



# “HE’S BEING MISSED AT THAT TABLE”

Assessing the Needs of Family Members of  
Missing Persons during the Military Regime in  
Brazil: case “Perus' grave”

THE MISSING  
and the silence



ICRC

## At that table<sup>1</sup>

He often sat at that table  
And he used to tell me how to live a better life  
He used to tell me stories at that table  
That today I keep in my memory and know by heart  
He gathered us at that table  
And joyfully recounted what he'd done that morning  
And his eyes had so much sparkle  
That even more than being his son  
I became his fan

I didn't know it would hurt so much  
A table in a corner, a home and a garden  
If I knew how painful life is  
This grief wouldn't hurt like this  
Now all that's left is a table in the room  
And no one talks about his mandolin anymore

He is being missed at that table  
And the longing for him is a pain within me  
He's missing from that table  
And the longing for him is a pain within me

<sup>1</sup> Lyrics from the song by composer Sérgio Bittencourt that was sung by family members during a meeting sponsored by the International Committee of the Red Cross on October 14 and 15, 2016 in São Paulo to introduce and discuss the results and recommendations contained in this report.

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“The worst day has been every day, every day that I’ve spent unable to sleep waiting for him. I’d run to the door every time I heard a noise to see if it was him arriving” – DAUGHTER OF A MISSING PERSON

“Disappearance is a never-ending death. It’s an ongoing death”  
– SON OF A MISSING PERSON

## Acknowledgements

To all relatives of missing persons who granted interviews to the ICRC and shared their lives and stories, helping us to gain a better understanding of this complex issue.

To the authorities, members of support networks and representative from the Commission of Family Members of the Political Dead and Missing Persons Persons who shared their knowledge and experience.

And all ICRC colleagues who made this project possible.

## List of abbreviations

<b>AC</b>	Amnesty Commission
<b>ICRC</b>	International Committee of the Red Cross
<b>CNV</b>	National Truth Commission (in Portuguese, Comissão Nacional da Verdade)
<b>FNA</b>	Family Needs Assessment
<b>GTP</b>	Perus Working Group (in Portuguese, Grupo de Trabalho Perus)
<b>II PNEDH</b>	II National Plan for Education in Human Rights
<b>IHL</b>	International Humanitarian Law
<b>IHRL</b>	International Human Rights Law.
<b>OAS</b>	Organization of American States
<b>SCPDMP</b>	Special Commission on Political Dead and Missing Persons

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Marizilda Cruppe / ICRC

# 1. INTRODUCTION



A disappearance - terrible enough for people who disappear - causes anguish for their families left in limbo as to the fate and whereabouts of their loved one. Unsure of whether their relative is alive or dead, families often spend many years searching and waiting, holding on to the hope of finding them despite the enormous difficulties and struggling to go on with their lives. The emotional pain is deep and enduring. As if their pain was not enough, relatives of missing persons often have to cope with economic hardships due to the absence of the primary provider and the consequential costs related to search activities, coupled with legal and administrative obstacles arising from the lack of a formal legal status for the missing person and the civil repercussions this has on family members.

## DEFINITION OF MISSING PERSON

The International Committee of the Red Cross (ICRC) defines “missing persons” as anyone whose whereabouts are unknown to their families and/or who, on the basis of reliable information, has been reported missing in connection with international or non-international armed conflict, a situation of internal violence, natural disasters or other humanitarian crises.

This definition, in fact, is broader than the one of “enforced disappearance” adopted by The International Convention for the Protection of All Persons from Enforced Disappearance (2006) and the Rome Statute (1998). These instruments narrow the definition to people who have disappeared after they were arrested or detained by the state or by agents of the state, whereas the ICRC advocates a more comprehensive interpretation: the families of all the missing persons suffer, no matter the reasons or circumstances of their disappearance. This means that the families of the missing persons have the right to know the fate and whereabouts of their loved ones – a right recognized by International Humanitarian Law (IHL) and the International Human Rights Law (IHRL).

*Text adapted from the publication Living with Absence: Helping families of missing persons, ICRC, 2015.*

The International Committee of the Red Cross (ICRC) is committed to raising the awareness of both authorities and society as a whole about the enormous suffering and humanitarian consequences brought on by the disappearance of a loved one. It not only considers missing persons as victims, but family members as well, and it also seeks to promote each family’s “Right to Know”. The ICRC is engaged in efforts geared towards identifying and understanding the needs of relatives of missing persons and providing recommendations and support to the relevant authorities aligned with these needs.

The ICRC in Brazil has been steadily increasing its focus on relatives of missing persons, bringing them to the core of the organization’s initiatives and recognizing that they are in the best position to articulate their needs and expectations. In 2016, at the behest of the Special Commission on Political Dead and Missing Persons (SCPDMP), the ICRC conducted a Family Needs Assessment (FNA) related to people who disappeared during the military regime in Brazil, the “Case «Perus’ grave»”. Aiming to preserve consistency with the technical consultancy activities performed by the ICRC since 2014, the FNA was conducted with relatives of missing persons being sought by the Perus Working Group (Grupo de Trabalho Perus or GTP in Portuguese).

This document reflects the point of view of 58 relatives of 32 missing persons interviewed between April and August 2016. In order to complement the information collected, ten authorities, members of support networks and representatives from the Commission of Family Members of the Political Dead and Missing Persons were also interviewed by the ICRC. Its primary goal is to show the state authorities working on the issue of disappearances all of the specific difficulties, expectations,

resources and coping mechanisms that relatives of missing persons being sought by the GTP have by relaying and magnifying the voice of these families.

Although the FNA has been restricted to the relatives of missing persons in the Case «Perus’ grave», the ICRC believes that its lessons, recommendations and any future measures by the authorities will play a vital role in alleviating the suffering of other relatives of missing persons. The FNA recognizes the initiatives taken by the authorities and illustrates that there is still a need and space for additional measures that could help families of people who disappeared during the military regime cope with their grief.

This report will first provide an overview of the issue concerning people who disappeared during the military regime in Brazil. Next, it will explain the methodology used to conduct the FNA and outline the impact and the needs that these disappearances have created on families. Each need identified is supported by specific recommendations addressed to the authorities by the family members who have been interviewed, in addition to the information accumulated by the ICRC while it engaged in technical advisory activities in Brazil. Recommendations based on the ICRC’s experience working on the subject of missing persons in other countries have also been included. Lastly, conclusions were drawn based on the results from the assessment.

## INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

The International Red Cross and Red Crescent Movement is formed by the ICRC, the International Federation of Red Cross and Red Crescent Societies and the 189 National Red Cross and Red Crescent societies.



## **2. PEOPLE WHO DISAPPEARED DURING THE MILITARY REGIME IN BRAZIL**



Countless families in Brazil cope with the uncertainty over the whereabouts of a loved one. For over 40 years, fathers, mothers, brothers, sisters, sons and daughters have been trying to find their missing family members, often hindering them from moving on with their own lives. A report from the National Truth Commission (in Portuguese, Comissão Nacional da Verdade or CNV) published in December 2014 indicated that 434 people who died or disappeared were recognized as victims for political reasons during the country's military regime. Among these people, 177 are still considered missing today. Nevertheless, these figures do not include indigenous people, part of the rural population, nor people who were not believed to be missing because of their political activities. As such, the overall number of persons who went missing during the military regime in Brazil, along with the total number of families affected by this longstanding issue, is unknown.

In 2014, following a request from Brazilian authorities, the ICRC – acting as a neutral, impartial and independent observer – began to go along the Brazilian government's efforts to identify the human remains of people who disappeared during the military regime and may have been buried in the Dom Bosco Cemetery, located in the Perus District of São Paulo.

PROFILE OF MISSING  
PERSONS WHOSE FAMILIES  
WERE INTERVIEWED  
BY THE ICRC

The ICRC conducted interviews with relatives of 32 persons who disappeared during the military regime in Brazil, 88% of whom were men. Age-wise, 62% of the persons were between 20 and 32 years old at the time of their disappearance, while 22% were between 40 and 54 years old and 16% were between 56 and 61 years old.

Before their disappearance, 44% of the missing persons were the head of their household, 53% were married and 53% had children.

Almost half of the missing persons (47%) were born in the Southeastern region of the country. A significant number of missing persons were born in the Northeast (38%), while a lesser amount came from the South (9%) and Midwest (6%).

The disappearances occurred between 1971 and 1977.

It should also be pointed out that, of the 32 missing persons whose family members were interviewed for the FNA, four were not officially acknowledged as “missing for political reasons” by Brazilian authorities.

