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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Rights of families of victims of unlawful killings

Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz*

Summary

In the present report, the Special Rapporteur examines the impact of unlawful killings on families of victims from a human rights perspective. He considers existing definitions of families, delineates the rights of families engaged by the unlawful killing of a loved one, addresses the rights that families have in relation to truth, justice and reparations, including to mourn their dead with dignity, and analyses the difficulties they face in fulfilling these rights. The Special Rapporteur also considers specific circumstances which may exacerbate these difficulties, including unlawful killings that occur in the contexts of migration and armed conflict, deaths in custody, terrorism and counter-terrorism, the death penalty, and cases where families are the primary targets of unlawful killings. The Special Rapporteur concludes that States must do more and better to recognize, respect, protect and help fulfil the rights of families of victims of unlawful killings, and accordingly, he urges the implementation of the report's recommendations.

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I. Activities relating to the mandate

1. The present report has been prepared pursuant to Human Rights Council resolution 53/4. The main activities undertaken by the Special Rapporteur from 1 April 2024 to 31 March 2025 are described in the annex to the report.

II. Rights of families of victims of unlawful killings

A. Introduction

2. The impact of the extrajudicial, summary or arbitrary execution (i.e. unlawful killing) of a person is most deeply felt by his or her family members, who often experience profound and long-term trauma, compounded by the challenge that they often face in obtaining truth, justice and reparation, and, in some cases, in overcoming societal stigma. Families face challenges in exercising their rights to participate in investigations, receive timely and reliable information about the killing, be protected from reprisals and attacks, obtain redress and overcome the consequences of their loss. As a result, they are often further traumatized and are often marginalized. In the present report, the Special Rapporteur examines the impact of unlawful killings on families of victims, and the rights owed to them under international human rights law, including as victims.

3. In preparing the report, the Special Rapporteur received 68 submissions from various stakeholders in response to his call for inputs,¹ interviewed experts, families and organizations supporting them, and conducted extensive research on relevant laws, policies and jurisprudence. The impacts on families, and their rights, have been also highlighted in multiple communications sent by the Special Rapporteur.² The Special Rapporteur would like to thank the University of Chicago Law School Global Human Rights Clinic and Pozen Family Center for Human Rights for their excellent research support, the experts who reviewed the report and provided guidance during its preparation, and, most importantly, the many families of victims of unlawful killings and the organizations supporting them, who shared their experiences with the mandate holder.

B. Defining “families” of victims of unlawful killings

4. Within international human rights law, the family has been recognized as “the natural and fundamental unit of society” which is entitled to protection from and assistance by the State.³ However, there are questions as to how the term is interpreted, especially in determining which individuals qualify for recognition as family members in cases of unlawful killing. The revised Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) indicates that the term “family” should be “understood broadly as applying to the relatives of the deceased”,⁴ while the European Parliament also includes non-blood relatives, partners and their families.⁵ The Inter-American Commission on Human Rights has noted the need in certain situations to consider the rights of “social families” who may be excluded from narrow definitions.⁶ In particular, this may affect those who may have

¹ Available at <https://www.ohchr.org/en/calls-for-input/2025/call-input-rights-families-victims-extrajudicial-summary-or-arbitrary>.

² Communications can be accessed from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

³ See the Universal Declaration of Human Rights, art. 16 (3); the International Covenant on Civil and Political Rights, art. 23 (1); the International Covenant on Economic, Social and Cultural Rights, art. 10; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 44 (1); and the Convention on the Rights of Persons with Disabilities, preamble; and, similarly, the Convention on the Rights of the Child, preamble.

⁴ See p. 9, footnote No. 79.

⁵ European Parliament and Council of the European Union, Directive 2004/38/EC, art. 2 (2).

⁶ Inter-American Commission on Human Rights, Violence against LGBTI persons in the Americas (2015), para. 511; and see [A/79/172](#) (the mandate holder’s prior report on killings of lesbian, gay, bisexual, transgender and intersex persons), para. 82.

experienced exclusion or ostracization from their families of origin and relate instead to a family of choice.⁷

5. In several countries, families are recognized in the legal system as secondary victims when a loved one is killed unlawfully. The scope of this recognition varies among countries. For example, in Colombia, Law No. 1448 defines civilian victims of internal armed conflict as the spouse, the permanent partner, the same-sex partner and first-degree blood relatives or first-degree civil relatives of the victim, when the victim has been killed or is missing. In the absence of these persons, second-degree ascending blood relatives will also be considered victims.⁸ By contrast, victim status under the Code of Criminal Procedure of India extends only to the harmed party and his or her guardian or legal heir.⁹

6. Some national legal systems may not explicitly designate the families themselves as victims, but instead recognize their rights. In Canada, for example, the Victims' Bill of Rights recognizes, inter alia, spouses, non-married partners cohabiting together for at least a year, relatives or dependents of the victim, individuals responsible for caring for or supporting the victim and individuals caring for or supporting any dependents of the victim, as being able to exercise a victim's rights on his or her behalf if the victim is dead.¹⁰

7. For the purposes of the present report, the Special Rapporteur adopts a broad definition of family, encompassing relatives and dependents of the individual who is unlawfully killed, but also those who constitute the victim's social family. This broader understanding of family seeks to counter previous discrimination against and exclusion of non-traditional families in investigative processes as well as in efforts to advance truth, justice and reparations.

C. Impact of unlawful killings on families

8. The unexpected death of a loved one is always an extremely painful event. In cases where the death is unlawful, especially due to the State's failure to respect or protect a person's right to life, its impact is aggravated, causing shock, intense grief and long-lasting trauma, often combined with fear resulting from the killing. This combination of factors can result in a significant toll on their physical and mental health, impact familial and social relationships, and cause enormous economic strain and financial burdens.

9. Although there is a paucity of research on the impact of unlawful killings on families of the deceased, studies of the impact of homicide more generally help to illustrate the consequences that families experience. Studies from the United States of America and the United Kingdom of Great Britain and Northern Ireland on impacts from homicide on surviving family members and friends have found that 23 per cent experience post-traumatic stress disorder as a result,¹¹ and more than 80 per cent of grieving families suffer some form of short- and long-term emotional and physical trauma, including a notable increase in morbidity and mortality rates among bereaved relatives.¹² Surviving families often struggle to rebuild trust, experience altered world views and may subsequently face physical health issues.¹³ One submission for the present report described the toll:

During those years, my family endured immense hardship and suffering. My parents could never accept or come to terms with my brother's execution. They wept

⁷ A/79/172, para. 96.

⁸ See https://www.unidadvictimas.gov.co/documentos_biblioteca/ley-1448-de-2011-2/, art. 3.

⁹ See https://www.mha.gov.in/sites/default/files/2024-04/250884_2_english_01042024.pdf, art. 2 (1) (y).

¹⁰ See <https://laws-lois.justice.gc.ca/eng/acts/c-23.7/page-1.html>, para. 3.

¹¹ See <https://doi.org/10.1177/01454455910154005>, pp. 545–559.

¹² See <https://samm.org.uk/wp-content/uploads/2021/01/Review-needs-of-families-bereaved-by-homicide.pdf>, p. 5; and Michael P. Jones and others, "The long-term impact of bereavement upon spouse health: a 10-year follow-up", *Acta Neuropsychiatrica*, vol. 22, No. 5 (October 2010), pp. 212–217. See also <https://news.uchicago.edu/can-you-really-die-broken-heart-hidden-dangers-grief-mary-frances-oconnor>

¹³ Jeanna Mastrocincque and others, "I'm still left here with the pain: Exploring the health consequences of homicide on families and friends", *Homicide Studies*, vol. 19, No. 4 (June 2014), pp. 326–349.

constantly. My mother developed a heart condition shortly after my brother's execution and passed away a few years later. The immense pressure took a heavy toll on my father as well; he developed Alzheimer's at an early age and lived through very difficult days until his passing.¹⁴

10. Families of homicide victims often experience significant isolation, societal stigma, and guilt in social interactions, as well as altered intra-family dynamics and relationships.¹⁵ Certain factors may compound the trauma experienced by families, including situations where families witnessed the killing, where it occurred in their residence, or where the surviving family members include children. In the context of mass atrocities, conflict-related unlawful killings and enforced disappearances, scholars have also identified the communal impacts of grief – or the “areas of collective damage” – which include a broken social and cultural identity, lack of political participation, and a collective loss of perspectives on the future,¹⁶ in addition to the distress, alienation and insecurity that families endure as a result of the loss of their loved ones.

