



**The Missing:**  
**Action to resolve the problem of people unaccounted for as a result of  
armed conflict or internal violence and to assist their families**

**Support to families of people unaccounted for**

**Workshop**  
**10.06.2002 - 11.06.2002**  
**Ecogia ICRC Training Center - Geneva - Switzerland**

**Final report and outcome**

**Mission statement**

**The aim** is to heighten awareness among governments, the military, international and national organizations – including the worldwide Red Cross and Red Crescent network – and the general public about the tragedy of people unaccounted for as a result of armed conflict or internal violence and about the anguish of their families

**by** creating and making available tools for action and communication

**in order to** ensure accountability on the part of the authorities responsible for resolving the problem of missing people, to better assist the families and to prevent further disappearances.



**ICRC**



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## 1. Introduction

### 1.1 Introduction to the process "The Missing"

This workshop is part of an interactive process of reflection launched by the International Committee of the Red Cross (ICRC) on the tragedy of people unaccounted for as a result of armed conflict or internal violence.

Uncertainty as to the fate of relatives is a harsh reality for countless families in all situations of armed conflict or internal violence, one that often continues for many years. Not only is this deeply distressing for the families, it can also hamper efforts aimed at achieving reconciliation and an enduring peace by contributing to further outbreaks of violence.

Accordingly, the ICRC's objective in launching this process, in cooperation with all those involved in dealing with the issue, is to:

- review all methods that could be employed to prevent disappearances in situations of armed conflict or internal violence more effectively, and respond to the needs of families that have lost contact with their loved ones;
- agree on common and complementary recommendations and operational practices with all those working to prevent disappearances, and respond appropriately when people are unaccounted for in a situation of armed conflict or internal violence;
- position this concern higher on the agendas of government authorities, the United Nations and non-governmental organizations.

The process is being conducted in two stages.

During the first stage, studies are being conducted by a number of research centers and workshops are being organized that bring together governmental and/or non-governmental experts on topics relating to the issue of disappearances. The studies and workshops are intended to help clarify needs and the means of meeting them and to define recommendations and the best operational practices to be implemented. The present workshop is one of those events, all of which are listed below:

- 2 electronic workshops:
  - Human remains & forensic sciences: preparatory electronic workshop,
  - The legal protection of personal data & human remains,
- 3 studies:
  - Mourning process & commemoration,
  - Overcoming the tensions between family needs and judicial procedures,
  - Study on existing mechanisms to clarify the fate of people unaccounted for,
- 6 workshops taking place in the following order:
  - Member of armed forces / armed groups: identification, family news, killed in action, prevention,
  - Human remains: Law, politics & ethics,
  - Support to families of people unaccounted for,
  - Human remains: management of remains and of information on the dead,
  - Means to prevent disappearances & to process missing cases,
  - Mechanisms to solve issues on people unaccounted for.

The preparatory phase of each workshop comprises:

- the establishment of reference documents based on international humanitarian law and human rights, and relevant lessons or experiences from past and present situations of armed conflict or violence;
- written contributions from experts invited to participate in the workshop concerned, such as senior military officers, senior government officials, historians, lawyers, medical, psychology or forensic specialists and academics.

Documents are made available to the participants via a dedicated Extranet that allows all of them to follow the entire process.

At the end of each workshop, the outcome is summarized by the ICRC and posted on the Extranet. Individual opinions are not recorded; neither the participants nor their organizations bear responsibility for the summary.

In addition, the final report of the workshop, including the outcome, experts' contributions and the ICRC preparatory documents, will be prepared and subsequently published in English and French.

During the second stage, the ICRC will convene an international conference of the experts who took part in the workshops and of any other interested parties. The conference will be held in Geneva from 19 to 21 February 2003.

The results of the first stage will be submitted to the conference participants in the form of a document which will be compiled by the ICRC and which will contain all recommendations and best practices, for adoption by the international conference in February 2003. This document will take into account the outcome of all events; obviously, there will be some overlap between events, as the same topic may be dealt with from different perspectives.

The ICRC hopes that the conference results will be directly useful both to:

- individuals and organizations working in the political, humanitarian and human rights fields and active on the ground in situations of armed conflict or internal violence, and
- governments involved in developing international law and preventing or resolving conflicts, especially within the framework of the United Nations, for example through its Human Rights Commission, or within the International Red Cross and Red Crescent Movement, for example through the International Conference of the Red Cross and Red Crescent.

### 1.2 Support for the families of missing persons

Millions of families around the world face enormous problems because a relative is unaccounted for. While efforts are being made to locate the missing person, they must cope with a wide range of needs arising from their specific situation. The purpose of the workshop was to discuss how those needs could best be addressed and to draw up recommendations and best practices that are acceptable to all those involved.

The workshop was attended by 25 external experts from different parts of the world, involved with different aspects of the issue of missing persons, including representatives of the families themselves. The range of expertise represented allowed the issue to be tackled from a number of perspectives. Written contributions received prior to the workshop provided valuable input and formed a basis for the discussions.

The workshop addressed three main themes:

- the families of missing persons and their specific needs during armed conflicts or other situations of violence/transition periods;
- the families and death;
- the role of family associations.

Each theme was chaired and moderated by a participant, who presented the theme in plenary before it was deliberated in a working group. Each group's findings and recommendations were then presented by a rapporteur in plenary.

The role of the ICRC, apart from organizing the workshop, was to record the proceedings without attribution. The detailed conclusions and recommendations are set forth in section 2 below.

The workshop recognized the overriding need of families to know the fate of the missing relative. It acknowledged that primary responsibility for supporting those families lies with the governments concerned, but that the international community has a responsibility to exert pressure on the governments to fulfil that responsibility and to step in and provide assistance if necessary.

#### **The families of missing persons and their specific needs during armed conflict or other situations of violence/transition periods**

The workshop identified the families' material/financial, social, psychological and legal needs and examined the possibilities and constraints associated with addressing those needs. It recognized the importance of family and community involvement at all stages of a programme, of supporting and developing existing local resources, and of promoting traditional coping mechanisms. Assistance should be provided from a broad perspective and encompass the social, economic, political and cultural determinants of the missing people and their families and pay adequate attention to children. Organizations have a crucial responsibility to provide improved training and support, which should include a thorough grounding in the culture, society and role of the authorities in each context, if their staff are to work in an effective and culturally sensitive way.

### **Families and death**

The sole prerequisite to mourning is the belief that the person concerned is dead. Until there is adequate proof of death, the relatives of missing persons are not able to mourn. Delivering information on death, or handing the remains or personal effects of a missing person over to the family, is a delicate matter and requires an understanding of the process of mourning as well as knowledge of the local culture and customs. Staff need special training for such aspects of their work, both in order to carry it out in a sensitive manner and to protect themselves from secondary traumatization.

### **The role of family associations**

The workshop addressed the important role played by family associations in representing the families, providing support to their members and raising the issue of missing persons with the authorities. Such associations frequently operate with limited skills and resources in the face of severe political and environmental constraints. They need help to develop their capabilities and to encourage cooperation between associations. This would increase the impact of their activities and facilitate the exchange of information and the development of skills. Family associations should do their utmost to safeguard their independence.

## 2. Outcome: recommendations and best practices

Each workshop theme (see programme in section 6) is discussed in one of the following subsections.

### 2.1 General considerations

#### 2.1.1 General principles and recommendations

1. The most fundamental need of the families of missing persons is information on the fate of their relatives.
  - A. The following rules of international law and recommendations based on international law must therefore be respected in all situations of armed conflict or internal violence:
    - a. the rules and recommendations on the right of families to know the fate of their relatives (see below 2.1.2 *The right of the families to know the fate of their relatives: Rules of international law & recommendations applicable in armed conflict and/or other situations of violence*);
    - b. the rules and recommendations on the protection of children, including those whose parents are unaccounted for (see below 2.1.3 *Protection of children, including of those whose parents are unaccounted for: Rules of international law & Recommendations applicable in armed conflict and/or other situations of violence*).
  - B. In addition, it is recommended that children be systematically defined as persons under 18 years of age.
  - C. The promotion and implementation of these rules and recommendations is the responsibility of:
    - a. the authorities concerned, who bear primary responsibility;
    - b. the community of states;
    - c. international or local governmental and non-governmental organizations.
2. To prevent people from becoming unaccounted for, priority must be given to the identification and registration of detained persons and of the dead and the communication of their whereabouts to their families. A neutral or independent party, such as the ICRC, should be systematically authorized to:
  - A. register and monitor persons deprived of their freedom as a result of the situation;
  - B. record the names of the dead and the location of their graves.
3. The families of missing persons face specific needs while they await clarification of their relatives' fate or notification of death. These specific needs vary from context to context and over time; they have to be (re)assessed accordingly.
4. These specific needs must be addressed by:
  - A. the authorities concerned, who bear primary responsibility;
  - B. the community of states;
  - C. international or local governmental and non-governmental organizations.
5. The issue of missing persons, including the specific needs of their families, must be deliberated at donor meetings.
6. Any entity dealing with the families of missing persons has an obligation to assess the local context, culture and society, and the role played by the authorities, and to prepare its workers accordingly. Failure to do so should be construed as negligence.
7. It is essential that all entities involved with the families of missing persons coordinate their activities.

#### 2.1.2 The family's right to know the fate of relatives: rules of international law and recommendations applicable in armed conflicts and/or other situations of violence

1. Everyone has the right to respect for their family life, which includes the right to information about the fate of their loved ones.
2. Enforced disappearance is prohibited.
3. All appropriate measures must be taken to prevent persons from being unaccounted for as a result of armed conflict or internal violence and to account for persons reported missing as a result of such a situation.



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4. All persons must be treated humanely, respected and protected by virtue of their inherent dignity as human beings.
5. All persons, even when displaced (as internally displaced persons or refugees), detained or living in occupied territories, have the right to correspond with their families.
6. Persons deprived of their liberty should be allowed to receive visitors.
7. A record must be kept of the particulars of persons deprived of their liberty.
8. All possible measures must be taken to provide information to the appropriate authorities or to the family of the captured or deceased regarding the identity, date and place of capture and any particulars concerning wounds / illness and location and cause of death.
9. Each party to the armed conflict must establish an official Graves Registration Service to see to the dead and to record the particulars of graves and burials.
10. Each party to the conflict must establish an Information Bureau to centralize all information on the wounded, sick and shipwrecked, on persons deprived of their liberty and on the dead, without adverse distinction, and provide this information to the appropriate authorities or to the family via a neutral intermediary and to the ICRC Central Tracing Agency.

### References:

- GC I: Arts. 3, 16, 17  
GC II: Arts. 3, 19, 20  
GC III: Arts. 3, 69 - 71, 120, 122, 123  
GC IV: Arts. 3, 25, 26, 105 - 107, 116, 129, 130, 136, 137, 140  
AP I: Arts. 32 - 34, 75  
AP II: Arts. 4, 5  
HC IV (R): Arts. 14, 16  
Universal Declaration of Human Rights (1948)  
International Covenant on Civil and Political Rights (1966)  
American Convention on Human Rights (1969)  
European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)  
Inter-American Convention on Enforced Disappearances (1994)  
Inter-American Commission: Report No. 136/99, 22 December 1999, *Case of Ignacio Ellacría et al*, Case No. 10.488, par. 221 & 224.  
*Lucio Parada Cea et al*, Report 1/99, 27 January 1999, Case No. 10.480, par. 151.  
Inter-American Court: *Velasquez Rodríguez Case* (Honduras), Judgment 29 July 1988, Series C: Decisions and Judgments, No.4, par. 181, 166 & 174.  
*Godínez Cruz Case*, Judgment 20 January 1989, Series C: Decisions and Judgments, No.5, par.191.  
*Castillo Paéz case*, Judgment 3 November 1997, par.90.  
*Blake case*, Judgment 24 January 1998, par. 97: art.8.1 & p.116  
European Court of Human Rights: Judgment of 25 May 1998, *Matter of Kurt c. Turkey*, Case No.15/1997/799/1002, par. 134  
Judgment of 10 May 2001, *Cyprius c. Turkey*, Case No. 25781/94  
Human Rights Committee: *María del Carmen Almeida de Quintero and Elena Quintero de Almeida case* (Uruguay), decision of 21 July 1983, Communication No. 107/1981, par. 14.  
UN GA resolution 3220 (XXIX) of 1974 - Assistance and cooperation in accounting for persons who are missing or dead in armed conflicts  
UN GA resolution 47/133 of 1992 - Declaration on the Protection of all Persons from Enforced Disappearance  
HRC E/CN.4/1435, UN Report of the Working Group on Enforced Disappearances (22 January 1981)  
Resolution V of the 22nd International Conference of the Red Cross and Red Crescent (Teheran, 1973) - The missing and dead in armed conflicts  
Resolution II of the 24th International Conference of the Red Cross and Red Crescent (Manila, 1981) - Forced or involuntary disappearances  
Resolution XIII of the 25th International Conference of the Red Cross and Red Crescent (Geneva, 1986) - Obtaining and transmitting personal data as a means of protection and preventing disappearances

Resolution 2 of the 26th International Conference of the Red Cross and Red Crescent (Geneva, 1996) - Protection of the civilian population in period of armed conflict

Plan of Action for the years 2000-2003, adopted by the 27th International Conference of the Red Cross and Red Crescent (Geneva, 1999)

### **2.1.3 Protection of children, including of those whose parents are unaccounted for: rules of international law and recommendations applicable in armed conflicts and/or other situations of violence**

1. Any person under the age of 18 years is considered a child except if the applicable national law specifies otherwise.
2. Children affected by armed conflict are entitled to special protection:
  - A. they must be protected against all forms of torture, abuse or neglect;
  - B. they must be the object of special respect and must be protected against any form of indecent assault;
  - C. they must be protected against compulsory recruitment and participation in hostilities; even when children participate directly in hostilities, the special protection to which they are entitled remains applicable;
  - D. the death penalty may not be pronounced on a person under 18 years of age at the time the offence was committed;
  - E. when under the age of 12, children must be identified by an identity disc or some other means and be registered;
  - F. they must be protected within a family environment;
  - G. they must have access to education and be given priority in access to food and health care; children must be given additional food, in proportion to their physiological needs;
  - H. their cultural environment must be preserved.
3. Children under the age of 15 must neither be compulsorily recruited nor participate in hostilities. Violation of this rule is a war crime.
4. Children under the age of 18 must not be compulsorily recruited. When children are voluntarily recruited into armed forces under the age of 18:
  - A. such recruitment must be genuinely voluntary;
  - B. such recruitment must be carried out with the informed consent of the person's parents or legal guardians;
  - C. such persons must be fully informed of the duties involved in such military service;
  - D. such persons must provide reliable proof of age prior to acceptance into national military service;
  - E. such persons should not participate directly in hostilities;
  - F. in recruiting among persons who have attained the age of 15 but not the age of 18, priority should be given to those who are the oldest.
5. Armed groups that are distinct from the regular armed forces should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
6. If arrested, detained or interned, children must be held in quarters separate from the quarters of adults, except where families are accommodated as family units.
7. Mothers with dependent infants who are arrested, detained or interned for reasons related to the armed conflict must be considered with the utmost priority.
8. Where displacement occurs, the basic needs of the population must be met, its security ensured and family unity maintained.
9. All persons, even when displaced (as internally displaced persons or refugees), detained or in occupied territories, have the right to correspond with their families.
10. Unaccompanied children:
  - A. must be evacuated from areas of combat for safety reasons;
  - B. must be identified by wearing an identity disc or some other means and be registered;
  - C. must have their location known by the authorities and the ICRC Central Tracing Agency until they are reunited with their families;
  - D. must not be left to their own resources;
  - E. must be provided with essential care and assistance;

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- F. must be allowed to practice their religion and their education ensured, whenever possible entrusted to persons of a similar cultural tradition.
- 11. Information on unaccompanied children and children without news of their parents must be centralized and provided to the ICRC Central Tracing Agency.
- 12. All feasible measures must be taken to trace family members of unaccompanied children and to reunite them with the children.
- 13. In order to keep children in the same family and cultural environment, priority must be given to reuniting unaccompanied children with relatives in extended family units.
- 14. Children cared for by relatives in extended family units and without news of their parents:
  - A. must be identified by an identity disc or some other means and be registered;
  - B. must have their location known by the authorities and the ICRC Central Tracing Agency until they are reunited with their parents;
  - C. must not be left to their own resources;
  - D. must be provided with essential care and assistance;
  - E. must be allowed to practice their religion and their education ensured, whenever possible entrusted to persons of a similar cultural tradition.
- 15. Adoption of unaccompanied children must not be considered in haste during the height of an emergency.
- 16. Unaccompanied children must not be adopted if:
  - A. there is evidence that the parents are still alive or there is hope of successful tracing;
  - B. the adoption goes against the express wishes of the child, concerned relatives or legal guardians.
  - C. a reasonable time has not passed (at least two years must have passed) to allow for tracing information to be gathered.

