



Brussels, 7 February 2017  
(OR. en)

5826/17

ENFOPOL 50  
PROCIV 10

**NOTE**

---

From: Presidency  
To: Law Enforcement Working Party  
Subject: Disaster Victim Identification

---

Introduction:

Disasters<sup>1</sup> and serious incidents, whether or not caused by human intervention, often lead to large numbers of casualties and fatalities. Following incidents such as these, the process of consequence management comes into play to alleviate the suffering of the injured victims and surviving relatives as much as possible.

Victim identification forms part of this process. The return of an identified body to the surviving relatives not only enables them to pay their last respects to their loved ones in a fitting way, but can also aid their grieving process.

---

<sup>1</sup> A disaster is 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. Though often caused by nature, disasters can have human origins.

The process of Disaster Victim Identification (DVI) is the process by which victims of major disasters such as terrorist attacks, and natural disasters are identified. Such incidents make it difficult if not impossible to identify victims conclusively through visual recognition alone. For this reason, the application of scientifically proven techniques that make up the comparison of fingerprints, dental records and DNA samples with what are already stored in databases and from what is taken from victims' personal effects are often required to obtain a decisive identification which may also be utilized in court proceedings.

Today's globalized society, and the overall ease of travel has caused a continuous ongoing mass displacement of people, which leads to a high probability that should a major incident take place both within and outside of the EU, victims will most likely have different nationalities which further complicates the process of identification. In the event of such a disaster, the government of the countries whose citizens have fallen victim, share the responsibility for ensuring that victims are treated with dignity through a transparent and traceable process in accordance with the Charter of Fundamental Rights<sup>2</sup>. This can be facilitated and quickened if a common standardized DVI operating procedure is in place which all stakeholders are aware and make use of.

Depending on the level of devastation, one country alone may not have sufficient resources to deal with all the casualties. Such a disaster may also have damaged the country's infrastructure, resulting in impaired and diminished resources and personnel, which could affect the country's existing emergency response.

In this regard, a coordinated effort by the international community can significantly speed up the recovery of victims and the identification process. This enables the victims' families to begin the healing process and to rebuild their lives. In the event of terrorist attacks or serious and organised crime, this process will also assist investigators to identify possible perpetrators.

---

<sup>2</sup> Human Dignity (Article 1); Right to the Integrity of the Person (Article 3) and Right to Freedom of Thought, Conscience and Religion (Article 10).

## **Current State of Play and Scope of discussion:**

At the international and European level, a number of efforts and projects have already been undertaken to set up DVI capabilities. Of particular note is the work carried out by Interpol in this area. Interpol is one of the leading intergovernmental organisations specialized in DVI. In the event of a disaster, if assistance is requested, and depending on the scale of the incident, Interpol may, inter alia, provide: i) Liaison Officers to facilitate coordination of international ante-mortem data; ii) Support from the Interpol DVI Unit and Working Group to the requesting country; iii) international mutual aid offered by other Interpol members. Moreover, Interpol offers an international DVI Guide and INTERPOL DVI Forms and Identification standards used internationally<sup>3</sup>.

Despite these efforts and the individual actions taken by Member States in the field of DVI, many challenges still remain and there is scope for further efforts to streamline practices, particular within the EU.

In 2016, at a meeting in Amsterdam of the Directors-General for Civil Protection, it was suggested that a specific workshop be organised to discuss the lessons learnt from the recent terrorist attacks in Europe.<sup>4</sup> This was followed-up by a Commission expert workshop held on 20-21 September 2016, which focused on a number of aspects, related to the planning and coordination of consequence management, and included a discussion on DVI.<sup>5</sup> Discussions by the Directors-General for Civil Protection continued in Bratislava on the 27-28 September 2016. There was general agreement on the need for Member States to further enhance collaboration at EU level on the matter, particularly between the different sectors, including law enforcement agencies, public health, civil protection authorities and other specialised units. Such a level of collaboration will ensure that the documentation, collection of samples, casualties, bodies, human remains and any personal effects is carried out as seamlessly as possible as part of the overall management of consequences following a disaster.

