

# The missing

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Whereas the relatives of deceased persons can mourn the death of their loved ones, uncertainty about the fate of missing persons is a harsh reality for countless families affected by armed conflicts or internal violence. Across the world parents, spouses and children are desperately trying to find lost relatives. Their anxiety can remain with them for years after the fighting has subsided and peace has returned. Many are unable to move on with their lives or begin the process of recovery, sometimes passing on feelings of injustice and resentment to future generations and thus undermining relations between groups and nations even several decades after the actual events.

The phenomenon of missing persons occurs in almost every situation of armed conflict or internal violence. There are a variety of reasons for which persons may be unaccounted for. Violations of international humanitarian law and/or human rights account for most cases of missing persons. But especially the dangers inherent in wars lead to separation and disappearances of soldiers and civilians alike.

## **Missing in action...**

In earlier centuries, soldiers were often considered as “cannon-fodder” and their disappearance or death went mostly unnoticed by their army corps. In the mid-nineteenth century, the American Civil War helped pave the way for the individual identification of deceased and missing persons. Each soldier received an identity disc on which their name was marked, together with their company, regiment, division and army corps. The issuing of such discs was generalized and standardized after the First World War, at the International Red Cross Conference in 1925. These were the first steps

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taken to reduce the phenomenon of soldiers “missing in action”. It has, however, remained a major issue in recent and contemporary conflicts and the hostilities, for example, between Armenia, Azerbaijan and Nagorny Karabakh and between Ethiopia and Eritrea left thousands of families without information about the fate of their relatives.

### **... and civilians unaccounted for**

The disappearance of hundreds of thousands of civilians in camps and the large numbers of women, children and elderly persons missing after heavy air raids during the Second World War highlighted the fact that the missing persons problem is far greater than that of soldiers “missing in action”. Graves of unknown soldiers bear witness to the recognition of nations for their heroes. Lengthy lists of persons missing in recent conflicts and political turmoil are a reminder, however, that the majority of missing persons were civilians who were separated from their families by the effects of war, or who disappeared while in detention or were killed in massacres and thrown into mass graves. Pictures of unaccompanied children separated from their families whilst fleeing the fighting or violence and searching for their parents have been published around the world.

“Missing persons” are those persons whose families are without news of them as a result of armed conflict or internal violence. This rather formal definition does not reflect the fact that families are desperately searching for information as to the whereabouts of family members, neither knowing whether their relatives are alive or dead nor able to have closure after the violent events that disrupted their lives. That is the first question raised by the missing persons problem: Is the missing person alive or dead?

### **The right to know the fate of their relative**

The fear that a loved one’s death will be confirmed is countered by the intense longing for any news that will put an end to uncertainty. If they are alive, the missing persons may be in detention or separated from their families by front lines or borders. The frequent severance of lines of communication and the numerous population shifts in times of armed conflict can be overcome by restoring family links, possibly through the ICRC’s Central Tracing Agency, if the warring parties respect their obligation to facilitate the exchange of family news and the reunification of families.

Existing international rules are designed to prevent persons from becoming unaccounted for and to ensure that missing persons do not remain missing. Notification of capture, arrest or detention, the right of detained or separated persons to correspond with their families and the authorities' obligation to answer inquiries about missing persons should ensure that detained persons are not missing for long. Quick ICRC access to prisoners of war and other persons deprived of their liberty in armed conflicts or situations of internal violence contributes considerably to the protection of these people and helps to comfort families desperately searching for their relatives.

The repatriation of unregistered soldiers over twenty years after their capture and more than a decade after the end of hostilities, and the reunification of families after thirty years without news of their missing relatives, demonstrate that for a person to be missing does not necessarily mean that he or she is dead. Moreover, very recent examples from Angola, the Iran-Iraq war of the 1980s or the hostilities between Morocco and Western Sahara show that uncertainty about the fate of relatives often lasts throughout the entire duration of a war.

### **Respect for the dead and their families**

Unfortunately, in situations of internal violence and in most recent armed conflicts, the authorities or contenders have shown little concern or respect for the dead or their families and evidence confirming death has mostly not been preserved. The bodies of victims are either left unattended or buried in mass graves. Bodies may even be destroyed as possible evidence of extra-judicial killings in order to avoid accountability for crimes committed.

Families are therefore often not informed when a relative has died, and humanitarian organizations dealing with the aftermath of armed conflicts or internal violence must increasingly cope with the discovery of bodies and burial sites. Tensions between the families' need for information and the requirements of judicial procedures have to be overcome. Humanitarian organizations and investigation teams have to perform their complementary role and learn how to break bad news to the families.

At the very least, when all else fails and it proves impossible to clarify the fate and whereabouts of the missing, their families must, for their own sake and that of the communities, be allowed to honour the memory of their missing relative in a dignified manner.

### **The ICRC's expectations**

The ICRC has for many years sought to forestall disappearances, to restore family links when they have been broken and to ascertain the whereabouts of missing persons. Yet in many contexts it has been unable to fulfil its mandate for lack of sufficient political will on the part of the parties concerned, or simply because of the general confusion and disruption prevailing in societies affected by armed conflict or internal violence. Other international, governmental and non-governmental organizations come up against similar obstacles.

This situation, in particular the tragedy for the families, the scale of the phenomenon, the emergence of international tribunals and the progress of science in identifying human remains, has induced the ICRC to review internally and with all players involved — governments, international and national governmental and non-governmental organizations and experts in various fields of activity — all methods that could be used to prevent disappearances during armed conflict or internal violence and respond more effectively to the needs of families that have lost contact with their relatives, and to agree on common and complementary recommendations and operational practices.

## **Résumé**

### ***Les personnes portées disparues***

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*L'incertitude sur le sort des personnes disparues est une dure réalité pour d'innombrables familles victimes de conflits armés ou de violences internes. Des règles internationales permettent de garder une trace des personnes qui pourraient potentiellement disparaître, mais ces normes ne sont souvent pas appliquées.*

*Ce bref article introductif décrit les moyens employés pour restreindre le nombre de personnes disparues et les réponses apportées aux familles qui s'inquiètent du sort de leurs proches.*