

United Nations' guidance for death investigations: Development, value and practical considerations of the Minnesota Protocol, including to investigate gender-based killings

Morris Tidball Binz

UN Special Rapporteur on extrajudicial, summary or arbitrary executions

Background of international mechanisms and standards for investigating arbitrary killings and enforced disappearances

Calls from families of victims of human rights violations during the 1970s and 1980s for the United Nations and the forensic community to establish mechanisms and develop standards to investigate disappearances and unlawful killings



Response from the United Nations

**Establishment of the
*United Nations Special Rapporteur
on extrajudicial, summary or arbitrary executions*
1982**

Development of standards and guidance:

UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the UN Economic and Social Council and endorsed by the UN General Assembly in 1989

***United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary, and Summary Executions*
(Minnesota Protocol)
adopted by the UN in 1991**

SUMEX SRs 1982-2021



Topics /

Special Rapporteur on extrajudicial, summary or arbitrary executions



<https://www.ohchr.org/en/special-procedures/sr-executions>

SPECIAL RAPPORTEUR ON EXECUTIONS

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The Minnesota Protocol

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COVID-19 and the right to life

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ABOUT SPECIAL PROCEDURES

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About the mandate

Without respect for the right to life, no other human right can be upheld. Extrajudicial, summary or arbitrary executions – meaning the deliberate killing of individuals outside of any legal framework - are a violation of this most fundamental right.

The Special Rapporteur on extrajudicial, summary or arbitrary executions is an independent human rights expert appointed by the United Nations Human Rights Council. The mandate of the Special Rapporteur was established in 1982 and has been renewed numerous times, most recently in June 2017 (HRC resolution 44/05). The mandate of the Special Rapporteur covers all countries, irrespective of whether a State has ratified relevant international Conventions.

[Learn more about the mandate and its methods of work](#)

Current mandate holder



Mr. Morris Tidball-Binz was appointed the UN Special Rapporteur on extra-judicial summary or arbitrary executions, on 1 April 2021. Mr. Morris Tidball-Binz (Viña del Mar, Chile, 1957) is a medical doctor specialized in forensic science, human rights and humanitarian action. Over the past 35 years, he has conducted fact-finding, technical assessments and capacity building missions to over 70 countries in all regions.

[Read Mr. Tidball-Binz's full biography](#)

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Contact Information

Mr. Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions
OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneve 10
Switzerland

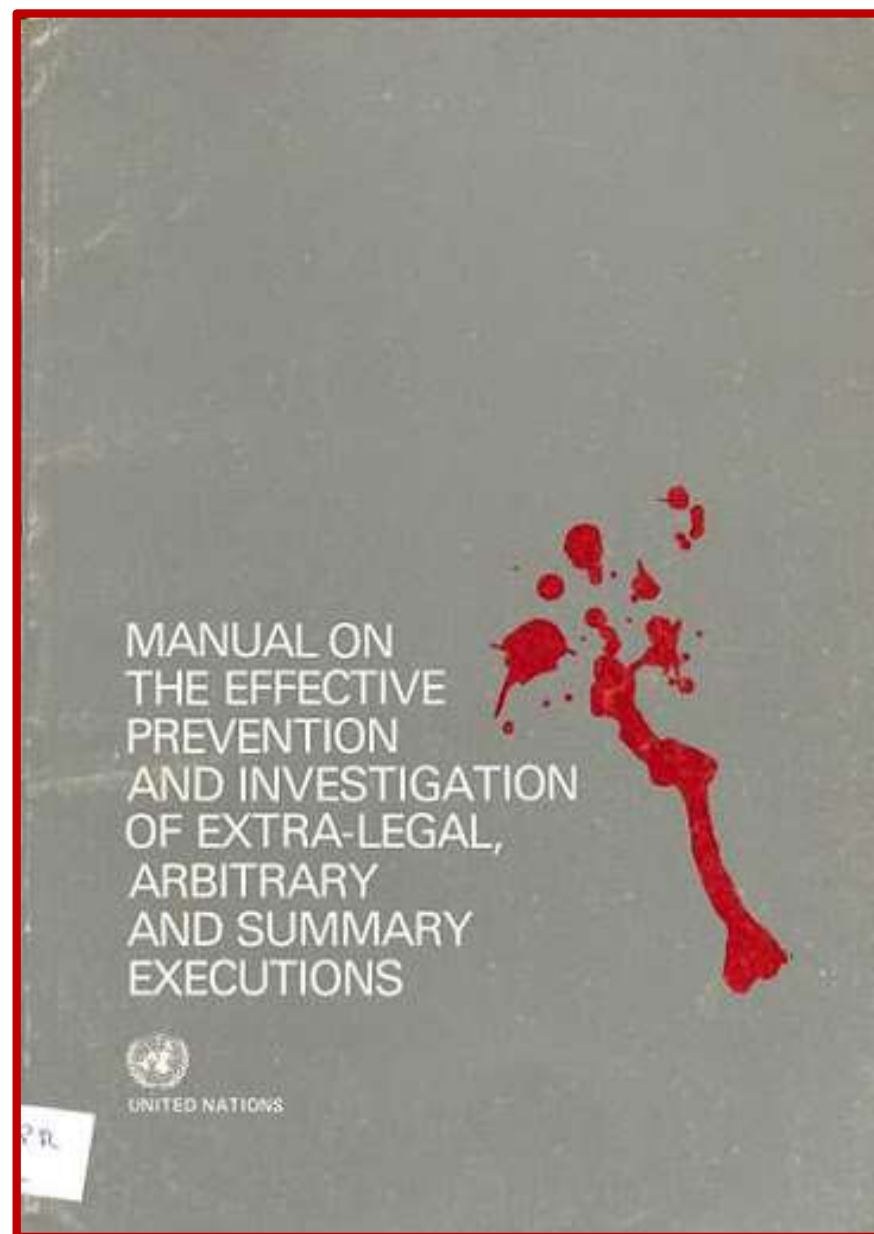
Email: hrc-sr-eje@un.org

***Principles on the Effective
Prevention and Investigation of
Extra-legal, Arbitrary
and Summary Executions***

Adopted by Economic and Social Council resolution 1989/65
of 24 May 1989

Legal framework for:

- **Prevention**
- **Investigation, including
forensics**
- **Accountability**



MANUAL ON
THE EFFECTIVE
PREVENTION
AND INVESTIGATION
OF EXTRA-LEGAL,
ARBITRARY
AND SUMMARY
EXECUTIONS



UNITED NATIONS

RR

UN 1991

Testing of the Minnesota Protocol

UNITED
NATIONS

S



Security Council

Distr.
GENERAL

S/RES/780 (1992)
6 October 1992

Adopted by the Security Council at its 3119th meeting,
on 6 October 1992

Expressing once again its grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina, including reports of mass killings and the continuance of the practice of "ethnic cleansing",

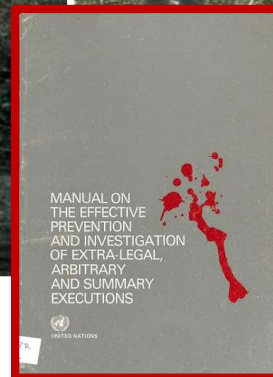
2. Requests the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse the information submitted pursuant to resolution 771 (1992) and the present resolution, together with such further information as the Commission of Experts may obtain through its own investigations or efforts, of other persons or bodies pursuant to resolution 771 (1992), with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia;