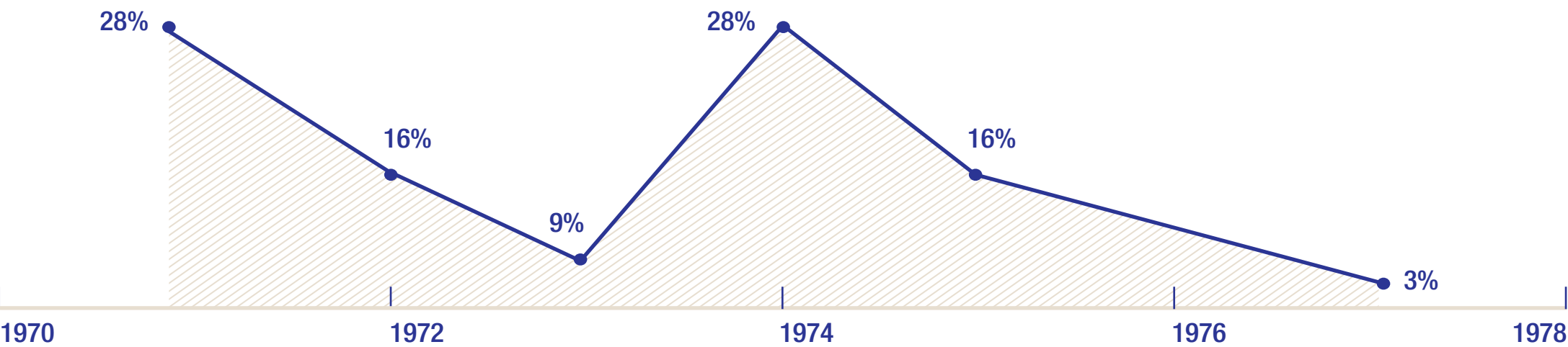
BEFORE THE DISAPPEARANCE

44%  
WERE RESPONSIBLE FOR THE  
SUSTENANCE OF THE FAMILY

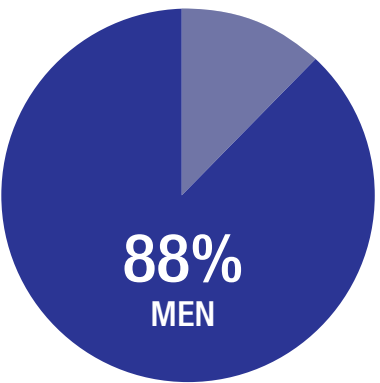
53%  
WERE MARRIED

53%  
HAD CHILDREN

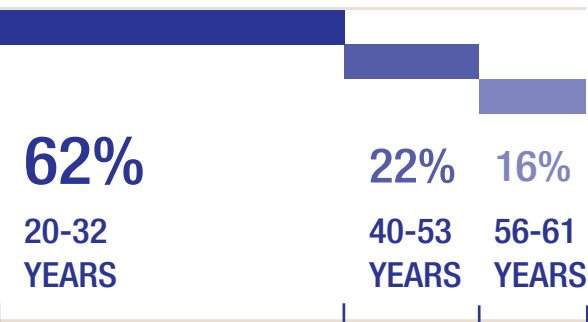
YEAR OF THE DISAPPEARANCE



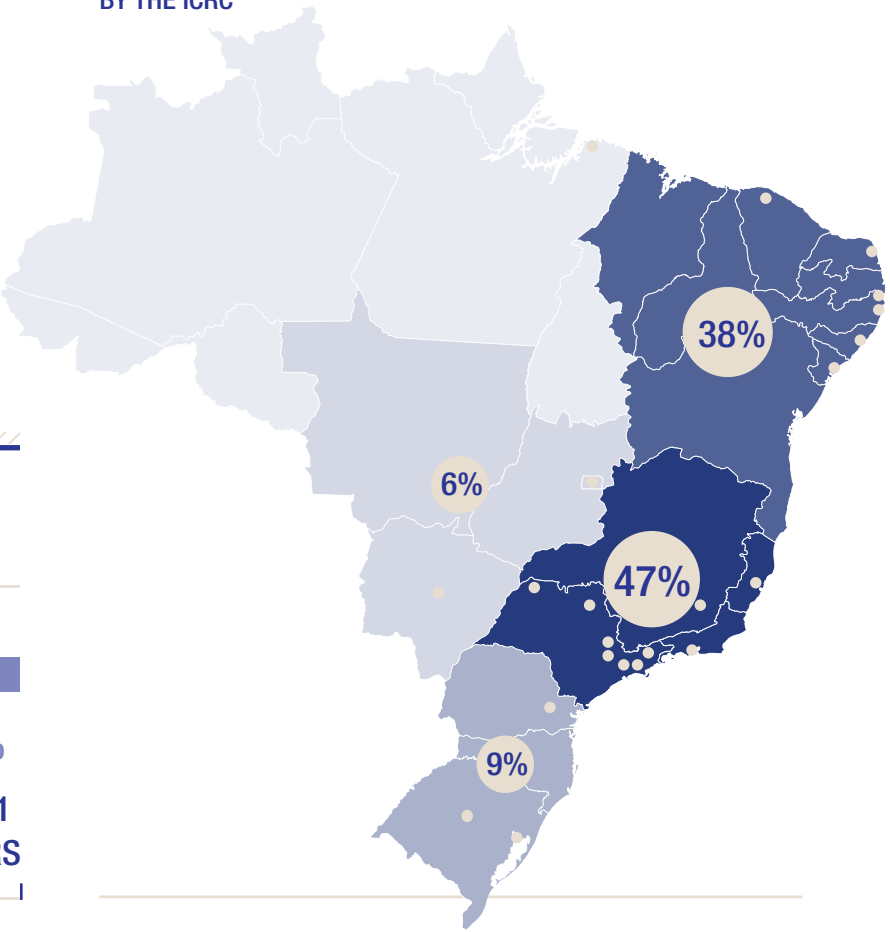
GENDER  
OF MISSING PERSONS WHOSE FAMILIES WERE  
INTERVIEWED BY THE ICRC



AGE  
AT THE MOMENT OF DISAPPEARANCE



ORIGIN  
OF MISSING PERSONS WHOSE FAMILIES WERE INTERVIEWED  
BY THE ICRC





### **3. METHODOLOGY**





Sandra Lefcovich/ ICRC

The FNA's goal was to determine what the most relevant needs, difficulties, expectations, resources and coping mechanisms are for the relatives of missing persons in the Case "Perus' grave".

The FNA was based on semi-structured interviews that were administered between April and August of 2016 with 58 family members of 32 people who disappeared during the military regime in Brazil and are being sought by the GTP. The interviews conducted by the ICRC generally lasted for about 3 hours and included a questionnaire made up of 359 open and closed questions, thereby making it possible to collect qualitative and quantitative data. Once the interviews with family members were completed and the needs and demands expressed by them were thoroughly reviewed, ten key actors, including authorities, members of the support group and a representative from the Commission of Family Members of the Political Dead and Missing Persons were also questioned by the ICRC. Using a customized questionnaire specific to each case,

these interviews helped provide an understanding of the policies implemented by the Brazilian government for the benefit of missing persons and their families and to thereby propose more adapted recommendations. After it was collected, the information was transcribed to a database and analyzed.

### PROFILE OF THE INTERVIEWED FAMILY MEMBERS

63% of the 58 relatives of missing persons interviewed were women. 23% of the interviewees were between 18 and 39 years old, 34% were between 40 and 59 years old and 43% were aged 60 or older. It is worth noting that 22% of family members were not born at the time their family member disappeared.

These family members interviewed are spread over 22 municipalities in five states throughout Brazil. A majority

<sup>2</sup> After the interview, the FNA coordinator contacted the family members to give them an opportunity to provide additional comments, suggestions or requests to include with and/or rectify the information they gave during the interview.



of the participants interviewed (59%) live in the Southeast, primarily in the states of São Paulo and Rio de Janeiro, and 28% live in the Northeast. Lower percentages hail from the South (7%), Midwest (4%) and North (2%).

Interviewees who had a close relationship to the missing person were generally preferred. Bearing in mind that very few fathers and mothers of missing persons are still alive, 28% of those surveyed are sons or daughters of people who have disappeared, 24% are brothers or sisters and an equal number are nephews or nieces. Grandchildren (14%) and

wives (3%) represented a smaller number of interviewees. And lastly, 7% of the people questioned included sisters-in-law, a nephew, great-niece or ex-husband of a missing person. In some cases, the ICRC observed that different family members over the years have assumed the arduous burden of searching for their missing loved one.