### References:

GC III: Art. 3, 16, 49, 71  
GC IV: Art. 3, 14, 17, 24 - 27, 38, 45, 50, 51, 68, 76, 81, 82, 85, 89, 91, 94, 119, 132, 136 - 141  
AP I: Art. 11, 32 - 34, 52, 70, 74 - 78  
AP II: Art. 4 - 8, 13, 17  
Universal Declaration of Human Rights (1948)  
International Covenant on Civil and Political Rights (1966)  
Convention on the Rights of the Child (1989)  
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (2000)  
Rome Statute of the International Criminal Court (1998)  
Statute of the Special Court for Sierra Leone (2001)  
African Charter on the Rights and Welfare of the Child (1990)  
Resolution II of the 24th International Conference of the Red Cross and Red Crescent (Manila, 1981) - Forced or involuntary disappearances  
Resolution XV of the 25th International Conference of the Red Cross and Red Crescent (Geneva, 1986) - Cooperation between National Red Cross and Red Crescent Societies and governments in the reuniting of dispersed families  
Resolution 2 of the 26th International Conference of the Red Cross and Red Crescent (Geneva, 1996) - Protection of the civilian population in period of armed conflict  
Plan of Action for the years 2000-2003, adopted by the 27th International Conference of the Red Cross and Red Crescent (Geneva, 1999)  
Inter-Agency Guidelines on Unaccompanied and Separated Children - ICRC, UNHCR, UNICEF, IRC, SCF-UK, WVI (Draft, April 2002)

## **2.2 The families of missing persons and their specific needs during armed conflicts or other situations of violence/transition periods**

### **2.2.1 Specific situation and needs**

1. While the families of missing persons undergo much the same experiences as the rest of the population affected by an armed conflict or situation of violence, the additional problems associated with the disappearance of a family member vary according to the context and can have consequences on their situation that give rise to unique needs.
2. Most missing persons are adult men; in some instances several people from the same family may even be unaccounted for. Many families of missing persons thereby lose their breadwinner and are headed by women:
  - A. throughout the world, women have more limited access to education and professional training than men;
  - B. in many cultures, the traditional role of a woman is in the home, and there is little possibility for her to earn a living;
  - C. women are more vulnerable in a conflict situation to sexual violence.
3. In certain contexts, fear and mistrust among the population makes it impossible for the families to be open about their situation:
  - A. the families risk political reprisals or ostracism from their communities and therefore do not receive support which may otherwise be available;
  - B. they may become isolated from society because of the local culture, their undefined position in society (i.e. neither wife nor widow), fear or their psychological state, for logistical reasons such as physical distance and/or lack of transport/time/money.
4. The families of missing persons, specifically, have been found to have more stress-related disorders than other families, including those whose relatives are known to be dead:
  - A. in addition to losing a relative, these families are also living in, or have lived through, a conflict situation, during which they will very probably have experienced other traumatic events such as displacement from their homes, threats to their lives and physical violence, or witnessed such events;
  - B. small children in particular exhibit more signs of distress and may temporarily lose certain acquired abilities, while adolescents often resort to "acting out" and perform poorly at school, although the latter is also connected to the inability of families to pay school fees;
  - C. interviews about traumatic events, such as the disappearance of a loved one, have the potential to cause retraumatization. Repeated interviews by multiple agencies therefore increase the psychological burden on the families of missing persons.
5. In most contexts there is no official acknowledgement of the status of "missing person" and therefore:
  - A. there are no entitlements or support for the families, as there might be for the widowed, for example;
  - B. the undefined legal status of the spouse of a missing person has consequences on property rights, the guardianship of children, inheritance and, later, the possibility of remarriage.
6. The families of missing persons may be unable to obtain satisfaction from the legal process:
  - A. because there is no one for them to turn to, or they are reluctant to trust the existing authority as the information they give may be used for reasons that are not in their interests;
  - B. because time has passed since the disappearance and the evidence collected, if any, is irrelevant;
  - C. owing to fear for the personal safety of witnesses threatened by reprisals;
  - D. because they do not accept the level of accountability established by their national legal system.
7. The families may lack information on:
  - A. how to proceed in the search for their missing relative;
  - B. how to apply for financial or material support;

- C. how to obtain legal advice.
- 8. The families may find it difficult to communicate with relatives and friends who are at home, have been displaced or have refugee status.
- 9. In addition, staff working with the families of missing persons might themselves be affected:
  - A. Individuals who work with trauma victims, who listen to their experiences in an empathetic manner and with a desire to ease their suffering, may themselves be affected. This phenomenon has been extensively studied and is known as "vicarious" or "secondary traumatization". It can have a significant impact on the personal emotional health of the workers, their work performance and their attitude towards the job.
  - B. Because of the sensitive nature of working with the families of missing people, as concerns both expatriates and national employees, it is essential that all the entities involved make sure that the workers concerned receive adequate training and ongoing support. They must not only provide training in the skills required effectively to address the families' psychological needs, but also to help staff avoid becoming traumatized themselves.

## **2.2.2 Support for the families of missing persons: recommendations and best practices**

- 1. The principles and recommendations set forth in 2.1.1 are applicable.
- 2. The specific needs of the families of missing persons must be addressed:
  - A. by the authorities, who bear primary responsibility;
  - B. by international or local governmental and non-governmental organizations.
- 3. Such needs may not be met by general assistance programmes:
  - A. during an emergency phase it may not be possible to address more than the basic needs for food, shelter and physical safety;
  - B. however, even while the conflict is ongoing and as soon as circumstances allow, targeted assistance must be provided to these victims.
- 4. The specific needs of the families of missing persons should be assessed in each context and periodically reassessed as the situation evolves.
- 5. The role of the families as the main activists should be emphasized. The families and children concerned and the local communities must be involved to the greatest extent possible in the definition, planning and implementation of assistance programmes to ensure their relevance.
- 6. Any programme or activity addressing the families' needs should be adapted to local circumstances and aim to promote social reconstruction and reconciliation in the community. It must:
  - A. be culturally and socially informed;
  - B. respect and build on local expertise;
  - C. adopt a community-based and interdisciplinary approach, aimed at the programme's sustainability;
  - D. involve cooperation based on equal partnership and mutual cultural respect;
  - E. encompass a family-empowerment process that promotes "self-help" and focuses on the families' resilience and strengths;
  - F. promote respect for and the development of local resources and coping strategies;
  - G. stimulate awareness of the consequences of traumatic stress and destigmatize the families' plight.
- 7. The programmes should have built-in monitoring and evaluation mechanisms as an integral part of the ongoing project cycle.
- 8. **Material and financial support**
  - A. Food, shelter and physical safety must take precedence in all situations.
  - B. The families of missing persons require material and financial assistance. Of special concern in this respect are single heads of family and unaccompanied children, whose physical safety must be given priority.

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- C. Programmes should aim to promote the families' self-sufficiency and thus include adequate professional training at the earliest possible stage.
- D. Programmes must put particular emphasis on continued schooling in the children's own environment.

### 9. Social support

- A. Awareness must be promoted of the social consequences for the families of missing persons, in order to destigmatize their social situation and help them rebuild their social identity.
- B. The terminology used should reflect the families' strengths and resilience, rather than their weaknesses and needs.
- C. Children whose parents are both unaccounted for need to be protected, and they must be reunited with and cared for by members of their extended family or community. They should be schooled in their own environment.
- D. The resilience of children should be recognized. The children of missing persons should not be considered only as victims needing protection, but also as active partners and provided with information about the fate of their relatives.
- E. The need for the families to communicate with relatives both within their country and abroad must be recognized. They must be given the opportunity to use the Red Cross / Red Crescent news network whenever needed.

### 10. Psychological support

- A. Programmes providing psychological support and, when necessary, psychiatric treatment must be set up to help families adapt to their altered situation and come to terms with the events.
- B. In order to be effective, such programmes must be supervised by appropriately qualified professionals, who can define clear objectives and identifiable evaluation indicators.
- C. Such programmes should be built on the local mental health, primary health care and healing systems, in order to be adapted to the cultural context and habits. Those systems must therefore be supported and reinforced.
- D. Specific psychological support for the families of missing persons should be systematically planned and provided as an integral part of the processes of *ante mortem* data collection, exhumation and identification of human remains, and returning human remains to the families.

### 11. Legal requirements

- A. In peace time, or at the latest when an armed conflict or other situation of violence occurs, the authorities must incorporate into their domestic legislation administrative recognition of the status of person missing as a result of an armed conflict or situation of internal violence. The legislation must:
  - a. provide families with a (temporary) declaration that a person is missing as a result of a situation of armed conflict and/or other situation of violence (until her/his fate has been ascertained);
  - b. determine the rights of family members while the person is missing with regard to the civil status of spouse and children, guardianship and parental authority, and the administration of the missing person's estate;
  - c. make provision for definitive recognition that the missing person is dead (when his/her fate has been ascertained);
  - d. indicate which authorities are competent to issue such a declaration or recognition;
  - e. establish the documents required to request such a declaration, taking into consideration the circumstances (such as the difficulty of obtaining official documents in a country affected by a conflict or situation of violence);
  - f. establish the legal regime of protection for children whose parents are unaccounted for and prevent their hasty adoption;
  - g. minimize the difference in treatment between missing civilians and missing soldiers in terms of rights;
  - h. provide basic social services to family members (health care, the allocation of housing, priorities in employment);

## Support to families of people unaccounted for

- i. provide financial assistance for family members, if needed, until the fate of the missing person has been ascertained.
- B. When relevant, justice should be done by fair judicial process, by prosecution and/or by the establishment of alternative mechanisms such as truth commissions, reparations or ombudsmen, said mechanisms to be implemented by the authorities with the potential support of international or local governmental and non-governmental organizations.

### 12. Coordination of assistance for and access to information for families

- A. As much firsthand information as possible should be collected as soon as possible on missing persons and on the circumstances of their disappearances, in order to preserve its relevance. Whenever necessary, that information should be collected by a neutral intermediary such as the ICRC.
- B. Mechanisms with exclusively humanitarian aims should be established, whenever necessary, with the support of a neutral intermediary such as the ICRC:
  - a. to collect, centralize and disseminate information concerning cases of missing persons;
  - b. to ensure agreed working procedures and avoid duplication of work between entities;
  - c. to ensure that the families of missing persons are clearly informed by all the relevant entities:
    - I. about their rights;
    - II. about the measures taken to ascertain the fate of their missing relative and the results obtained;
  - d. to ensure coordination and complementarity between the entities running family support programmes;
  - e. to ensure increased data-sharing between entities:
    - I. whenever needed, for known, exclusively humanitarian reasons;
    - II. with the consent of the families/individuals concerned;
    - III. in compliance with the legal provisions protecting personal data;
  - f. to ensure effective security measures and protection are afforded those involved in investigations into the whereabouts of missing persons.
- C. Information on the assistance available to the families of missing persons needs to be compiled centrally (i.e. by one organization) and distributed to the relevant organizations and to the families.

### 13. Training and support for personnel working with families of missing persons

- A. Any field work should be preceded by briefings by an expert with local experience, such as an anthropologist, and include information on the society and on the cultural and religious aspects of mourning, grief and funeral customs.
- B. Specific training should be given by professionals to all staff on:
  - a. the potential psychological reactions experienced by trauma victims;
  - b. the risk of secondary traumatization to those working with trauma victims;
  - c. the means by which staff can protect themselves against secondary trauma and burnout.
- C. Ongoing training should provide continued support to workers and deal with particular problems arising from their work.
- D. The teams working with families of missing persons should be regularly debriefed by a qualified person. Staff holding management positions should be given training in the management of stress as it affects personnel.
- E. Staff holding management positions should receive training on the management of staff affected by stress.
- F. Employees should be encouraged by their supervisors to take sufficient time off to help prevent burnout.
- G. Special training should be provided to prepare workers for any activities that may provoke particularly strong emotional reactions among the relatives of missing persons. This preparation would help avert "secondary traumatization" and should relate to activities such as delivering information on death or collecting *ante mortem* data and returning personal effects or human remains.

## **2.3 Families and death: recommendations and best practices**

1. The principles and recommendations set forth in 2.1.1 are applicable.
2. Perceptions of death vary from one culture and religion to another: death can be an end, a passage to reincarnation or an achievement. This influences the mourning process and must be taken into account in any contact with families concerning death.
3. Commemoration is a significant event in the process of mourning a missing person:
  - A. it can contribute to or inhibit reconciliation at the individual and national levels;
  - B. it can also prompt recollection of past inhumanities and thus help prevent their reoccurrence and future human rights violations.
4. The cultural specificity of refugees and displaced persons should be respected at all times and so include the opportunity to hold funerals and commemorations accordingly.
5. Staff informing families of the death of a relative, or returning personal effects or human remains, must be prepared and supported psychologically for those tasks in order to avoid developing "secondary traumatization" (see 2.2.2.13 above).
6. **Delivering information of death and returning personal effects or human remains to families**
  - A. The only prerequisite to mourning is the belief that the missing person is dead. Until adequate proof of death can be provided, relatives of missing persons cannot mourn and may experience feelings of guilt. A death certificate alone might not be enough to induce belief in the death of a missing person.
  - B. The authorities that issue death certificates have a responsibility, as does the ICRC when it delivers death certificates or attestations, to ensure the authenticity of the information they contain, which must in principle be compatible with the cause of death and the availability of the remains. The authorities or organizations delivering death certificates should also obtain information on the certificate's significance in the local culture.
  - C. Unless the human remains have been discovered or the family is already convinced that the missing person is dead, the death certificate or attestation will not in and of itself initiate the mourning process (see 2.3.6.A above). It is useful, however, for legal and administrative purposes.
  - D. Where the criteria for certifying death are not met, a declaration recognizing the missing status of the person could first be issued (see 2.2.2.11).
  - E. In order to be credible, the death certificate must be:
    - a. accompanied by evidence;
    - b. based on reliable information;
    - c. issued on an individual basis;
    - d. issued and delivered promptly.
  - F. Any organization that delivers notifications of death should appoint and train specific persons for that task (see 2.3.5 above).
  - G. The process of informing families about the death of a relative and of returning personal effects or human remains must be well prepared:
    - a. the member of the family who should receive the information, personal effects or human remains should be determined in advance on the basis of local customs;
    - b. whenever possible and reasonable, an appointment should be made in advance to ensure the presence of family member(s) whose presence is required; it is important that relatives are not alone when the news is delivered and that children are not excluded;
    - c. those delivering the information, personal effects or human remains could be accompanied by a culturally appropriate support person (such as a community or religious leader or a health worker) who is in a position to provide the necessary support.
  - H. Before returning human remains, the following should be considered:
    - a. how the remains will be delivered;



- b. the state of the remains, so that the family can be advised on and prepared for the possibility of viewing them;
  - c. the emotional and financial support to be offered to the family during the funeral;
  - d. the wishes of the family with regard to any additional remains found.
- I. Consideration should be given to the possibility of additional information arising about the deceased after the human remains have been delivered.
  - J. An official document confirming the death and paving the way for the legal consequences should be transmitted to the family whenever possible (and when doing so serves a humanitarian purpose), in accordance with the rules set forth in 2.3.6.G above.
  - K. In some cultures and religions, a specific ceremony such as a rite of passage may serve to initiate the mourning process.
  - L. Support should be available to the families throughout the mourning process. Access to such support could be facilitated by relevant organizations if it is not already available in the community.

**7. Exhumation and the identification process**

- A. Attempts intentionally to confuse the process of identification of human remains on a widespread and systematic basis should be considered a crime against humanity.
- B. When exhumations are carried out to examine unidentified human remains, information should always be collected for the purposes of identification.
- C. In order to make sure the families do not build up their expectations unrealistically, clear information must be provided on the means available for identification.
- D. Coordination and working procedures must be agreed upon by all the entities involved, in order not to subject the families to repeated interviews and to ensure they receive accurate, coherent and comprehensive information (see also 2.2.2.12 above).

**8. Commemoration and collective funerals**

- A. Commemoration plays the following roles for the families of missing persons:
  - a. it encourages the process of mourning and remembrance by allowing families and communities to grieve together;
  - b. it provides moral support which comforts and helps relatives and loved ones cope with the situation,
  - c. it reaffirms the existence of missing relatives of whom all other trace may have disappeared;
  - d. it humanizes the event and makes it more personal, for example by naming those who are unaccounted for and making them someone's son, daughter, parent, etc.;
  - e. it pays tribute to the missing and provides acknowledgement and public recognition of denied or distorted events;
  - f. it acts as a form of redress, returning honour to those who have been wronged;
  - g. it highlights the significance of past events;
  - h. it serves as an instructive reminder to present and future generations, by transforming existing rituals or devising new ones;
  - i. it fosters reconciliation at the individual, community and national levels;
  - j. it allows the souls of the dead to rest in peace,
  - k. it provides a site to visit when a grave is not available.
- B. The planning and preparation of commemoration ceremonies is an important part of the process and should be under the control of the families and communities concerned.
- C. Commemoration should be culturally appropriate and victim-centered. It can be an ongoing process of many events or take a variety of forms, such as monuments.
- D. The local authorities should be encouraged to provide material support for commemoration ceremonies or to participate in other ways, for example by naming streets after missing persons.
- E. If possible, the government should acknowledge the event by declaring a day or a ceremony of commemoration.

- F. The public's presence at such events is important, particularly if the authorities played a role in the violations, but any external presence should be strictly supportive, and care should be taken that such events do not become politicized.
- G. The media should be encouraged to support commemorations on behalf of the families.
- H. The families should be informed about the possibility of collective funerals and support should be provided to secure the process, even if the families regard them as second best.
- I. In acknowledgement of the above-mentioned principles and best practices, humanitarian organizations should support and attend commemorations.

## 2.4 The role of family associations: recommendations and best practices

1. The principles and recommendations set forth in 2.1.1 are applicable.
2. Because of the diversity of cultures and contexts, no ideal formula exists that can be applied to family networks globally and nothing should be imposed on the families of missing persons.
3. Family networks can play an important role at several levels. They can:
  - A. provide collective support;
  - B. emphasize the role of the families as the chief activists on the issue of missing people (and not only as victims);
  - C. act as pressure groups on policymakers;
  - D. bring recognition to the issue and to the problems faced by the families;
  - E. make sure the authorities in charge of ascertaining the fate of missing persons do not neglect their duties.
4. The **status** of family associations and networks
  - A. It may change over time and depending on the context.
    - a. The association may develop in phases:
      - I. starting as an informal group,
      - II. becoming formalized but not officially registered,
      - III. and ending up as a registered, non-profit organization.
    - b. It may be part of an existing non-governmental organization (e.g., one that is active in human rights).
  - B. Family associations should maintain their independence.
5. In terms of **objectives**, family associations and networks:
  - A. must be representative of their members: individual voices should be heard through democratic processes, and in instances where an association takes up an outside issue there should be internal informed consent;
  - B. provide material and psychological support for their members, by bringing families together and allowing them to relate to other people going through similar experiences they can not only provide psychological and social support but also help attenuate feelings of isolation and vulnerability;
  - C. bring recognition to the issue of missing persons and the problems faced by the families;
  - D. keep the issue on the agenda of the authorities in charge of ascertaining the fate of missing persons and put pressure on them to support the families;
  - E. facilitate the exchange and comprehension of information, by the families and entities concerned, of the measures taken to ascertain the fate of missing persons and the results obtained;
  - F. participate in the decision-making process and channel community-based support programmes;
  - G. contribute to respect for and promotion and implementation of international humanitarian law and human rights;
  - H. advocate the prevention of disappearances, the protection of detainees and the importance of safeguarding the life of any person.

