who went missing under a variety of circumstances in different parts of the world. ICMP maintains a standing, high-throughput capacity to conduct human identification testing.
14. The problem of missing and disappeared persons has intensified in the course of the last two decades. Climate change and environmental degradation have led to natural disasters and mass migration. Political instability in many parts of the world has resulted in endemic human rights abuses and failure by states to uphold the rule of law. While the issue of missing persons is only one facet of human security globally, it is a crucial one. Failure to account for large numbers of persons who go missing for involuntary reasons is an abrogation of the rule of law. State responsibility and action is therefore essential both domestically and internationally. ICMP supports the development of legislative and administrative measures to address the issue of missing persons, works to secure the participation of civil society, and provides a range of technical instruments to close gaps in humanitarian responses and to enhance international cooperation.
15. ICMP operates five cross-cutting programs: the Institution and Civil Society Development Program, the Science and Technology Program, the Data Systems and Data Coordination Program, the Justice Sector Assistance Program and the Wim Kok Center for Excellence and Learning. These programs are designed to work together and should be integrated in ICMP's country/regional programs and thematic activities.
 - i. The Institution and Civil Society Development Program helps authorities to meet their legal obligations regarding missing persons and facilitates the development of institutional capacity. It contributes to transitional justice, provides legislative support, and works with specialized *ad hoc* bodies. The Institution and Civil Society Development Program also supports the development of networks of civil society organizations that advocate for truth, justice and the rights of family members of missing persons. It is responsible for the Global Forum on Missing Persons, a policy mechanism designed to advance understanding of the issue of missing persons and help develop strategies by bringing together stakeholders, experts, government officials and others from around the world.

- ii. The Science and Technology Program provides state-of-the-art technical solutions to the challenges involved in locating, recovering and identifying missing persons. These solutions are made available for direct technical assistance in many contexts, including formal programs of training and integrated capacity building for partner agencies. The Science and Technology program provides high-throughput DNA identification testing, and deploys field teams, including experts in archeology and anthropology. These elements operate in an integrated, multidisciplinary manner. ICMP pioneered the application of DNA-led identification programs on a massive scale.
- iii. The Data Systems and Data Coordination Program provides effective methods for collecting, storing, and sharing personal data efficiently and securely. This is central to the whole process of locating and identifying missing persons. The Data Systems and Data Coordination Program makes it possible to bring together all of the disparate elements in investigations that span different countries and continents, different time periods and different social, cultural and legal environments.
- iv. The Justice Sector Assistance Program supports international and domestic legislative initiatives to account for the missing, based on democratic processes and the rule of law. Judicial and law enforcement institutions are required to conduct effective investigations regarding missing and disappeared persons as part of legal procedural and justice guarantees. Effective investigations must be official, transparent, and capable of establishing the facts. The Justice Sector Assistance program offers a range of technical and legislative expertise to help relevant government authorities implement strategies that meet these requirements.
- v. The Wim Kok Center for Excellence and Learning enables the transfer of skills, strategies and best practice developed by ICMP. ICMP runs training courses in DNA identity testing, advanced database informatics, excavation of mass and clandestine graves, chain-of-custody procedures and crime-scene management. ICMP also delivers training and education programs for domestic agencies engaged in the missing persons process, family members of the missing and other civil society representatives, as well as prosecutors, judges and court appointed experts. The Center for Excellence and Learning presents these disciplines in the context of ICMP's own integrated operational system.

16. For more information about ICMP please visit www.icmp.int.

III. ICMP DVI OPERATIONS

- 17. Over the course of more than 20 years, ICMP has developed a range of expertise, including, since 2000, conducting the world's largest missing persons DNA testing program. ICMP began addressing disasters in 2004 following the Southeast Asian Tsunami. As part of the coordinated international effort to account for victims, ICMP tested more than 1,200 bone samples and issued DNA identification reports for more than 900 individuals. Since then, ICMP has taken part in DVI efforts involving Canada, Cameroon, the Democratic Republic of Congo, Cuba, Haiti, Namibia, the Philippines, and the United States. Following Typhoon Frank, which struck the Philippines in June 2008, causing at least 1,500 deaths and leaving more than 1,000 unaccounted for, ICMP worked with INTERPOL and the Philippines National Bureau of Investigation (NBI) and assisted with DNA identifications for 449 victims. Typhoon Frank was the first joint operation carried out by ICMP and INTERPOL under an Agreement on Cooperation on Disaster Victim Identification (DVI), signed by the two organizations in November 2007.