5% of interviewees have more than one family member missing (three interviewees have two missing relatives). But in all three cases, only one missing person is currently being searched for by the GTP.





Para você Jayme:  
 Uma Rosa rubra,  
 Como lembranças  
 do passado.  
 Com amor  
 Elza



Oo vô com carinho...

... é um prazer conhecê-lo,  
 tê-lo, vê-lo e amá-lo!!  
 aos olhos de tantas, na  
 história de todos, na  
 ausência/presença daque-  
 les que o amam. Daqui,  
 do santinho, sigo bus-  
 cando o seu olhar, o  
 seu riso e, principalmen-  
 te, o seu encanto.  
 Te amo vôô! Olha por  
 mim. Sigo daqui e você segue daí.

São Paulo - SP / Brasil  
 Planeta Terra  
 22 / Abril / 2016

Até. O amorzinho da  
 vôô.

## 4. RESULTS



“We are living in the depths of fear, emptiness, loss and uncertainty. It’s really traumatic. The disappearance resonates on so many aspects of my day to day life”

— NIECE OF A MISSING PERSON

A person who goes missing without a trace is the initial victim, but this tragedy also has an impact on many other people. Families of a missing person generally endure a tremendous amount of suffering before even knowing what happened to their loved one – sometimes never even finding out. Their grief over the loss is usually exacerbated by a number of other difficulties, including financial instability and daily/quotidian bureaucratic procedures.

The families of missing persons have specific needs that were recognized by the International Conference of Governmental and Non-Governmental Experts on the Missing in 2003 and adopted by the 28th International Conference of the Red Cross and Red Crescent at the end of that same year. They include, for example, the need to know, to hold memorial rituals, for justice, to have their grief recognized and to receive economic, psychological and psychosocial support. As long as these needs are not fulfilled, family members will struggle to rebuild their lives.

## 28TH INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

The 28th International Conference of the Red Cross and Red Crescent took on the issue of missing persons and the plight of their families. It determined to not only review and bolster efforts focused on preventing disappearances, but to draw up concrete measures to clarify the fate and whereabouts of the missing and to support their families. Based on practical guidelines, the conference attendees adopted the Agenda for Humanitarian Action

and pledged to include non-governmental organizations (NGOs), state authorities and the United Nations on the topic.

In 2006, three years after this historic conference, the United Nations General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearance. This convention granted families everywhere, among other measures of protection, the right to know the fate and whereabouts of their missing family members. The ICRC continues to offer advice, share knowledge, and proactive work throughout the world in order to provide relief to the relatives of missing persons and promote each family's right to know.

*Taken from the publication Living with absence: Aid to the families of the missing, ICRC, 2015.*



## PRIORITY NEEDS OF FAMILY MEMBERS

Family members who took part in the interviews voiced their sentiments and grief, specifically commenting on situations or problems they faced within their families, with the community and with certain institutions. Although they listed a number of different necessities, 62% of those interviewed pointed out that the most urgent is the need to know what happened to their missing relative.

*“Not knowing what happened nor receiving the right information is unfair. We want to solve this puzzle. It is not revenge, but it is the story of a person that needs closure”*

— MISSING PERSON’S DAUGHTER

Being able to get official and comprehensive information about the disappearance is therefore a top priority for those interviewed. Family members need to be granted access to all available information about their loved one: date, location, circumstance surrounding the disappearance, fate and whereabouts of the missing person.

57% of respondents cited that recovering and identifying the remains of the missing loved one was almost as important as knowing what happened.

*“When a person dies, we know about it and we can bury them. But when the person disappears, there’s something left unresolved. That’s why it’s so important to find and identify the remains, to have an answer”* — NIECE OF A MISSING PERSON.

The need of public recognition of the State’s accountability for disappearances was cited by 52% of respondents. A significant percentage of family members (43%) emphasized the need for accountability on the part of actors who participated in the disappearance. Furthermore, 28% of family members said they were experiencing psychological or psychosocial difficulties related to the disappearance.

*“Sometimes I feel like the guiltiest person in the world. Guilty for having survived, guilty for heading to the beach and doing something I enjoy”* — SISTER OF A MISSING PERSON.

Nearly a fifth of the people interviewed (19%) spoke about the need to honor the memory of the missing person. A lower percentage of family members (7%) brought up legal, administrative and economic needs, along with public policies of non-repetition. Finally, 5% of respondents mentioned that authorities need to treat each family member equally, regardless of where they live, their financial condition and the causes or circumstances of the disappearance of their loved one.

Although identified individually, the needs of family members are closely connected to each other.

It should be noted that 5% of the interviewees stated that no response would be good enough when it comes to the disappearance of their close relative.

### PRIORITY NEEDS OF FAMILY MEMBERS\*

To know what happened	62%
To recover and identify the human remains	57%
Public recognition of the State’s responsibility	52%
Individual accountability	43%
Psychological and psychosocial needs	28%
To honor the missing person’s memory	19%
Legal and administrative needs	7%
Economic needs	7%
Public policies to assure it is not repeated	7%
Equal treatment among family members	5%

\*Respondents were permitted to specify multiple priorities.



Marizilda Cruppe / ICRC

## 4.1 THE NEED TO KNOW: SEARCHES AND ATTITUDES TOWARDS THE WHEREABOUTS OF THE MISSING PERSON

*“I felt powerlessness and longing. I had no idea how to react or who to talk to”*

— SISTER OF A MISSING PERSON

In accordance to the IHL and the IHRL, all people have the right to know the fate of their missing relative, including their whereabouts and, if they are deceased, the circumstances leading to their death and the burial place, as well as to receive their human remains. The perpetual ambiguity of not knowing whether a loved one is alive or dead means that family members are unable to properly mourn.

### SEARCH FOR THE MISSING PERSON

89% of people said that they or their families searched for their missing beloved shortly after they disappeared in every conceivable location, including military bases, detention facilities, police stations, hospitals and institutes of legal medicine. For many, these searches were a long and painful process that created intense anguish and suffering, as well as financial burdens on the families.

When questioned about the challenges they faced, 32% of respondents claimed to have been physically or psychologically mistreated in at least one search location. Moreover, 27% of family members reported

excessive spending, typically due to travel costs to gather information, affecting the economic situation of families. According to the granddaughter of a missing person:

*“My family had to sell a house to cover the costs of searching in another state. All the money from the sale of the house was spent on supporting my grandmother while she was actively searching”,* told the grand daughter of a missing person.

Family members also had to resort to non-state actors for information on the whereabouts of their missing loved ones, predominately the Commission for Family Members, national and international civil society organizations and religious leaders.

Those who did not take part in searches right after a disappearance mentioned that they didn’t take immediate action out of fear, a lack of information, or even because they were imprisoned or living in hiding.

More than forty years since the disappearances, 55% of those interviewed are still searching for their missing loved one. According to the wife of a missing person: *“It’s like we didn’t get to the end of the story. If I don’t look for him, I feel like I’ve abandoned him.”*

Respondents who are no longer searching (45%) indicated that they are not doing so due to a lack of resources to continue the search or because they have lost any hope of finding their family member.





Marizilda Cruppe / ICRC

## LOCATION AND IDENTIFICATION OF THE REMAINS

**“A tiny part of his body, no matter how small, would allow him to be buried with my mother”**

— SISTER OF A MISSING PERSON.

After over 40 years missing, 95% of family members questioned believe that their loved one is dead, and 5% of the interviewees informed they are not certain of the missing person's fate. For a number of interviewees, coming to the conclusion that their family member is dead without having their human remains is a difficult but necessary step to counter the uncertainty of not knowing, and thereby helping them continue on with their lives. Nevertheless, the anguish and suffering caused by the uncertainty of the whereabouts of their human remains never ends.

A considerable percentage of those interviewed (81%) feel that identifying the remains of their family member is “very important” to continue the grieving process and move forward.

*“Humans need rituals. With the remains, a farewell ceremony could be held, to finalize everything.”* – DAUGHTER OF A MISSING PERSON

Family members believe that identifying the human remains would allow for a funeral ceremony, including burying the loved one with other members of the family who have already passed on.

For 71% of respondents, knowing the location of buried remains was deemed “very important” because it would help in proving the circumstances of the disappearance and in reconstructing the story.