**6. The strengths and constraints of family associations and networks**

- A. The strengths of family associations lie in the fact that the members are extremely motivated and therefore active; they are courageous and seek the truth.
- B. Associations also work with several constraints:
  - a. They represent a group of traumatized people who are emotionally involved in the issue and frequently work under difficult circumstances. In addition to past traumas, they may also have to cope with difficulties such as loss of housing, displacement/refugee status, loss of income and lack of outside support.
  - b. Because membership is based on the mutual tragedy of having a missing relative, they do not necessarily possess the skills needed to carry out the activities required of an association, such as management, fund-raising, etc.
  - c. The members' emotional involvement makes them more vulnerable to disappointment, frustration and depression, all of which are fatiguing and likely to affect the whole group.
  - d. Family associations have to prepare themselves for continuous threats from government agencies or internal disputes about objectives or strategies; there might also be competition between members and between groups who, while all representing the families of missing persons, may represent opposing political parties or groups. Instead of developing a sense of solidarity, they fragment and lose potential power. This risk can be mitigated by, for example, adopting democratic procedures, acting transparently, drafting statutes, holding elections, etc.
  - e. In each culture, local circumstances and resources have to be taken into account when a family association is established.
  - f. The family association has to be aware of the risk of political manipulation. It can reduce this risk by obtaining funding from multiple donors, by safeguarding its independence and by requesting transparency.

**7. Development - A family association or network should:**

- A. be created by local initiative only;
- B. take into account the local culture, circumstances and resources;
- C. identify a suitably charismatic person to take the lead and voice the opinion of its members vis-à-vis the authorities;
- D. put in place democratic and transparent procedures, statutes, elections, etc.;
- E. respect the legal provisions protecting personal data;
- F. not go public, in particular on individual cases, without a democratic decision and the consent of the families concerned;
- G. define its mission and strategy with an emphasis on common goals and humanitarian issues; as the latter may evolve over time, the former should be regularly reassessed;
- H. look for allies with special skills, in particular in:
  - a. capacity-building,
  - b. operational management,
  - c. financial management,
  - d. fund-raising;
- I. obtain access to a government agency or independent body that is able and willing to provide information and financial support to family associations;
- J. seek material and financial support from sources that do not compromise its independence;
- K. encourage cooperation and networking with other associations regardless of their affiliation;
- L. establish transparency in its relations with external partners and within the family association and encourage mutual dialogue.

**8. Support for family associations**

- A. The international community must encourage the development of civil society, which includes the promotion and support of the representativity, independence and self-sufficiency of family associations and other partners within civil society.
- B. This task must be addressed by:
  - a. the authorities concerned, who bear primary responsibility;
  - b. the community of states;
  - c. international or local governmental and non-governmental organizations.
- C. Support for family associations and networks should aim to:
  - a. promote the representativity, independence and self-sufficiency of the associations within civil society;
  - b. develop the associations' capacities while taking care not to duplicate existing services;
  - c. develop the capacity to raise awareness by linking with other NGOs and (inter)national media;
  - d. support projects planned and implemented by family associations;
  - e. develop the management capacity of family associations, including financial management and fund-raising skills;
  - f. open training and support programmes for the staff of organizations working with the families of missing persons to community personnel and members of the association;
  - g. promote relations between associations and support the establishment of a federation of associations at national, regional and international levels.
- D. Entities supporting family associations and networks must act as facilitators and not as manipulators.
- E. Political organizations must refrain from using family associations for their own political ends.

### 3. Experts' contributions

#### 3.1 By Mr Camilo Marks, Lawyer, Human Rights Program, Ministry of Interior, Santiago (Chile)

#### THE CHILEAN EXPERIENCE ON THE MISSING. SOME PROPOSALS

##### Part I

- 1) The Chilean experience on the missing is unique at least in two respects. Almost immediately after the 1973 military coup which overthrew the constitutional government and interrupted democracy in Chile, a de facto regime instituted forced disappearances of people as a way of fighting dissent. At the same time, an inter-confessional organization under the name of Comité de Cooperación para la Paz en Chile (Committee for Peace) was founded. Its aim was to help those who were suffering gross human rights violations or were victims of the political violence. All summary executions, people unaccounted for as a result of the armed conflict, political prisoners and other victims were denounced and registered at the Committee.

This organization had to cease by the end of 1975 due to political pressures. The Vicaría de la Solidaridad, being a part of the Catholic Church within the larger Archbishopric of Santiago, was set up in 1976 in order to pursue the Committee tasks. The Vicaría lasted until 1992 continuing the search for the persons whose whereabouts were unknown, supporting their families in the struggle to know the truth.

When democracy had been restored in Chile, the creation of the Comisión Nacional de Verdad y Reconciliación (National Commission for Truth and Reconciliation (-CNVR-) took place in 1991. This Commission released a final report on the missing and the dead as an outcome of civil servants actions during the military regime. Whenever possible, the report described the circumstances under which disappearances and deaths had occurred. The report also recommended economic compensations for the victims' families.

The Corporación Nacional de Reparación y Reconciliación (National Corporation for Reconciliation and Compensation) started its work after the CNVR had finished its mission. As its successor, the main task was to find out about new victims not included in the previous Commission report and to carry on in the search for the missing during the 1973 -1990 military regime. At present the Corporación has become a Human Rights Program at the Ministry of the Interior and its aim is to establish the fate of those unaccounted for and of those who were summarily executed but whose remains have not been found.

Numerous non government organizations and family associations - mainly the Agrupación Nacional de Familiares de Detenidos Desaparecidos- have worked in conjunction with these institutions throughout the country.

Therefore, since the interruption of democracy in Chile by a regime that consistently violated human rights -and was repeatedly condemned by the international community- there has been a reliable record concerning those violations. Today nobody can ignore them, since they have been utterly and completely proven before the society at large.

Likewise, the nature of the military regime -especially the declaration of a "state of internal warfare"- allowed the participation of international organizations. Over and over again they pronounced that the most basic human rights were overwhelmingly violated in Chile; sometimes they took measures to prevent these violations. Amongst them were the UN Human Rights Commission, the Inter-American Commission for Human Rights, Amnesty International, Human Rights Watch, the ICRC and many more.

Thus, thanks to the uninterrupted work of many Chilean organizations and the staunch support of the international community not only was it possible to know the tragedy of the missing, but also to gauge its full extent, raising consciousness about this atrocious crime. This collective approach certainly spared many lives. It almost surely obliged the political leaders to restrict and eventually to eliminate the practice of forced disappearances towards the end of the military regime (the last 5 cases of missing were reported in 1987).

- 2) The other singular aspect of the Chilean experience concerning the missing is the way chosen in order to find out their whereabouts. Chile was in 1973 a country with a long lasting history of democratic governments. It also possessed a vast juridical and legal culture. Even though the Chilean courts were initially in favor of the military, lacking therefore in impartiality, all those concerned about the disappeared still went to them in order to find where the victims were and what had happened to them.

In consequence, as soon as an illegal arrest was denounced, an habeas corpus was filed. From then on, a process continued, consisting sometimes of thousands of criminal suits attempting to ascertain the whereabouts of the victims. Since 1973 up to the present day, the professional teams of human rights organizations and the victims' families have been continuously working in the search for the missing. Throughout the whole country, the Chilean courts, including military judges and the Supreme Court have had to follow countless legal proceedings tending to find the missing and also to identify those who arrested them.

The Amnesty law of 1978 (Decree law 2191) was passed in order to paralyze these investigations but it failed in its principal objective. On the contrary, since its inception the amnesty was interpreted by human rights lawyers as a legal pardon which could only be applied when the crimes were completely determined –be they abductions, murders, illegal associations or other- and the perpetrator's identity was known.

The democratic government has been unable to abrogate the amnesty but the judicial investigations concerning the missing continue at the courts. In most cases, the whereabouts is still unknown. Very few families have been granted the opportunity to bury their dead. However, the Mesa de Diálogo for the first time permitted an exchange between the military and the civil society about this subject. Although its outcome was not satisfactory for the relatives of the victims, the nomination of special judges solely investigating disappearances has been a tremendous achievement. For the first time in almost 30 years several kidnappers were identified and brought to justice. For the first time in such a long time some circumstances around the missing are being known.

On the other hand, the charges against General Pinochet, whose complexity is beyond this paper, have allowed the prosecution of numerous people held responsible for the disappearance of their countrymen.

So far, in spite of the material and legal entanglements derived from the military government and the precarious balance still prevailing in Chile due to the transition to full democracy, there is a visible progress, unthought of a decade ago.

In short, the Chilean experience on the missing may in the first place, be described by the ceaseless effort of the human rights organizations in registering all the cases, without hesitating to take the available means to find out everything related to the disappeared. Secondly, they have believed that the judiciary is the best way to know the fate of those unaccounted for as the result of the military repression. In going to the courts, there is a double record of the victims: that which exists in the human rights organizations and the evidence produced at the courts. Many copies of this evidence are now in the Ministry of Interior Human Rights Program.

## Part II

The Chilean experience and others, above all in South American countries, may be useful when making some proposals. They are not interchangeable but can be applied or discussed in different situations:

- 1) The continuous work of human rights organizations with families associations is essential. Only they can face the state, demanding truth and punishment for those found guilty. Multi disciplinary teams are necessary when you have a mother, a father, a spouse or brother missing; they help to assume a mourning without death, without any explanation at all.
- 2) The judicial way must be the main instrument to fight for the missing, even in those countries where courts are passive or obey governments with a bad record on human rights. There should be public denunciations against states where impartial courts are not permitted and when possible, these states should receive international sanctions.
- 3) International conventions preventing disappearances should be ratified and adapted to internal legislation. The UN Convention against torture, the UN Convention against disappearances, the International Criminal Court treaty and similar multinational laws should be enforced in all countries. All states should punish the crime of lese majesté for those who carried out detentions and were later unwilling to state where the victim is. There must be a severe penalization on crimes against human rights committed by civil servants.
- 4) Those states held responsible for disappearances and their successors must compensate the victims' families, both economically and morally through means compatible with the harm done. There should be a public acknowledgement in order to restore the reputation of those unaccounted for as a result of state violence.

## **Support to families of people unaccounted for**

- 5) In the area of public education, human rights issues must be taught within the normal curricula. The respect for minorities and different lifestyles should be part of the basic educational background. Such concepts as “internal” or “external” enemy must be gradually abolished from the schools.
- 6) The members of the army must be “human rights citizens”, ie, they should permanently learn about them and respect them, both in armed conflicts and amongst themselves. The international human rights conventions must be part and parcel of their training. Ideas or principles such as “enforced obedience” cannot be vehicles for human rights violations. The intelligence agencies of the army must be limited whenever human rights are at risk. Conscientious objectors should be exempted from the army. Courses people to torture inside the army must terminate and those who reject them should be protected.
- 7) There must be some minimum regulations regarding detention and prison: identification of those who effect arrests, extreme limitations to solitary confinement, annulment of evidences obtained under duress, and no more than 24 hours in bringing a detainee before a judge should be allowed.
- 8) The mass media have an essential role in preventing disappearances. During the military regime in Chile, the missing were labeled as “terrorists” or “criminals” and the media lied when informing about them. There should be laws penalizing mass media which have knowledge of disappearances without forwarding it to the public.
- 9) Children whose parents are missing must be strongly protected. The monstrous adoption of them by members of the army or other people who know their condition must be severely penalized. Human rights organizations, non government organizations and multi disciplinary groups must care about the welfare of these children.
- 10) The children of the disappeared must not be arrested, harassed or be witness of crimes similar to those committed against their parents.
- 11) Finally, there should be multi disciplinary groups in order to assist the relatives of the missing, since the initial stages of loss until the final statement about their whereabouts is known.

### 3.2 By the American Red Cross Chapter Caseworkers (United States of America (the))

#### **American Red Cross Chapter Caseworkers Speak to the Issues Facing Families of the Unaccounted for**

*In this report American Red Cross chapter caseworkers speak to the issues facing families of the unaccounted for. What follows is in their own words. The contributing chapters include: Minneapolis, Minnesota, Boston, Massachusetts, Chicago, Illinois, San Francisco, California, Greensboro, North Carolina, Lexington, Kentucky, and St. Louis, Missouri. Chapter caseworkers were selected on the basis of their considerable experience with clients of differing nationalities in their tracing and other international social services programs. These clients are for the most part refugees and other new arrivals to the U.S. Included as well are comments on services provided to Holocaust/World War II survivors who entered the U.S. as refugees more than 50 years ago. The report is submitted by Eleanor Whitman, Acting Director, International Social Services, national headquarters, American Red Cross.*

#### **Background of the Tracing and Other International Social Services program:**

The Board of Governors of the American Red Cross has specified that Tracing is a required service for our more than 1,000 chapters located throughout the United States. The Tracing and Other International Social Services program is responsible for serving individuals separated from their family members by war, political tensions, and disasters. People contact the local American Red Cross chapters wanting assistance in finding missing relatives and reestablishing communications or in learning about the fate of relatives. Many requests to locate missing relatives thought to be in the U.S. are also received from other national societies and the ICRC in Geneva and its delegations worldwide. Starting in 1975 with the enormous influx of Vietnamese, Cambodians, and Laotians to the U.S., the majority of the populations we serve have been persons who fled to the United States as refugees.

The target population for our tracing and Red Cross Message services closely follows the demographics of the refugee inflows authorized by the U.S. Government's Refugee Resettlement Program. In the 1990s the number of refugees from Southeast Asia has decreased and the number of refugees from the former Soviet Union and the Balkans increased. In the 1990s the U.S. government refugee program allocated an increasing number of refugee visas to refugees from many African countries, although refugees from other parts of the world have decreased in number. In a parallel pattern, the American Red Cross has seen a very large increase in the number of cases involving Africa, especially Red Cross Messages for separated family members. Last year our tracing and Red Cross Message caseload involved 31 countries in Africa.

In the past, as soon as chapters were well connected with refugees groups from Southeast Asia, they were able to provide good service. However, with an increasing number of clients coming from many different countries, chapters are finding it necessary to create ties with many different groups, organizations, and community associations. The majority of chapters do not provide services to refugees beyond the required tracing and Red Cross Message service and information and referral services. Most do not have the resources or the trained staff to move beyond the required services. Also there are refugee resettlement agencies in local communities that are contracted by the U.S. government to provide resettlement services to refugees. However, some chapters have their management's support to move beyond required tracing services and are exceptionally active, well informed, and well connected in the refugee community and provide a greater range of services. It is from these chapters that the following information has been obtained.

Currently International Services at national headquarters is engaged in a Refugee and New Arrivals Initiative to explore with chapter staff the current situation in their communities for this population. At issue is an exploration of the gaps in service and whether the International Services should move to increase services. The first Refugee and New Arrivals Working Group met in Williamsburg, Virginia in March 2002 and the second is scheduled for Tucson, Arizona in June 2002.

The following comments by chapter workers address issues raised in the framework of the ICRC project, The Missing, regarding support to families of the unaccounted for.



**1. Main problems faced by families of unaccounted for -- Identification of psychological needs**

- (Minneapolis, Minnesota) Human nature dictates that people will respond to stressors differently. I have had clients who can deal with the "not knowing" and carry on with their daily lives, working hard, saving money, and looking forward to the time when they are reunited with loved ones. They may still suffer from depression and even be on medication, but they are able to function in the here and now. Others find it very difficult to lead a normal life, cannot bear the uncertainty of not knowing the fate of loved ones, cannot concentrate, may lose jobs, and complain of a "heavy head" or "too much thinking". I have one client who traveled back to Liberia once or twice a year, interrogating people, searching for leads on her missing daughter, to the detriment of her marriage, her job, her financial situation and participation in any other life activities.
- (Boston, Massachusetts) Most of the immigrants/refugees coming to MassBay for assistance reflect forced migration backgrounds. Common psychological signs include fatigue, confusion and difficulty in concentrating, anxiety, depression, disturbed sleep, grief, and, in a few cases, anger that affected their job performance.
- (Lexington, Kentucky) Refugees have experienced social and cultural isolation, depression, continued effects of Post Traumatic Stress Disorder (PTSD), alienation in a new culture compounding preexisting trauma, anxiety and unrealistic expectations of the power and speed of the Red Cross to solve issues, locate, and reunite missing family members.
- (Chicago Illinois) Not knowing what has happened to family members causes great stress. Often an adult male will call to say his wife or mother cries all the time because she is worried about a family member. The worry does not go away. We still have clients from the Iran-Iraq conflict who can't sleep at night because husbands or sons are missing. Sisters separated by the mass migrations in Africa continue to hope for news...the caring does not stop.

**2. Specific social and psychological needs of families of the accounted for**

(St. Louis Missouri) **Bosnian refugees** – We offer some thoughts on the mental health needs of survivors of the Srebrenica massacre, based on our involvement with the Book of Personal Belongings as well as our more general involvement with the Bosnian community:

- Reaction as people are viewing the book has been mixed. Some are quite stoic, some are very emotional, some even kid around with their friends. There are many ways of coping.
- At each viewing, we have had present an interpreter from Bosnia-Herzegovina (hand-picked for her sensitivity and skill) and a Red Cross-trained mental health worker (each of whom has had a crash course in PTSD).
- Because of the cultural aversion to the term "mental health" among Bosnians, we referred to the mental health people as "social workers." That was more acceptable, but people are still reluctant to seek help.
- In one case, a very distraught man came with his social worker from the International Institute (resettlement agency). Thank heavens she came with him. It can take 2 to 3 hours to look at the book, and he cried the whole time, and her presence was very consoling.
- Generally, the number of people who have looked at the book has been less than we expected. The soundest reason we have for this is: it is just too painful for most people to look at the book; it brings back too many memories and people are trying to put things behind them. (Like many Holocaust survivors, it may be much later in life before they try to reopen this chapter in their lives.)
- Those who have looked at the book have done so because they believe that seeing something that belonged to a loved one, and having their death verified, will give them some consolation if not closure.
- Those who have family members here clearly seek comfort in the closeness of family life and look to the family to meet many psychological needs.
- Many of those for whom that is not enough have sought one-on-one and group counseling. The large Bosnian presence here has given birth in the last few years to several War Trauma Recovery groups that have been fairly effective.