11. There is an inherently gendered component to unlawful deaths. In many cultures, men remain the breadwinners for their families. In these cases, the person's sudden loss can leave families with significant economic burdens, sometimes compounded by immediate funeral costs. For example, the Special Rapporteur observed in Ukraine that the killing of men who were often the primary breadwinners for their families exposed widows and children to severe economic hardship.¹⁷ A 2020 survey of households in Asia concluded that three quarters of the households would experience financial ruin if the breadwinner died.¹⁸ It is thus necessary to consider the gendered implications of unlawful killings, without however focusing exclusively on male victims, which could result in an invisibilization and deprioritization of women who are unlawfully killed and of their surviving family members. For example, families of victims of femicide, particularly surviving children, may face specific and compounded hardships.¹⁹

12. The grief and harm suffered by a family is heightened when the killing of a loved one can be attributed, either directly or indirectly, to the State, as is the case with unlawful killings. In such cases, families are often denied their rights and may be threatened and attacked in their quest for truth, justice and reparation.

13. The Human Rights Committee has stated that an unlawful killing may cause in the victim's relatives mental suffering that can amount to a violation of their own rights under article 7 of the Covenant on the prohibition of torture and cruel, inhuman or degrading treatment or punishment.²⁰

D. Rights of families of victims of unlawful killings under international law

1. Human rights law

14. Under international human rights law, families of victims of unlawful killings must be considered as victims in their own right. There are abundant provisions in international and regional human rights instruments and treaties which, when read collectively, provide for clear recognition of, and robust protections for, the families of persons unlawfully killed.

¹⁴ Family member submission.

¹⁵ Jeanna Mastrocinque and others, “I’m still left here with the pain: Exploring the health consequences of homicide on families and friends”, footnote 14.

¹⁶ See <https://media.neliti.com/media/publications/348739-extrajudicial-killings-and-its-effects-o-5b8bb1af.pdf>.

¹⁷ A/HRC/59/54/Add.1, para. 86

¹⁸ See <https://insuranceasia.com/insurance/news/three-fourths-apac-households-unprotected-if-breadwinner-dies-study>.

¹⁹ See, generally, A/78/254.

²⁰ See the Committee's general comment No. 36 (2018), para. 56.

15. This includes, among other things:

(a) The right to life: The right to life includes the right to an effective investigation into unlawful killings, which in turn requires that families have, at a minimum, information about the circumstances, location and condition of the bodies of the deceased, and, insofar as it has been determined, the cause and the manner of death, as well as accountability, the return of remains, and reparations.²¹ The right to life also includes an obligation on the part of the State to protect families of victims from any foreseeable threat to their life, including by non-State actors.

(b) The right to security of person: Families frequently face threats and reprisals. The right to personal security obliges States to exercise due diligence in protecting families of victims from potential harm to their bodily integrity proceeding from any governmental or private actors,²² and to prevent any potential acts of reprisal, including violence, arbitrary arrest, threats or intimidation.

(c) The right to truth: Families of victims of unlawful killings have the right to know, among other things, the truth relating to the events leading to their relative's killing, the progress in investigations, and, if possible, the identity of the perpetrators.²³

(d) The right to be free from physical and psychological torture, and other forms of cruel, inhuman or degrading treatment: Families of victims of unlawful killings should be protected from violence, threats and intimidation, and from public shaming aimed at obstructing their pursuit of justice. Families must not be: (i) coerced when interviewed as witnesses during investigations, (ii) subjected to torture or other forms of ill-treatment, whether physically or psychologically by public shaming or defamation, or (iii) arbitrarily deprived of their liberty, in retaliation for seeking truth and justice for the death of their relative. As stated by the Human Rights Committee, the arbitrary deprivation of life of one's family member, as well as failure to inform families about the circumstances of the death and the location of the body, and to return the remains, may cause severe mental pain and suffering for the victim's relatives, in violation of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.²⁴ In addition, the Inter-American Court of Human Rights recognizes the rights of family members to humane treatment, to mental and moral integrity, and to judicial guarantees and protection during the investigation and prosecution.²⁵

(e) Protection from enforced disappearance: The International Convention for the Protection of All Persons from Enforced Disappearance – adopted in large part due to the advocacy of families of disappeared persons across the world – explicitly classifies families of the disappeared as themselves “victims” because they have “suffered harm as the direct result of an enforced disappearance”.²⁶ The Supreme Court of the Philippines has found families of persons forcibly disappeared to be victims, and has also qualified this situation as a “double form of torture”.²⁷ Under international law, families of forcibly disappeared persons have the right: (i) to know the truth regarding the circumstances of the disappearance, and the fate of the disappeared person,²⁸ (ii) to reparations,²⁹ (iii) to participate in related organizations and associations,³⁰ and (iv) to participate in identification processes, and to have the remains of their loved one returned to them and to dispose of those remains

²¹ Ibid., paras. 27 and 28; and Minnesota Protocol on the Investigation of Potentially Unlawful Death, paras. 10 and 11.

²² Human Rights Committee, general comment No. 35 (2014), para. 9.

²³ Human Rights Committee, general comment No. 36 (2018), para. 28. See also [E/CN.4/2006/91](#), para. 8.

²⁴ Human Rights Committee, general comment No. 36 (2018), para. 56.

²⁵ Inter-American Court of Human Rights, *Valle Jaramillo et al. v. Colombia* (2008), paras. 89, 116, 118, 119 and 181.

²⁶ See art. 24.

²⁷ See https://lawphil.net/judjuris/juri2009/dec2009/gr_182498_2009.html?utm_source=chatgpt.com.

²⁸ International Convention for the Protection of All Persons from Enforced Disappearance, art. 24; and [A/HRC/22/45](#), paras. 56, 57 and 61.

²⁹ Ibid.

³⁰ International Convention for the Protection of All Persons from Enforced Disappearance, art. 24.

according to their own tradition, religion or culture.³¹ States should collaborate to exhume, identify using scientific methods and return the remains of disappeared persons.³²

(f) Other relevant rights include the rights to privacy and family life. Regional courts have held that refusal to allow families to attend funeral rites, or disrupting funeral rites, even for investigative purposes, can further traumatize families, and also infringe their right to privacy and family life, as can a refusal to return remains or an excessive delay in returning them.³³ Family members also have the right to a remedy, which should include not only monetary compensation, but also rehabilitation, guarantees of non-repetition, and satisfaction, as well as any other measures for restitution.³⁴ Families belonging to particular groups (based on their race, sex, gender, ethnicity, political views, and so on) may be further victimized due to prejudice, systemic procedural discrimination and other societal factors, and face particular barriers in accessing justice, which may violate their right to non-discrimination.³⁵ The right to take part in cultural life, and freedom of religion or belief, are also relevant, as families have the right to carry out final rites and burial practices in accordance with their cultural and religious beliefs.³⁶ Finally, in relation to the right to freedom of peaceful assembly and freedom of association, families have the right to carry out peaceful assemblies advocating for their rights and to form family associations.³⁷

2. Rights of families in relation to investigations

16. The aforementioned bodies of law interlink to provide extensive rights for families in relation to investigations into unlawful killings, protection of the families and care for the dead, the corollary of which is that families and their associations must be able to play a central role in investigations into the death of their loved ones.³⁸

(i) *The role of families in investigations into unlawful killings*

17. States have an obligation to investigate all suspicious deaths, committed by State agents or private individuals, to establish the facts and determine whether the death was unlawful. International standards require that these investigations be prompt, thorough, effective, independent, impartial and transparent.³⁹ A failure to respect the duty to investigate is a breach of the right to life⁴⁰ and may further traumatize the bereaved families.

18. In this regard, the Minnesota Protocol provides specific and clear guidance on the role of families of victims of potentially unlawful killings in investigations, indicating that States should, among other things, ensure that all close relatives are informed of and can participate effectively in the investigation, including by being permitted to suggest investigative steps.⁴¹ Families should also have meaningful access to justice, including, specifically, legal standing and access to hearings. This may require the funding of legal representatives for the families. To the extent possible, family members should be consulted prior to an autopsy and should

³¹ A/HRC/16/48, para. 6.

³² International Convention for the Protection of All Persons from Enforced Disappearance, art. 15. See also A/HRC/16/48, para. 6.