**“(The location of the grave) is important in terms of history, to know that bodies were thrown in that place with the utmost contempt for human life”**

— NIECE OF A MISSING PERSON

## WHY ARE FUNERALS IMPORTANT?

While the nature of funerals can vary from culture to culture, the underlying meaning and comfort they bring to families can be viewed as universal. Funeral rites have many meanings. They exist not only to dispose of the body of the deceased with dignity, but also to assist the living and even to consolidate social boundaries:

**FOR THE DECEASED:** Many religions and cultures believe that funerals should be held to facilitate the passage of the dead from one world to another.

**FOR THE PERSON (NEXT OF KIN):** An essential step that helps the mourning process begin. Without a funeral, people may find it difficult to acknowledge their loss.

**FOR FAMILIES:** Funerals and ceremonies offer a way to publicly acknowledge that they are in mourning and that their grief is shared by close relatives and the community. The presence of other people signifies respect for the deceased, whose life is thus acknowledged and his or her memory preserved.

**SOCIALLY:** Funerals can also be important for building social unity. By offering their condolences to the bereaved family, members of the community show their solidarity and help to reestablish the balance between the two worlds (of the living and the dead).

*Text adapted from the publication Accompanying Families of Missing Persons: A Practical Handbook, ICRC, 2016*



## INITIATIVES FOR THE IDENTIFICATION OF HUMAN REMAINS

Although they recognized the efforts by the GTP forensic professionals, family members who were interviewed voiced their concern over the process of identifying human remains. In addition to mistrust due to deficiencies in identification initiatives conducted in the past, family members expressed unawareness on the complexity of the process. The lack of information on the identification process, including its complexities and limitations, causes uncertainty and anxiety.

*“They didn’t explain it to me right. All the skulls are there. If there are 1,400 bones and 42 people missing, they need to collect DNA from the families and compare it to the bones. The process takes too long. They need to focus.”* – DAUGHTER OF A MISSING PERSON

Family members expressed the need to be regularly updated on the GTP’s activities, although no significant progress has been made. Likewise, respondents indicated their frustration at the lack of financial and human resources and were concerned that GTP activities will be discontinued.

*“The uncertainty of the search is the biggest problem. The discontinuous work is really frustrating. A timetable and plan are made, and there’s a lot of frustration when it’s not completed”* – NEPHEW OF A MISSING PERSON

According to the information given by the institutions interviewed, there is a belief that only a small number of missing persons included in the GTP work list have actually been buried in the Dom Bosco Cemetery. Hence, family members underscored the need to widen searches to other places where the remains of missing persons may have been laid, which would also include other family members going through the same situation.

The interviewees also recommended that a “National DNA Register for Family Members of Missing Persons” be created to ensure that genetic material is properly collected and stored. Because some family members with the closest blood ties are now at an advanced age, respondents demonstrated concern about collecting genetic material. A niece of a missing person cited the importance of collecting reference samples from her uncle – who is approximately 100 years old and is her uncle’s only living brother – to perform a DNA analysis: “A DNA database should be formed using genetic material from all family members, not just those the GTP is searching for. When organizing a mission to a city to collect DNA, they should collect genetic material from the relatives of all the missing persons at the site.”

## THE “RIGHT TO KNOW”

According to IHL and the IHRL, the obligation to continue the investigation until the fate of the disappeared person has been clarified also implies respect for the right of relatives to know what happened to their missing loved ones; their whereabouts or the circumstances and cause of death (Additional Protocol I, Article 32; Convention for the Protection of All Persons from Enforced Disappearance, Article 24). This right must be explicitly recognized for family members. To handle this, States need to take the appropriate measures to investigate disappearance cases and to brief families on any progress in the procedures.

Furthermore, regardless of the applicable legal framework, activities such as searching for burial sites and the exhumation of human remains are essential in clarifying the fate and whereabouts of missing persons. In particular, the recovery and identification of the bodies of missing persons would allow families to hold a proper funeral and culturally appropriate religious ceremonies to put the past behind them.

*Taken from the Missing Persons and Their Families - Fact Sheet, CICV, 2016.*





RECOMMENDATION ON THE “RIGHT TO KNOW”

1. Brazilian authorities have to comply with their obligation to clarify the fate and whereabouts of missing persons and respect the family’s “Right to Know”.

RECOMMENDATIONS ON THE NATIONAL MECHANISM

1. Brazilian authorities have to establish a national mechanism to address the issue of missing persons and their families, such as a Central Commission on Missing Persons, which should lead and coordinate initiatives, and centralize and share information pertaining to missing persons in Brazil. The primary objective of the national mechanism should be to clarify the whereabouts and circumstances of the disappearances of persons regardless of the cause or circumstances of the disappearance. Similarly, the mechanism is expected to improve the information sharing through group and individual meetings with relatives of missing persons who may or may not be members of families’ associations. The mechanism needs to include and consult all ministries, commissions and agencies that are capable of responding to the multiple needs of family members. This national mechanism should work transparently and separate from the judiciary (but should collaborate when necessary). The national mechanism

should be the State institution that all relatives of missing persons and commissions of family members can easily turn to for answers.

The national mechanism should be composed of at least 4 subcommittees:

- (I) Search and identification process;
- (II) Legal aspects, access to rights and social benefit;
- (III) Psychological and psychosocial support;
- (IV) Memory and recognition initiatives.

Until this national mechanism is instituted, Brazilian authorities, particularly the SCPDMP, need to make sure that the recommendations addressed to that agency are implemented.

RECOMMENDATIONS ON THE MANDATE, STRUCTURE AND ACTIVITIES OF THE NATIONAL MECHANISM

1. The national mechanism needs to consolidate and centralize a national list of missing persons and gather all the necessary and sufficient information while observing forensic best practices and international protocols for this purpose, ensuring such information is available when required for a future identification process.

2. The national mechanism should consolidate and centralize an updated list of relatives of missing persons and ensure that the data collected is kept confidential. Personal data should be processed and handled in accordance with applicable national law and with the principles for protecting personal data and human remains recognized by the International Conference of Governmental and Non-Governmental Experts on the Missing in 2003<sup>3</sup>.

3. Brazilian authorities, especially the national mechanism, should ensure that anthropologists are among the professionals included in the search and identification process, and that they are trained in forensic sciences and have experience in highly-complex cases. They should also conduct the identification process with high-quality and reliability at each step, in accordance to international guidelines. Forensic professionals should explain the identification process to family members and address any concerns they may have.

4. Brazilian authorities, especially the national mechanism, should ensure that ante mortem information is collected in accordance with best forensic practices and international protocols and guarantee that the information will be available if required in a future identification process.

5. Brazilian authorities, especially the national mechanism, should focus on strategies to improve the collection of reference samples for a DNA analysis of relatives of missing persons. If necessary, the possibility of exhuming relatives who are deceased should be considered, subject to prior consent and the express authorization of the family while respecting their wishes.

6. The national mechanism should be responsible for making public officials aware of the situation concerning the ambiguous loss suffered by relatives of missing persons and how the disappearance affects different facets of their lives.

<sup>3</sup>In preparation for the 2003 International Conference of Governmental and Non-Governmental Experts on the Missing, studies were conducted by various research centers and workshops were held that assembled governmental and/or non-governmental experts to discuss issues related to the missing and their families. These studies and workshops were intended to review and bolster efforts focused on preventing disappearances and to draw up concrete measures to clarify the fate and whereabouts of the missing and to support their families. Meanwhile, in 2002, the legal protection of personal data and human remains was the subject of a workshop that established a series of general principles on: protecting personal data, identifying human remains and protecting genetic information.

RECOMMENDATIONS ON SUPPORT FOR FAMILY MEMBERS OF MISSING PERSONS

1. Brazilian authorities, especially the national mechanism, should give families of missing persons the proper guidance on their rights and how to access them, as well as on the available reparation policies.

2. Brazilian authorities, especially the national mechanism, should draw up and implement an action plan that must be discussed and agreed upon by the relatives of missing persons so that they may be provided comprehensive care and reparation measures.





## RECOMMENDATIONS ON THE SEARCH AND IDENTIFICATION PROCESS

1. Brazilian authorities, especially the national mechanism, should allow the relatives of missing persons and their representatives to be actively involved throughout the process of searching for and identifying human remains.

2. Brazilian authorities, especially the national mechanism, should establish a strategy and action plan to broaden the geographical range of searches to make them as comprehensive as possible. The action plan should also contain provisions for the recovery and identification of human remains in accordance with best forensic practices and include relevant provisions for retrieving the remains of those identified. There should be a provision included for unidentified or unclaimed human remains to make sure they are properly stored and preserved. Technical aspects need to be considered (humidity, temperature, chain of custody, and others) as well as ethical and humanitarian factors, thereby ensuring that remains can be identified and handover to the family members in the future.