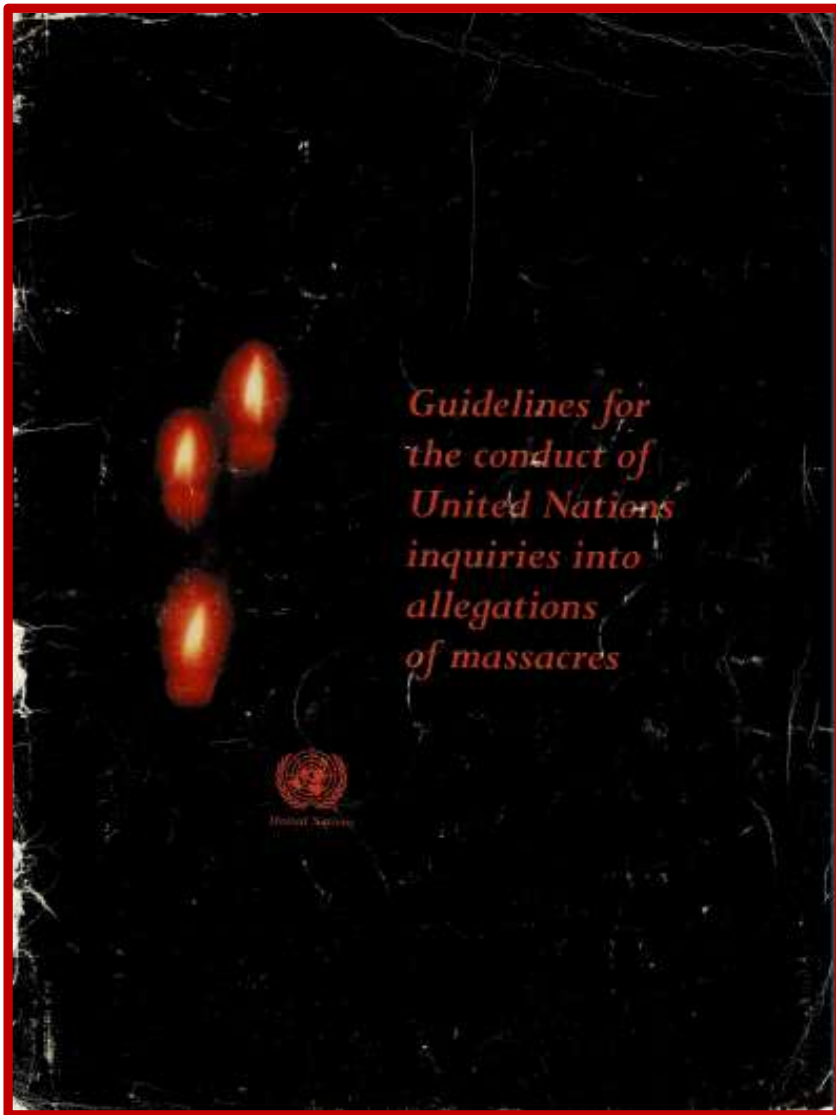
**Vukovar massacre
20 November 1991**

Yugoslav war 1991- 2001





Forensic investigation of alleged war crimes near Vukovar.
M. Tidball Binz, **The Lancet**, Vol. 341: Mar 6, 1993



UN 1997

**PROTOCOLO MODELO
PARA LA INVESTIGACIÓN FORENSE
DE MUERTES SOSPECHOSAS DE HABERSE PRODUCIDO
POR VIOLACIÓN DE LOS DERECHOS HUMANOS**

*Oficina del Alto Comisionado para los Derechos Humanos de las Naciones
Unidas*

Proyecto MEX/00/AH/10

Primera Fase del Programa de Cooperación Técnica para México

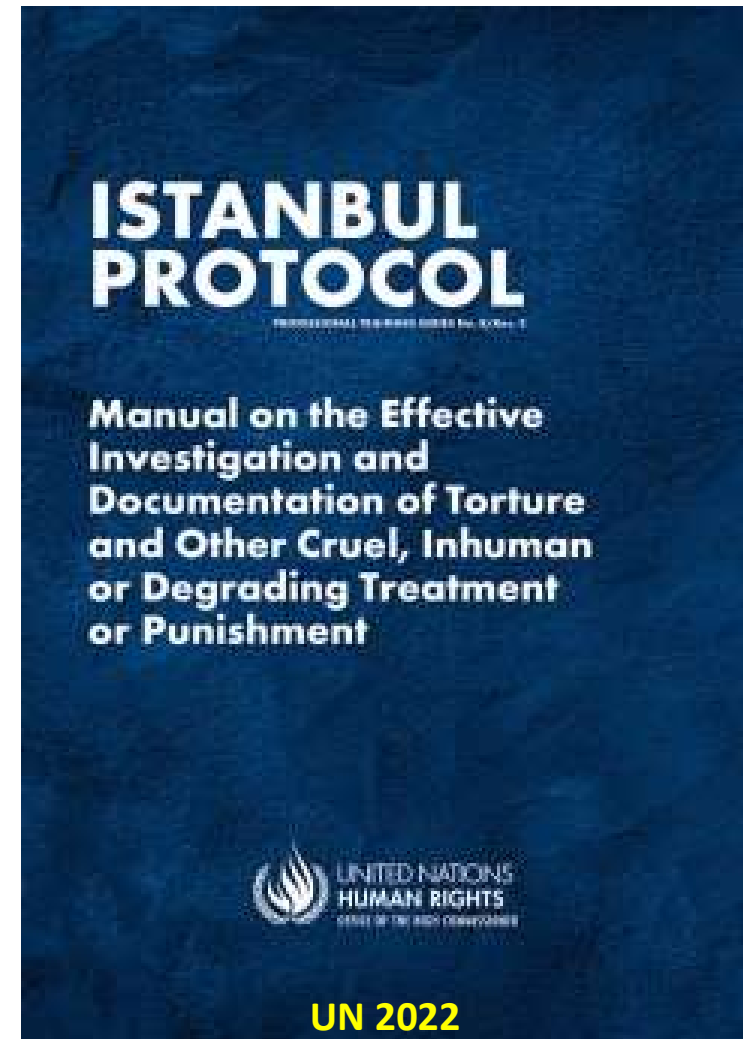
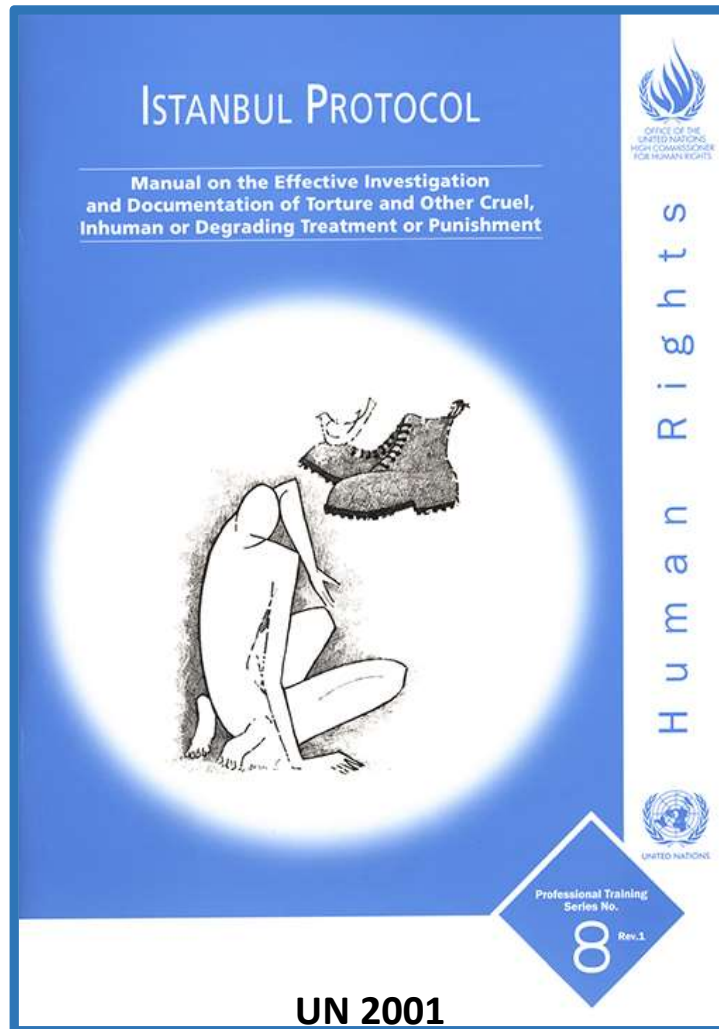
Elaborado por:

Luis Fondebrider - Equipo Argentino de Antropología Forense

Maria Cristina de Mendonça - Instituto Nacional de Medicina Legal de Portugal

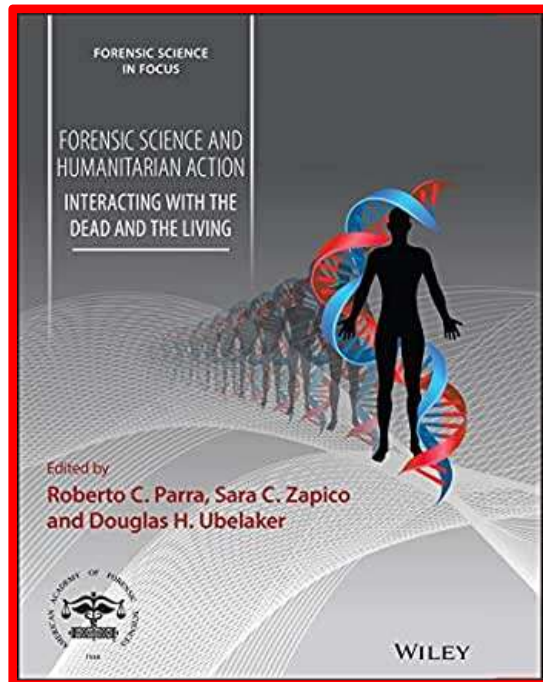
UNOHCHR - MEX 2000

The Minnesota Protocol served as **model** for the **United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (*Istanbul Protocol*)

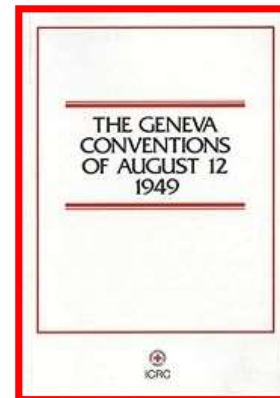


***Human rights forensic standards and guidelines:
Framework for developing
Humanitarian Forensic Action***

***"The use and application of forensic
science to humanitarian activities"***



**Vols 1 and 2
Wiley 2020
738 p.p.**



ICRC



**Special edition on Humanitarian
Forensic Science
Vol 285, Apr. 2018**



General Assembly

Distr.: General
7 August 2015

Original: English



Seventieth session

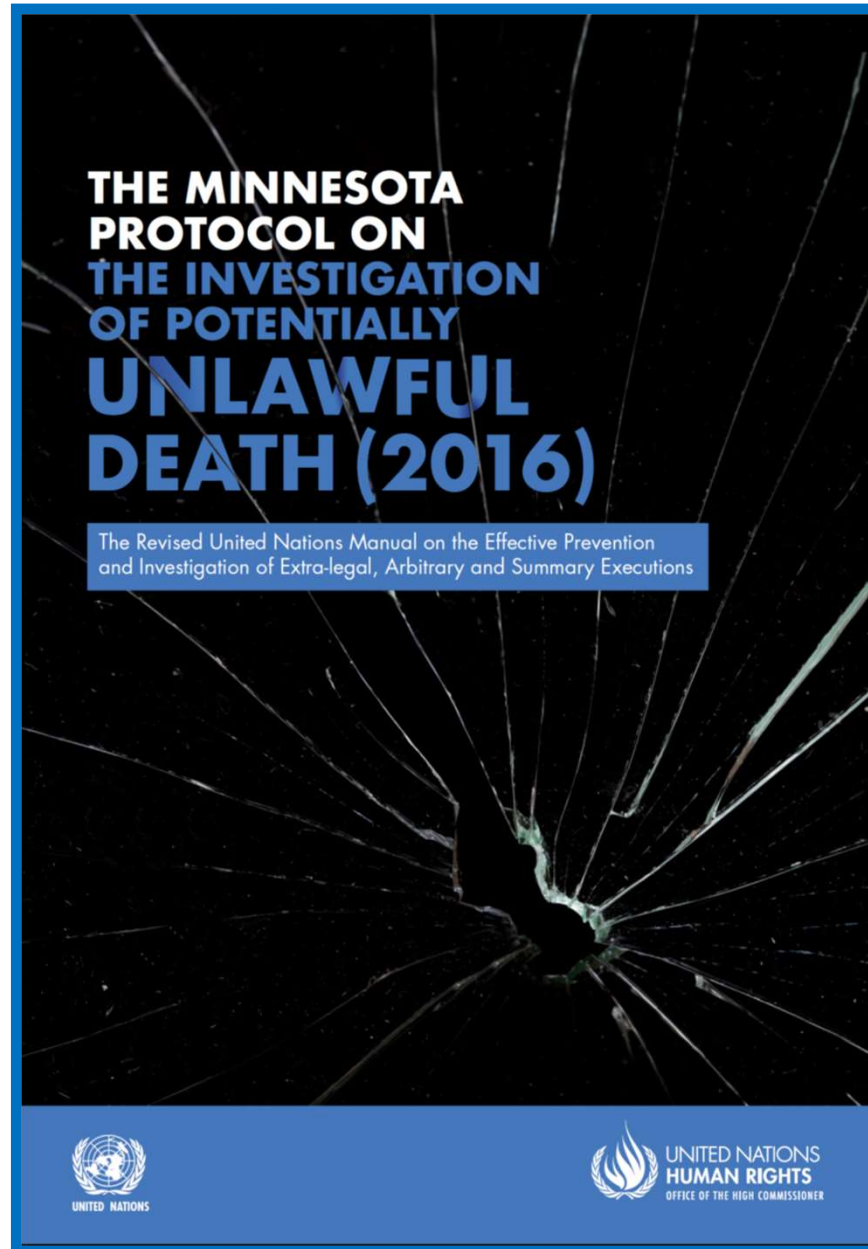
Item 73 (b) of the provisional agenda*

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Extrajudicial, summary or arbitrary executions

III. Role of forensic science in the protection of the right to life

E. Updating of the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions



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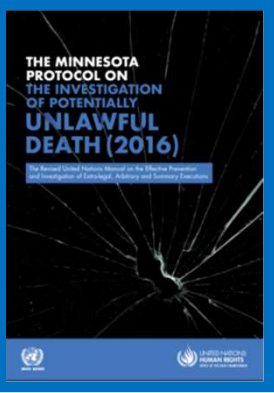
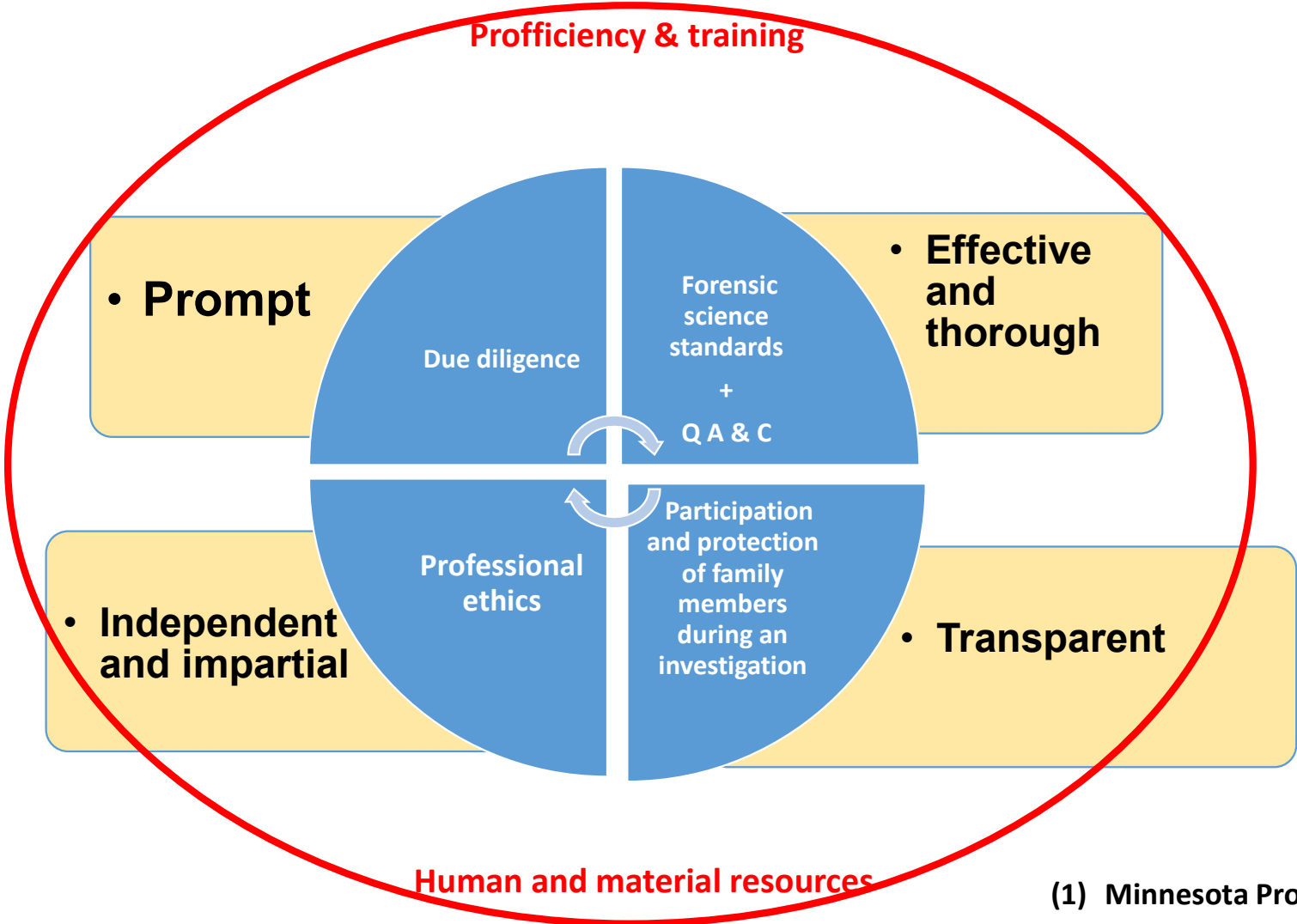
ARA