---

<sup>3</sup> <https://www.interpol.int/INTERPOL-expertise/Forensics/DVI>

<sup>4</sup> Ref. Ares(2016)3912737

<sup>5</sup> Ref. Ares(2016)5536835

This need was further reinforced during the Justice and Home Affairs Ministerial discussion in December 2016 relating to the management of the consequences following terrorist attacks<sup>6</sup>. The difficulties experienced in identifying victims of disasters, highlight the need for a set of recognised guiding principles. In this regard, DVI teams of experts should be part of the professionals deployed to assist in disasters, possibly even being included in the European Emergency Response Capacity (a voluntary pool of capacities pre-committed by Member States and which can be deployed at short notice in accordance with the 2013 Union Civil Protection Mechanism).<sup>7</sup> Conversely national DVI teams, whose nationals are thought to have fallen victims of a disaster, should also have a level of preparedness in order to carry out the ante-mortem<sup>8</sup> stage of DVI procedures to facilitate reconciliation<sup>9</sup> through comparison with post-mortem data<sup>10</sup> gathered from the scene of the disaster.

### **Way Forward**

In light of the importance that is being placed upon creating a European Forensic Science Area by the year 2020, and also the fact that there currently is no European network of DVI professionals which would serve as a platform for European DVI teams to share good practices, expertise and experience, the Maltese Presidency would like to:

Propose the setting-up of an informal network of DVI experts under the LEWP, including a list of contact points from each Member State's national DVI team.

---

<sup>6</sup> Management of the consequences following terrorist attacks: strengthening preparedness and response by Civil Protection and enhancing cooperation with emergency and security services = Exchange of views

Doc. 14396/16, 'Management of the consequences following terrorist attacks: strengthening preparedness and response by civil protection and enhancing cooperation with emergency and security services – exchange of views'.

<sup>7</sup> Decision No 1313/2013/EU of 17 December 2013, OJ L 347, 20.12.2013, p. 924.

<sup>8</sup> Anti-mortem (AM): In order to ascertain the extent of a disaster it is important to collect records and process information relating to the injured, missing and deceased persons. The process of AM involves the collection of records, DNA data and any information required to facilitate the process of identification.

<sup>9</sup> Reconciliation is the process by which the data collected at the site of the disaster, and that obtained from family members/ records during the AM process are compared with Post mortem (PM) data to check for the possibility of a positive match.

<sup>10</sup> Posted Mortem(PM): the data obtained directly from the victims on site, this may include fingerprints, DNA samples etc..

The role of this DVI network, in complementarity with existing international DVI organisations such as Interpol, may include but would not be limited to:

- The seeking of cooperation with other LEWP Networks such as EMPEN;
- Encouraging the setting up of national DVI networks in each Member State;
- Promoting DVI as part of the Law Enforcement portfolio;
- Proposing the setting up of an EU-wide pooling mechanism where DVI resources can be called upon to assist in the process of DVI at the site of a disaster;
- Reviewing current training opportunities related to DVI particularly through CEPOL and discuss possibilities for future training;
- Exploring the efficacy and value of establishing standardized and uniform methods for sharing of information through already established databases and information sharing channels to aid in carrying out DVI-related procedures;
- Creating links between DVI experts and other stakeholders at the scene of the disaster;
- Taking stock of already existing materials and good practices and preparing recommendations for their amelioration;
- The setting up of Europe-wide coordinated operating procedures in the field of DVI to provide quality assurance and ensure a coherent application of DVI processes across Europe;
- Improving DVI awareness among law enforcement, judicial communities, health authorities and other stakeholders such as non-governmental actors to facilitate the provision of DVI services;
- Exploring the possibility of creating links, and working closely with international forensic institutes, DVI networks/units and judicial authorities;
- Exploring the possibility of having the process of DVI governed by European legislation.

In view of the above, the Maltese Presidency invites delegations to:

- Share their own national DVI experiences;
  - Discuss the possibility of creating an EU-DVI Network as an informal network under the LEWP;
  - Suggest further functions that the DVI Network may fulfil over and above those listed.
-