3. Brazilian authorities, especially the national mechanism, should ensure that anthropologists are among the professionals included in the search and identification process, and that they are trained in forensic sciences and have experience in highly-complex cases. They should also conduct the identification process with high-quality and reliability at each step, in accordance to international guidelines. Forensic professionals should explain the identification process to family members and address any concerns they may have.

4. Brazilian authorities, especially the national mechanism, should ensure that ante mortem information is collected in accordance with best forensic practices and international protocols and guarantee that the information will be available if required in a future identification process.

5. Brazilian authorities, especially the national mechanism, should focus on strategies to improve the collection of reference samples for a DNA analysis of relatives of missing persons. If necessary, the possibility of exhuming relatives who are deceased should be considered, subject to prior consent and the express authorization of the family while respecting their wishes.

## RECOMMENDATIONS ON THE SEARCH AND IDENTIFICATION PROCESS OF THE PERUS WORKING GROUP

While not directly related to the results of the FNA, the recommendations below were formulated based on the information acquired by the ICRC as a technical advisor to the "Case Perus' grave".

1. Brazilian authorities, especially the national mechanism, should make sure that human, technical and financial resources are properly managed in order to ensure that the search and identification process developed by the GTP is continued.

2. Brazilian authorities, especially the national mechanism, should ensure that the human remains exhumed from Perus' Grave and delivered to family members have been subject to the proper identification process in accordance with scientific standards and international guidelines. If there is any uncertainty over the identification, the authorities should conduct further analyzes, upon prior explanation and consent from family members.

3. Brazilian authorities, especially the national mechanism, should ensure that all human remains in the Perus' Grave are exhumed, with a complete search of the field.

4. Brazilian authorities, especially the national mechanism, need to make sure that GTP forensic professionals have access to an ante mortem/post mortem database in which genetic information can be included, and that this is in accordance with the national legislation that regulates the matter and with the principles of the data protection law and human remains recognized by the 2003 International Conference of Governmental and Non-Governmental Experts on Missing Persons. This database should be managed by a single institution, the national mechanism.

5. Brazilian authorities, especially the national mechanism, should ascertain that all data, information and documents collected and produced by the GTP will be used solely for forensic identification, as well as make sure that access to this intelligence is restricted and kept confidential. This data must be consolidated, structured in a database and made available if there is a need to cross-reference it with ante mortem/post mortem information. The national mechanism should be solely responsible for managing the database. This database should be backed up on servers at another institution that is an expert at and experienced in data and document management, such as the National Archives.

## RECOMMENDATIONS RELATED TO THE DELIVERY OF HUMAN REMAINS

While not directly related to the results of the FNA, the recommendations below were formulated based on the ICRC's experience in working with missing persons and their relatives at the international level.

1. Brazilian authorities should always be sensitive to the spiritual and religious beliefs of the family members of a deceased person.

2. Brazilian authorities, especially the national mechanism, should create protocols for the delivery of human remains that ensure the dignity of the deceased person is any moments, as well as the privacy of family members during the handover.

3. Brazilian authorities, especially the national mechanism, should assist the family members of missing persons through support programs that are appropriate for the time when the funeral rites and proper burial of the relative are carried out.

4. Brazilian authorities, especially the national mechanism, should consult with family members and involve them in the process of choosing the most appropriate location and details for the handover of their loved ones' remains.

5. Brazilian authorities, especially the national mechanism, should refrain from symbolic handovers, constructing tombs or producing tombstones, unless there is an explicit request from family members.



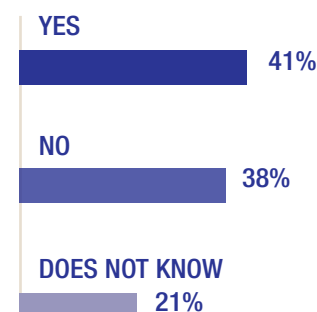
## 4.2 LEGAL AND ADMINISTRATIVE NEEDS RELATED TO THE DISAPPEARANCE OF A FAMILY MEMBER

There is no clear legal status for a missing person in Brazil<sup>4</sup>. Consequently, the family members of missing persons have encountered difficulties in accessing their rights or exercising their civil rights related to problems with assets, aspects of family law, and other obstacles.

Over one third (38%) of the people interviewed declared they were not clear about their rights as a result of the disappearance of a family member, including the administrative procedures required to access them, and 21% indicated that they did not have specific rights because the rights would belong to other family members. Likewise, among those who mentioned to know their rights (41% of respondents), a fifth (20%) were unaware of the existing administrative procedures to access them.

When describing their legal and administrative needs, half of the respondents reported that they had encountered difficulties in obtaining documents, most notably a declaration of absence or death certificate. As a result, family members had problems rectifying estate issues, managing properties and getting remarried, for example.

### KNOWLEDGE ABOUT RIGHTS AND BENEFITS



**“My father passed away in 1990, but we only resolved the issues related to the estate when we got my parent’s death certificate.”**

— FAMILY MEMBER OF A MISSING PERSON

**“I couldn’t get married again because he was neither alive nor dead”** — FAMILY MEMBER OF A MISSING PERSON

Relative of four missing people were not able to benefit from the provisions of Law 9.140 because their loved one was not recognized as a victim due to their political activities.

After the enactment of Law 9.140 of 1995 – an act that recognized the deaths of people who disappeared due to their participation, or accused participation, in political activities from September 2, 1961 to August 15, 1979 – most of the persons interviewed applied to have a death certificate issued for their missing relative, which helped them deal with legal and administrative difficulties.

Some of the interviewees who could apply for a death certificate reported that the legal and administrative obstacles remain to this day because, due to inaccurate or insufficient information, it is not always accepted at notaries and government offices. Similarly, family members expressed dissatisfaction with the causa mortis described in the death certificate, which is in “Law 9.140.”

<sup>4</sup>In 2016, the ICRC conducted a *Compatibility Study in Brazil* between domestic legislation and provisions in international law on missing persons and their families. This study will support the institution in promoting recommendations on regulatory aspects concerning missing persons and their families.



“The death certificate doesn’t contain any information about the death, it doesn’t say when and how, there is no date of birth and public notary offices often don’t accept it. When it gets complicated, I need a specialized lawyer”

— FAMILY MEMBER OF A MISSING PERSON

When asked what an appropriate response from the State would be concerning the whereabouts of their missing relative, 10% of the family members voiced a desire to receive official documents that accurately and unmistakably state the circumstances of the disappearances.

## THE LACK OF A FORMAL OR LEGAL STATUS FOR MISSING PEOPLE

The lack of a formal or legal status for missing people hinders the establishment of a legal framework to allow families to cope with practical problems. The lack of a legal status for missing persons could force their family members to request a death certificate in order to gain access to social and/or material support. Having a missing family member declared dead can help families obtain a more certain legal status for the victim and, consequently, claim benefits that help them get through their financial hardships. However, this is not always the best option. Family members may perceive that, with no conclusive evidence of a death, they would be abandoning their missing loved ones, causing further distress for families.

*Taken from the Publication: Accompanying Families of Missing Persons.*

## PROTECTING MISSING PERSONS AND THEIR FAMILIES

IHL (the 1949 Geneva Conventions, its 1977 Additional Protocols and customary international humanitarian law) as well as IHRL (for example, the International Convention for the Protection of All Persons from Enforced Disappearance and the Inter-American Convention on the Forced Disappearance of Persons), contains provisions to prevent the disappearance of persons. These two sets of guidelines stem from the obligation of States to ensure that national measures are adopted to protect personal data and to address the needs of the families of missing persons, as well as to guarantee that human remains are treated with dignity.

Moreover, through its General Assembly, the Organization of American States (OAS) has adopted resolutions on missing persons and assistance to their families – for example, AG/RES. 2864 (XLIV-O / 14) - which, in addition to the points mentioned, urges member states to adopt national legislation to recognize and address the difficulties and legal problems faced by the missing person and their relatives in order to address the legal situation of missing persons and its effects on their family members.



Marizilda Cruppe / ICRC

## RECOMMENDATIONS ON LEGAL AND ADMINISTRATIVE NEEDS

1. Brazilian authorities should implement a legislative reform that clearly defines the legal status of a missing person, irrespective of the reasons or circumstances of the disappearance. Once the status of a “missing person” is determined, family members are expected to be able to resolve any legal or administrative issues related to the disappearance. The legislation adopted should establish a policy for reparations and recognize that family members

of missing persons have the right to receive social and economic benefits.