+ several other languages

Aims and Scope of the 2016 Minnesota Protocol

1. The Minnesota Protocol aims to protect the right to life and advance justice, accountability and the right to a remedy, by promoting the effective investigation of potentially unlawful death or suspected enforced disappearance. The Protocol sets a common standard of performance in investigating potentially unlawful death or suspected enforced disappearance and a shared set of principles and guidelines for States, as well as for institutions and individuals who play a role in the investigation.
 2. The Minnesota Protocol applies to the investigation of all “potentially unlawful death” and, mutatis mutandis, suspected enforced disappearance. For the purpose of the Protocol, this primarily includes situations where:
 - (a) **The death may have been caused by acts or omissions of the State, its organs or agents, or may otherwise be attributable to the State, in violation of its duty to respect the right to life.**¹ This includes, for example, all deaths possibly caused by law enforcement personnel or other agents of the state; deaths caused by paramilitary groups, militias or “death squads” suspected of acting under the direction or with the permission or acquiescence of the State; and deaths caused by private military or security forces exercising State functions.²
 - (b) **The death occurred when a person was detained by, or was in the custody of, the State, its organs, or agents.** This includes, for example, all deaths of persons detained in prisons, in other places of detention (official and otherwise) and in other facilities where the State exercises heightened control over their life.³
 - (c) **The death occurred where the State may have failed to meet its obligations to protect life.** This includes, for example, any situation where a state fails to exercise due diligence to protect an individual or individuals from foreseeable external threats or violence by non-State actors.⁴
- There is also a general duty on the state to investigate any suspicious death, even where it is not alleged or suspected that the state caused the death or unlawfully failed to prevent it.

Principles and elements of investigations (1)



(1) Minnesota Protocol (2016) p.p. 7-11

***A failure to investigate
a potentially unlawful death
is a breach of the right to life***

Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to the General Assembly, UN doc. A/70/304; Preamble to the UN Basic Principles and Guidelines on the Right to Remedy and Reparation

Some highlights on new MP

- Fully revised and updated
- Framed by IHRL & IHL
- Applicable to **enforced disappearances**
- New section on **duties of accountability and investigation** as components of the right to life
- **Professional ethics**
- **Principles and elements of investigations**
- Recognition/protection of the **rights of families**
- **Gender awareness**
- **Dignified management of the dead**
- **Recovery and analysis of skeletal remains**
- **Integrated** scientific approach to **forensic human identification**
- New section on **criminalistics**, including crime scene management and documentation, forensic genetics, photography, telecommunications and digital forensics
- Expanded **documentation of torture**



**International Covenant on
Civil and Political Rights**

Distr.: General
3 September 2019

Original: English

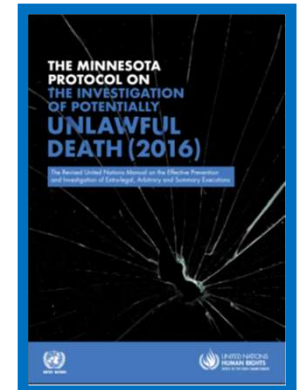
Human Rights Committee

General comment No. 36

Article 6: right to life* **

Covenant, when read in conjunction with article 6 (1). Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice,¹⁰⁶ at promoting accountability and preventing impunity,¹⁰⁷ at avoiding denial of justice¹⁰⁸ and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations.¹⁰⁹ Investigations should explore, inter alia, the legal

28. Investigations into allegations of violations of article 6 must always be independent,¹¹³ impartial,¹¹⁴ prompt,¹¹⁵ thorough,¹¹⁶ effective,¹¹⁷ credible¹¹⁸ and transparent (see also para. 64 below).¹¹⁹ In the event that a violation is found, full reparation must be provided, including,



The value of the MP for planning and implementation of complex forensic operations



Falkland Islands/Malvinas 2017



Libya 2011





United Nations



UNITED NATIONS
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OFFICE OF THE HIGH COMMISSIONER

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Ukraine: UN expert urges all war crimes investigators work closely with national authorities

16 May 2022

Tidball-Binz said all investigations into violations of human rights law and violations of international humanitarian law must conform to international standards, including the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and the Revised UN Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol for the Investigation of Potentially Unlawful Death (2016)).



Human Rights Council

Fiftieth session

13 June – 8 July 2022

Agenda item 3

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

Medico-legal Death Investigations (MLDIs)