(Holocaust and War Victims Tracing and Information Center, Baltimore, Maryland) **Holocaust/World War II survivors:** Clients feel pain, trauma, grief, longing, and loneliness as well as survivor guilt. They need to share whatever they need to share unencumbered by time limitations. They need someone actively listening, bearing witness and reaffirming, their experiences...Facts about the fates of the missing or proof of their own wartime circumstances is very helpful, especially when delivered with sensitivity by a Red Cross caseworker. Above all there is a need for respect and dignity exhibited by active listening. The Boston chapter established Project Search to attend specifically to the psychological needs of survivors. The chapter has an active group of trained mental health professional who make home visits to deliver news to their World War II clients.

### **3. Evaluation of these Needs**

(San Francisco California) Having two Disaster Mental Health workers gives us the capacity to make better assessments as to clients' psychological needs. When there has been a need for referral of clients to social services or mental health services, having mental health professionals to assist in those referrals has been extremely helpful. Having a social worker or mental health worker involved in the International Services has also helped to increase case volume as they have used their professional contacts in the community (particularly with Jewish and Family Services and other cultural community services) to educate and promote tracing. Of our nine-member team of active ISS/Tracing specialists, two have disaster mental health backgrounds; seven of the nine have some disaster services background.

### **4. Appropriate Response to the Identified Needs and the Resources Required**

(Lexington KY) We offer a holistic approach that involves follow-up contact and calls to family, incorporation of family members in survival English classes, and integrating children in Red Cross activities, including Spring Break programming, summer camps, ARC youth volunteer opportunities, and mentoring. Among our services are:

- Referral for free PTSD counseling. International Services also acts in conjunction with PTSD center to provide cultural and historical background information about client's area of the world to chapter workers.
- Chapter hosts PTSD workshops and International Services personnel and volunteers trained in aspects of PTSD and vicarious traumatization as part of their Red Cross International Services background.
- Utilization of youth programs (summer camps, spring break programming, etc.) to incorporate expressive arts component to facilitate processing of anxiety, PTSD, and other issues.
- Use of survival English with adults to help give a sense of empowerment and competency in new environment. The bonding and trust built between tutor and student also often helps facilitate client's processing of fears and emotions.

(Boston, Massachusetts) Case management services...are particularly important in the beginning with job referrals, being sure they are truly ready to work (job readiness), referring them for realistic training, strengthening their self-esteem by strengthening their ability to compete on the job, explaining in a way they can understand the requirements of their new life (health services, employment, etc.).

(Greensboro North Carolina) Immigration issues we refer to Lutheran Family Services, the State Refugee Officer in Raleigh NC, or the local U.S. Congressman's office. He has a liaison person who has proven very helpful with sticky issues in the past. Often I refer to local agencies administered by and for that specific community...eg, African Services Coalition and the Islamic Center.

- African Services Coalition provides a variety of services from legal assistance to moral and emotional support. The Islamic Center and Buddhist Temple provide community support of all sorts in addition to religious services. We have also a Center for New North Carolinians that works with various agencies to help acclimatize new folks from overseas. We also have Access program that provides free immigrant health services and translation services for the community and for their clients.
- Faith Action/International House works with all these agencies to provide a variety of support and educational programs...very community education-oriented as well as direct service for the international clients. Mental Health issues/emotional issues are generally handled within the community via the religious institutions or through one of the agencies familiar to the individual. I have worked pretty extensively with the couple of tracing clients (where the tracing was Chapter initiated) because they knew me before they came for the tracing and I felt it was appropriate. Apart from that, even with tracing, most of the time the clients seem to "work things out" within their community or the familiar agencies that deal with their community (see above) All the leaders of these groups seem to know each other and work together often
- The Department of Public Health has a refugee department and Department of Social Services is very involved as well. Greensboro also has a fairly newly established Multicultural Commission that again seems to pull staff from all these agencies together.

(Minneapolis, Minnesota) The obvious thing we can do for these clients is to be there for them, to call to see how they are doing, to be an ear for them to vent their frustrations, fears etc, and to make suggestions or referrals, if possible. Other family members may have tired of hearing our client vent or may be criticizing our client for not doing more. I had an Ethiopian walk-in recently who was trying to bring a family member to the U.S. for medical treatment. The application was denied by U.S. Immigration and Naturalization Services (INS) because this gentleman was currently unemployed. His family around the world was critical of him, even though he had been working two jobs

and supporting them for years. As he recounted all of this, he put his hands around his head. I asked him if he had a heavy head from too much thinking? A smile came over his face as he nodded in agreement and said, "You know".

I happen to work in a state that has a large refugee and immigrant population. Our state has many mental health programs for refugees as well as the Center for Victims of Torture. Clients at these facilities can receive counseling, acupuncture, herbal medications, often from a practitioner from their country of origin. For some clients, who cut themselves off from their countrymen when they come to the U.S., referral to a culturally sensitive American counselor is appropriate and possible.

Our state also has many MAAs (Mutual Assistance Associations) that offer programs for their fellow countrymen such as acculturation, English as a Second Language (ESL), domestic violence prevention, employment counseling, etc., as well as opportunity to interact, and share news and stories of home. They also publish newspapers, and use cable access TV programming to deal with issues in the community. There is also a nonprofit radio station that has weekly programs run by the different ethnic groups in our community. This helps the communities connect and individuals feel less alone. (I also use this to locate individuals for tracing and RCM message delivery.)

(St. Louis, Missouri) Many of those have sought one-on-one and group counseling. The large Bosnian presence here has given birth in the last few years to several War Trauma Recovery groups that have been fairly effective. There was a workshop here a few days ago for public school teachers to help them recognize behaviors that might be manifestations of PTSD among refugee children. There needs to be a whole lot more done in this area, but this was a good first step. Steven Weine, a psychiatrist in Chicago who has done extensive work with Bosnians, has set up "cafes" on a weekly basis so people can talk among themselves about their experiences. He has found these very useful, a good support mechanism without the aura of "mental health."

(Chicago, Illinois) For all groups, knowing community resources is a huge help. Chicago has nonprofit agencies that provide low cost social services and legal help. In addition, for many groups there are now community associations that can provide services targeted to their group. Red Cross staff need to help our clients link to such services as often others can provide support better than we can. For non-WWII clients, we have only had to deliver news of death in the family to Bosnian clients. In such cases, we have linked to the Bosnian Center here for Bosnians so that the client immediately has a person who speaks her language to talk to about the death. In all cases thus far, the client already knew the person had died but, of course, the delivery of news brings up the whole trauma again.

## **5. Mourning Process and Commemoration**

(Minneapolis, Minnesota) I have had Somali clients receive a RCM from a long lost relative whom they thought had died. One Somali lady was so overjoyed that she sent word around the community to come to her home and for five days entertained and rejoiced that he who had been lost had now been found. Our chapter receives many requests from our refugee and immigrant population for financial assistance to transport bodies back to their country of origin or to assist the terminally ill to return home to die. It is difficult for them to believe that this country of alleged endless wealth, does not have a program that can meet these needs. This is where their family clans or associations can be of assistance in raising money for burial expenses, either in this country or back home. Several refugee populations have purchased funeral homes and churches/temples so that they can mourn in a culturally appropriate manner.

(St. Louis, Missouri regarding Bosnian refugees) There has not yet been activity of an organized nature in this area. Interestingly enough, an American social worker here who speaks Bosnian has tried to get a Srebrenica memorial set up, but there seems to be little interest among the survivors.

(Lexington Kentucky) Referral and/or communication with hospice bereavement programs when death and grief are an issue. International Services personnel/volunteers also urged to participate in bereavement training with local hospice that allows for more effective communication and follow-up. Utilizing survival English sessions as a time to process feelings and grief if and when this occurs. Commemorating anniversaries of first arrival in U.S. or first meeting with Red Cross representative. Anniversaries are often times of reflection and grief processing, but also mark transition and growth. Providing a trusting, "safe place" for clients to rely on whenever they need to discuss and reflect on issues. Again, adequate training of staff/volunteers on PTSD and grief is required in order to recognize and appropriately handle these issues.

## **6. Constraints and Recommendations**

(St. Louis, Missouri) Because of the growing incidence and awareness of PTSD in communities that have large refugee populations, I would like to see the American Red Cross get involved in this area in some meaningful way.

(Lexington, Kentucky) Commemorating anniversaries of first arrival in U.S. or first meeting with Red Cross representative. Anniversaries are often times of reflection and grief processing, but also mark transition and growth. Providing a trusting, "safe place" for clients to rely on whenever they need to discuss and reflect on issues. Again, adequate training of staff/volunteers on PTSD and grief is required in order to recognize and appropriately handle these issues.

## **Conclusion**

The above remarks may suggest that there are multiple and adequate supports in the U.S. for families with missing relatives. Note that the chapter caseworkers quoted above were selected on the basis of their considerable understanding of and experience with this group. However, services in the U.S. are very fragmented, often difficult to access, and vary from state to state. To increase its support for this vulnerable population, a needs assessment is required in order to gauge the gaps in service. More training for American Red Cross caseworkers would be needed in such areas as the U.S. Refugee Resettlement Program, the cultural background of clients, and an understanding of PTSD and referral resources. At the conclusion of our Refugee and New Arrivals Initiative, we anticipate being clearer about possible new directions for the American Red Cross in service delivery to this population.

**3.3 By Ms Larisa Alaverdyan, Executive Director, Fund Against Violation of Law, Member of State Commission of Human Rights assigned to the President of RA, Member of State Commission of Hostages, Missing people and Prisoners of war (Armenia)**

**The needs of the families of people unaccounted for and recommendations on the measures to be taken in Armenia**

The families of people missing for various reasons have specific serious needs that should be taken into account by the government and organizations aimed to help them. Basing on the experience of our organization, this paper will reflect upon the main issues in this area and the needs that these families encounter in Armenia.

Our organization – Fund Against Violation of Law – has been working with the families of people unaccounted for, as well as with families of hostages, war prisoners since 1991. At that time the issues of the missing were related exclusively with the military actions in Karabagh conflict, and there were number of such families both in Karabagh and border regions of Armenia. The cases of people unaccounted for were prevalent in the families of refugees, comprising a large proportion in the population by that time. Thus, the problems that the families in question encounter with are closely linked with the refugee issues, and should be viewed in interconnection.

The organization has taken actions in finding the missing and has many successful results in doing this. The search of the missing has been carried out in collaboration with the Red Cross, relevant governmental bodies, and through contacts with NGOs and government of the countries where the missing could be placed – usually Azerbaijan. Besides, we have carried out direct work with the families, including social, psychological and legal assistance to them. The identification of the families of people unaccounted for and of their needs has been done through interviewing, observation in places, and contacting local authorities. Where possible, cooperating relationships with the local or governmental authorities were established in order to assist the beneficiaries in best possible way.

Since 2000, a rehabilitation center has been founded in the organization, providing different types of assistance to the victims of torture and their relatives. Due to specific circumstances of our country, the torture victims in Armenia are mainly those who suffered as prisoners or hostages during the conflict. It is necessary to say that we consider the relatives of these people and families of the missing as secondary victims of torture, since the anguish they experience is similar to psychological torture. In addition, they have numerous social and legal problems which we attempt to resolve. The assistance is mainly on a case-by-case basis; however, the information collected helps the organization to undertake steps in a larger direction of advocacy and change of policies.

On the basis of our experience, I would like to identify a number of significant problems to be addressed in regard to the families of people unaccounted for.

First of all, there is a strong need for such families to be informed about organizations dealing with issues of missing people, and to know in what extent their problem is being explored and whether any action is taken in this direction. In Armenia, the search of the missing is carried out both on the level of the government and national and international organizations. It should be mentioned that the distribution of information and accountability of the organizations dealing with these issues has, among all other applications, a psychological meaning for the parents, spouses, and/or children of the missing.

The need for psychological rehabilitation of the relatives of the missing is apparent. In addition to the misery of losing the loved one, they also have to suffer from uncertainty and worry for the fate of the missing (which can be even worse than their death). Our organization, within the framework of its project aimed at assistance to torture victims, has substantial experience in working with such persons and can give a realistic assessment of their need for psychotherapeutic assistance. For example, an attempt of suicide was indicated several years ago, committed by a father of a missing person. Thus, creation and development of rehabilitation centers for the families of people unaccounted for should be an important task for the governmental and nongovernmental organizations of the country dealing with these issues.

In the psychological aspect the above mentioned accountability of the work done in direction of searching the missing people is important. Another means of the psychological assistance to relatives of the missing can be giving them opportunity to visit places where they believe their loved ones can be placed. These measures will also help them to regain trust both towards the instances involved in the search and in people in general.

The next issue actual in our country nowadays is the social assistance to the families of people unaccounted for. In this relation, it should be mentioned that social assistance system includes these families on the same basis as the families of perished in war (to clarify, the term defined for a person to be considered missing is equal to 6 months). However, the compensation is not allotted to the parents of the missing people if the latter have their own families. This is perceived as unfair in the country where parents and family are among the most respected traditional values, and caring for parents, as a norm, is the undeniable duty of offspring. Hence, appropriate measures have to be taken for relevant amendments in the social security system.

Beside financial aspect, assistance in education and health care of the relatives of the missing, currently undertaken by our and other nongovernmental organizations should be in the attention of the state bodies. These people are more vulnerable in access to the above-mentioned services due to their unstable economic and social conditions.

Another problem faced by the families is related to the compulsory service of young males in armed forces. In families where a member has disappeared as a result of armed conflict in Karabagh, resistance to send the brother or the son of the missing person to the Army exists. The legal regulations, however, do not allow exceptions for these families, which causes trouble in both psychological and social aspects. On the other hand, the law proposes alternative measures, such as location of the servant in a place near to home. The lack of information about these regulations among the families of people unaccounted for reflects another need to be taken into account.

It should be noted that when discussing needs of families of people unaccounted for, the problems of persons returned after being considered as missing for a certain period of time should not be ignored. Beside such issues as re-adaptation, integration in the society and difficulty in finding job, they encounter with elementary problems like lack of documents. In this case, it is critical for the organizations that have helped them to come back to provide further assistance to these people. Namely, the elementary provision of a documentary confirmation about unavailability of their identification papers can substantially alleviate the difficulties and bureaucratic procedures which they otherwise have to pass through.

Again, the issue of serving in Army comprises a serious problem for those returned after being missing or hostage. The psychological problems here come to the first plan: not only do these persons have to experience revival of their memories related to military but also they face inadequate attitudes of their fellow soldiers in the Army. These people carry a stigma of being humiliated, and the attitude of their environment as well as larger society is contradictory, including both respect and compassion on one side, and ignorance and humiliation – on the other. Accordingly, there is a necessity of work in the directions of both changing the social consciousness and self-esteem of the ex-missing and war prisoners to be undertaken.

The role of the international organizations, particularly that of the Red Cross, can be influential in terms of the amendment of legal regulations. That is, the recommendations of the organization would affect the policy led by the government in the relation of the families of people unaccounted for as well as of the persons returned after being missing or hostages. The legal framework, in my opinion, is the first priority for taking up measures in alleviating the situation of the people in concern. Appropriate regulation ensuring benefits and allowances and relevant attitude towards the returned people would also assist the organizations dealing with these people and families of the missing. Similarly, the dialogue between these organizations and the relevant governmental bodies will establish more productive background for solution of the issues of the missing in the framework of problems related to conflict and transformation period that we experience today.

**3.4 By Dr Margriet Blaauw, MD, Master in International Health, Virpi Lähteenmäki, Psychologist, Master in Human Rights, International Rehabilitation Council for Torture Victims**

***'Denial and Silence' or 'Acknowledgement and Disclosure'*<sup>1/</sup>**

*"One has to remember to be able to forget"*<sup>1/</sup>

**Introduction**

The International Rehabilitation Council for Torture Victims collaborates with rehabilitation centers world-wide to promote and support the rehabilitation of torture-victims and their families. Most of the rehabilitation centers for torture victims offer treatment to family members of disappeared, as in times of serious political repression torture, arbitrary killings and disappearances go often hand in hand.

Many countries in Latin America have suffered periods of intense violence and suppression. Ten thousands of people disappeared. In the past year I have visited rehabilitation centers in four Latin American countries. During interviews, family members of disappeared explained me the overwhelming complicity of their problems. Besides the terrible loss of a relative, they often have to cope with a social loss as well. Neighbors, classmates and other community members tend to avoid the families of victims out of fear. One mother told me that, while she stood at the memorial for the disappeared, someone approached her and said: "Your son got exactly what he deserved." Access to justice is one of the main forms of reparation but acts of violence are often ignored or covered up. Even after years of democratic governments people have to fight for recognition and justice.

Many family members have searched for their loved ones in vain, year after year. I met mothers of disappeared children who, after almost thirty years, are still hoping for their missing relatives to appear. It is normal for relatives to have difficulties to accept the death of a disappeared family member, because of their feelings of hope, guilt, shame etc. Therefore there is a need for an official disclosure. Children need special attention. They should be explained the events and be included in the process following the death or missing of a family member.

**Stages of mourning, guilt and fantasies**

Grief is the sorrow, mental distress, sadness and suffering caused by the death of a loved one. Mourning means the culturally defined acts that are performed when death occurs in a community (1). Normal grief reactions may change in quality and intensity during various phases of mourning. The length and order of the grief phases varies and not all grieving persons experience all stages. The grief process generally has six phases:

- 1) The grieving process starts with immediate coping of the **dying** process
- 2) The **second phase** is an **outcry** of emotions. In this phase it is normal to turn to help to others or, in contrary, to isolate from others.
- 3) In the **denial phase** there is a high tendency to avoid all the reminders of the loss, social withdrawal, emotional numbness.
- 4) **The intrusion phase** is marked by intrusive experiences such as negative experiences with the deceased, bad dreams, reduced concentrations and compulsive acting
- 5) **Working through:** During this phase there occurs an increased rationality and significant reduction of numbness, avoidance and intrusiveness of memories and fantasies.
- 6) **Completion** is reached when a person is able to experience positive states of mind and has a sense of self-coherence and is ready for new relationships. (2)

Mourning is the process of responding to loss and death. This includes memorial services, funerals, wakes, mourning dress etc. These ritualized approaches are important in organizing and focussing the grief reaction in the period directly after the death (3). Grief is normally helped when there has been a culturally appropriate leave-taking ceremony, which includes a possibility and time to say goodbye and to express love. This will help a person in grief by lessening his or her later feelings of anger and guilt (4).