2. Brazilian authorities should correct the death certificate of missing persons issued after the enactment of Law 9.140 when requested by family members.



### 4.3 ECONOMIC NEEDS

A family member's disappearance can often have economic repercussions, including factors like diminished income due to the absence of the family's main provider or because of costs incurred from the search. Half of the respondents claimed they had faced economic hardships due to the disappearance of their relative. 49% of the families interviewed experienced some sort of deprivation of their basic needs because the missing person was the family's main source of income. According to the daughter of one missing person: "The person who supported us is gone."

In addition, 6% of families were forced to sell property in order to conduct searches and have enough funds to cover their basic needs, and 13% of families had their children's future plans put on hold because they were unable to continue their studies.

When asked about receiving financial redress, 79% of respondents emphasized its importance, particularly for families who have lost their primary breadwinner. However, the authorities' adoption of the narrow concept of "political disappearances" limited access to reparation policies

for families whose loved ones did not disappear due to political reasons.

To a lesser extent, the economic consequences of the disappearance can still be felt to this day by 21% of the respondents, generally on account of the socioeconomic impact and obstacles to continue studies, which seems to have hurt their current situation. Out of these people, 83% said they were able to cover their basic expenses. As such, with a few exceptions, the families of missing persons have managed to overcome such difficulties despite the economic burdens they initially faced.

Furthermore, for some family members, the current economic troubles are related to psychological factors. The trauma that they have gone through and have been unable to overcome has an influence on their ability to manage their income and expenses, leading to their hardships. This illustrates the interdependence between the needs and problems faced by the family members of missing persons.

### 4.4 NEEDS WITHIN PSYCHOLOGICAL AND PSYCHOSOCIAL SPHERES

Family members of missing persons do not get to experience a "natural" process of mourning due to the uncertainty of death and the increased strain brought on by the search for kin, along with the expectation of having to come to terms with the unwanted confirmation of their death. This situation is characterized by an "ambiguous loss" and it leads to a number of individual psychological consequences (anxiety, guilt, fear and hopelessness), as well as ramifications in the family and social context (family breakdown, heightened mistrust and social isolation).

"Because of the disappearance, I cannot materialize death. I still have an image of my brother full of life"

— BROTHER OF MISSING PERSON

### PSYCHOLOGICAL AND PSYCHOSOCIAL IMPACTS OF DISAPPEARANCE

#### IN THE SOCIAL/COMMUNITY SPHERE

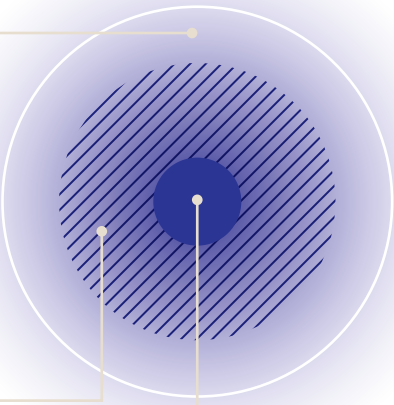
- › Stigmatism
- › Isolation
- › Avoidance/Distancing
- › Undefined status
- › Absence of rituals

#### IN THE FAMILY SPHERE

- › Disagreements over the luck of the missing person
- › Difficulty in communicating with the rest of the family/Emotional isolation
- › Challenges linked to changes in roles
- › Break in family history
- › Struggle to not forget

#### IN THE INDIVIDUAL SPHERE

- › Distressing uncertainty
- › Trapped between hope and despair
- › Blame, self accusations and anger
- › Lack of interest in other subjects, social and emotional



Taken from the Publication: *Accompanying Families of Missing Persons*.

<sup>5</sup> For more information on the concept of ambiguous loss, see the articles written by Pauline Boss, notably *Ambiguous loss: learning to live with unresolved grief* (1999) and *Loss, Trauma and Resilience* (2006).



Marizilda Cruppe / ICRC



CONSEQUENCES IN THE INDIVIDUAL, FAMILY AND SOCIAL SPHERES

Individually, the family members interviewed related that the distress caused by the loss of the missing.

“It was a second death. Every time it comes up, it’s like a lid that pops open and the whole never-ending mourning process spills out. That’s the hardest part of the disappearance”, stated the granddaughter of a missing person, after learning about the violence her grandfather endured through reports in the media.

As a consequence of the disappearance, 52% of the family members interviewed reported that the current impact on their day to day lives related to symptoms of general anxiety and 15% reported complaints that could be associated with traumatic episodes. In terms of psychosomatic effects, 36% of respondents had physical symptoms that they believe to be a consequence of the disappearance, including migraines, asthma, obesity and depression.

**“My mother was pregnant with me when my grandfather disappeared. I was born within my mother’s mourning. I think my asthma problem is a consequence of her grief”**

– GRANDDAUGHTER OF A MISSING PERSON

As for the impact on other family members, a significant number of interviewees (88%) can identify at least one person in their family who has suffered physical and psychological effects due to the disappearance.

*“The family had been really happy, but everything changed after my uncle disappeared. It was a huge shock. My aunt became depressed and my grandmother developed heart problems. We felt guilty for not being able to prevent the disappearance”* – NIECE OF A MISSING PERSON

While some interviewees mentioned that their families rallied together in the search for the missing person, 69% of family members said that the disappearance had a negative effect on the relationships within the family, often triggering fights and isolation of their members.

*“We had been really close, but became physically and emotionally distant. We closed ourselves up into different groups in the family. This also has an impact on the third generation”* - DAUGHTER OF A MISSING PERSON.

When questioned on how often they talk to other family members about the missing person, 35% of those interviewed responded “rarely” or “never.” For some of them, the topic is no longer part of daily life. Others choose not to say anything because the topic is considered taboo within the family and is a source of strife and suffering.

*“The family legacy is burdened by all the pain that the disappearance has caused. There is a reluctance to talk about the disappearance. It causes a lot of pain”* - GRANDSON OF A MISSING PERSON.

Based on an interview with family members from different generations, it was noted that the suffering that had been experienced as a result of the disappearance of a loved one was sometimes passed down to new generations.

*“This still leaves a heavy mark on the second generation. We have a corporal memory. This issue stays in our blood. It’s a link to the previous generation”* - NIECE OF A MISSING PERSON





The disappearance brought on negative repercussions in social relations for 33% of respondents, mostly for the brothers and sons of missing persons. Family members shared that they had become estranged from people close to them and became isolated. When questioned on how often they talk with friends about the missing relative, 50% of those interviewed responded “rarely” or “never.” Some family members believe this happens because they feel that their experience is unusual and that no one would understand them. Younger people state that they were taught from childhood not to mention the missing relative out of a fear of being stigmatized or because the memory caused distress.

A considerable percentage of the interviewed persons (43%) reported having faced discrimination after the relative’s disappearance, with stories of people who lost their jobs or were socially excluded. The situations involving discrimination were felt more acutely by first and second generation family members. For just the children of missing persons, the percentage of those who experienced discrimination goes from 43% to 63%.

COPING MECHANISMS<sup>6</sup>

Most family members (67%) expressed that they would like to talk to someone about their situation. When asked who they would like to talk to, 26% mentioned people who had contact with their relative. An equal percentage stated that they would like to speak with other families of missing persons, with 18% preferring independent professionals.

69% of the interviewed family members also indicated that they would like to participate in group events. Of these, 60% view gatherings of family members of missing persons as something that could be constructive in helping them express their feelings by providing opportunities for mutual support.

<sup>6</sup> Psychologists, lawyers, social workers, doctors and others.

<sup>7</sup> The *Clínicas do Testemunho* Project was a public policy created by the Amnesty Commission in 2012 to offer support and psychological attention to individuals, families and groups affected by the violence perpetrated by State agents between 1946 and 1988. The Project is currently being implemented through agreements with 5 institutions based in Rio de Janeiro, São Paulo (2), Porto Alegre and Florianópolis, respectively. For more information, visit (in Portuguese) <http://www.justica.gov.br/seus-direitos/anistia/clinicas-do-testemunho-1>.

<sup>8</sup> Coordinators from 4 institutions associated with the Project were interviewed.

SUPPORT GROUPS

The family members were asked about the institutional support they received to deal with the hardships related to the disappearance of their loved one. Most respondents (66%) had been in contact with at least one organization. Some of the organizations mentioned included the Grupo Tortura Nunca Mais (Torture Never Again Group) and the Commission of Family Members of the Political Dead and Missing Persons. In terms of the type of support they received, respondents cited emotional support (34%), help in discovering what had happened to the missing family member (25%) and assistance in tracking the missing loved one’s whereabouts (22%).