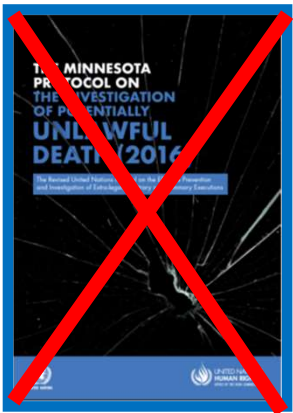
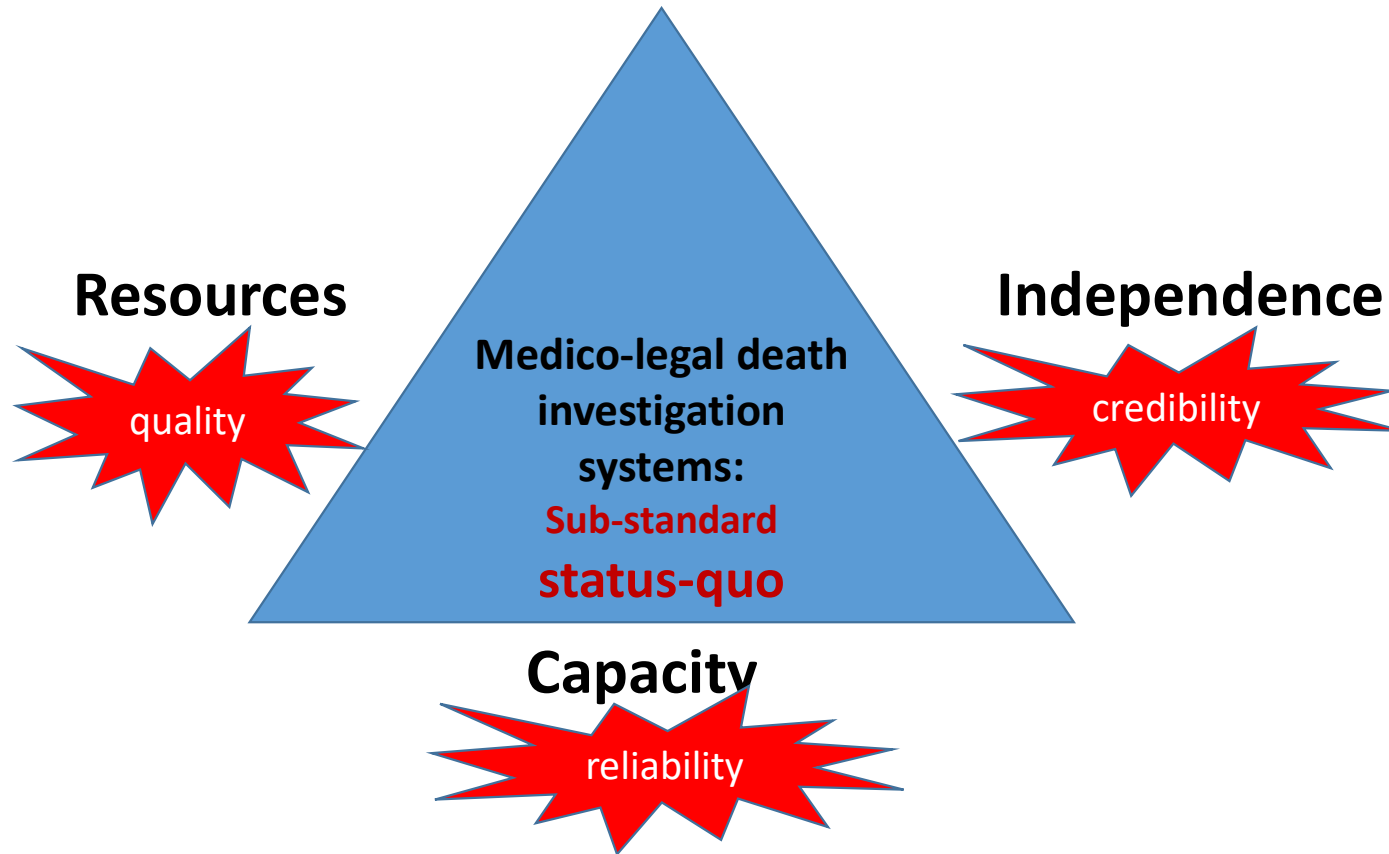
**Report of the Special Rapporteur on Extrajudicial,
summary or arbitrary executions :**



**Available on:
A/HRC/50/34**

Main issues identified

Structural and operational



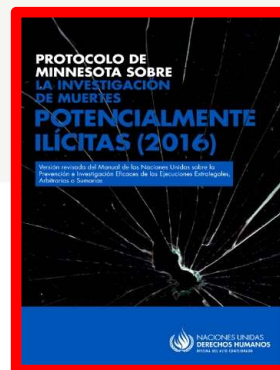
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Improve forensic investigation capacity to ensure accountability and prevent unlawful deaths: UN expert

22 June 2022

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Capacitación para el uso de los Protocolos de Estambul y de Minnesota por parte de las defensorías públicas en casos de violencia institucional con resultado de tortura, malos tratos y/o muerte de individuos





Figura del Sistema nervioso - sin acciones (continuación)

**INTERCAMBIO REGIONAL
DE BUENAS PRÁCTICAS Y DESAFÍOS
SOBRE LA PROMOCIÓN Y USO
DEL PROTOCOLO DE MINNESOTA
PARA LA INVESTIGACIÓN DE MUERTES
POTENCIALMENTE ILÍCITAS.**

28 - 30 de marzo de 2022
Buenos Aires, Argentina



Figura del Sistema de órganos internos

Figura del Sistema de órganos (parte superior)



Nombre del curso	PROTOCOLO MINNESOTA
Horas Teóricas	20 horas pedagógicas
Prerrequisitos	Aprobación curso Procedimientos Tanatológicos en Casos Particulares o aprobación de evaluación diagnóstica

Guidance for use of the Minnesota Protocol



Servicio Médico Legal
Ministerio de Justicia
y Derechos Humanos
Gobierno de Chile

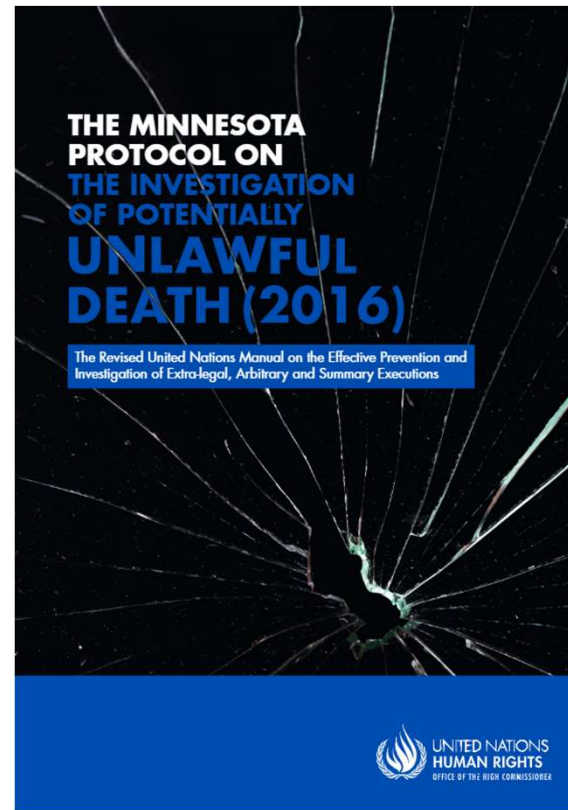
**PROTOCOLO PERICIAL TANATOLOGICO
SOBRE MUERTES EN CUSTODIA
APLICACIÓN PERICIAL DE PROTOCOLO DE
MINNESOTA SOBRE LA INVESTIGACION
DE MUERTES POTENCIALMENTE ILICITAS¹**

The image shows the cover of a Spanish guide. The title is 'Guía de buenas prácticas para la actuación médico-forense en situaciones de muerte en custodia'. At the top, it says 'MINISTERIO DE JUSTICIA' repeated several times. At the bottom, it says '2023' and 'GOBIERNO DE ESPAÑA MINISTERIO DE JUSTICIA' with the Spanish coat of arms.

Advice and technical support for use of Minnesota Protocol



Tel Aviv October 2023



Headlines

MANILA, Philippines — The United Nations Special Rapporteur on extra-judicial summary or arbitrary will be visiting the country this week to help increase the capacity of local authorities to investigate extrajudicial killings.

Philstar.com
February 5, 2023





Manila, July 2023

Training on the Minnesota Protocol



**PROTOCOLO PERICIAL TANATOLOGICO
 SOBRE MUERTES EN CUSTODIA
 APLICACIÓN PERICIAL DE PROTOCOLO DE
 MINNESOTA SOBRE LA INVESTIGACION
 DE MUERTES POTENCIALMENTE ILCITAS¹**



Democracia es memoria y futuro

CIENCIA JUSTICIA VERDAD MEMORIA



VICTIMAS DE DESAPARICIÓN FORZADA IDENTIFICADAS POR LA UNIDAD DE DERECHOS HUMANOS

UDDHH	180 Número de víctimas identificadas por la Unidad de Derechos Humanos	362 Número de víctimas identificadas por la Unidad de Derechos Humanos	490 Número de víctimas identificadas por la Unidad de Derechos Humanos	4094 Número de víctimas identificadas por la Unidad de Derechos Humanos	217 Número de víctimas identificadas por la Unidad de Derechos Humanos	1583 Número de víctimas identificadas por la Unidad de Derechos Humanos	64 Número de víctimas identificadas por la Unidad de Derechos Humanos	2860 Número de víctimas identificadas por la Unidad de Derechos Humanos	2610 Número de víctimas identificadas por la Unidad de Derechos Humanos	4260 Número de víctimas identificadas por la Unidad de Derechos Humanos	SML
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INSTRUCTIVO DE APLICACIÓN DE LOS PROTOCOLOS DE ESTAMBUL Y
MINNESOTA.