*"The disappeared are denied a place among the living and also denied a place among the death"*<sup>2/</sup>

Family members of missing persons experience different phases of grief than those grieving for dead loved ones. An appropriate leave-taking ceremony is often not performed for missing persons. Many mental health professionals have noted that if family members chose to accept the death of the disappeared loved one, they feel they are “killing” him or her (1,5). The family members can have fantasies about their loved ones living in some far away places and not returning home because they feel ashamed, or because they are not allowed to return, might be in prison etc. The continuous disbelief of the death of a loved one prohibits a person to start the normal grieving process and there is a high risk of pathological grief. It has been found out that the family members of missing persons have more anxiety and Post-Traumatic Stress Disorder *Criteria for the diagnosis Post Traumatic Stress Disorder*<sup>3/</sup> (PTSD) than family members of dead persons. (1,7)

### Pathological grief

Insomnia, preoccupation with thoughts of the deceased, unpredictable periods of anger, anxiety, survivor guilt, numbing of emotions and withdrawal from the others are typical for both chronic, unresolved grief and PTSD. (1) Pathological grief is often a very intense or out-of-control experience of the feelings and behavior that are normal during mourning. It can also be, especially in the case of missing persons, failure to mourn or failure to move forward in the grief process. (2)

Many of the family members of disappeared people have significant feelings of guilt. People differ significantly in their level of feelings of guilt. In order to overcome guilt it needs to be expressed clearly. Sometimes, and especially for children it is easier to express the feelings of guilt through drawings. Guilt can have the purpose of coping better with retraumatisation. It can help a person to change from feelings of complete helplessness to having some feelings of power over the situation. This may also explain why people often have fantasies with scenarios that they could have saved their loved ones, but did not do it. These fantasies create high amount of guilt but at the same time have an important function of protecting self-esteem and self-determination. Therefore it is not appropriate to try to take away family members' guilt by explaining them that they could not have done anything to help the victims. It is better to acknowledge the feelings of guilt and tell the family members that their guilt is a normal reaction to the situation. Naturally there is a need to evaluate the level of guilt: too much guilt creates depression and PTSD, which both need appropriate treatment. (7)

### Psychological meaning of disclosure

The disappearance of a relative is a loss that cannot be mourned appropriately. The lack of a funeral is traumatic both in case of disappearances and in the case of brutally massacred people (8). People deprived from proper mourning may not be able to grieve effectively and may suffer “arrested grief” or “atypical reactions” (4). Only an official statement of the death of the relative can make it possible for family members to start the normal process of bereavement. It is a right to know what has happened to the disappeared. The truth however, is often horrifying, especially if there is evidence of suffering. Special care should be taken how to reveal the truth.

Families should be given all the information concerning the death of their relative. The best way is to provide as much concrete details as possible. It should be carefully considered who should give the information. This can be an official, who has been trained for this task, like a counsellor. The most appropriate way would be to provide the information at a place where the family feels secure. The information should be given first to the closest adult relative(s), to give them the possibility to react. The officials should provide information to the children as well, because there is a general tendency from adults to hide the truth from children, in order to protect them. Hiding the truth from children can have serious consequences later in their life. A young woman who had found out as a teenager that her father had not been killed in a car accident, but had disappeared during the time of political repression told me: “I have lost so many years of my life”. She had serious psychological problems.

### Risk of re-traumatisation and how to minimize it.

Giving the concrete information, like for example showing pictures or the body of the deceased relative always creates a risk of re-traumatisation. Therefore it is often questioned whether it is beneficial for the family to see the remains of their loved ones, especially when there is evidence of suffering, e.g. after torture. However it has been repeatedly found to be crucial for the normal process of bereavement, that the remains of the victim are seen. The following should be anyhow considered before offering the possibility to see the remains.

<b>Ask</b>	Family members should be asked if they want to see the body even if that will create a risk for their re-traumatisation. For some relatives it might be too much to see the body.
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## Support to families of people unaccounted for

<b>Prepare</b>	The information should only be given after a careful preparation. If the family will be offered to see the body, they need to be explained about the conditions of the body: If it is mutilated or has some bad wounds.
<b>Support</b>	Psychosocial support is needed before, during and after the disclosure
<b>Treat</b>	A follow-up is needed to evaluate how the family is coping. In case of re-traumatisation the possibility of psychological treatment should be offered. When possible, the treatment should be first individual, and then, if the person is willing to participate, in a group. When forming groups, it is important that people participating the group have similar enough experiences. It is beneficial though if the participants are in different levels of the grief process. (7)

Unfortunately circumstances are normally far from ideal and a proper support cannot be provided. In times of political repression secrecy, silence and fear surround killings. For many economical and political reasons it is not possible to provide adequate treatment for all the victims of disappearances and violent deaths. Self-help of communities should be strengthened in any possible ways. From the rehabilitation center in Aceh, Indonesia, we know that people have collected the dead bodies of their relatives in the dark, hoping nobody will see them. In Zimbabwe funerals of people that were killed during political unrest often take place in secret, with only some family members involved. This is in contrast to a normal traditional funeral, which would involve the extended family and the community at large (8).

### Exhumations

World-wide there are several teams specialized in exhumation. Exhumations are performed to obtain evidence from committed crimes. They can provide information of what has happened to victims and make it possible for relatives to honor their death in the way appropriate for their culture. For example in Guatemala the main reason why communities ask for an exhumation is to find the remains of their family members. Not often are they willing to promote persecution of the responsible out of fear, as they often live in the same community with the perpetrator, because they distrust the juridical system where ex-military still have power, or because they have no money. (9)

The process of exhumation can re-traumatise the victims. Therefore prevention and both individual and collective mental health support are prerequisites for an exhumation process. Psychosocial support is needed, *before, during and after* the exhumation.

**Before:** The team should visit the community and give family members the chance to tell their story. It has to be explained why the exhumation will take place, how it works, how they identify bones etc.

**During:** Seeing the remains of their loved-ones with signs of suffering can give serious emotional reactions. The mental health team should be there to support family members, to talk with them, to help them to recall and dignify the victim's history, his/her qualities etc.

**After** the exhumation help is needed to prevent possible conflicts in the area between victims and eventual perpetrators. Help may be offered with the planning of the funeral, the honoring and/or religious ceremonies, and trying to create orientation towards the future. (9)

Although exhumations can play an important role in the coping process of relatives there are also potential dangers. Witnessing the remains of relatives forces family members to accept the reality of death. They may think they are prepared for this but they are often not. It is of course especially painful if there exists skeletal evidence of great suffering prior to death. The finding of an empty grave can be very painful for family who has prepared themselves to be finally able to bury the remains of their relatives. (8)

### Cultural differences in mourning

#### Allowance of bereavement

Acceptance of sorrow as a normal process after death differs significantly from culture to culture. In many cultures of Western Europe it is not accepted to grieve a longer period. For example in Finland and in Denmark there is only an one-day leave allowed after a closed family members' death. Instead in Greece the mourning period is one week, and in Israel 40 days. In Israel the person in grief is not left alone for the whole period of mourning. In some parts of Ghana the person who has lost loved one is accompanied by some other close friend or relative by literally tying a rope between these two persons. Wherever the grieving person goes, the other one follows. (10) These non-western cultures have ways to deal with dying including many elements that help victims to cope with the mourning. In Western countries the event of dying is often suppressed, with sick and old people taken care by professionals in institutions, instead of their families. (11)

### Death rituals in different cultures

Death rituals enable individuals or groups to deal with loss and death. In all cultures death is followed by ceremonies both for the deceased as for the immediate survivors. Rituals help the grieving person to realize that life must go on and help them to re-integrate into the society. (1) One of the primary intentions of funerals in any culture is to acknowledge the life and achievements of the deceased in a public setting- to honor them, and remember the best of them in their life-times, before sending them to whatever spiritual world that community believes in. Children should be involved in the rituals following the death of a family member. It helps them to understand what has happened, and to cope with the death of a loved-one. It can be helpful for the children to view the death body of the relative as well. Several factors should be considered however, i.e. the age of the child, the relationship to the death and the degree of physical injury of the dead person. (12).

Rituals differ significantly between cultures. For example in Buddhist tradition funerals have traditionally not been occasions to demonstrate grief because of the belief in reincarnation. Symbols of rebirth, such as rice are commonly used. On the other hand it can be especially difficult for Buddhists to reconcile the violent deaths of relatives as it is believed to be impossible for a person to have a good reincarnation if his mind is filled with evil thoughts as the results of violent death. (1) In many African countries people traditionally bury their loved ones around the family home and in some cultures it is important that the bodies will be returned to homeland for burial. (11)

Ghosts form a feature of bereavement in many cultural groups. Ghosts and spirits are the common medium through which the dead can communicate with the living or ask the living to join them. Sometimes patient's beliefs and actions may suggest to a western therapist that their patient is psychotic. It is not unusual that a grieving person feels possessed by spirits, hears voices from ancestors, and feels that he or she is punished for having survived. In Zimbabwe ancestral spirits play an essential role in the lives of many families, guiding and nurturing them. In order for an ancestral spirit to fulfill this task it needs an honorable funeral and a special traditional ritual. A spirit that has not been honored becomes angry and restless, bringing bad luck to the family and the community at large. (8) Normal signs of bereavement can mislead a clinician, who is not aware of the cultural influences. (4)

### Special problems for refugees

Mourning and making arrangements for a burial are generally problematic for refugees. Many refugees have family members who have been killed by execution and buried in mass graves without funerals or cremation. When cultural rituals are not performed in a proper way it may contribute to chronic grief and clinical symptoms of PTSD. They can suffer from guilt, nightmares, or have anxieties, morbid thoughts and anger. They can have intrusive thoughts and sometimes feel that supernatural forces are visiting them while they are asleep or awake. They feel the spirits of their deceased loved-ones are visiting them. Mozambicans refugees referred that when people 'have died in trouble their spirits remain in trouble'. A spirit should be settled through a proper burial, followed by a ceremony, as the loss of a family member may otherwise lead to psychological problems, such as a serious survivor-guilt. (11) If these symptoms are not recognized being part of the cultural bereavement the refugees risk being wrongly labelled as having psychiatric disorders. (13)

It is common among the refugees to use the rituals of folk healing practices to reduce these fears and grief. Thus for a successful treatment of a person recovering from trauma, it is crucial to find the symbolic systems, cultural beliefs and the healing rituals that can be accepted both in the original culture and the surrounding society. (1) Immigrant groups often have burial societies or committees, which organize the mobilization of resources for funerals of the members. (11)

### Community bereavement

Traditional ceremonies have a broader purpose than to only treat individual grief. The destruction of community values is felt differently in cultures where individuals see themselves primarily as members of communities, rather than as discreet individuals in the Western sense. Treatment on the individual level can be useless if the person returns to a local community that is in a state of a collective grief. For example in Zimbabwe the family of one exhumed victim strongly expressed the opinion that it was not only themselves but the whole community that had been offended by their relative's murder and thus the community also needed to be included and healed. (8)

Refugee communities should be encouraged to re-establish traditional institutions, like places to worship the dead. These can be places, in which the grieving persons can communicate appropriately with the dead and solve the issues of guilt. The community bereavement helps the grieving persons to become re-incorporated into their social community and fill the need for acceptable social support. (4)

## Conclusions

Providing information on missing persons should be carefully prepared and if possible offered by an educated official. An official statement of death can make it possible for family members to start the normal process of mourning. The possibility to see the remains can include a high risk of re-traumatisation. Family members should be asked if they want to see the body, and this possibility should be offered only after preparation and proper explanation.

Local communities' death rituals are an essential way of coping with mourning. It is important to understand and strengthen these rituals when dealing with relatives of disappeared or whose remains have been found. Refugees should be allowed and encouraged to maintain the death rituals they are used to in their own culture. Accepting the importance of these rituals may minimize the risk of refugees perceived as having serious mental problems. In dealing with issues like grief caused by disappearances and death, there is a need for culturally sensitive decisions.

## Notes

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- (2) Quote from Shari Eppel, Amani Trust Zimbabwe. Healing the dead to transform the living: exhumation and reburial in Zimbabwe. "Regional and Human Rights' Contexts and DNA", University of California, Berkeley 26-27 April, 2001
- (3) *Criteria for the diagnosis Post Traumatic Stress Disorder (PTSD)* are: 1. Exposure to an extreme event outside the range of normal human experience, 2. Persistently re-experience of the event 3. Avoidance of stimuli associated with the traumatic experience and numbing of general responsiveness, 4. Persistent symptoms of increased arousal 5. At least two of the following symptoms: sleeping problems, irritability, angry outbursts, concentration problems or hyper vigilance (7)

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**3.5 By Lic. Laura Conte, Founder, Madres de Plaza de Mayo, Linea Fundadora, and, Founder, Mental Health Team – Centre for Legal and Social Studies (CELS) (Argentina)**

In this space for reflection about the tragic reality of forced disappearance of people, the Founding Line of the Mothers of May Square want to express that it is urgently necessary that the States from the world become totally aware of the seriousness and extreme devastation inherent of terrorist violence, when it is exercised from the state, within a state, on another state, or between states. We also exhort the states to make the International Criminal Court totally effective, in order to protect people from crimes against humanity.

In our country, the forced disappearance of 30,000 people is a sinister and aberrant consequence of the systematic enforcement of a fierce and merciless state terrorism, executed by the dictatorship of the armed forces (1976-1983). The state was no longer a state governed by law; in its place, it was created a totalitarian state that executed a criminal, clandestine and cruel methodology, protected by total impunity. The experience shows that the whole society was affected by state terrorism, beyond its direct victims and their relatives.

We consider that the relatives of disappeared people are victims of torture. Within the concept of torture, in the Argentine case, the Voluntary Fund for Victims of Torture of the United Nations has accepted to include the methodology itself of forced disappearance of people by the state as one of the most cruel forms of psychological torture for the victims and their relatives. To establish this criterion, it has been taken into account the undermining and permanent situation of uncertainty before the fate of the disappeared person and the state of clandestine imprisonment, the defenselessness before horror and torture, the absolute impotence before the denial to give any answer, the sadism of false information, the persecution, threatens and extortion before the search and accusation.

After democracy was recovered, even though the trial to the Juntas, in 1984, gave hope for punishment, the horror of state terrorism and the long-lasting impunity of subsequent exonerating laws and amnesties of constitutional governments have kept and strengthened, through time, the deepness of damage caused to victims and their families, and to the society as a whole. It is the state governed by law that has to revert this situation of impunity as a base condition to recover from the effects of social trauma on the mental health of the families affected, and to recover the moral integrity of a society crossed by the horror of a clandestine genocide. The role of the state before the social trauma cannot be substituted or renounced to.

Notwithstanding this, until now, it is the human rights organisations created by the relatives that became responsible for claiming justice by the uninterrupted presentation of legal actions and by the presentation before international organisations, for demanding and contributing to find the truth, based on researches, claims, collection of documents and statements on the clandestine activities of the armed forces, and for creating and divulging their files in our country and abroad. The Human rights organisations have also given psychotherapeutic and legal assistance to people affected and to their relatives.

The Grandmothers of May Square, that are also mothers of disappeared children, created the space of their own organisation to look for and bring back their disappeared grandchildren, that were kidnapped and appropriated alive. The Grandmothers succeeded in making that the crime of kidnapping and appropriation of their grandchildren was excluded from the protection of the exonerating laws, opening a way to prosecute some of the persons responsible that were identified. From the representativeness they attained, the Grandmothers appealed, from the beginning and until now, to the justice of the state governed by law, and that juridical and institutional position continues being the strongest support for the restitution and for the therapeutic approach.

As a consequence of the insistence of the relatives' claim, the state, that demanded that the relatives declared the presumptive death of the disappeared person to carry out legal and administrative procedures, finally recognised by law the "absence by forced disappearance of persons" in Argentina. It was also established an "economic redress to the disappeared" in the person of his or her heirs.

It is true that these laws followed a recommendation to the state given by the ICHR (Inter-American Commission on Human Rights), made at the request of the relatives, to know the crimes against humanity committed during the military dictatorship.

The Mothers of May Square – Founding Line respected the freedom of each family to decide if it claimed the "redress" of if it did not. They also demanded the possibility of recognising the bodies of their children in the situations of N.N. (identity unknown) exhumations that occurred, as a way of not rejecting the evidence of the crimes committed, but this does not mean that the crime of disappearance and the sinister murder are accepted. The search and the recognisance of the bodies, and the fact of burying them are a human need present in all cultures, for most people the possibility of carrying a flower, making a ceremony, and without doubt an essential instrument to know the truth and to punish the responsible ones. The Mothers know that most of the bodies of our beloved disappeared children cannot be recovered.

The relatives' organisations, though supported by the majority of society, could not make the Congress annul the exonerating laws nor the amnesties, sinister precedents of the present impunity, that put an end to the possibility of starting criminal trials and of obtaining guilty verdicts. As this way was closed, it was an important step the filing of the so called "Trials for the Truth" in the Federal Courts of different cities of the country.

At these trials, survivors and witnesses contribute to the truth, as murderers do not want to testify. Notwithstanding this, these public trials have been fundamental in order that the society becomes aware; before the society, the lack of sanction by justice and the continuation of impunity become more and more unsustainable and evident.

According to what has been said until now, we conclude that the state governed by law must assume its function of true responsible for justice, and guarantee that the truth is informed. This includes an exhaustive search for the truth of facts, the identification of causes, the identification of participants, the search for the responsible ones, and the corresponding punishment.

Going back to the psychological suffering, and from the experience of the team of Mental Health of the CELS (Centre for Legal and Social Studies), within which we contributed to create a small group of psychologists, 20 years ago, I would like to consider a situation in which a mother, a father, a son, a daughter, a brother, a sister, a grandfather, a grandmother of a disappeared person are marked by a wordless horror, by the limit itself of language, by a tearing apart, by an absence that cannot be mentioned; nothing refers to the fact that must not be repeated.

We know that tortured persons keep for themselves a rest of horror that has no possible representation or symbol, and the experience also confirms that the grief for the forced disappearance of a beloved person keeps a rest of horror that is impossible to be signified again.