INSTITUTIONAL SUPPORT RESOURCES

Despite the considerable emotional impact experienced by family members of missing persons, there is little known about psychological counseling provided by specialized professionals or it is seldom used. No specific public policies for psychological and psychosocial support were identified for family members of missing persons during the FNA. With respect to the *Clínicas do Testemunho* Project, 76% of those questioned claimed they were not aware of it and only 3% reported having received psychological assistance in the past from institutions connected to the Project. The low demand by family members for specialized care was also noted by professionals from the *Clínicas do Testemunho* Project who were interviewed for the FNA.

When discussing the importance of psychological care provided by the State, family members residing in the Northeast Region reiterated the need to have it made available in other states apart from just the South and Southeastern Regions.

RECOMMENDATIONS ON PSYCHOLOGICAL AND PSYCHOSOCIAL NEEDS

1. Brazilian authorities, especially the national mechanism, should encourage the introduction of a public policy for psychological and psychosocial reparations and the creation of a national network of psychological and psychosocial support professionals that will ensure uninterrupted treatment for all family members of missing persons who request it. Support may include assistance at health clinics (individual, family or group) or through collective support initiatives, such as periodic meetings with and between family members and specific events suggested by the family members themselves. The types of psychological and psychosocial support offered should be based on a thorough, detailed understanding of the suffering and the needs of family members of missing persons.

2. Brazilian authorities, especially the national mechanism, should recognize the importance of facilitating missing persons' family members access to psychological and psychosocial assistance and ensure that families are kept fully informed about the services available. With this in mind and considering the geographical spread of family members of missing persons, the availability of psychological and psychosocial support needs to be expanded.

3. Brazilian authorities, especially the national mechanism, should consult with the relatives of missing persons and get them involved in developing strategies and mechanisms for psychological and psychosocial care.
4. Professionals from the national psychological and psychosocial support network should receive regular training on the specific aspects of working with the relatives of missing persons, which should include venues for clinical supervision and self-care activities for the teams.

5. The national network of psychological and psychosocial support professionals should include an institution that coordinates activities and conducts oversight. The coordinating institution will be responsible for making sure that there is a connection between all the members of institutions and their activities. All members of the network should have a clear mandate and be familiar with their duties.

6. Brazilian authorities, especially the national mechanism, should ensure that there are sufficient financial and human resources so that the national psychological and psychosocial support network has the components needed to treat all relatives of missing persons.

7. Brazilian authorities, especially the national mechanism and the Perus Working Group, should recognize that psychological and psychosocial support is a cross-cutting need that has to be respected at all times, particularly when dealing with family members to collect or provide information.

## 4.5 NEEDS FOR RECOGNITION, MEMORY AND JUSTICE

There were several priorities and expectations related to the state response expressed by interviewed family members, including initiatives connected to recognition by the authorities involving remembrance and accountability.

### RECOGNITION

Family members feel that the State has not properly recognized the situation involving those who disappeared during the military regime. They are therefore hoping that the authorities will intensify their search for information and for the human remains of missing persons, in addition to providing periodic information on the initiatives. Family members also reassert the relevance of recognizing disappearances that were not included in official data and the families whose loved ones who were not considered “political disappearances” and who, consequently, were not able to gain access to reparation policies.

### MEMORY

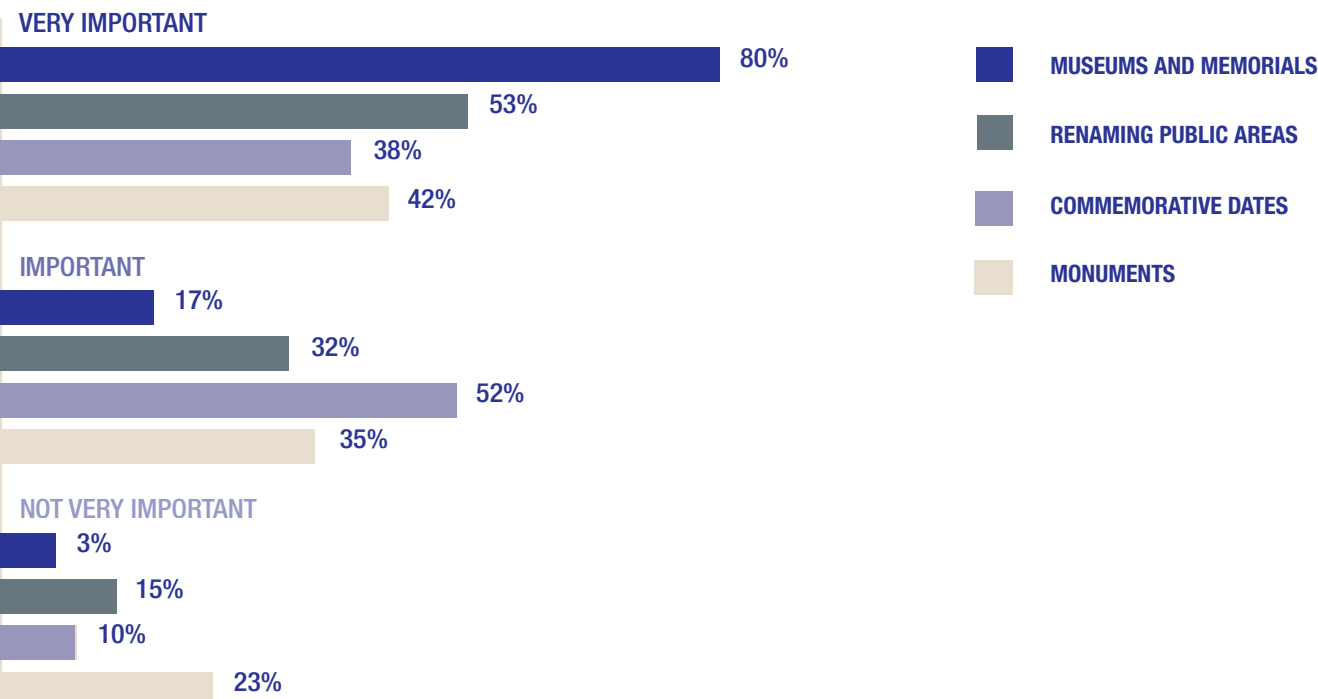
When discussing possible initiatives to preserve the memory, family members were asked about the degree of importance for certain measures. “Constructing monuments, memorials and renaming streets would be valuable initiatives to help people remember what happened to the missing”, stated the granddaughter of a missing person.

80% of family members believe that constructing museums or memorials is “very important.” Changing the names of public spaces, such as highways, streets and buildings, was deemed “very important” for 53% of respondents. To a lesser extent, 38% of those interviewed thought that instituting commemorative dates was “very important.” The construction of monuments was deemed to be “very important” by 42% of the interviewees. However, a few family members (3%) cited reasons for not building them, such as the possibility of depredation and the discomfort of seeing their family member “stuck in a statue.”

“Many missing persons remain invisible, forgotten. There are poor families who haven't received anything. ”

— DAUGHTER OF A MISSING PERSON

### MEMORY INITIATIVES



In addition to the aforementioned initiatives, the family members interviewed also pointed out the importance of remembering those who disappeared during the military regime by incorporating the topic into teaching materials and into the school curriculum. “Schools need to talk about the missing, the way they suffered and what they wanted to achieve: a better life for everyone”, stated the daughter of one missing person.

### FIGHTING FORGETFULNESS

The disappearance of a family member imposes a major challenge to families: to not let this person disappear completely in silence and uncertainty. This is why many families continue their battle to keep the memory of their loved one alive and to preserve their place in the community.

Taken from the Publication: Accompanying Families of Missing Persons



## MEANING OF “JUSTICE” IN RELATION TO THE DISAPPEARANCES

The family members interviewed hold varying perspectives on how they perceive “Justice” in relation to the disappearance of their loved ones .

55% of respondents referred to knowing the truth.

*“I believe that justice is having an answer, knowing the truth, knowing whether my father is dead or not” - DAUGHTER OF A MISSING PERSON.*

*“Justice is knowing what happened and locating the remains. I wouldn't believe it if someone else told me. I need to see it with my own eyes. I need this to know that he really isn't alive” - SISTER OF A MISSING PERSON.*

*“Justice is revealing the truth. I'm not interested in revenge or in lawsuits. I respect those who think differently, like some families who want to see a punishment. But what matters to me is divine justice” - DAUGHTER OF A MISSING PERSON.*

Meanwhile, for 55% of family members, “Justice” is also associated with judicial investigation and accountability.