INSTRUCCIÓN GENERAL N° 24 -

Laws and regulations requiring use of the Minnesota Protocol

NEUQUÉN, 10 de abril de 2023.

Que, la Organización de las Naciones Unidas desarrollo protocolos con el fin de investigar y erradicar la tortura y los malos tratos así como las muertes ilícitas. Se trata del MANUAL PARA LA INVESTIGACIÓN Y DOCUMENTACIÓN EFICACES DE LA TORTURA Y OTROS TRATOS O PENAS CRUELES, INHUMANOS O DEGRADANTES (PROTOCOLO DE ESTAMBUL) y del PROTOCOLO DE MINNESOTA SOBRE LA INVESTIGACIÓN DE MUERTES POTENCIALMENTE ILÍCITAS.

Por su parte, el Protocolo de Minnesota sobre la Investigación de Muertes Potencialmente Ilícitas (2016) establece una norma común, de validez universal y referencia de gran valor para el diseño y desempeño de toda investigación sobre una muerte potencialmente ilícita o una sospecha de desaparición forzada, y brinda para ello un conjunto de principios y directrices para los Estados, las instituciones y las personas que participen en la investigación.

Así este Ministerio Público Fiscal, hace propios, los extensos argumentos expuestos en los nombrados protocolos, y considera en el mismo sentido que deben ser aplicados durante las investigaciones de violencia institucional.





General Assembly

Distr.: General
28 July 2023

Original: English

Seventy-eighth session

Item 73 (b) of the provisional agenda*

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Extrajudicial, summary or arbitrary executions**

Note by the Secretary-General

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

Summary

Femicide is a tragedy of pandemic proportions: every year, tens of thousands of women and girls are killed worldwide because of their gender. In the present report, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, focuses on an investigation of femicide as a means of identifying, seeking accountability for and helping to prevent this global scourge. The use of a gendered lens and specialized protocols in investigating gender-based killings of women and girls enables these deaths to be identified, documented and counted as femicides to help to ensure truth, justice and reparations for victims and their families, and ensures more accurate data collection and analysis to inform investigations and strengthen prevention.



United Nations Geneva

@UNGeneva

"#Femicide is a global tragedy of pandemic proportions," says Morris Tidball-Binz, UN Special Rapporteur on extrajudicial, summary or arbitrary executions.

"Authorities must take every possible step to investigate and prosecute femicides." is.gd/kPHqj4



UN Special Procedures

11:08 am · 23 Oct 2023 · 16.1K Views



23 October 2023 | **Women**

Femicide, which is the **killing of women because of their gender**, has reached **“pandemic proportions”** worldwide as **countries fail in their duty to protect women**, including trans women.

That’s the message [↗](#) from the UN [Special Rapporteur on extrajudicial, summary or arbitrary executions](#) [↗](#), Morris Tidball-Binz, who said on Monday that perpetrators are mostly, but not exclusively, partners or ex-partners, and often escape accountability “due to a **lack of proper investigation**”.

D. Femicide investigation

42. There is no universal specific standard for femicide investigation (see [A/HRC/20/16](#)). The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,³⁹ as supplemented by the Minnesota Protocol on the Investigation of Potentially Unlawful Death, is relevant for all investigations, including femicides, but does not consider the gender dimension.

44. The main difference between the investigation of femicides and homicides is the identification of gender-related criminal motivation. The Minnesota Protocol

47. Investigators must understand patriarchal norms and how they are reflected structurally, institutionally, interpersonally and individually (see [A/HRC/20/16](#)). The actions of perpetrators “draw on cultural patterns rooted in the misogynistic ideas of male superiority, discrimination against women, and disrespect towards her and her life”. Investigators should collect details of prior contact of the victim and her children with medical or forensic services as well as complaints to police or other support agencies by the victim, her neighbours or friends. Investigators must identify the presence or absence of contextual elements, as well their physical manifestations.

La fête Genève
Genève a attiré
la foule malgré
la pluie. Reportage
Genève, page 7

À la Jonction,
un gros chantier
agace les
habitants
Genève, page 6

Coupe de Suisse:
Servette n'a laissé
aucune chance à
Bernex, battu 7 à 1
Sports, page 10

DANS
CE NUMÉRO
NOTRE PAGE
SPÉCIALE
Bons plans

Kamala Harris va être
désignée officiellement
candidate à la prési-
dentielle. Une revanche
pour les femmes
afro-américaines?
Page 12

Tribune de Genève

Le média genevois. Depuis 1879 | www.tdg.ch | OLENA — LEADING EUROPEAN — NEWSPAPER ALLIANCE

Une vie sur écran géant



Alain Delon (1935-2024)

LE FIGARO

« Sans la liberté de blâmer, il n'est point d'éloge mérité » - Montesquieu

Le dernier samouraï

EDITORIAL par Bertrand de Saint-Vincent

L'unique

L'unique. Les Aventuriers, Le Clan des Seikens, Le Corsaire... Il a passé sa vie à mourir, à incarner dans son jeu l'homme de bien, le héros, le héros français. Le dernier grand du cinéma d'action est parti. Alain Delon est parti. Une vie sur écran géant. d'échapper au rôle ingrat de petite frappe. Il conserva des amitiés durables avec des figures de la scène qu'il ne renia jamais. Pas plus que celle qui le liait à Jean-Marie Le Pen. C'est un homme de droite, il utilisait des mots comme honneur, fidélité, discipline. Pour la partie éclairée de la critique, ce fut son plus grand mérite.

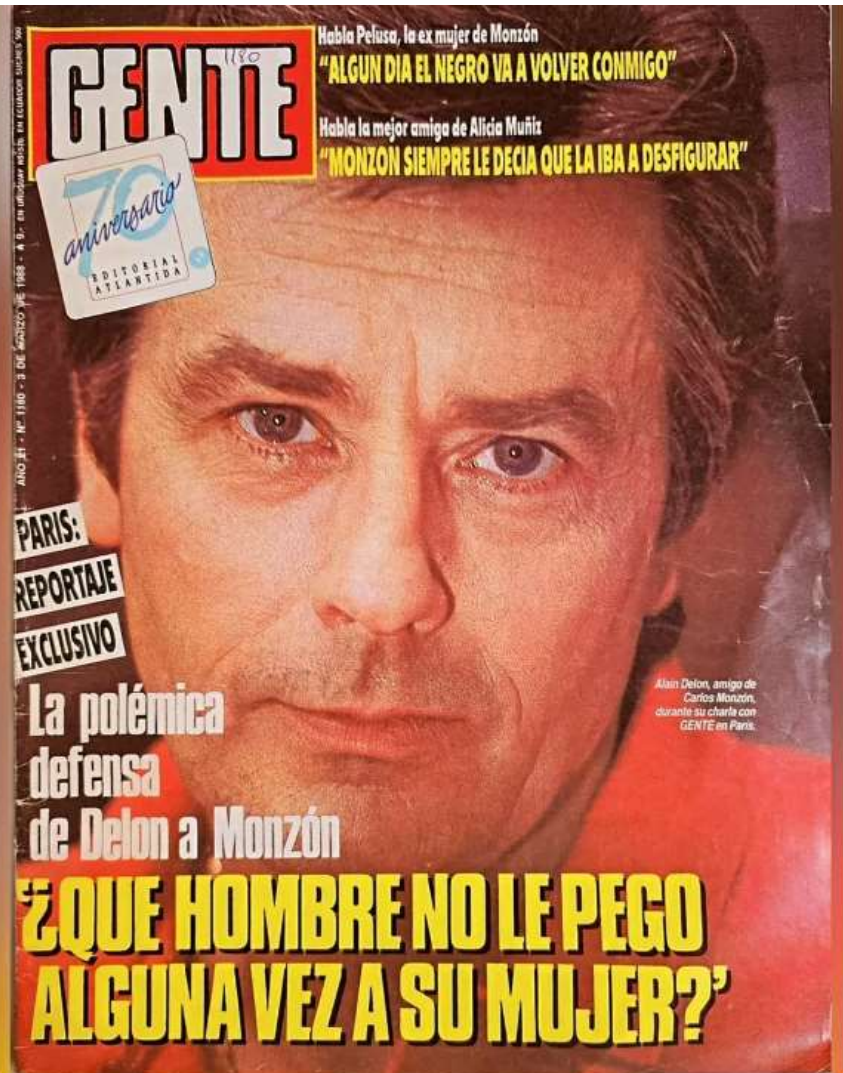
Alain Delon
(1935-2024)