³³ Inter-American Court of Human Rights, *Velásquez Paiz et al. v. Guatemala*, judgment of 19 November 2015, para. 220; European Court of Human Rights, *Solska and Rybicka v. Poland* (applications No. 30491/17 and No. 31083/17), judgment of 20 December 2018, paras. 101–108; and African Court on Human and Peoples' Rights, *General damages for the pain, physical suffering and emotional trauma endured by the beneficiaries of Late Norbert Zongo and others v. Burkina Faso* (application No. 13/2011).

³⁴ See <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>.

³⁵ Committee on the Elimination of Racial Discrimination, general recommendation No. 31 (2005).

³⁶ A/HRC/56/56, para. 12.

³⁷ International Covenant on Civil and Political Rights, arts. 21 and 22.

³⁸ See <https://missingpersons.icrc.org/library/international-consensus-principles-and-minimum-standards-psychosocial-work-search-processes>.

³⁹ Human Rights Committee, general comment No. 36 (2018), para. 28.

⁴⁰ Human Rights Committee, general comment No. 31 (2004), para. 18; and Minnesota Protocol, para. 10.

⁴¹ Minnesota Protocol, para. 35.

have a representative present at the post-mortem examination if they wish.⁴² Wherever feasible, a specific and suitably trained and experienced family liaison expert should be appointed to support the family.⁴³ Families have a right to information held in the State's records that pertains to serious violations, even if those records are held by security agencies or military or police units.⁴⁴ Failure to provide information and lack of access to justice may generate distress for relatives, rising to the level of a violation of their right to be free of cruel, inhuman and degrading treatment.⁴⁵ In certain circumstances – for example, where family members are suspected perpetrators – these rights may be restricted, but only where, and to the extent, strictly necessary to ensure the integrity of the investigation and full compliance with human rights obligations.⁴⁶

19. The role of families is further reinforced in the jurisprudence of regional human rights bodies. For example, the European Court of Human Rights has determined that the involvement of the family – including their sufficient access to information – is an essential parameter in assessing the effectiveness of an investigation into a suspicious death and that investigations must be “accessible to the victim’s family to the extent necessary to safeguard their legitimate interests”.⁴⁷ This is not fulfilled where the family is given information only after a considerable delay or is not provided with the reasons for decisions.⁴⁸ The Inter-American Court of Human Rights has found that lack of protection for those participating in proceedings also violates the families’ right to a fair trial.⁴⁹ Additionally, regional legal mechanisms have stated that, while families have a right to information and participation in investigations into unlawful killings, the families should not have to initiate the process, but rather States have the legal duty to investigate situations involving violations of the right to life.⁵⁰ Similarly, the Human Rights Committee has observed that investigations should commence when appropriate ex officio.⁵¹

20. International criminal law also contains provisions to protect families of victims of unlawful killings, primarily through mechanisms for their participation in judicial proceedings. For example, the International Criminal Court has found that families of individuals killed can qualify as direct or indirect victims,⁵² and thus must have the opportunity to intervene at various stages of criminal proceedings.⁵³ Additionally, the International Criminal Court has an obligation to notify victims who have communicated with the Court in various ways about proceedings; and families can receive support through the Victims Participation and Reparations Section, which administers and assists in the participation and notification processes, through the Victims and Witnesses Unit, which can provide psychological support and physical protection, and through the Office of Public Counsel for Victims, which provides legal and administrative support to victims participating in proceedings. Also, the Trust Fund for Victims provides institutional support by providing funds to disburse awards if the defendant is indigent or the Court orders a collective award

⁴² Ibid., para. 35.

⁴³ Ibid., para. 67.

⁴⁴ Ibid., para. 13.

⁴⁵ Human Rights Committee, general comment No. 36 (2018), para. 56. See also European Court of Human Rights, *Janowiec and Others v. Russia* (applications No. 55508/07 and No. 29520/09), available at <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22002-2123%22%5D%7D>.

⁴⁶ Minnesota Protocol, para. 35.

⁴⁷ European Court of Human Rights, *Mustafa Tunç and Fecire Tunç v. Turkey* (application No. 24014/05), judgment of 14 April 2015, para. 179.

⁴⁸ Ibid., para. 210.

⁴⁹ Inter-American Court of Human Rights, *Vereda La Esperanza v. Colombia*, judgment of 31 August 2017, para. 213.

⁵⁰ European Court of Human Rights, *Al-Skeini and Others v. United Kingdom* (application No. 55721/07), judgment of 7 July 2011, para. 174; and Inter-American Court of Human Rights, *Vélasquez-Rodríguez v. Honduras*, judgment of 29 July 1988, paras. 176–180.

⁵¹ Human Rights Committee, general comment No. 36 (2018), para. 28.

⁵² See https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2017_05121.PDF, paras. 112–114; and https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2006_02783.PDF, p. 9.

⁵³ Rome Statute of the International Criminal Court, art. 68 (3).

to a larger community.⁵⁴ Although there have been critiques both about the “distant” nature of proceedings at the International Criminal Court⁵⁵ and about the relatively few cases adjudicated,⁵⁶ the innovations in ensuring family and victim participation as well as the reparations embedded within the creation of the Court are important to ensuring the rights of families. These measures could be replicated at the national level, by States, or regionally, by regional human rights courts.

21. In some contexts, transitional justice systems in place with investigative roles also have specific mandates to proactively liaise with family members to investigate and establish the facts and identify and hand over bodies of the deceased. In Colombia, the National System of Attention and Comprehensive Reparation for Victims, set up after the 1964–2016 conflict, employs an interdisciplinary investigative approach, involving families at all stages of the process.⁵⁷ States may use a wide range of mechanisms to conduct investigations, but all should ensure adequate involvement of the family.

22. Inclusion of families in investigations is critical, not only in order to respect their rights and help them trust and accept the results thereof, but also because they play a crucial role in ensuring the effectiveness of investigations as legally required. Family members are often the sole providers of vital information necessary to identify the victims, including the necessary description of physical traits of the victim and biological reference samples for comparative DNA analysis. They may also have important information about the circumstances of the death, which can help investigators better understand what happened. Police operational manuals across the world, including INTERPOL’s Disaster Victim Identification method,⁵⁸ recognize the key role of families in investigations and recommend that investigations include family liaison officers.⁵⁹

(ii) *Contributions of families to truth and accountability*

23. Families have frequently had to push for effective investigations and for their participation in them, and have been at the forefront of advocacy for truth, justice and accountability, as well as long-term legal reform. In Canada, for example, First Nations families were instrumental in the development of the Truth and Reconciliation Commission to understand the impact of the residential school system, and in 2024 advocated for a national investigation of the police-related deaths of First Nations people.⁶⁰ In the Gambia, families of victims of the regime of the former president, Yahya Jammeh, successfully pushed for the creation of a truth commission in 2019, and more recently for the establishment of a hybrid court.⁶¹

24. Furthermore, families advocate for justice outside transitional justice processes and have played a central role in generating legal and non-legal justice mechanisms. For example, families in Manipur, India, formed joint action committees to negotiate with the authorities and with the Extrajudicial Execution Victims’ Families’ Association which provides support services and has submitted 1,528 cases of alleged extrajudicial killing to the Supreme Court, which held that criminal cases should be registered and investigations initiated in all cases of

⁵⁴ See <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/8FF91A2C-5274-4DCB-9CCE-37273C5E9AB4/282477/160910VPRSBookletEnglish.pdf>.

⁵⁵ See, for example, Phil Clark, *Distant Justice: The Impact of the International Criminal Court on African Politics* (Cambridge, United Kingdom, Cambridge University Press, 2018).

⁵⁶ James L. Cavallaro and Jamie O’Connell, “When prosecution is not enough: how the International Criminal Court can prevent atrocity and advance accountability by emulating regional human rights institutions”, *Yale Journal of International Law*, vol. 45, No. 1 (2020), p. 20, available at <https://openyls.law.yale.edu/bitstream/handle/20.500.13051/6738/45YaleJIntlL1.pdf?sequence=2&isAllowed=y>.

⁵⁷ See <https://colombiapeace.org/colombias-unit-for-the-search-of-disappeared-persons/>.

⁵⁸ See <https://www.interpol.int/en/How-we-work/Forensics/Disaster-Victim-Identification-DVI>.