*“Justice means conducting an investigation that would shed some light on the circumstances surrounding my father's death” - DAUGHTER OF A MISSING PERSON.*

*“Justice would be finding the body, clarifying the truth and punishing those responsible ”- SISTER OF A MISSING PERSON*

Themes surrounding the interpretation given to the amnesty law and to investigations and accountability in the event of serious human rights violations were examined by CNV and by the Inter-American Court of Human Rights. With respect to this issue, family members believe that the state's responses have been insufficient up to this time. The lack of accountability has lead to a feeling of impunity and disbelief in institutions.

To a lesser degree, 38% of respondents referred to “Justice” as a public recognition and 17% underscored the importance of honoring the memory of family members who have disappeared, remembering their life story and enhancing their image in the eyes of society through certain initiatives including educational programs that give visibility to the issue.





PERCEPTION AND EXPECTATION OF FAMILY MEMBERS IN RELATION TO NATIONAL COMMISSIONS

Although they were often unclear on the activities carried out by each Commission, most of the interviewed family members claimed they knew, albeit superficially, the SCPDMP, the Amnesty Commission (AC) and the CNV.

Invited to assess the work of the Commissions, 55% of respondents stated that they perceived the SCPDMP to be “positive.” The same response was given by 48% of respondents in reference to the CNV, and 47% when talking about the AC. A significant number of respondents were unsure of how to assess the work done by the Commissions because they were unfamiliar with each of their specific initiatives and activities.

Family members, when discussing their expectations, emphasized the need to be kept regularly informed about the work and progress of the initiatives by each Commission, with the exception of the work performed by the CNV, which concluded its activities in December of 2014. The approach with the families’ needs to account for the sensitivity of the topic and the equal treatment between families, regardless of the causes and circumstances of the disappearance. Specifically on the CNV, respondents indicated that the information collected was not enough to address their need to know what happened to the missing family member and stressed the importance of establishing a permanent structure for monitoring the implementation of recommendations coming from this Commission.

KNOWLEDGE OF NATIONAL COMMISSIONS

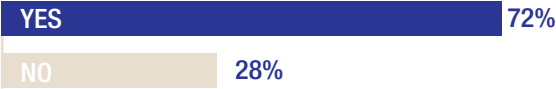
AMNESTY COMMISSION



CNV

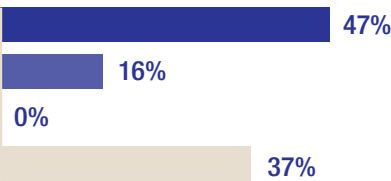


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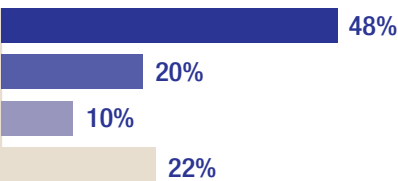


ASSESSMENT OF NATIONAL COMMISSIONS

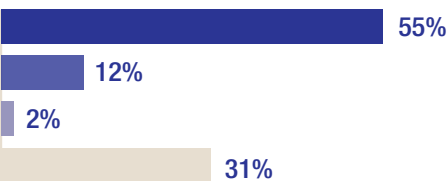
AC



CNV



SCPDMP



\* Only the interviewees who informed knowing the National Commissions were asked about their evaluation of their work.

RECOMMENDATIONS ON NEEDS FOR RECOGNITION, MEMORY AND JUSTICE

1. Brazilian authorities should ensure compliance with the recommendations by the National Truth Commission, especially recommendations n. 15, 26, 27 .
2. Brazilian authorities, especially the national mechanism, should, through official statements, recognize the problem of disappearances during the military regime, the suffering of family members and their right to be assisted and to know what happened to their loved ones.
3. Brazilian authorities, especially the national mechanism, should support memory initiatives conducted by the families of missing persons. Discussions on symbolic reparation measures and memory initiatives should include the ongoing participation of family members of the missing.
4. Brazilian authorities, especially the national mechanism and the AC, should promote symbolic reparation initiatives that would help spur the construction of remembrance on the disappearance of people and the needs of family members.
5. Brazilian authorities, especially the national mechanism, should consult with the relatives of missing persons in the Case "Perus' grave" about potential initiatives to safeguard the memory and honor their loved ones.
6. Brazilian authorities, especially the national mechanism and the AC, should recognize the International Day of the Disappeared on August 30 as an appropriate date for the memory and recognition of the prolonged suffering of families. They should promote memory initiatives on that date related to missing persons and their families.
7. Brazilian authorities should include the subject of persons who disappeared during the military regime in the II National Plan for Education in Human Rights (II PNEDH). The authorities should also hold a Public Hearing as part of the II PNEDH discussions in a place that families of missing persons have access to so that they are able to take part in drafting the Plan.
8. Brazilian authorities, especially the General Coordination for Human Rights Education of the Special Secretariat for Human Rights of the Ministry of Justice and Citizenship, should, with the participation of the families of missing persons, prepare educational material that includes the topic of missing persons during the military regime that will be distributed to public and private school teachers.

<sup>11</sup> CNV Recommendations:  
15- Guarantee of permanent medical and psychosocial assistance for victims of human rights violations.  
26- Create a permanent body to monitor the implementation of the actions and recommendations of the CNV.  
27- Monitor the activities aimed at localizing, identifying and returning the remains of the disappeared politicians to their families or other persons entitled to receive them for proper burial.





## 5. CONCLUSION



The families of missing persons have been deeply affected by the disappearance of their loved one. More than 40 years since the disappearance, the issue still weighs heavily on a number of aspects of their lives, demanding the full attention of authorities.

Family members have gone through a long and painful search process. Most of the interviewees have actively searched for their missing family member in every possible location and encountered various problems, including mistreatment and excessive spending, which led to even more suffering and anguish for themselves and their families. Presently, family members are still trying to clarify the circumstances of the disappearance. Despite recognizing the efforts of GTP forensic professionals, even without fully understanding the complexities and limitations involved in the identification process, family members expressed anxiety and distrust. Regular and periodic contact is therefore needed throughout the process, giving explanations on the initiatives, their challenges and potential results.

With no clear status for the missing person, family members have encountered – and to a lesser degree are still going through – legal and administrative difficulties.

Half of the family members interviewed have suffered economic consequences after their loved one disappeared. As of today, most of the interviewees have been able to recover from the impact. However, socioeconomic consequences of the disappearance can still be felt in some families, particularly those who did not have access to the reparations policy.

The disappearance and ambiguities surrounding the fate and whereabouts of the missing relative have inflicted emotional and psychological damage, and have left a deep mark on the lives of their family members. These family members noticed a negative impact on family dynamics and their relationship with social surroundings.

The results of this assessment makes it clear that it is impossible to generalize the needs of families of missing persons: these needs depend on family background, education, social and economic condition. Nevertheless, the majority of respondents are in agreement over their priorities: they want to know what happened to their missing relative, and locate and identify their remains. The expectations expressed by respondents regarding authorities also included initiatives for recognition, memory and accountability.

The state has created mechanisms and adopted policies to deal with people who have been subjected to violations of their rights or who disappeared for political reasons. These mechanisms and policies have to be comprehensive while including and redressing all families of missing persons, regardless of the causes or circumstances surrounding the disappearance.

Although the FNA has been restricted to the relatives of missing persons in the “Case «Perus’ grave»”, the ICRC believes that its lessons, recommendations and any future measures by authorities will play a vital role in alleviating the suffering of other family members of missing persons.

Local and federal authorities need to manifest a public commitment to resolving the issue of missing persons in political, legal and practical terms. The hope is that the recommendations contained in this report will help facilitate the adoption of a holistic approach related to the diverse and serious consequences that the disappearance of a family member can cause.

The ICRC would like to take this opportunity to thank the State for its confidence and to reiterate its willingness to support Brazilian authorities in implementing the recommendations outlined in this report – recommendations that will allow them to offer more appropriate responses to the needs of the families of missing persons.



## **MISSION**

The ICRC helps people around the world affected by armed conflict and other violence, doing everything it can to protect their lives and dignity and to relieve their suffering, often with its Red Cross and Red Crescent partners. The organization also seeks to prevent hardship by promoting and strengthening humanitarian law and championing universal humanitarian principles.

People know they can count on the ICRC to carry out a range of life-saving activities in conflict zones and to work closely with the communities there to understand and meet their needs. The organization's experience and expertise enables it to respond quickly and effectively, without taking sides.





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