<p>CORRIERE DELLA SERA</p> <p>Meloni attacca: su mia sorella fango e teoremi</p>	<p>la Repubblica</p> <p>Meloni, l'arma del complotto</p> <p>Nel centro la manovra con Salvini il nemico per l'eventuale vittoria di Yamamoto</p>	<p>LA STAMPA</p> <p>Meloni nel labirinto di Arianna</p> <p>Merci, au revoir</p>
<p>BLANDINE HUGONNET Correspondant BFMTV Rome (Italie)</p> <p>Première édition ALAIN DELON : DES RÉACTIONS JUSQU'EN ITALIE AUJOURD'HUI 19.00 INVITÉE</p>		



Alain Delon, organisateur de matches de boxe au côté de Carlos Monzon, champion du monde des poids moyens.





La polémica defensa de Alain Delon a Monzón por el femicidio de Alicia Muñiz

El febrero de 1988, **Carlos Monzón** golpeó salvajemente y lanzó desde el balcón a su pareja **Alicia Muñiz**, quintándole la vida. El boxeador fue juzgado y declarado culpable en un juicio polémico y mediático, siendo condenado a once años de prisión por homicidio simple.

V. Recommendations

105. As required by the Minnesota Protocol, investigations should establish the circumstances that led to a death and should identify the deceased and the cause and manner of death. Investigations of potential femicides should also consider:

- (a) The context surrounding the death;
- (b) Whether the apparent suicide of a woman has been staged and thus may be a femicide;
- (c) The means of disposal of the body, including whether it has been concealed;
- (d) Signs of previous mistreatment, injury patterns, evidence of overkill and violations committed after death;
- (e) The relationship between the victim and the perpetrator and the existence of power inequalities;
- (f) The types of violations (physical and non-physical) committed before death and the perpetrator's modus operandi;
- (g) The victim's vulnerability and the risks she faced when she was killed;
- (h) Any attendance by the victim and her children at medical or forensic services or prior complaints to police or other support agencies by the victim, her family, neighbours or friends.

VIOLENCIA DE GÉNERO - LÍNEA 144



américa
VIVO

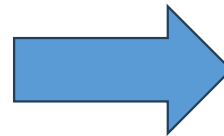
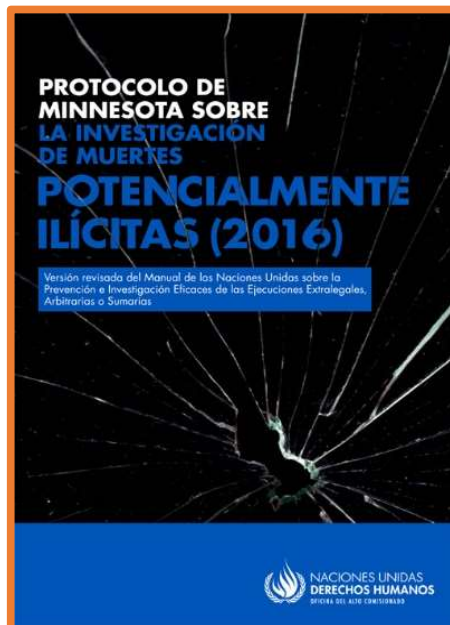


MARTHA WIERZNICKI POSSE - PERIODISTA DE POLICIALES

"CUANDO VIMOS LA AUTOPSIA, PASÓ DE SER CAMPEÓN A ASESINO"

22:23 26°4

106. Femicide addendum to the Minnesota Protocol: a “femicide addendum” should be added to the Minnesota Protocol. Consideration should be given to adding “induced suicide” to the general terms applied to cause of death (i.e. natural, accidental, suicide, homicide and undetermined).

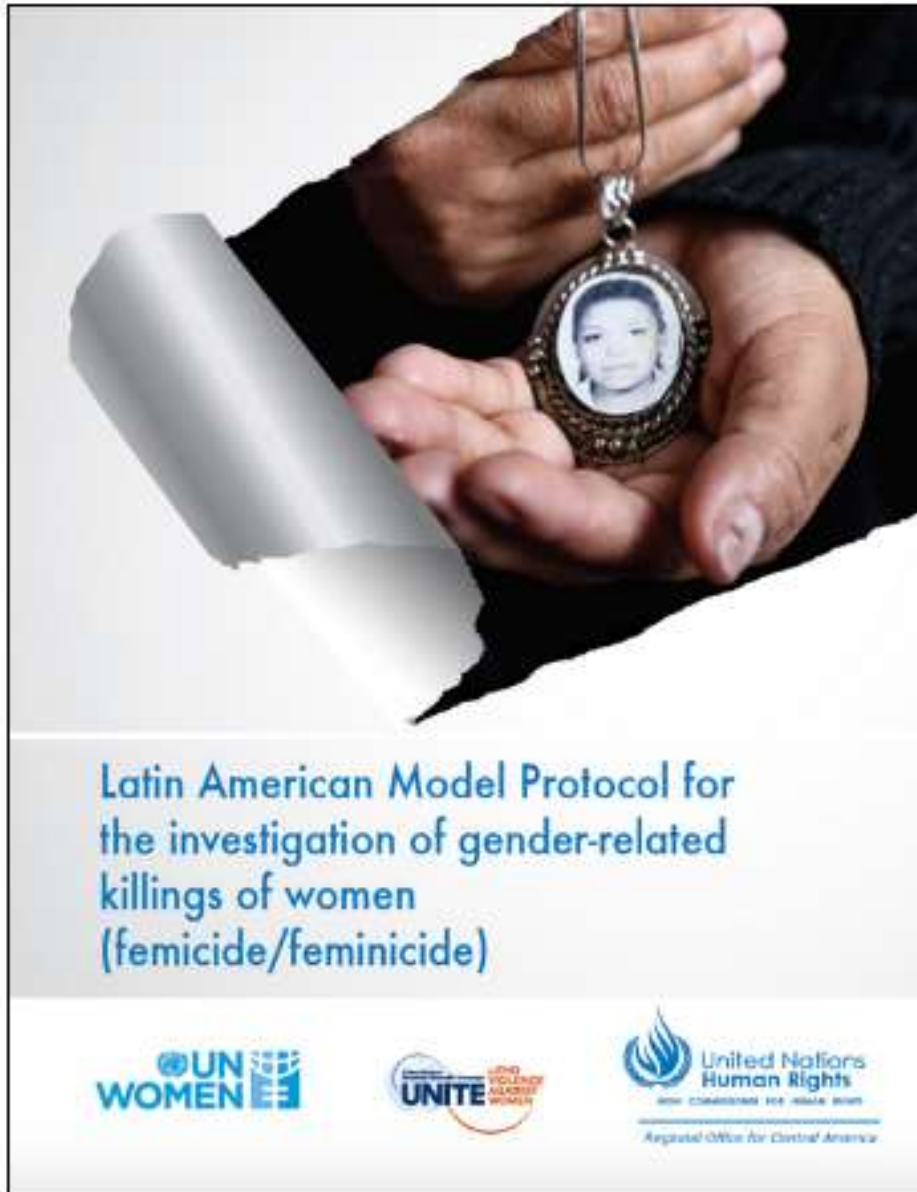


**The Minnesota Protocol
should have an
“Addendum on Femicide”**




A Model

The Latin American Model Protocol for the investigation of gender-related killings of women is a practical tool, designed to be applied by the people responsible for carrying out the investigation and prosecution of these acts. Its main objective is to offer guidance and lines of action to improve the practice of those working in the justice system, forensic experts, and other specialized persons, including those acting in relation to the crime scene, the forensic laboratory, the interrogation of witnesses and suspects, the case analysis, the formulation of the indictment, or before the court.