⁵⁹ See the INTERPOL Disaster Victim Identification Guide, sect. 7.4, and also annex 10: “Guidance and information for families”.

⁶⁰ See <https://www.cbc.ca/news/indigenous/assembly-of-first-nations-police-inquiry-1.7401324>.

⁶¹ See <http://un.org/peacebuilding/content/gambia-story> and <https://www.sitesofconscience.org/2022/12/the-duty-to-remember-fighting-for-truth-and-justice-in-the-gambia/>.

extrajudicial execution.⁶² Five organizations in the Syrian Arab Republic created a Truth and Justice Charter in 2021 and some assist families to enhance their participation in legal actions taken against alleged perpetrators.⁶³ Families have similarly been instrumental in pursuing truth, justice and reparations for unlawful killings that took place many decades ago. For example, families of those killed during the Spanish Civil War and the dictatorship which followed have played a key role in national efforts to search for, recover, identify, document and memorialize their long-dead loved ones.⁶⁴

3. Rights of families in relation to protection

25. States must ensure that families of victims of unlawful killings are protected from risks of physical or mental violence, intimidation, and threats, or any other form of retaliation as a result of their participation in investigations, their search for information or their other efforts to achieve truth, justice and reparations.⁶⁵ This includes any violations of their rights by State authorities or by private persons and entities, with the acquiescence or inaction of authorities.⁶⁶ The Human Rights Committee has observed that reports of harassment or intimidation should be thoroughly and promptly investigated, with the perpetrators prosecuted, and, if they are convicted, with penalties imposed on them commensurate with the gravity of the offence.⁶⁷ Appropriate measures should be taken to ensure the families' safety, physical and psychological well-being, and privacy,⁶⁸ including through witness protection programmes. Failure to do so may amount to a violation of their right to life, and to be free from cruel, inhuman and degrading treatment, and of their personal integrity.⁶⁹ Threats and reprisals sometimes force family members to relocate within the State or to leave it entirely, which may also violate the families' right to freedom of movement and residence.⁷⁰

26. While some States have enacted legislation recognizing the imperative to protect families against reprisal,⁷¹ in practice, families of victims of unlawful killings everywhere often experience or fear reprisal following the unlawful death of their loved ones, and State officials may be the origin of such reprisals. This risk of reprisals is heightened when human rights violations are committed in the context of widespread impunity for perpetrators and State complicity.

27. In addition to protection measures, comprehensive support systems are essential to assist families of victims in navigating the legal and emotional challenges of seeking justice. This includes access to legal aid, counselling services, and safe channels for reporting threats or abuses. Evidence-based information reviewed by the mandate holder from the world over indicates that States are failing in their duty to protect families effectively from reprisals and to provide them with the necessary support and assistance.

4. Rights of families in relation to reparations

28. There must be accountability and reparations for violations of the right to life.⁷² Full reparations for family members include restitution, compensation, rehabilitation, guarantees of non-repetition, and/or satisfaction.⁷³ Regional human rights systems have underlined these

⁶² Submission from the Extrajudicial Execution Victims' Families' Association. See also IND 7/2018.

⁶³ See <https://www.caesarfamilies.org/charter/>.

⁶⁴ See <https://www.amdoc.org/engage/resources/silence-others-discussion-guide/background-information/>.

⁶⁵ Minnesota Protocol, para. 36; and Human Rights Committee, general comment No. 36 (2018), para. 28.

⁶⁶ Human Rights Committee, general comment No. 36 (2018), para. 18.

⁶⁷ See CCPR/C/IDN/CO/2.

⁶⁸ Minnesota Protocol, para. 36.

⁶⁹ Inter-American Court of Human Rights, *Cepeda Vargas v. Colombia*, judgment of 26 May 2010, para. 195.

⁷⁰ *Ibid.*, paras. 196 and 197.

⁷¹ See, for example, the Code of Criminal Procedure of Mexico, arts. 108 and 109.

⁷² See <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-effective-prevention-and-investigation-extra-legal>, para. 20.

⁷³ Minnesota Protocol, para. 10.

requirements. The African Commission on Human and Peoples' Rights has found that effective remedies and reparations for victims of unlawful killings may require reparations for their family members.⁷⁴ The European Court of Human Rights has specified that remedies can include compensation for non-pecuniary damage to families.⁷⁵ A lack of adequate compensation can exacerbate the economic strain on families who may already be in a precarious situation, where the individual killed was the breadwinner, and further traumatize them as a result.

29. According to the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, States must ensure that reparation measures are implemented in a manner that treats the families of victims with humanity, respects their dignity and safeguards their psychological well-being. Reparations must not cause further trauma or harm, but instead contribute to healing. Reparation processes should be victim-centred, and gender-sensitive, and consider the suffering endured by families, by preventing, or at least minimizing, the risk of revictimization.

30. Given the extreme impact that unlawful killings of relatives can have on the health and well-being of family members, access to medical, psychological and rehabilitation services is crucial and often sorely lacking. Such services should be adapted to the specific needs of families, including children, be gender-sensitive, and aim to provide a comprehensive and holistic support system. Remedy also includes ensuring that families are able to receive the remains of their deceased family members following the completion of a prompt investigation, and are able to carry out last rites with dignity and according to their traditions and beliefs.⁷⁶ Access to remedies, including compensation, should never be contingent on withdrawal of complaints.

31. In some contexts, transitional justice mechanisms play a role in reparations. Truth commissions around the world have allowed families of victims of mass atrocities to tell their stories and gain some clarity on the abuses their relatives suffered. Governmental Agreement No. 258-2003 of the President of the Republic of Guatemala established a National Reparation Programme which included five concrete measures of reparation, two of which focused on financial compensation (material restitution and economic compensation). The remaining three measures focused on the dignity of the victim and on cultural and psychosocial reparations.⁷⁷

5. Rights of families to peacefully assemble and to form associations

32. Families of victims of unlawful killings have the right of peaceful assembly and to form associations.⁷⁸ Such demonstrations and family groups can play a vital role in promoting the rights of families and providing much needed support services, including psychosocial support, and raising awareness among families of their rights. Associations have at times cooperated with governments in the search for and recovery and identification of victims of unlawful killings and have aided in establishing investigative mechanisms to find mass graves.⁷⁹ For example, in Argentina, Grandmothers of Plaza de Mayo,⁸⁰ a group searching for their children and grandchildren who were disappeared by the military regime that ruled the country from 1976 to 1983, pioneered the use of forensic science to investigate human rights violations and thus contributed to the development of universal standards such as the

⁷⁴ General comment No. 3 on the African Charter on Human and Peoples' Rights, paras. 7 and 19; and see https://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1996-20962021000200025#top_fn72.

⁷⁵ See [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-60323%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-60323%22]}), para. 97.

⁷⁶ Minnesota Protocol, para. 37.

⁷⁷ See <https://ciidhguatemala.org/wp-content/uploads/2024/03/Acuuerdo-creacion-PNR.pdf>.

⁷⁸ International Covenant on Civil and Political Rights, arts. 21 and 22.

⁷⁹ Submission from Paraguay.

⁸⁰ See https://www.researchgate.net/publication/230291113_A_Prick_of_a_Needle_Can_Do_No_Harm_Compulsory_Extraction_of_Blood_in_the_Search_for_the_Children_of_Argentina%27s_Disappeared.

Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions and the Minnesota Protocol.⁸¹

33. Despite their valuable contributions, including to investigations, families frequently face barriers to exercising their rights to undertake collective action. Assemblies held by families to call for justice in cases of unlawful killings have often been forbidden and/or been met with excessive use of force. Families sometimes also face undue restrictions on forming associations.