18. In October 2013, ICMP deployed a team to provide on-site assistance to the Kenyan authorities in identifying victims of the Westgate shopping mall attack in Nairobi. Today, ICMP is supporting the Netherlands in DVI work as a result of the downing of flight MH 17 above Ukraine in 2014: to help identify the remaining passengers, ICMP is using new DNA technologies.
19. ICMP and INTERPOL maintain formal cooperation on DVI under the Cooperation Agreement (2007) and a Protocol (2014) to contribute to the development of a disaster victim identification platform (PDVI). The PDVI is designed to serve as a global resource that brings together the respective operational capabilities of INTERPOL (rapid deployment, and liaison with domestic law enforcement agencies) and ICMP (secure data processing, human identification and associated forensic capacities). One of the critical ways in which the PDVI seeks to reinforce existing capability is through the creation of a permanent capacity to deploy DVI teams with the complete range of competent expertise for primary methods of identification; DNA, fingerprints and odontology (forensic dentistry).
20. ICMP's DVI program deploys high-throughput standing capacity for DNA testing from human remains and expertise in DNA matching to family DNA samples, and it utilizes ICMP's expertise in disaster management in different parts of the world and its long-standing experience of working with governments and other international organizations to operate coordinated and effective interventions in often extremely challenging circumstances.

IV. RESULTS AND ACTIVITIES OF THE PROGRAM

21. ICMP is not proposing any form of diagnostic testing for COVID-19. ICMP seeks to contribute to eliminating the danger that unidentified victims pose through uncontrolled transmission chains they leave behind. Key results of ICMP's COVID-19 DVI proposal are:
 - ❖ **Result 1: Operational and technical capacity strengthened**
 - Official, transparent and effective processes are in place globally to establish the identity of COVID-19 victims in a reliable manner by means of DNA kinship matching,
 - Survivors and families of victims are located and contribute to contact tracing and disrupting transmission chains,
 - Biological sample handling and personal data processing fully address the personal data protection needs of all survivors, taking into account any special vulnerabilities, such as immigration status,
 - As part of ICMP's contribution to DNA testing capacities it is envisaged that ICMP maintains a minimum target testing capacity of 1,000 biological samples a month. As a result, universal access is greatly enhanced;
 - ❖ **Result 2: Institutional capacity strengthened**
 - Authorities are enabled to interact effectively with families and with the public in their efforts to trace contacts and disrupt transmission chains. This will be done by augmenting the technical capacity of domestic stakeholders through DNA testing capacities and data processing abilities at ICMP,
 - Facilitating contact tracing internationally through central, globally accessible data processing systems (see also below);
 - ❖ **Result 3: Data processing and protection improved**
 - DNA-led identification methods using kinship analysis will become more

accessible to all, and in particular to poor and vulnerable populations, through the use of a DNA COVID-19 database that is available globally through ICMP's iDMS,

- Genetic and other personal information of survivors will be processed subject to GDPR principles with close observance of consent as the basis for processing and in line with data minimization and data subject control over personal data,
- It will be possible to secure the participation of family members located in many parts of the world through ICMP's OIC, which facilitates outreach and provides secure means for families to report persons feared missing as a result of disasters.

22. Proposed activities for the project include:

❖ **Activity 1: Strengthen operational and technical capacity**

- Rapidly deploy post-mortem biological sampling protocols for human identification to hospitals through national ministries of health in line with the WHO's laboratory biosafety guidance related to the novel coronavirus (2019-nCoV) – Interim Guidance 12 February 2020,⁶
- Rapidly deploy online DNA sampling procedures in conjunction with ministries of health, specialized domestic entities and international online businesses, such as retailers,
- Maintain a target capacity of DNA throughput at ICMP of 1,000 biological samples a month;

❖ **Activity 2: Strengthen domestic institutional capacity**

- Augment domestic capacity to follow-up on identification results through effective interaction with families and with the public in efforts to trace contacts and disrupt transmission chains. This will be done in conjunction with ministries of health and others through online training materials;

❖ **Activity 3: Improve data processing and protection**

- Process genetic and other sensitive personal information separately from other databases and within ICMP systems,
- Disseminate information about ICMP's OIC,
- Develop android based missing persons reporting functions to interact with the OIC,
- Complete language modifications and translations to enable use of the OIC and android based applications globally.

V. GENDER CONSIDERATIONS

23. COVID-19 kills men disproportionately, often leaving behind women as single heads of household. Where husbands go missing or their remains are not identified, the absence of death certificates is often an insurmountable obstacle to inheritance, pensions or receiving social benefits or welfare. The proposed activities will inculcate ICMP's knowledge and understanding of the gender specificity of the missing persons issue.

⁶ As per the World Health Organization Guidelines, specimens from suspected or confirmed cases should be transported as UN3373, "Biological. Substance, Category B".