For the relative, to be confronted and submitted to a violence of such a kind and horror, together with the persistent speech from the state, that denies the certainty that disappeared persons were killed, makes disappearance and its grief become a present continuous situation. We do not think about that grief as a deferred or frozen grief, but as an endless and constant grief whose beginning never finishes.

The Mothers say it this way: "The disappearance as an attempt to erase completely a human or material reality is impossible, it belongs to an order that is not included in reality. It is an unreal, magic, phantasmagoric or, in some degree, belief order. A person, a human being, a body or any other materiality or substance cannot disappear from the world, from the universe, or from the space. Bodies may be buried clandestinely as N.N. (identity unknown), or under the concrete of a route, or burned, or thrown from aeroplanes to a river, the sea or the ocean, but a body does not disappear; that's why we cannot make our grief".

Twenty years after the military coup d'état that established the dictatorship, the children of disappeared persons created CHILDREN for Identity and Justice against Forgetfulness and Silence (HIJOS por la Identidad y la Justicia contra el Olvido y el Silencio), generating their own public response. Heirs of the genocidal violence, they also belong, as their elderly, to the first generation of survivors, to those who, when giving their testimony, run the risk of being left isolated, of symbolising, even though they do not want to, the horror of disappearance.

All of them are joined by their parents loss, that cannot be mentioned, by their senseless absence, and by an identification process crossed by that absence. They live the specially tragic dimension of the existence and identity conflicts, in which there is a concentration of horror history at a young age, growth at homes crossed by tragedy, incidence on their subjectivity of extension of the impunity, the silence and the lack of social elaboration of the trauma lived, plus the threaten of remain fixed to the recurrence of a traumatic past, because it is difficult to name the horror and find a sense.

## Support to families of people unaccounted for

In these young persons, the "work" to elaborate the identification processes characteristic of this stage, has its specific marks. They are young persons raised by their grandparents (who lost a son, a daughter, a son-in-law or a daughter-in-law), by aunts or uncles (who lost their brothers or sisters). These tragic losses define relationships full of guilt, with more tearing than in an usual identifying process, as well as the feeling of debt to those who raised them makes the generation confrontation necessary to reach autonomy more difficult.

The grief for their parents continues being socially difficult, because their loss has not been socially legitimated, among other things because there is no rite. By gathering, they are looking for collectively the answers to their questions, through the way in which they give a new meaning to the moments lived and in which they reconstruct history. The brotherly experience puts their parents at their place, repairs the generation chain, and gives them consciousness of their place as children.

The relatives affected, whatever the relationship may be, suffered in different degrees the symptoms of post-traumatic situations – insomnia, hyper-vigilance, attachment to the traumatic situation, restriction of affective life, inhibition of action and acts –, and they have been particularly absorbed by states of intense anguish and/or depression. These are situations that recur or that tend to become chronic, and so people have to be treated immediately by a psychotherapist to diminish these risks. The possibility of representing the situation and of elaborating what happened very specially needs a professional context, to contain people and to trust, so that the statement of what has been suffered and the relationships that establish again the damaged subjective connections appear.

The state has not implemented any health plan that considers and includes treating the effects of the social catastrophe that our country suffered. This psychotherapeutic assistance work continues being developed mainly by human rights organisations. The team of Mental Health of the CELS, in its free program open to all persons affected by state terrorism that have no means to pay their treatments and/or medicines, satisfies the demand that receives from affected persons organisations. 30% of this program is subsidised, from 1991 until now, by the VFVT of the United Nations. It is from this clinical practice that we see that all elaborative way out from the trauma has to include, explicitly or implicitly, a demand stating that the state is obliged to prevent, sanction and repair violations to human rights committed by officials exercising power.

To finish this, we believe it is convenient to underline that Argentina has been living for many years a very difficult situation that worsened during the last months in a dramatic way. Our people live one of the most serious crisis in their history, with statistics that indicate that 50% of our population lives under the line of poverty, inflation is 40%, and there are high levels of unemployment and violence. Most relatives are suffering this condition. To this situation we have to add that a great number of those who received the economic redress have those funds confiscated in the bank system, and they have no possibility to use them now or in the future. It is very painful and worrying: most of them had that resource as their only income, whether it be because they are unemployed or because they are very old.

The situation is very serious and thus the number of psychological and doctor visits have increased, the situations that require medicines have worsened, it is necessary to give more social assistance, geriatric confinement, and more and more numerous attempts of suicide are registered. The brave Mothers do not escape to the precarious situation we described.

Buenos Aires, May 15th 2002

### **3.6 By Prof. Dr. Ljubica Butula, Alliance of Associations of Families of Missing Persons (Croatia)**

#### **Recommendation for setting-up associations**

NGOs are extremely important for the normal functioning of every society, state and nation in peacetime, and even more so in time of conflicts and after conflicts. They provide valuable legal and moral support in developing activities for the implementation of programs and achieving goals.

It is, therefore, redundant to emphasize the role of the associations of the families of imprisoned and missing Croatians, and what they mean to this group of victims from the Independence War.

We all remember the year 1992, when parents, spouses, brothers and sisters, and other relatives, spontaneously went from one government and nongovernmental agency in Croatia to another, from the Government Commission for Missing Persons, Offices of Deputy Prime Minister of the Republic of Croatia, Police Departments, Red Cross Office, ICRC, prominent political celebrities, MPs, and used every possible chance to visit foreign diplomats or ambassadors accredited to the Republic of Croatia.

Of course, such individual actions could not achieve results, particularly not in the chaotic war situation in Croatia at that time.

Hotels, schools, sports halls were full of displaced persons from various parts of Croatia and Bosnia and Herzegovina. At one point (1992-1993), Croatia accommodated 700,000 displaced persons.

Many displaced persons from Croatia suffered the real tragedy - they lost one or more members of their families along with their homes and land. Many were wounded or killed, and many disappeared without trace. Many members of the Croatian families, both combatants and civilians were deported to Serbian prisons and camps like the ones in Srijemska Mitrovica, Stajjevo and Begejci near Novi Sad, as well as Morenja, Glina and Knin. Their fate was, however, unknown to their families and Croatian authorities. This way the category of "imprisoned and missing Croatians" came into being. In 1992, the official figure was 14,000 missing persons.

Failing to individually learn about the fate of their loved ones, some members of the families of the missing persons decided to join in associations. The first association to be established was "Hrvatska majka" in Vinkovci in January 1993. Vinkovci, a town practically on the front line, suffered massive losses in lives and infrastructure. Cultural monuments were as little spared as were the homes of people. There were many dead and missing defenders. Then came "Vukovarskamajka", an association in exile in Zagreb, established in March 1993. Hundreds of its members were dispersed in hotels throughout Croatia, from Zagreb to Dubrovnik, Dalmatia and Istria. The number of the missing persons from Vukovar was then XXX.

In June of the same year the Association of the Families of Imprisoned and Missing Croatian defenders, Hrvatski feniks, was established. This Association practically covered the whole territory of Croatia. Hundreds of its members were dispersed from Varadin, Akovec, Western Slavonia, Osijek, Banovina, to the South of Croatia. In spite of the difficulties in locating the members of the families of the missing persons, particularly from Banovina, the constituent meeting was held in a full hall in June 1993.

Every association elected a president, vice-president and members of the Executive Committee, and it was suggested that a professional be hired as a secretary.

Our hopes for a successful action and better results in searching for our imprisoned and missing family members were enormous. We believed that our joint action would be much more effective.

Then our organized painful journey began. We launched our actions in consultations with the Government Commission for Missing Persons, the Deputy Prime Minister as the person responsible for humanitarian issues, judicial officials, prominent political figures, MPs, Croatian Army and Police, members of the political parties, and humanitarian associations in Croatia and abroad.



## **Support to families of people unaccounted for**

In 1992 and 1993, the families of the missing persons - first individually, then as members of associations - cooperated closely with the ICRC as one of the most powerful humanitarian associations active throughout the world.

The families of the missing persons had high hopes with regard to the assistance of ICRC, as could be expected in a civilized society. However, things were different in Croatia. During the war in this area ICRC had virtually no influence at all. It did not have the power to act on its mandate. According to international humanitarian law, although it is permissible to kill combatants of other states as long as they carry arms, when they lay their arms down they are no longer combatants and become common citizens again and it is not permissible to take their lives. Such rules did not apply in Croatia. Croatian defenders, as well as civilians, were taken prisoners, disarmed, and then many were killed and buried in unmarked mass graves - to become missing persons.

There is the notorious case of the Vukovar hospital that is without precedent, when the wounded were taken out to be killed and buried in a mass grave at Ovèara.

The ICRC staff could only helplessly watch the terrible crimes and subsequently inform their superiors and the world at large, but nothing changed. Nobody was powerful enough to persuade those in Belgrade who conducted war operations against Croatia to change their behavior and begin to respect international humanitarian law and war law.

We had many talks with the ICRC staff in Zagreb, and once we even had the honor to talk to the ICRC Director, Mr. Cornelio Sommaruga. We organized peaceful demonstrations in front of the ICRC headquarters in Zagreb, we prayed, lit candles, and even a sculpture - a metal ball with plates bearing the names of the missing Croatians - was made: with it we wanted to remind the ICRC of the pressing issue of the missing Croatians.

In all our meetings we pointed out the need for the ICRC to acquire information about the locations of the prisons and camps in Serbia and the occupied parts of Croatia, and we demanded that the Serbian side should keep their promises and free those imprisoned.

However, the ICRC did not meet our expectations as regards searching for and finding the imprisoned and missing members of our families, Croatian defenders and civilians, and it did not do it for objective and subjective reasons. Within its mandate ICRC is not in the position to deal with the disappearance of persons in fierce conflicts. For better efficiency, the mandate of the ICRC should be altered.

After a while, we focused our activities on the UN whose Office for Humanitarian Issues was at the UNPROFOR headquarters in Ilica. Some mothers submitted requests for the search for their loved ones to this office as well.

We used every opportunity to contact renowned world politicians and humanitarian activists. Members of the Associations met with Mr. Mazowiecky, the UN High Representative for the Missing Persons in the former Yugoslavia, and after his resignation with Mrs. Rehn. We talked to Mr. Shattuck, Mr. Steiberg, and we had particularly high hopes that Mrs. Madeleine Albright, the Secretary of State of the powerful U.S.A., would be able to use her diplomatic credibility to persuade the Serbian side to respect international humanitarian law and war law, and to free the imprisoned Croatians. We also turned to the ambassadors accredited to the Republic of Croatia. We established particularly good relations with the U.S. Ambassador, Mr. Peter Galbraith. We visited the then French Ambassador, Mr. Chagneau, the U.K. Ambassador, Mr. Hewitt, and the Russian Ambassador, Mr. Kerestejanz.

We also organized numerous actions both in Croatia and abroad. On Good Thursday 1994 there was a procession bearing a cross in front of the UNPROFOR headquarters in Zagreb, as well as a peaceful demonstration in front of the Office of Yugoslavia. A group of mothers were several days on hunger strike in front of the Croatian Parliament on Markovtrg in order to warn the authorities of the slow proceeding in the matters of imprisoned persons.

In September 1993, a visit to Geneva was organized, where there was peaceful demonstration in front of the UN building in defense of our human rights to know the truth of the fate of our loved ones.

With the same purpose in view, a group of mothers, members of „Vukovarske majke" and „Hrvatski feniks" associations, traveled on a two-day trip to the U.S.A in 1993, to meet some U.S. Congressmen, Embassies and U.N. high officials. We submitted our plea to the then UN Undersecretary, Mr. Kofi Annan. We took part in the International Conference on Human Rights in Vienna in 1993 and in Geneva in 1994. At the invitation of Amnesty International that same year, in the organization of „Hrvatski feniks", we attended as the guests of honor the annual meeting of this renowned humanitarian organization.

## **Support to families of people unaccounted for**

We organized the signing of the petitions in Vienna and all major cities in Croatia to free the Croatian POWs. Collected petitions were handed to the Austrian Prime Minister, Mr. Alois Mock. In September of the same year, „Hrvatski feniks" organized peaceful demonstrations in front of the ICTY in the Hague, demanding punishment for those who were guilty of waging the war on Croatia. In the organization of Amnesty International we took part in the international conference for missing persons. Our representatives also attended the International Event in Bogota, Columbia, in 1997, and the International Congress for Missing persons in Manila, the Philippines, in 1998.

Always and everywhere we pointed out our right to know the truth about the fate of the missing family members and pleaded with our counterparts to use all their authority and powers vested in them by virtue of their diplomatic capacity to exert pressure on the opposite side to reveal the truth, free the imprisoned Croatians, and enable decent funeral to those who are no longer alive. We wanted the truth, no matter how painful.

All our work and all our efforts and contacts have not brought adequate results. All this because we never had a professional to stand for our rights legally, professionally, and in contacts with the Government of the Republic of Croatia.

The only result of all our actions was the promotion of the awareness of the issues of the missing persons in the Croatian and world public. In 1993, our actions also urged the Commission for Missing Persons to renew, together with the Croatian Red Cross Organization, the requests for the search for the missing persons throughout Croatia.

### **Political phenomenon of making people disappear**

Involuntary or forced disappearance is a sudden and forcible act by real or self-styled political authorities, military person or civilian person, without acknowledging detention. Perpetrated by the agents of the state, it is considered human rights violation.

Involuntary disappearances fall into different categories. First: a political detainee (arrested with or without warrant) is kept in complete isolation for weeks or months before he or she appears in a detention center. His/her whereabouts cannot be located. The military deny having him/her in their custody. Second: a political detainee is arrested under circumstances where there are no witnesses. Third: political detainees or disarmed troops are declared to have been released but are nowhere to be found.

In case of involuntary disappearance, the whole gamut of civil and political rights, as well as social and economic rights of the victims are violated.

In Latin American countries, and the Philippines, the pervasive situation of poverty and social injustice breeds involuntary disappearances. In some African countries such as Morocco, Iran, Iraq, Zimbabwe, Sudan, Angola and lately Palestine, disappearances are result of political as well as of combat action.

In Columbia, to take South American countries for example, in spite of the rich natural resources (minerals and petrol, forests and agriculture), the majority of population live in poverty. Organized opposition coming from various sectors and groups responding to an unjust social, political and economic system is considered subversive by the state. There are involuntary disappearances of intellectuals, social activist, human rights fighters, paramilitary activists, and often common people as a result of spontaneous or organized protest. Those countries have suffered civil wars for decades. In Columbia one or two persons disappear every day.

Involuntary disappearance is often used as effective tactics to eliminate political opponents.

In those countries, the Family Associations of Missing persons leads an enduring fight with their own government responsible for involuntary disappearances of their citizens. From time to time, a new political leader surfaces, provides new legislation, makes huge promises to solve the problem of the missing persons. In the end the new government would continue with the same horrible practice of involuntary disappearances, cases stay unresolved, even new victims heap up and are added to the numbers of the already missing ones.

Because of all this nongovernmental organizations (missing persons organizations) have to be well organized, and very efficient. Beside the president and vice-president other professionals have to be engaged. Law experts, university professors, teachers, spokespersons and many others are important in associations. United they can fight

## **Support to families of people unaccounted for**

more effectively for the human rights and whereabouts of the missing loved ones. They can much more easily force government authorities to locate the place of detainees, enforce their freedom, or enforce the exhumation and identification process, as well as humane burial of the victim.

It seems that nongovernmental organizations in Croatia, in particular the Associations of Missing Persons, do not have this problem, as they work in coordination with governmental institutions, and are virtually supported by the Government. Missing persons, prisoners of war, Croatian defenders and civilians, were unwillingly imprisoned by the enemy on the occupied Croatian territory, those who attacked Croatia.

At time, the interests of the victims, the imprisoned persons and their families are contrary to those of the Government in Croatia, too. Very often the negotiations between the parties are conducted in the shadow of political atmosphere, and the results are very slim. Therefore, the associations of missing persons have to be professionally organized.

### **Problem of identification of exhumed victims**

Identification of exhumed victims brings new problems to the fore. In Croatia it was not clear for years who was in charge of the identification. The pathologists assigned to work on the identification of exhumed victims found those killed in combat, or missing in action, as well as those who disappeared from their homes, and those found dead, collected in few different morgues. The identification was carried out pursuant to unusual criteria. Also, for years the DNA database of the relatives could not be set up.

The relatives of exhumed missing persons disagree with the criteria and in particularly the efficiency of identification. It is certainly not quick enough for them, the aged parents, some very ill and dying of various diseases, who will never learn the fate of their loved one. The next vulnerable group includes widows and their children who have been waiting 11 years to learn the truth about the fate of their husbands and fathers. Some will never learn what happened to their missing loved ones, and will live in uncertainty maybe forever. They will never sort out their status, social and economic problems, and continue to live their lives. Many of those children are grown-up persons now.

All this was just as the opposite side would have it, declining to reveal the truth about the fate of the missing persons, adding salt to the wounds of their families. Involuntary disappearances affect families in a society where family is the basic unit. Inability to solve psychological, emotional and economic problems tears the family apart. Instable families can undermine the society at large. This is precisely what the opposite side would want to achieve.

We emphasize once again that nongovernmental organizations need to engage all professionals that are essential to building strong and efficient organization that will enable them to solve these complex problems, to learn the truth about the fate of their loved ones. That is the only way they way stand a chance to accomplish their mission, even if it is not soon enough for the weak and emotionally crushed members of the families.

**3.7 By Ms Visaka Dharmadasa, President, Association of Parents of Servicemen Missing in Action (Sri Lanka)**

**The Missing  
Support to Families of people unaccounted for**

**Introduction**

It is evident that the ethnic conflict in Sri Lanka has resulted in enormous loss of human lives and property. As a direct impact, thousands of women have been affected when their sons/husbands and fathers have been either killed, disabled in action or are missing. Within the '*Association of Parents of Servicemen Missing in Action*' nearly four thousand families have been without news on the fate of their loved ones for years, as until recent years there has been no mechanism for a proper and methodical identification of dead bodies by the Sri Lankan Armed forces. When our association was established in 1999, we learned that the reason for the large numbers of 'missing' was the inability of the authorities to identify the dead bodies. Therefore, we understood the important role of identification in helping to reduce the number of people missing. We requested the Sri Lankan Army and the ICRC to take all possible steps to promote this fact. We felt that the wearing and respecting of identification discs by members of the armed forces was the most important issue. We made a leaflet explaining the importance of identity discs and requested that it be distributed by the army and the LTTE to their combatants to encourage their cooperation. For this project we have received the fullest cooperation of the ICRC Colombo Delegation. In addition the Sri Lankan Army has taken steps to obtain dental records of its combatants upon our request.