6. Rights of families in relation to the bodies of their loved ones

34. Families of victims of unlawful killings have specific rights relating to the treatment of the bodies of their loved ones.⁸² The condition of the body, which may be in different stages of decomposition, completely skeletonized or fragmented, must not preclude these rights. Upon completion of the investigation of the death, which should follow international standards, the body should be promptly returned to the family.⁸³ The family should receive a copy of the autopsy report and be permitted to commission private autopsies if they wish. Families should be treated with respect and dignity, be assisted in the administrative procedures for release of the body, and never have to sign waivers of legal rights or forms that they do not understand in order to receive the remains. Relatives have a right to view the body if they wish. Families should be allowed to dispose of the deceased according to their beliefs, including by holding funerals. Remains should be treated with respect and in a dignified manner throughout. A failure to do so may constitute a form of torture or other forms of cruel, inhuman or degrading treatment.⁸⁴ The Special Rapporteur reiterates the importance of the recommendations in his thematic report on the treatment of the dead.⁸⁵

E. Situations where families of victims face particular barriers to realizing their rights

35. Although every unlawful killing profoundly impacts the rights of the victim's family, there are some situations which may further aggravate the suffering of families, including by further depriving them of the means to seek truth and redress, or directly targeting the family by killing a loved one. These include deaths in the context of transnational migration, or of armed conflict, and death in custody, the death penalty, counter-terrorism, and unlawful deaths in which relatives of the victim are the primary targets of the killing.

1. Migration

36. Globally, thousands of people die each year while trying to cross borders. While not all deaths of migrants are unlawful, many involve State responsibility, be it directly by act or omission, by acquiescence or inaction, or extraterritorially. In all cases, families of migrants who are unlawfully killed often face insurmountable difficulties in seeking truth, justice and reparation, for example due to lack of a governmental support and political will to properly investigate these deaths, including to search for and reliably identify deceased migrants; and a lack of transnational collaboration in this respect between States – coupled with inherent difficulties frequently arising from the remoteness of the locations where many migrants die,

⁸¹ In 2025, the Grandmothers of Plaza de Mayo were awarded the Clyde Snow Human Rights Award by the American Academy of Forensic Sciences for their contribution to the development of forensic science applied to the search for disappeared children, human rights and humanitarian action. See <https://www.aafs.org/article/grandmothers-plaza-de-mayo-argentina-honored-2025-hhrrc-clyde-snow-award>.

⁸² Human Rights Committee, general comment No. 36 (2018), para. 56. See also [CED/C/7](#), principle 2 (4).

⁸³ Human Rights Committee, general comment No. 36 (2018), para. 56; and Minnesota Protocol, para. 37.

⁸⁴ Human Rights Committee, general comment No. 36 (2018), para. 56.

⁸⁵ [A/HRC/56/56](#).

often because deterrence policies have purposefully funnelled the migration flows into more hazardous terrain, which can make it difficult to find and recover the bodies of victims.⁸⁶

37. While the Minnesota Protocol and other international law instruments require States to investigate all potentially unlawful deaths, many States do not readily do so in the case of deceased migrants. Rather, efforts to investigate the death and to recover and identify deceased migrants require families searching for their dead or missing relatives to take proactive measures. Yet, these families, many of whom live in the migrant's country of origin, often lack basic resources, including language skills and financial means, and the understanding of complex administrative and legal steps, sometimes across multiple jurisdictions, that is required in order to start the information-search process. Additionally, in some situations, States' criminalization of migration prevents families from accessing official agencies and resources to seek assistance, for fear of legal sanctions, reprisals and deportation.

38. When found and recovered, the bodies of deceased migrants are often not managed properly, in a dignified manner, and usually remain unidentified and are not returned to their families. In some contexts, civil society organizations are the sole helpers to ensure the reliable identification of deceased migrants and to assist their families across borders, including by providing necessary psychosocial support.⁸⁷ Even when investigations do occur, these are often seriously undermined by administrative and legal constraints on sharing necessary information across borders, by a lack of forensic know-how and of the resources required for reliable investigations, and by the absence of unified mechanisms and databases to share identifying information across – or even within – jurisdictions. This has sometimes led to situations where families receive what is purportedly the body of a loved one, only to learn later that the remains were incorrectly identified,⁸⁸ or, more often, receive no information or remains, further traumatizing the relatives and their communities. In addition, the infrequency or even complete lack of proper investigations into the deaths of migrants seriously undermines the documentation and prevention of such deaths as well as the accountability for them, denying families their right to truth, justice and reparation.

2. Armed conflict

39. The right to life continues to apply during situations of armed conflict, and its arbitrary deprivation is prohibited in all circumstances. In both international and non-international armed conflict, practices inconsistent with international humanitarian law include the targeting of civilians, of civilian objects and of objects indispensable to the survival of the civilian population, indiscriminate attacks, attacking persons who are recognized as hors de combat, failure to apply the principles of precaution, proportionality and distinction, and the use of human shields. These practices violate both international humanitarian law and the absolute prohibition of arbitrary deprivation of life under international human rights law. The procedural duty to investigate potentially unlawful deaths persists at all times during armed conflict and the rights of families of those killed and missing must be respected.⁸⁹

40. Both international humanitarian law and international human rights law affirm the rights of families of victims of unlawful killings in armed conflict to know the fate of their loved ones, to obtain information on the circumstances of their deaths and to receive their remains. These obligations apply to all parties to a conflict – State and non-State – under the

⁸⁶ See, generally, A/72/335.

⁸⁷ For example, Proyecto Frontera of the Argentine Forensic Anthropology Team, at <https://migrationnetwork.un.org/projects/proyecto-frontera-border-project>, and also the Colibrí Center, <https://derechoshumanosaz.net/how-to-find-a-missing-migrant/>, <https://nomoredeaths.org/searching-for-someone-missing-at-the-border/searching-for-your-loved-one-among-the-perished/> and <https://caminandofronteras.org/en/about-us/>. See also <https://missingpersons.icrc.org/library/minimum-standards-psychosocial-perspective-search-processes-missing-migrants-discussion>.

⁸⁸ See GTM 2/2024 and the reply dated 7 May 2024.

⁸⁹ Human Rights Committee, general comment No. 36 (2018), para. 56; and Minnesota Protocol, para. 64. See also Minnesota Protocol, paras. 14, 20 and 21, and <https://www.cambridge.org/core/books/abs/right-to-life-under-international-law/deaths-as-a-result-of-armed-conflict/6D3D9358F169582793902D856357A83A>.

laws of war. States also retain their legal duty to ensure investigations in accordance with international human rights law and standards, irrespective of who the perpetrator is.⁹⁰

41. Armed conflicts usually exacerbate the trauma and difficulties that families face in seeking truth and redress. For example, many armed conflicts result in large numbers of dead, which, compounded with security constraints, hampers the means for ensuring that the mortal remains of those who die as a result, including victims of unlawful killings, are searched for, recovered, managed with dignity, protected, identified, documented and returned to their mourning relatives.

42. Additionally, the practice of hastily interring bodies in makeshift mass graves without adequate documentation (as happened recently in the Democratic Republic of the Congo, for example)⁹¹ severely impedes the fulfilment of families' rights to know the fate of their loved ones, to have their remains identified and returned with dignity, and to conduct culturally and religiously appropriate burials – causing immense distress and hindering their ability to mourn, which is compounded by the inability to access burial sites due to ongoing hostilities and security risks. Mass graves have also been used, in the context of conflict and occupation, such as in Gaza,⁹² to conceal signs of torture and summary execution, further obstructing investigations of international crimes and denying families' rights to truth and dignity.

43. The investigation of potentially unlawful deaths in armed conflicts, including war crimes, is often limited or non-existent and rarely complies with the obligations under international human rights law and the standards required under the Minnesota Protocol. Families often face threats and even attacks for seeking truth, justice and reparations, and they seldom have access to assistance of any kind, including financial and psychosocial support services.

3. Death in custody

44. All deaths in custody must be considered as potentially unlawful until proven otherwise by an effective and independent investigation, with families duly informed throughout the process.⁹³ However, globally, relatively few custodial deaths are investigated at all.⁹⁴ Where investigations do occur, they may lack independence from the detaining authorities and/or lack the impartiality and expertise necessary to comply with the required international standards. Families often face difficulties in learning about the death, and about the location of the body, and in securing its return. They may be denied the truth about the cause and manner of death, including access to the autopsy report and the death certificate, and may be forbidden from holding funeral rites, all of which causes additional distress to the grieving relatives.⁹⁵

45. State legislation should establish explicit obligations to immediately investigate every death in custody, and put in place regulations similar to those employed by the Department of Corrections of New Zealand, which has a mechanism to inform the police, the coroner and family members immediately after the death of a prisoner.⁹⁶ Similarly, the Ministry of Justice of Spain has published a guide on best practices for investigating deaths in custody which include the involvement of family members, based on international human rights standards including the Minnesota Protocol.⁹⁷ In addition, if the death in custody is found to be unlawful, the family of the deceased detainee should have access to redress and reparation mechanisms, and be protected from any potential act of retaliation.