 **UN WOMEN** Americas and the Caribbean



**Latin American Model Protocol for
the investigation of gender-related
killings of women
(femicide/feminicide)**

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Regional Office for Central America

[https://lac.unwomen.org/sites/default/files/
Field%20Office%20Americas/Documents/
Publicaciones/LatinAmericanProtocolForInvestigationOfFemicide.pdf](https://lac.unwomen.org/sites/default/files/Field%20Office%20Americas/Documents/Publicaciones/LatinAmericanProtocolForInvestigationOfFemicide.pdf)



Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)



PROCOLO DE INVESTIGACIÓN DE LAS MUERTES VIOLENTAS DE MUJERES POR RAZONES DE GÉNERO (FEMICIDIO)

2018

Protocolo para la investigación y litigio de casos de muertes violentas de mujeres (femicidios)

UFEM | Unidad Fiscal Especializada en Violencia contra las Mujeres

PROCOLO PERICIAL TANATOLOGICO EN CASOS DE SOSPECHA DE FEMICIDIO
Aplicación del Modelo de protocolo latinoamericano de investigación de las muertes violentas de mujeres por razones de género

Subdirección Médica - Departamento de Tanatología
Servicio Médico Legal
2021

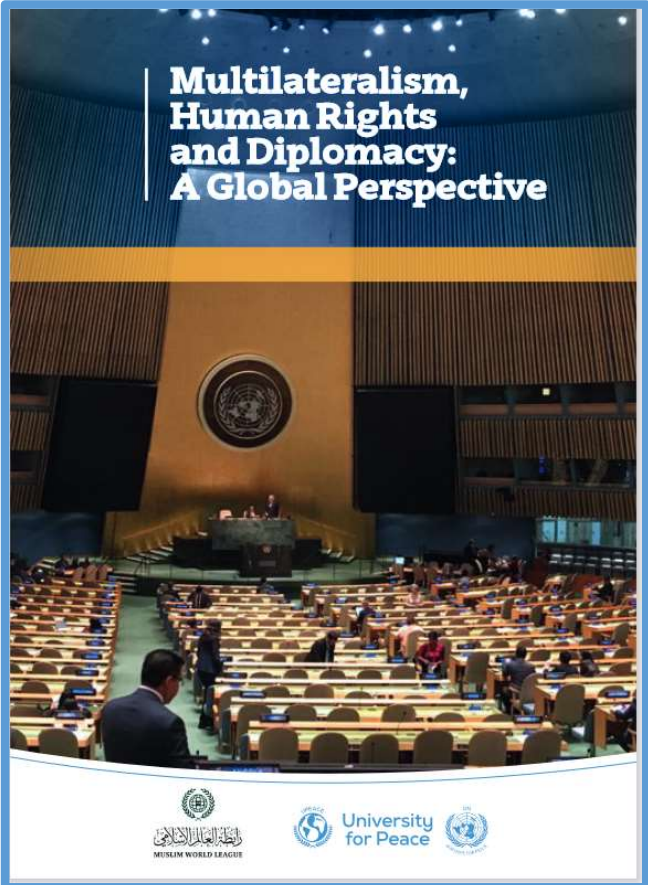
PROCOLO DE MINNESOTA SOBRE LA INVESTIGACIÓN DE MUERTES POTENCIALMENTE ILÍCITAS (2016)

Revisión revisada del Manual de las Naciones Unidas sobre la Prevención e Investigación Eficaces de las Ejecuciones Extrajudiciales, Arbitrarias o Sumarias



The Minnesota Protocol should have an "Addendum on Femicide"

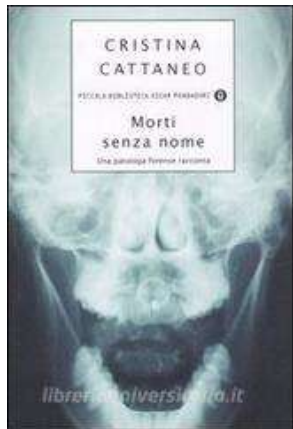




“Humanitarian forensic action: a new discipline of forensic sciences and a useful tool for the implementation of international law and the construction of peace”

Mr. Morris V. Tidball Binz

UN Special Rapporteur on extra-judicial summary or arbitrary executions
Former Director of the Forensic Unit at the International Committee of the Red Cross



Thank you for your kind attention



Femicide investigation: Key considerations

While all femicides can be classified as homicides, not all homicides of women are eligible to be classified as femicides. The latter refers to the gender-related killings of women.

Femicides take place in the private as well as the public sphere, in diverse circumstances and scenarios, and with criminal characteristics that can vary even within the same country.

The success of investigations in cases of suspected femicide depends on the use of a gender perspective in the initial design and throughout the execution of the methodological plan for the investigation.

A fundamental aspect for demonstrating femicide is the analysis of the context of discrimination and of the types of violence inflicted on the victim before and after the killing.

The criminal classification of gender-based killings of women must be achieved considering international law and jurisprudence as well as the particular elements and restrictions set out by the legal norms of each country.

Femicide investigation: key strategic components

Identify the acts that caused the death and other physical, psychological, or sexual harms or suffering by the woman (before or after death).

Verify the presence or absence of gender-related motives that led to or explain the killing of the woman by identifying specifically:

- the context surrounding the death;
- the circumstances of the death and the disposal of the body;
- the history of violence between the victim and the perpetrator;
- the modus operandi and the type of violations committed before and after death;
- the family, intimate, inter-personal, community, work, educational, or health relationships that connect the victim and the perpetrator(s);
- the victim's situation of risk and vulnerability at the time of the killing; and
- the power inequalities that existed between the victim and the perpetrator(s).

Clarify the degree of responsibility of the perpetrator(s) of the crime, investigating whether the perpetrator was an individual or a group, whether he is or has been a public servant, or whether he is a private individual that acted with the acquiescence, tolerance, or complicity of State agents.

Promote the participation of the indirect victims, the family members, and survivors in the judicial process aimed at revealing the truth about the acts.

Femicide is a pandemic, says UN expert

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Femicide has become a global epidemic as states fail in their duty to protect victims of gender-based violence, a UN expert* has said.

«**Femicide is a global tragedy of pandemic proportions**» said Morris Tidball-Binz, special rapporteur on extrajudicial, summary or arbitrary executions.

"Every year, tens of thousands of girls and women, including trans women, are murdered around the world because of their gender and many more are at risk of dying from gender-based violence because states fail to do their duty." to effectively protect the lives of the victims and guarantee their safety," he stated.

In his report to the General Assembly, Tidball-Binz stated that gender-based murders **constitute an extreme and widespread manifestation of existing forms of sexist violence**. As a forensic specialist, she specified standards and best practices for the investigation of feminicides in order to address impunity, provide justice to victims and their families, and contribute to prevention.

"Hundreds of women sentenced to death face execution in many countries as a result of gender-biased prosecution and sentencing practices," the expert said.

Therefore, it urged States to fulfill their obligations and intensify efforts to investigate and eradicate femicides and made recommendations based on best practices.

Research taking into account the gender perspective

The report focuses on the investigation of femicides as a necessary step to identify, demand accountability and prevent this global scourge. The special rapporteur said that **Using a gender lens and specific protocols in research** of murders of women and girls allows these deaths to be identified, documented and counted as femicides to guarantee truth, justice and reparation for victims and their families, including more accurate data collection and analysis to strengthen investigations and prevention.

"The perpetrators are mostly, but not exclusively, partners or ex-partners, and often escape accountability due to the lack of proper investigation," he said.

Separate human rights from traditions

Tidball-Binz called on States to enact legal and administrative measures to uphold the rights of women and girls, including those whose gender expression or identity is feminine.

"Authorities must act with due diligence, taking all possible measures to investigate and prosecute femicides and provide effective support, resources and reparations to victims and their families and prevent their recurrence," said the expert.

He stressed that **local beliefs, customs, traditions or religions should not be invoked to limit rights** of women and girls or as a defense against an accusation of femicide.

"The duty to investigate any potentially unlawful death, including femicides, has acquired customary status in international law and failure to do so may constitute a violation of the right to life," he stated.