With the advice of the ICRC Colombo Delegation our association was able to learn about the Geneva Conventions and their additional protocols, which make specific reference to the missing. Accordingly we have requested Her Excellency to order the Armed forces not to cremate the unidentified dead bodies, but to bury them.

There are an even greater number of civilians unaccounted for due to this conflict whose whereabouts are not known to their families for years. As a civilian organization we believe that it is timely for the ICRC and international bodies such as the UN, to take the necessary steps to change policies, in order to effectively enforce the Geneva Conventions and their additional protocols in internal armed conflicts.

**Main problems faced by families of unaccounted for:-**

The main problems faced by the families of unaccounted for can be classified into three categories. They are:

1. Psychological problems
2. Social problems
3. Economic problems

**Psychological Problems:**

When a family member's very existence is in doubt, the trauma suffered by that family cannot be put into words. As we all know, death of a family member, no matter how painful, can be accepted. However, not knowing the fate of a person is very different from any other experience one may encounter in a life time.

The anxiety for the return of the person missing is intense and has a tendency to increase, even after decades. This very special and rare phenomenon is, in my opinion, the biggest barrier to recovery. Moreover, it can lead to an attitude which will not accept the reality of that person's death even if it is eventually confirmed. When all the above are taken into consideration, the mental agony of the immediate family is understandably severe and long lasting.

**Social Problems:**

The social problems experienced by families of unaccounted for can vary from country to country and individually. In a country such as Sri Lanka where the family unit is more extended than in some cultures, this problem can be acute even for the parents and siblings of a married person (**an in-law?**) who is missing.

The social problems are aggravated, to a large extent, by the lack of awareness of society in general to the mental agony experienced by relatives of unaccounted for. All families of those who are reported missing suffer from feelings of isolation. This happens often, due to the family's reluctance to participate in social events and the lengthy period of grieving also makes it difficult to reintegrate into society, or to return to one's previous lifestyle.

The social problems faced by the wives of those unaccounted for are much more severe than they are for the parents. In a social structure such as ours, it is very difficult for a single woman to be head of a family even when she is economically independent. A young wife will frequently be blamed for bringing the bad luck which caused her husband's death. This accusation will first be made by her in-laws, creating such a difficult situation that she and any children she has will have to leave her husband's house. Even in the house of her own parents she may be regarded as a bad omen and will not be invited to family functions. From the village and elsewhere there will be many remarks about her bad luck. Her situation is worsened by the fact that she is unable to remarry, even after some time, because she is not aware whether her husband is living or not. She therefore keeps on "waiting for his return". This often becomes a very long wait.

A mother whose husband is reported missing has to face all the above problems from society as well as deal with her children's numerous questions. The children of a person unaccounted for have to face many problems in school among their friends. The children bring all their problems home to their mother who has to put on a smiling face to keep them happy, no matter how unhappy she is and in spite of all her fear and anxiety.

### **Economic Problems:**

Economic problems experienced by families of unaccounted for depend mostly on the missing person's position within the family. If the person who is reported missing is the sole breadwinner, then it can be a very serious situation. The missing person's employment situation will also have an influence, as families of government servants, for example, may be entitled to a pension and sometimes compensation, making a big difference.

In Sri Lanka the families of servicemen missing in action receive a very comfortable income. First they receive the monthly salary of the soldier, plus a dependant's allowance, and a widow's and orphans pension if he was married. These are paid until the soldier would reach the age of 55, after which time the amount is halved. In addition to these monthly payments, the families receive compensation, plus a collective insurance plus what is known as the "Accidental Insurance".

In contrast, the families of missing civilians may undergo severe economic difficulties, particularly if the missing person was the sole breadwinner of the family, which unfortunately is the case for the majority of families. Compounding the financial difficulties, it seems that even when families are economically comfortable, the anxiety and stress exerts a tremendous amount of pressure on those in the family working, resulting in their being unable to function to their full capacity. Consequently there is a deterioration in the general economic level of all families of missing kin.

Taking into account the generic needs of the whole population, the specific social needs of the families of unaccounted for are for society to be aware of their situation as it is. To describe it further, that society should have a better understanding of the psychological difficulties experienced by these families and to act accordingly. To give a simple example; I find it very difficult to keep up with normal day to day social activities. I feel that I am suffering now because my son went to serve his country and is now missing, and society should understand my position and they should be more caring and understanding. This is a common problem faced by many of our members; they find it very difficult to cope with the day to day hassle of society. For this reason a specific need is to cope with people who are in a similar situation. It is very important to have social clubs, societies and associations where the members of the families meet regularly, share and learn from their experiences. This experience is extremely important as it creates the space for individuals to get free from their isolated situation.

When speaking about specific legal needs, one has to understand that as the fate of the missing relative is not known, the family faces many hardships where legal matters are concerned. A very simple example is that even to draw money from the bank account of the missing person becomes a problem. Many other matters which would normally be simple and are taken for granted also become very complicated.

## **Support to families of people unaccounted for**

The most important psychological need of the family is to know that they are not isolated. That the society, the relatives, friends and neighbors are with them, in this hour of need. As well, it is important for society to understand the mental situation of the family.

### **Recommendations**

1. Establish Associations where the families of those who are unaccounted for can meet regularly, discuss the various problems they face and find solutions for them.
2. That legal systems should make special provisions which enable families of unaccounted for to function in their day to day business in the absence of the missing relative, such as through Power of Attorney etc.,
3. The INGOs, NGOs and Government authorities should take necessary steps to identify the psychological problems faced by the members of the families of those who are unaccounted for and help them.
4. Governments should create a mechanism providing financial support, for a certain period, to families whose sole breadwinner is unaccounted for.
5. The ICRC and bodies such as the UN should request the parties to an armed conflict to declare all detainees. Although the declaration is mentioned in the Geneva Conventions and the warring parties have ratified it, in some cases the parties to the conflict fail to adhere to this condition solely due to the lack of respect for other party. The ICRC should inform them that this act does not hurt the warring party but it puts the families of the combatants in a terrible mental agony and since the families are not a part of the war it is unfair and a violation of the rights of the family.
6. All parties to armed conflicts should be requested to give high priority for identification of dead bodies. Also wearing and respecting of identity discs should be made compulsory.

### 3.8 By Ms Jane E. Durgom-Powers, Attorney of Law (United States of America (the))

#### Non-Paper

*"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan- to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations."*

Abraham Lincoln, President of the United States of America  
Second Inaugural Address, March 4, 1865

#### Unexpected Family Crisis

A simple knock on the door, and in a split second, your life is forever changed. You're told that a member of your family is missing. You are given little, if any, information. Usually the missing person is the "breadwinner" or significant contributor to the economic welfare of your family.

You are expected to immediately "step into their shoes" and become head of the family. In many countries, women are denied an education due to their sex or religious beliefs. Where do they begin to understand what to do to meet the family needs? Where do they go? If there is no mother in the family, then children become adults overnight, with little education or emotional stability to become the head of a household.

Children need to be fed and clothed. Few alternatives exist for keeping the family unit intact. At extremely early ages, children may become slave laborers to bring income into the family; women, and sometimes their children, become prostitutes; sometimes children are sold for whatever purposes the buyer so deems. Often illegal activities are the only resource for family income. Families may be forced to immigrate to other countries; live in relocation camps within their own countries; or become internally displaced persons.

While you are worrying about keeping the family intact, you're also trying to obtain information about the missing family member. How do you begin to get information? Who do you talk to? What resources do you have economically to research the whereabouts of the missing person and, at the same time, pay the bills?

How do you emotionally deal with the uncertainty of not knowing the fate of your loved one, or if he or she will ever return? How do you deal with balancing the guilt of apportioning some economic resources toward resolving the case of the missing person, with the guilt that those monetary funds, which are usually limited, are not being used to provide for your families' needs?

How do you deal with the ultimate fact that if your loved one returns at some point, how did that experience change the individual? Can that person still be a viable and healthy contributing member of the family? Do you talk about this with others without fear that it will make your situation worse? Do you fear that the more you talk about it, the more people will take advantage of your situation, or worse, shun you and your family members?

#### Families Supporting Families

The best source of emotional support lies with families supporting each other. They understand the issues they all face. It is critical that the families not only share the emotional crisis thrust upon them, but also information provided to them concerning any missing person.

Families must keep documents provided and records of their conversations with governmental and nongovernmental ("NGOs") officials about their missing loved ones. They must discuss and compare notes with other family members because only through that process will they be able to best analyze the facts, be able to ask intelligent questions and, make significant progress on their individual cases.

Typically, individual cases are not a priority with governments. Often, government officials frequently change jobs due to promotions or changes of administration. Military personnel are mainly concerned about the present state of

## **Support to families of people unaccounted for**

military affairs. They are not concerned or focused on the missing. Diplomats, with military input, usually deal with the issue of the missing at a later time.

Families must instantly learn military terminology and how to read the documents provided. They have to learn to talk with governmental and military officials. In many countries, such inter action is impermissible. If family members send letters to their government leaders, those letters are often ignored.

To be successful families must be united and organized. Once they become organized, governments take the issues more seriously and effective communication begins. Publicity becomes an effective tool. World attention is drawn to the facts. Other governments can exercise economic sanctions and pressure to assist families and their cause.

It is critical that family organizations stand-alone. They cannot be affiliated with any government or political party. Their mission is purely humanitarian, and nothing more. The success of their endeavors depends upon how their mission and actions are perceived by the international humanitarian public at large.

Family organizations must provide a common ground where men, women and children affected by the loss of the missing person can join together to build an ongoing social and emotional support network. The organization must act as a "clearinghouse" for information, resources, referrals, scientific testing and analysis to provide answers. It must also serve as a "gateway" to services available from a number of other NGOs and institutions. It must have effective and continuing negotiations with government officials.

If possible, organization leaders need to assist in creating departments within governments that deal directly with families in resolving the issue of missing persons. There must be continuous discussions with government officials who have the ability to make decisions to resolve cases.

The family organization must fulfill an important need not met by existing national and international organizations. The goal of the family organization is to provide not only immediate and short-term relief to existing families presently affected by the armed conflict, but also to establish a continuing supportive service, which will respond to others who may be directly affected by future armed conflicts.

### **Government Relations**

Family organizations must strive to keep the integrity of the issue before domestic and international governments. Families must rely on documented facts, and not "emotional hype." Organizational leaders must not appear to be a threat to the stability of the government. Nor should they appear to be puppets of any political party or governmental administration.

Family organizations need to be extremely familiar with the laws of their respective country. For example, Freedom of Information statutes will provide additional information concerning the missing person. Family members need to not only understand the laws, but also effectively use them to legitimately gain further information about their family member. Time and resources are valuable. The more time that passes, the harder it becomes to gain information; keep the issue actively in front of government officials; keep the pressure on foreign governments to disclose information in their possession that would resolve cases; and forensically analyze recovered remains, which deteriorate over time under geographic conditions indigenous to the country of loss.

Family organizations must respect individuals in government jobs. Information is protected and of a sensitive nature, especially if the armed conflict is still ongoing. Family organizations must first gain the respect of colleagues and government officials such that a trust is developed for the mutual sharing of information necessary to resolve cases.

Legislative bodies within countries should also be contacted by family organizations. It may be necessary to obtain modifications to existing laws, or enact new laws to assist the needs of family members. Often international laws must be reviewed and implemented for further information to clarify cases. For example, financial records of missing persons in foreign countries may have critical leads to the whereabouts or last known location of that individual. Individual family members cannot access that information without assistance from governments or the courts within foreign governments. This is expensive. Most family members and organizations have limited funds. Therefore, it is essential that governments behave in a pro-active manner on behalf of families.



## **Support to families of people unaccounted for**

In many countries people have information about missing persons that they would under normal circumstances be willing to share with family members on a purely humanitarian basis. However, the laws of that country may impose severe economic hardship, if not direct loss of life or imprisonment, for providing such information. As a result, information is lost for fear of personal reprisals that may lead to another family being economically disadvantaged.

### **Nongovernmental Organizations Relations**

Just as the family organization must act as a liaison to government entities, it must also act as a liaison to other NGOs domestically and internationally. Family organizations must work with similar and related NGOs on the issues. This is critical for several reasons. It will help reduce excess and duplicative costs of organizations; it broadens the scope and range of resources available to address the immediate issues, in a timely manner; NGOs inter-working relationships strengthen the families' ability to negotiate with foreign government representatives for which no prior contact had been established; such relationships help the family organization routinely reassess and re-prioritize through formal and informal processes the needs of the family members; and NGOs within countries have relationships with the press and can keep public awareness of the issues ongoing.

To sufficiently address the global issue of missing persons, an international structure of linkage with other organizations and governments must be undertaken. A review of national laws as well as international laws is imperative. No one organization has the financial ability or corporate directive to address all the issues emotionally and economically facing families; nor the additional ability to hire scientists with state-of-the-art technology to forensically analyze and resolve cases.

The international family structure must have computer linkage to scientific databases and forensic testing institutions. Many of those are government controlled and regulated. Samples and analysis of blood would have to be drawn, stored, and mapped for future identification purposes. From an economic point of view, that is an extremely expensive undertaking, which family members may not be able to afford to do, even assuming such a laboratory was geographically accessible to them. There may be religious or political barriers to overcome for the drawing of blood and maintenance of samplings. Domestic laws on privacy need to be addressed such that blood drawing and analysis can be accomplished.

There needs to be a master depository databank where journalists and other communication consultants could on a regular basis send copies of notes, photos and film footage to the databank for future comparative analysis and tracing of missing persons. Again, laws on privacy and protecting sources of journalists' information must be balanced against the use and protection of information obtained. Such information must be cataloged and maintained in such a way that family members, NGOs and governments have access to research. Governments must be cooperative to share information retrieved or compiled that is relevant to the issues of missing persons.

Family organizations need to show their support of other international humanitarian endeavors of significance within the countries of loss. Only then will foreign governments be cooperative. The family organizations must all link together in a "people to people" approach to solving the problem of missing persons. It is a delicate balance that has to be struck between all parties.

### **International Humanitarian Appeal**

The family organization can successfully utilize the press to achieve its goals in recognizing that the issue of missing persons is one of a humanitarian appeal, and not an issue of a normal "consequence of war", thus dismissing the issue in its entirety. By drawing attention to the issue before the public, information that was not retrievable through other sources may be obtained anonymously by concerned citizens of the world.

Governments are made up of people who often have their own careers and self-interest, which they put above solving cases of missing persons. Personal careers may be at stake for helping others. Individuals may be covering up for mistakes or inappropriate or unapproved military actions. Military and government personnel are always trying to protect informers, as well as secure and protect information that would hurt military operations if the armed conflict is ongoing at the time family members are searching for missing relatives.

Governments may be quick to have family members agree to cease their efforts to resolve the case of their missing loved one. Since the "breadwinner" is often lost, families do not have the economic resources to pursue their cases. They already face a significant drop in income, and perhaps the loss of military benefits, including medical benefits

for the family, if the missing member was a combatant. As a result, any cash settlement the government is willing to provide the family as a resolution of the matter is often accepted reluctantly. Family members may have no other choice economically. This may lead to the additional emotional stress and lack of forgiveness by other family members. Often children of missing persons grow up and are unable to have healthy relationships with spouses; widows have difficulty with new relationships; and a lack of trust and almost a paranoid perception of life develop because of the "lack of closure."

No matter how hard family organizations strive to obtain information, they are still perceived as organizations of individuals. Family organizations cannot grant excessive amounts of aid or economic sanctions such as Most Favored Nation status to foreign governments. Only governments can do that. Often, that is what a foreign government is seeking before it is willing to give humanitarian assistance to families to resolve cases of missing persons. Although family organizations cannot grant such requests, their organized efforts can clearly put pressure on governments to so do.

There needs to be an ultimate authoritative resource that a global family organization can look to enforce its humanitarian efforts. The United Nations can effectively play a significant role. The United Nations has the power to impose sanctions and pressure on noncompliant foreign governments.

### **Conclusion**

The ICRC can play a pivotal and essential role in organizing an international structure of this magnitude to globally address the issue of missing persons. Due to its independence and experience in multilevel humanitarian endeavors, it can command cooperation and respect from foreign governments, as well as other NGOs.

The ICRC will be taking on uncharted efforts even for its own organizational history. The success of the ICRC in the past has been its independence. Like most NGOs, it often finds itself in adversarial positions with foreign governments in its efforts to carry out its internal mandates. To succeed in finding answers, it must work closely with governments, who have documentation, or, are in a position to obtain such documentation. Thus the global organization cannot be independent, but must be co-dependent, with inter-dependent actions of cooperation, global coordination, and enforcement.

NGOs coordination of information files and resource linkage must simultaneously be linked with government information. This requires a coordination of national and international law complicity. A mechanism must be put in place whereby efforts of uncooperative governments will be addressed and sanctions imposed in a timely fashion.

Missing persons by definition include noncombatants. Political prisoners, religious and ethnic persons fall within the scope of the term as defined by the Geneva Conventions. Governments are not inclined to release those individuals or give any information even acknowledging their incarceration, because governments perceive such individuals as terrorists or a direct threat to the stability of the current government. It is often more difficult to negotiate information concerning those individuals than it is to obtain information concerning combatants.

Economic aid and emotional support to family members must be addressed. International and national laws must be reviewed to allow coordinated efforts to solve cases of missing persons. Scientific data and facilities must be implemented to forensically analyze recoverable remains.

One organization must be in control of regulating these endeavors. The global family organization should be comprised of NGOs as members, as well as governmental organizations. Information must be shared, compiled, cross-referenced, and accessible to family members at no charge. It must also be gathered and maintained with integrity and discretion so as to protect the sources and possible adverse threats to individuals and their families who are willing to provide information and answers regarding missing persons. While this global family structure is in the creation process, a comprehensive review of international humanitarian laws needs to be conducted to verify compliance.