⁹⁰ Minnesota Protocol, paras. 20 and 21.

⁹¹ See <https://www.ohchr.org/en/press-releases/2025/02/democratic-republic-congo-parties-conflict-must-treat-dead-bodies-dignity>.

⁹² See <https://news.un.org/en/story/2024/04/1148876>.

⁹³ Human Rights Committee, general comment No. 36 (2018), para. 29; and Minnesota Protocol, paras. 2 (b) and 35.

⁹⁴ See A/HRC/53/29.

⁹⁵ Ibid., para. 46.

⁹⁶ Statistics available from <https://www.corrections.govt.nz/resources/statistics>.

⁹⁷ See A/HRC/53/29.

4. The death penalty⁹⁸

46. Families of individuals on death row are often invisible bearers of pain and harm caused by the punishment of their relative's death.⁹⁹

47. In the death penalty context, there are two sets of family victims: the family of the person being executed, and, in most cases, the family of the victim of the crime, who are also often not considered. While this section focuses on families of individuals on death row, in no sense is it intended to reduce recognition of the suffering of families of victims of those sentenced to death, including grief, trauma and financial loss. However, the angst of both groups of families cannot be regarded as a zero-sum game. In fact, many families of victims of those sentenced to death believe another killing would not bring closure and have had their requests for stay of execution ignored. One victim's family stated: "Over and over it's been said that it's being done for my aunt and cousin, it's being done for our family. And in the end, they completely dismissed us", as the family wanted clemency.¹⁰⁰ This causes further harm to the family and may even create a sense of guilt over the execution.

48. Some countries have adopted provisions on behalf of families of those facing capital punishment. For example, the Supreme Court of India has laid down guidelines to be followed prior to execution, including sufficient prior notice to individuals and their family members of the date and time of execution, to enable the individual to prepare mentally and to meet their family for one last time. However, in some other retentionist countries, governments deny families their right to family visits; and where such visits occur, the visiting conditions prohibit physical contact from the trial to the execution; and in some countries, no rules exist requiring families and legal representatives to be informed prior to the execution or else provide for very short notification periods. Secrecy surrounding the death penalty deprives families of information about the imminent execution of their loved one and therefore of any opportunity to prepare for it. The Special Rapporteur has continued to be made aware of instances where families were not informed of the date, place or method of execution and sometimes learned of the execution days after it had been carried out, only through the media or calls from fellow detainees. The suffering endured by families is often described by them as insurmountable, and would amount to cruel, inhuman or degrading treatment or punishment, under international law.

49. In its resolution 30/5, the Human Rights Council recalled that secret executions, or those with a short or no prior warning, added to the suffering of the persons sentenced to death, as well as of other persons affected, and called upon States to, among other things: (a) ensure that children whose parents or parental caregivers were on death row, the inmates themselves, their families and their legal representatives were provided, in advance, with adequate information about a pending execution, including its date, time and location, to allow a last visit or communication with the convicted person and the return of the body to the family for burial; or (b) provide information about where the body was located, unless that was not in the best interests of the child.¹⁰¹

50. In addition, families of individuals sentenced to death for politically motivated offences often endure significant social stigma and ostracism. This stigma, fuelled by public shaming and vilification of their loved ones, severely impacts their ability to defend them or to seek justice. The families often face harassment, intimidation and threats, which further violate their rights to dignity and protection. This treatment not only exacerbates their suffering but also impedes their right to a remedy and protection from cruel or degrading treatment.

⁹⁸ Under international law, the death penalty amounts to an arbitrary deprivation of life in various circumstances. See Human Rights Committee, general comment No. 36 (2018), paras. 32–51.

⁹⁹ Susan F. Sharp, *Hidden Victims: The Effects of the Death Penalty on Families of the Accused* (Rutgers University Press), pp. 10 and 11. See also [A/77/270](#), sect. VII.

¹⁰⁰ See <https://deathpenaltyinfo.org/victims-family-says-they-were-retraumatized-by-governments-conduct-during-federal-executions>.

¹⁰¹ [A/HRC/48/29](#), para. 9.

5. Terrorism and counter-terrorism

51. The impact on families of individuals unlawfully killed – whether in counter-terrorism operations or as victims of terrorist attacks – is profound and often takes the form of complicated grief, with long-lasting psychological and physical detrimental effects on their health, as demonstrated in families of victims of terrorist attacks.¹⁰² Families of individuals killed in counter-terrorism operations often encounter difficulties in obtaining justice, truth and accountability, as States may invoke national security considerations to justify the use of force, resulting in denial of information, lack of thorough and transparent investigations, and failure to return remains for burial in accordance with beliefs and traditions. This is often compounded by social stigma, fear of reprisals, and inadequate access to legal recourse.

52. Such obstacles are particularly problematic when detainees accused of terrorism offences die in custody, under the control of State or non-State actors, further impacting families' right to know the fate of their loved ones. For instance, in the context of the north-east of the Syrian Arab Republic, families of detainees accused of affiliations with Da'esh, particularly foreign nationals, face significant barriers: they are often not notified of the death, or are informed only after a considerable delay with minimal or no information about the circumstances of the death, and are often denied the right to receive the remains. In other countries, State-run prisons may only return the body of a deceased detainee accused of terrorism to his or her family on condition that no legal action is initiated against the authorities or that no independent forensic examination to determine the cause of the death is sought. Families may be given false narratives as to how their loved ones died and face systemic barriers in initiating investigations.

53. In many cases, secrecy laws and national security-related confidentiality provisions further obstruct families' access to truth and justice, by restricting access to evidence, judicial proceedings and official documentation. Such secrecy often shields potential violations from scrutiny and prevents families from meaningfully participating in legal processes or holding perpetrators accountable.

54. Families of individuals alleged to have participated in terrorist activities, including foreign terrorist fighters, are often subjected to collective blame, judicial harassment and social exclusion, in violation of the principles of individual criminal responsibility and non-discrimination. Women and children associated with deceased foreign terrorist fighters, especially those previously exposed to violence or exploitation, must be recognized as victims, and be entitled to protection, rehabilitation and reintegration, in line with Security Council resolution 2396 (2017) and international standards.

55. The General Assembly, in its resolution 73/305, recognized the human rights of families of victims of terrorism, in particular women and children, "stressing the importance of providing them with proper support and assistance, while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law".¹⁰³ A good practice, in Germany, is that the Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences Committed on National Territory acts as a central contact point for all those affected by a terrorist attack. This includes the families of the bereaved, those hurt by the attack (physically or psychologically) and eyewitnesses.

56. Despite some good practices, bereaved families of victims of terrorism continue to face significant challenges in accessing psychosocial and trauma support programmes and in

¹⁰² Yuval Neria and others, "Prevalence and psychological correlates of complicated grief among bereaved adults 2.5-3.5 years after September 11th attacks", *Journal of Traumatic Stress* (2007), vol. 20, No. 3 (June 2007). See also Laura Dolci, *A Victimless Crime?: A Narrative on Victims of Terrorism to Build a Case for Support*, available at https://www.geneva-academy.ch/joomlatools-files/docman-files/Dolci_Book%20Preview.pdf.

¹⁰³ See https://www.unodc.org/documents/terrorism/Publications/Good%20practices%20on%20victims/good_practices_victims_E.pdf and also *Supporting Victims of Terrorism*, United Nations, Executive Office of the Secretary-General (January 2009).

receiving compensation.¹⁰⁴ In particular, families of victims of terrorist attacks committed overseas may not be able to benefit from psychosocial or financial support available in their home country as required in the General Assembly resolution (e.g. in the United Kingdom), which has prompted families to campaign internationally to assert their rights as victims.¹⁰⁵

6. Families as primary targets of an unlawful killing

57. In most unlawful killings, the primary target is the person whose life is lost. There are, however, cases of unlawful killing in which the perpetrator's primary goal is to cause harm and suffering to the family or a relative of the person killed.

58. Such killings may take the form of politically motivated extrajudicial, summary or arbitrary executions, aimed at punishing, at eliminating dissent and at terrorizing an individual, his or her family and other members of the community, but may also take place in the private sphere, particularly as an extreme form of gender-based violence, known in some contexts as "vicarious violence".¹⁰⁶ For example, in Spain, more than 40 children have been murdered by their biological fathers or by the mothers' partners or ex-partners since records of these types of murders began in 2013.

59. These unlawful killings are known to cause particularly acute and severe shock, trauma and grief and to result in long-standing trauma to the survivors, the recognition of which has prompted some countries to provide harsher penalties against perpetrators, improved preventive measures, and adequate care and assistance for victims. For example, Spain incorporated the crime of vicarious violence into its Organic Law No. 1/2004 on Comprehensive Protection Measures against Gender-Based Violence. In Colombia, two bills against vicarious violence await approval in Congress at the time of writing.¹⁰⁷

III. Conclusions

60. In the present report, the Special Rapporteur emphasizes that families of victims of unlawful killings must also be recognized as victims of the crime and that their rights must be upheld in law and in practice. Their extreme and often lasting pain and trauma suffered as a consequence of the unlawful death of a loved one, often compounded by denial of their rights to dignity, information, justice, truth and reparation, may amount to torture or other cruel, inhuman or degrading treatment or punishment. There are abundant provisions in international and regional human rights instruments which provide for robust protection for the families of persons unlawfully killed. However, the Special Rapporteur finds in the present report that these are often not duly respected or implemented and, as a consequence, families globally continue to face often insurmountable challenges. The Special Rapporteur urges States, in recognizing families of victims of unlawful killings as victims in their own right, to do more and better in order to uphold these legal obligations and to assist, support and protect these families.

61. Families play an essential role in ensuring successful investigations into the unlawful killing of a relative. In most cases, they are irreplaceable sources of information required for a successful death investigation, including to identify the body

¹⁰⁴ Laura Dolci, *A Victimless Crime?: A Narrative on Victims of Terrorism to Build a Case for Support*, pp. 93–108; E/CN.4/2006/98, paras. 64–66 and 74; A/66/310, paras. 20–28; A/HRC/16/51, paras. 24 and 25; A/HRC/20/14 (framework principles for securing the human rights of victims of terrorism); and A/HRC/34/61, paras. 13–16.

¹⁰⁵ Laura Dolci, *A Victimless Crime?: A Narrative on Victims of Terrorism to Build a Case for Support* pp. 109 and 119; and Alexandra Barker and Tamar Dinisman, "Meeting the needs of survivors and families bereaved through terrorism", November 2016, available at https://www.victimsupport.org.uk/wp-content/uploads/documents/files/Victim%20Support_Meeting%20the%20needs%20of%20survivors%20and%20families%20bereaved%20thro..._0.pdf.

¹⁰⁶ See https://www.igualdad.gob.es/wp-content/uploads/violencia_vicaria_lectura_facil.pdf.

¹⁰⁷ See <https://www.sdmujer.gov.co/noticia/news/que-es-la-violencia-vicaria-y-como-identificar-si-es-victima>.

and to establish the cause, manner and circumstances of the death. Contributing to the investigation into the death of a loved one is both a right of bereaved families and a potent and meaningful way of overcoming their grief.

62. Historically, families have been at the forefront of efforts to ensure truth, justice and reparations as well as long-term reforms to ensure non-recurrence of atrocities. They are among the most courageous, innovative and effective advocates for compliance by States with their human rights obligations to respect, protect and fulfil the right to life. They have also made possible lasting progress in international human rights law and mechanisms, and in the forensic science applied to human rights-based investigation into unlawful deaths and protection against such deaths.

63. In addition to extreme and often long-lasting suffering caused by the death of a loved one, families all too often face significant barriers, threats and even attacks as a result of their quest for truth, justice and reparation. The Special Rapporteur stands in solidarity with families the world over who, despite these barriers, continue to struggle for investigations, accountability and reparations for all unlawful killings. The present report is an important starting point for highlighting the situation of families of victims of unlawful killings. However, the Special Rapporteur notes that there are a wide range of situations, challenges and best practices in relation to the rights of families, not all of which could be covered in the present report. He therefore encourages continuing and additional research and action by all concerned stakeholders to help ensure that the rights to truth, justice and reparation of all families of victims of unlawful killings are fully recognized, respected, protected and fulfilled.

IV. Recommendations

64. The following recommendations are primarily directed to States as duty bearers, but the Special Rapporteur also invites international, governmental and non-governmental organizations, national civil society organizations, private entities, academics and other stakeholders concerned with the rights of families of victims of unlawful killings to assist in their effective implementation, for which he also offers his mandate's technical assistance.

65. Families of victims of unlawful killings must always be recognized as victims in their own right, including in relevant legislation, policies and practice, and be accorded the rights to truth, justice and reparations.

66. Among other actions, States should adopt and implement legislation, policies and programmes to:

(a) To recognize the trauma and grief suffered by families of victims of unlawful killings, to address their specific needs and to enable them to participate in the design of programmes aimed at ensuring truth, justice and reparations for the unlawful killing of their loved ones;

(b) To ensure the effective investigation and prevention of unlawful deaths, in full compliance with relevant international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and to guarantee the rights of families to be informed throughout and able to participate effectively in all stages of the investigation and legal proceedings. This may include through the creation of specific entities dedicated to assisting families during the process, family liaison officers, and legal aid where appropriate;

(c) To sensitize and train relevant stakeholders carrying out investigations into unlawful killings on the role that families of victims play in ensuring effective investigations, including their role in providing vital information necessary for the scientific identification of victims. Families must be protected and empowered to assist where appropriate, as required in international standards;

(d) To protect family members from physical or mental harm, violence, threats, harassment, intimidation or other forms of reprisal for their participation in

investigations or efforts to pursue truth, justice and accountability; and to respond urgently to families facing specific threats, by adopting necessary protective measures;

(e) To guarantee that families are able to freely form and participate in associations promoting the rights of families of victims of unlawful killings and hold peaceful assemblies and commemorations;

(f) To guarantee the rights of families of victims of unlawful killings to a remedy, including restitution, compensation, rehabilitation, guarantees of non-repetition, and satisfaction; and to ensure that all families of victims of unlawful killings have access to support services, including psychosocial and financial support, to help them overcome the grief and the hardships caused by the unlawful death of a loved one. These programmes should adopt a victim-centred approach, with a gender perspective and with special consideration for family members with special needs, including children.

67. In addition, States should:

(a) Adopt a differential approach for ensuring the provision of specialized assistance, support and protection for families with particular situations, such as those described in the present report, which cause families of victims of unlawful killings to suffer aggravated trauma and/or face exceptional difficulties and barriers in fulfilling their rights;

(b) Support civil society organizations and other entities that provide assistance and support to families of victims of unlawful killings;

(c) Establish a trust fund or similar entity to assist and support families of victims of unlawful killings, including by providing grants to centres and initiatives aimed at delivering specialized medical, psychological, legal and humanitarian assistance to families;

(d) Treat the bodies of victims of unlawful killing with dignity throughout, consult family members prior to autopsies, return the bodies to the families as promptly as possible, and allow families to dispose of the deceased according to their beliefs;

(e) Cooperate with relevant stakeholders at the national and international levels to ensure, where necessary, a proper and professional search and recovery, as well as reliable analysis, documentation and identification of victims of unlawful killings, and determination of the cause and manner of death in accordance with international standards, including the Minnesota Protocol, and to enable the families concerned to participate in the investigations and fulfil their rights;

(f) Consider the examples of best practice illustrated in the present report for possible replication of them where necessary to help fulfil the rights of families of victims of unlawful killings;

(g) Support research on the victimization and trauma suffered by families of victims of unlawful killings, including epidemiological studies, and encourage a multidisciplinary approach, including in the fields of international law, criminal law, medical, psychological and forensic studies, and social sciences.

Annex

Activities conducted by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, from 1 April 2024 to 31 March 2025

I. Communications

1. During the period under review, the Special Rapporteur issued, individually or jointly with other mandate holders, 189 communications, to States and non-State actors, and 75 press statements.

II. Thematic reports

2. On 25 June 2024, the Special Rapporteur presented to the 56th session of the Human Rights Council, a thematic report (HRC/56/56) on the “protection of the dead”, where he examined the obligations to protect and respect the dead from a human rights perspective, in different contexts such as armed conflict and emergencies, including health emergencies, natural disasters, migration, and mass fatality incidents, and recommended the development of guiding principles in this regard. The Special Rapporteur also submitted a conference room paper ([A/HRC/56/CRP.5](#)) on Lethal autonomous weapons systems and the right to life, in contribution to the Secretary General’s consultation pursuant to General Assembly resolution 78/241, where he emphasized, *inter alia*, the necessity for the international community to identify technical and legal measures to ensure that attribution of, and accountability for, all uses of Autonomous Weapons Systems is possible.

3. On 28 October 2024, the Special Rapporteur presented to the 79th session of the General Assembly, a thematic report ([A/79/172](#)) examining the ubiquitous unlawful deaths of lesbian, gay, bisexual, transgender, gender-diverse and intersex (LGBTIQ+) persons and States’ duty to effectively investigate and prevent these deaths. The report underlined the importance of taking all necessary steps to determine the existence of prejudice or discrimination motivation, and to ensure prevention and protection of the rights of families of victims and recommended practical and legal measures to protect the right to life of LGBTIQ+ persons, to ensure accountability through proper investigation, and to provide reparation and cultural understanding. It also called for the development and implementation of specific guidance for investigating potentially unlawful deaths of LGBTIQ+ persons through the elaboration of an addendum to the Minnesota Protocol.

III. Country visits:

4. The Special Rapporteur conducted an official country visit to Ukraine, from 20 to 31 May 2024. The objective was to examine reported violations to the right to life since the Russian full-scale invasion of Ukraine in February 2022, including patterns of unlawful killings of civilians, either as a result of attacks directed at civilians or due to use of weapons with indiscriminate impacts in densely populated areas, and of summary executions of civilians, prisoners of war (POWs) and servicemen no longer taking part in hostilities (*hors de combat*), and to make recommendations for their effective investigation, documentation, prosecution and reparation, paying particular attention to the rights of victims and their families.

5. The Special Rapporteur was regrettably unable to undertake a second country visit in 2024 due to the regular budget liquidity crisis impacting the United Nations.

IV. Technical advisory and capacity building activities (in-person), including:

6. From 16 to 20 April 2024, the Special Rapporteur participated as a speaker in the first Regional Meeting on the Investigation of Attacks and Killings of Human Rights Defenders in Latin-America, which took place in Bogota, Colombia, and was organized jointly by the OHCHR in Colombia and the *Comisión Interamericana de Derechos Humanos* (CIDH). The objective of the meeting was to strengthen the capacities of and offer technical advice to attorneys, judges and NGOs on novel investigatory tools and methods.

7. From 5 to 7 September 2024, the Special Rapporteur the Special Rapporteur gave a key-note lecture on femicide, its investigation and prevention, in Milan, Italy. The lecture was organized by the *European Family Justice Center Alliance* and offered an opportunity to present the findings of the mandate's thematic report on femicide ([A/78/254](#)) and to discuss prevention strategies for the region.

8. From 23 to 27 September 2024, the Special Rapporteur conducted a technical visit to Nairobi, Kenya, during which he organized a workshop, in collaboration with the OHCHR in Nairobi and the Kenyan Attorney General Office, for members of the Multi-Agency Committees on Enforced Disappearances and on the National Coroners Service Act. The objective of the workshop was to strengthen the capacity in effectively investigating all potentially unlawful deaths, in accordance with international standards, notably the Minnesota Protocol (2016), and to support the operationalization of the Coroner's Service Act in Kenya, which would positively contribute to the advancement of forensic investigations in the country. During his visit, the Special Rapporteur met with civil society organizations, the Kenyan Commission for Human Rights, and the Parliamentary Committee for legal affairs, as well as with the diplomatic community and development partners. He also discussed with the Ministry of Foreign Affairs his request to conduct an official visit to Kenya in 2025. ***The Special Rapporteur regrets that despite the strong engagement by the mandate and commitment to provide technical assistance to State institutions, in addition to the standing invitation issued by Kenya since January 2015, the Government was unable to accept the visit requested for May or June 2025.***

9. From 1 to 5 October 2024, on invitation by representatives of Canada's First Nations, the *Acimowin Opaspiw Society*, during a national event on Historical Grievances and International Law, in Edmonton, Canada, the Special Rapporteur gave an opening key-note presentation in Indian Residential Schools on the Protection of the Dead and its relevance for investigations into missing children and unmarked burials and met with victims and authorities to discuss investigative strategies.

10. From 23 to 25 October 2024, on invitation from the *Asociación Memorialista Recuerdo y Dignidad*, in Soria, Spain, the Special Rapporteur delivered the closing lecture for the XVIII edition of the Week of Historic Memory and Human Rights on the contribution of standards developed by the mandate for the investigation and prevention of unlawful killings to processes of truth, memory and reparations.

11. From 7 to 8 November 2024, the Special Rapporteur continued to provide technical advice and forensic expertise for the development of a "Latin-American Protocol for the Investigation of Unlawful Deaths of LGTBIQ+ persons", and participated in the third round of consultations about the Protocol in the City of Guatemala. The consultations were organized by the OHCHR in Guatemala and the regional NGO *Red Sin Violencia* LGTBIQ+.

12. From 18 to 19 November 2024, on invitation of the University of Chicago, the Special Rapporteur spoke at a symposium on the contribution of the *Grandmothers of Plaza de Mayo*, a family organization of disappeared children in Argentina, to the development of forensic science applied to human rights investigations, and at a screening of the documentary "El Equipo", about the formation, legacy, and ongoing work of the Argentine Forensic Anthropology Team.

13. From 5 to 6 December 2024, the Special Rapporteur, with the support of the Government of Malaysia, in particular the Ministry of Foreign Affairs, the Ministry of Health and its National Institute of Forensic Medicine, and in cooperation with the UN Resident

Coordinator in Kuala Lumpur, and the OHCHR Regional Office for South-East Asia, conducted a one day public Conference and a one day private planning Workshop for the creation of the regional hub for training on the Minnesota Protocol for the South-East Asia Region in Kuala Lumpur. The Special Rapporteur would like to express his appreciation to the Government of Malaysia for the fruitful cooperation and the commitment to continue supporting the work of the regional hub.

14. From 14 to 15 December 2024, the Special Rapporteur launched the Forensic Advisory Group (FrAG), with the membership of nine forensic scientists who are internationally renowned for their knowledge and experience in research, training and practice of forensic science in human rights investigations and humanitarian action worldwide. The objective of this group is to increase the capacity of the mandate and other UN monitoring mechanisms in responding to requests for forensic technical assistance. In 2025, two additional members from Asia and Africa joined the FrAG.

15. From 16 to 19 December 2024, the Special Rapporteur participated as an expert in an Interactive workshop on the death penalty entitled “the concept of most serious crimes and regional and international best practices with a focus on drug-related offences and persons under 18 years”. The workshop was organized by OHCHR for a group of Senior Officials from the Islamic Republic of Iran. The objective of the Special Rapporteur’s intervention was to raise awareness on the importance of restricting the use of the death penalty in crimes that do not meet the threshold of the most serious crimes.

16. From 16 to 23 February 2025, the Special Rapporteur conducted a technical visit to Thailand, during which he participated as an expert in a two-day National Workshop on the Minnesota Protocol for the Investigation of Potentially Unlawful Death (2016). The workshop was attended by Officials from different Thai investigative agencies. He also held meetings with the Ministry of Justice and the Central Institute of Forensic Science to explore the needs for capacity building regarding the Minnesota Protocol. The Special Rapporteur would like to express his appreciation to the Thai Ministry of Justice for interest in supporting capacity building on the Minnesota Protocol.

V. Other technical advisory /capacity building activities (Virtual participation), including:

17. In May 2024, Special Rapporteur provided inputs to the Parliamentary Assembly of the Council of Europe’s Committee on Migration, Refugees and Displaced Persons regarding its report and draft resolution on “Missing migrants, refugees and asylum seekers: a call to clarify their fate.” The final resolution¹ endorsed the recommendations included in the Special Rapporteur’s report on the Protection of the dead as well as the report by the previous mandate holder on “Unlawful death of refugees and migrants” (A/72/335). The final Committee report also contained multiple references to the work of the mandate.

18. On 7 June 2024 and on 26 September 2024, the Special Rapporteur participated in meetings and round table consultations organized by the International Forensic Cluster Group in Ukraine, where he shared findings from his visit and recommendations on the recovery, documentation and identification of deceased bodies and human remains from a human rights perspective, for the purpose of accountability and to determine the fate of missing persons and return the remains to bereaved families.

¹ Resolution 2569 (2024).