### 3.9 By Ms Lolita Quiambao Maguigad, Welfare and Rehabilitation worker, Family of Victims of Involuntary Disappearance (FIND) (Philippines (the))

#### INTRODUCTION

The Families of Victims of Involuntary Disappearance (FIND) is a family association or organization founded on November 23, 1985 through the effort of eight (8) families who had family members who were victims of involuntary disappearance. At present, FIND has 833 individual members coming from 451 families. There has been 1,717 reported cases of involuntary disappearances, of which 1,531 has been documented by FIND. Also, FIND was able to exhume 55 remains of desaparecidos.

FIND wishes to support the Missing Project of the Task Force of the International Committee of the Red Cross (ICRC). With this paper, FIND hopes to contribute to the workshop "Support to families of people unaccounted for" which will take place on June 10 and 11 year 2002 at Geneva, Switzerland.

#### 1. Description of the core mandate and objective any family association should have.

The core mandate should be clearly stated and defined, the families of Victims of Involuntary Disappearance (FIND) defines **involuntary disappearance** as a sudden and forcible disappearance, for at least 48 hours, of a person actually or allegedly involved in the work for social transformation or in upholding and defending the civil, political, social, economic and cultural rights of the people. By this definition, FIND considers victims of involuntary disappearance those who were actually or allegedly involved in the progressive movement for societal change. The perpetrators are agents of the state (example: the military, policemen, public officers or even the president of the Philippines).

As a human rights organization, FIND believes that the government has the primary "**obligation**" to protect and promote the human rights of its citizen. In the Philippines, cases of involuntary disappearance were committed by the agents of the state from Marcos regime, especially during the martial law period and even after but since then no single case has been won in court and no perpetrator has been punished. There was no single family who attained justice for their loved ones who were victims of involuntary disappearance.

The following are the objectives of FIND:

- 1) Unite all families, relatives and friends of the disappeared for the people's struggle to assert national independence and democracy, as one of the necessary preconditions /foundations for the complete elimination of the practice of enforced disappearance.
- 2) Continuously document cases of involuntary disappearance and search for the disappeared.
- 3) Intensify the campaign for an end to the phenomenon of involuntary disappearance being one of the most cruel forms of human rights violations and a crime against humanity, and demand that the perpetrators be penalized and that justice, including indemnification, be rendered to the victims and their families. Cooperate closely and actively with local and international human rights advocates, and enlighten the people on the practice of involuntary disappearance and the root causes of the phenomenon.
- 4) Support the families and relatives of the victims especially those in dire need to overcome the anguish, anxiety and dislocation brought upon them by the disappearance of their loved ones and work for their rehabilitation and reintegration with society.
- 5) Work for the establishment of cooperatives among the members. The cooperative shall be part of the organization's effort to attain sustainability.
- 6) Unite the children of the victims for them to gain strength from one another and hasten their rehabilitation and that of their families.

The mandate and objectives of FIND are based on the experiences and situation in the Philippines. The Philippines had experienced long years of dictatorship and tyranny. Any Family association dealing with families of missing people may consider such mandate and objectives especially if their countries experienced or experiencing massive human rights violation in the hands of their own leaders.

## 2. Description of a structure which should be recommended.

Considering that FIND is a mass organization whose members are mostly families of victims of involuntary disappearance, it is only logical to give the highest authority to the General Assembly. This is to democratize the processes and consider the voices of majority of the members. Thus, the general assembly is the highest policy making body. The second highest policy making body will be the National Council and it will be composed of elected officers also by the General Assembly such as the Chairperson, Co-Chairperson, secretary general, treasurer, auditor and chapter representatives from each regions where the association is presently operating. The National Executive Council is entrusted with the day to day management of the organization. It ensures that the secretariat composed of the program heads, facilitates the day to day implementation of the organization's general program of action and policies.

## 3. Description of Activities to develop

Based on the experiences of FIND, all its programs are important but foremost among These are the following :

- ❑ **Search and documentation of cases** – This is the heart and soul of FIND's existence. FIND was primarily organized to search for the disappeared, alive or dead. Exhumations of human remains of the desaparecidos are very helpful for the cases in court to prosper. It is also very important to the Filipino families to give a decent burial to their dead loved ones.
- ❑ FIND has in all its chapter Quick-Response Team to respond to newly-reported cases of involuntary disappearance. The safety and life of a reported missing person is on the line that's why urgent responses has to be made.
- ❑ **Organizing and Education Work for Families** – FIND started with organizing and educating families of victims of involuntary disappearance regarding the phenomenon and its root causes, heightens their level of social and political consciousness and make them understand better the vision, mission and goals of the organization. This also motivates them to actively participate and involve themselves in the different activities of FIND. FIND is an organization of families of the desaparecidos and the members are the primary movers to attain the goals set by the organization.
- ❑ **Welfare and rehabilitation work among the families** – financial assistance and material support are very necessary to empower the families to continue to work for justice. Rehabilitation is also important to strengthen the coping capacity of the families .
- ❑ **Campaign and advocacy work** – Information dissemination, campaign and lobby work ensures public support on the issue of involuntary disappearance , thus, more will work for the attainment of justice for the victims. It also aims to stop the commission of
- ❑ **Filing of cases in court** is also one important activity of the campaign and advocacy work. Families should be assisted and be provided with counseling with regards the processes of filing involuntary disappearance as a form of human rights violation cases in court. This task is very difficult because most of the families are afraid to file cases in court.

## 4. Description of the relations any family association should maintain with the civil society.

FIND believes that the issue of involuntary disappearance is not the issue of FIND alone but also an issue of the whole society . It cannot prosper in its work for justice unless society helps in the process. Because of this, FIND maintains close coordination with the civil society. It participates in the advocacy and campaign on different social issues advocated by the civil society and in turn solicits support from them for its own cause. In the first place, all societal issues have the same root causes.

Resources of the organization are very scarce . Therefore, referral of families of the victims to other organization for additional services is helpful for FIND.

## 5. Description of the required resources and the means to ensure them

Any family association dealing with families of involuntary disappearance needs both financial and human resources to ensure implementation of programs and services. As for FIND, continued networking and solidarity work among local and international bodies have helped ensure availability of resources. A bulk of FIND's financial resources comes from foreign funding. FIND has been able to work out through intense campaign and lobby work, funding from the government through the Commission on Human Rights.

**6. Description of success and failure- or strengths and weaknesses – of family association on basis of your experience ( with reasons ) .**

**Success** – FIND has a well defined organizational structure and relatively qualified leaders. Families are organized at the chapter levels in the provinces, form the AFAD, form the organization of the children of the disappeared ( SAD), granted with the ECO-SOC status. Through out the years of FIND's existence, its leaders have been able to meet challenges and overcome hardships they encounter along the way. There is also a sustained campaign and advocacy work, search missions etc.

Well formulated policies exist that guide the chapter implementation of all programs. Programs and services of FIND have reached a certain level of development that have earned due recognition by the local human rights community and its international allied organization.

**Failure** – Plans for additional local fund generation were not implemented. It has also failed to put up a saving mechanism. Collection of membership dues and fees is also very poor . If such will continue to happen, FIND will not be able to attain a certain level of self-reliance that will likely turn critical given the fact that foreign funding agencies have set other geographical and advocacy priorities. Hence, fund sourcing from them may prove difficult in the future.

The full implementation of programs and services relies on the availability of financial and human resources. Based on FIND' s experience, program plans are well defined and the human resources are somehow efficient but because of financial constraints, there is difficulty in the process of implementation.

FIND could also have strengthened the efficiency level of the human resource by hiring professionals other than the families of the victims ( FIND had a policy in the past that members of the victims' families must be prioritized in the hiring of personnel but sometimes they could not meet the required standards of the work ). FIND has started hiring professionals in the national level but not yet in the chapter levels .

**7. Recommendations on how the weaknesses could be overcome, on required conditions etc.**

- a) Any organization should make a well defined plan for fund generation activities . The organization must ensure the implementation of the set plans because most of the time, this is not given priority .
- b) Local and international fund sources must be maximized to the fullest .
- c) Collection of membership dues and contributions should be given priority and emphasis because there will come a time that this will be the main source of the organization's income.
- d) Hiring of professionals is also very important to ensure competence, efficiency and full implementation of the work.

**8. The 10 main recommendations you would give to a newly born association.**

- a) A new association must exist based on a need- for FIND, its reasons for being is to search for the disappeared and give justice to them.
- b) A newly born association must create all the basic documents necessary for its operation . There should be a well defined Constitution and By -laws , Manual of Operation of the organization, program orientation paper etc. These serve as guidepost of the organization in formulating different policies, activities and programs for the families of the missing victims..
- c) Broaden contacts and networks in the local level.
- d) Engage in solidarity work with international bodies and organization not dealing not only with missing people but also with other social issues and create working relations with them.
- e) Have a regular consolidating activities for the members to ensure their support and participation in the organization's endeavors.
- f) Work with other organizations dealing with missing people in order to come up with appropriate strategies and approaches in rehabilitating and dealing with families of the victims.
- g) Develop a sense of responsibility and commitment among the members through education .
- h) Strengthen funds mobilization and activities that will make the organization self-reliant.
- i) Ensure that the organization could provide material and moral support to the members.
- j) Set up capability building activities in terms of human resource and organizational management.
- k) Ensure documentation of all activities undertaken and processes underwent by the organization.

**3.10 By Ms Esther Mujawayo Keiner, Co-founder of Avega, an organisation of widows of the 94 genocide in Rwanda (Rwanda)**

**Families and death**

**Introduction.**

It is exactly 8 years now, since nearly my whole family was killed in the 94 genocide in Rwanda. The closest are my husband, Innocent, my father and mother, Epaphras and Monika, my sister Stephanie and her husband Ildophonse and the 3 children, Tika, Kinini and Babu, my sister Rachel and her husband Munyankindi, my nephew Marcel and his father Charles, husband of my other sister Marie-Josée who survived, my father and mother in law, Joachim and Cesarie, the 5 brothers and sisters in law, Ngabo with Alphonsine his wife and the 2 children (I have forgotten the names of the 2), Umudeli, Umutesi and Cyemayire. If I name the aunties, uncles and cousins, the list will be too long. I have only named by their names the 21 immediate. I must be able to name the others as well, for my mental health. Because I need to bury them, I need to say bye to all of them. I have not yet finished, it is a long journey, but a vital one. I have not yet buried all of them. Some are believed to me in mass graves that we have identified, others have been properly identified from pit latrines or shallow holes where they were dumped after their death or even still alive. Others are still not yet discovered, not buried...

I am not a special case. Many survivors are in the same situation. Entire families have been slaughtered, many survivors have been physically wounded, all are emotionally affected. Many organizations have been put in place. One of the biggest is Avega-Agahozo, a space for widows to find a sort of new family where you can cry and be comforted. In Kinyarwanda, Agahozo means a song you sing for your baby, your child or your friend to dry up the tears. This was the way we found out how to deal with the loss in mass of our beloved one.

**Families and death.**

**“Les morts ne sont pas morts”**, the dead are not dead, wrote Camara Laye, an African writer, they are in the wind, in the air you breathe, they are in the shadow, they are in the trees, they are in the mountain etc...

In every day life one lives with his dead ones. In normal time you live with them in peace, because at the death, you have said good bye to them, you have mourned them, you have cried and shouted to them asked them why they can dare leaving you, you have looked at their face for the last time, and finally you have buried them. Everybody was there, the family was with you, the neighbors were there, you have spent nights all together, you have talked about them, their life, their merits, you have feasted, people have brought food and drinks. Then you have made them free, they were allowed to go and join the other family members who are already dead. And wherever they are, they are dead but they are not dead, they are in your sleep in the nights, they are in your thoughts during the day but they don't disturb you. They are ok, you are ok, **les morts ne sont pas morts...**

**The main elements allowing mourning.**

(The following are more detailed in a Resource Pack about Loss Bereavement and Trauma written by Tracey Brown and Barbara Mitchels, Watershed Publications, Norwich)

**Accepting the reality** of the loss on an emotional as well as an intellectual level. This may take long.

Talking about the loss, the details of how and when and why it happened, the meaning of the loss to the individual is important.

It is important to be ready to face the reminders, like events dates, where/when the person should be there and accepting that she will never be there again. It is important to say good bye, and this is possible through rituals like funerals, memorials etc..

**Working through the pain of grief** is also very important. One must be able to identify and express thoughts, feelings and emotions. People feel often angry against those who died, who dare to abandon them, like a sort of betrayal. But culturally, you don't speak ill of the dead. This is why the mourning period is important, during that time, you can speak ill of the dead, you have the right to cry and shout on them, but after, in normal time it is not possible. The person should be allowed not to be brave and obliged to minimize, avoid, block or displace grief. This is mainly when you have to think about the children or others very close to the deceased, that you feel you may be protecting and not show your own emotions.

It will be helpful to explore and analyze what was possible to be done, or what was not possible at all to be done in order to avoid the death. This is because many people will feel guilty and responsible of the death even if logically, there was no way.

**Adjusting to the new environment where the deceased is no longer :**

How roles, beliefs, a sense of the world, sense of self, identity etc are affected and change. The person will have to adjust with those changes.

She will have to identify the new problems and found /or not the coping strategies to deal with them. New skills will be developed, and support networks are very important. Important also to see how the roles of the deceased ones are being shared: who is assuming what in the family now?

**Emotionally relocating the deceased and moving on with life.** This may involve creating a new life in which the deceased one is part of the past and can be talked about or remembered without intensity of emotion, it can be investing in new relationships, being able to trust and love other people, and reminiscing.

**NB:** Those are the main stages but they are not worked through in a set way, in a set time, and everyone will take their own time in their own way depending on many factors. They are also valid in case of the deceased one being physically there, I mean there is no problem of finding the body.

The next chapter deals with mourning without the body.

**Mourning without the human remains.**

The different stages described above can be also found in what we call the "IKILIYO" in the Rwanda.

However after the 94 genocide, it was not the case. Bodies are not found: you do not know how and where the person was killed. Or they have been burnt, or they have been thrown in the rivers.

It is important to create rituals which helps to substitute.

1. Whenever it is possible to find and recover the body, it is very important to do so, and give a proper and dignifying burial. Especially in the case of genocide where people have been humiliated before being killed, like dumped in pit latrine. So a dignifying burial is like a sort of recognizing again their humanity which was taken away in the same time of being killed. However, again, one must be careful, there are people who have chosen to mark the place, and use other symbols rather than exhumating their beloved ones. 8 years later, we are still searching and founding and burying bodies.
2. Some known mass graves are now serving like memorials. Many people are using them like a substitute: I have not been able to identify where my husband was put. But I can think of where he was killed, and the bodies recovered from that area have been buried on a hill called Rebero, at Rebero, there are 4 long mass graves. So with the children, we have chosen the 3rd one, left corner, so there, is the corner for him. It is where we will bring flowers on the 30 April, and it does help a lot to have somewhere concrete, some reference, even if it is only fictive. This is why it is very important to have memorials in areas where many people have been killed, so that the unknown, or unfound are also remembered there.
3. Many people don't have any reminding, belongings of their beloved one's. And in the case of Rwandan genocide, it is quasi impossible, because everything was looted or destroyed. And now time has gone, even the few things which remained among the ruins have now disappeared. But it is very important to encourage people to keep any souvenir they found. Sometimes at the moment they don't want to see it because it brings back the memories but later, they will want to see it but have thrown it away. People often think that if you forget it will be better, so do not keep anything from the deceased and you will not think about them, but this is wrong, because even if intellectually you are trying and convincing yourself to be doing so, but it is still somewhere and comes back in a way or another and can be even more disturbing.
4. Pictures are very important. Many people don't have a single picture of their beloved ones. Those who are lucky and have some visual images, used to talk to them. This helps to direct your sorrow or anger. Late the picture will stay in his place and will not be removed every day. To make them bigger has helped many women as well. It does give a place to the deceased one in his family. He is still there. And this makes much easier to talk with the children about him.
5. Some people will find people looking like their children or parents. It is important to be able to talk to them. In the beginning, they follow them and don't dare to approach them. They are confused, thinking that it can be the person, but knowing also that it is not. Friends are very helpful to accompany them once or prepare the person to meeting the one who is taking him/her for the deceased one.
6. Officials documents are a very difficult experience to go through. Because of the bureaucratic procedures, and the coldness with which they deal with what is the most sensitive for you, you feel like being humiliated, especially if you have to prove relationship, facts, dates etc... Many have not been able to proceed with things like social insurance, properties ownerships etc.. because they couldn't go through emotionally and have reported to another time those procedures.

## Support to families of people unaccounted for

7. Exhumation are very difficult experiences and it depends from a person to another. It is very important not to rush anybody, and it is also very important to accompany anyone going through exhumations of the beloved ones. There must be a very close friend or parent to ensure that the person is not alone. Some can be suicidal or get very traumatized by seeing the bodies/part of bodies of their people. Practical help is very useful, like coffins, bed sheets, flowers etc... It helps to transform the impression of dirty and decomposition in which the person is found in his lasting place. So at least again the person can have the impression of having achieved the duty of giving a proper burial.

### Recommendations:

I will not give ten recommendations because it brings back the memory of the ten commandments which in Rwanda were a big propaganda for this genocide. I only give....

1. It is very important to listen to people and not rush them. What are their own ideas and their own pace?
2. According to what they think, feel and need, you can adjust your own intervention. Ex: Some organizations were ready to offer counselling services (which are also very needed), but offering coffins to those who cannot pay them was not in their mandate. Practical help as well as emotional help.
3. It is very important to help people to recover a sort of normal life with the minimum basic needs being covered.
4. Children who have lost brutally their parents are traumatized by what they have undergone, but the fact now of not being able to attend school, to get enough food, to have a home and feel safe will not help /allow them to mourn properly.
5. Encourage, help and empower self support group in their turn they will help their members.
6. Provide useful/practical information to different actors (governmental and nongovernmental) intervening in the field about how to behave and act in such circumstances
7. War doesn't end with the last bullet. Think long time.



**3.11 By Mr Mario Gonzalo Domingo Montejo, Coordinador Area Defensa de la Dignidad Humana, Oficina de Derechos Humanos del Arzobispado (ODHAG) (Guatemala)**

**1. Introduction**

Kidnappings have been used by groups not connected to the government as a way of achieving their goals, to generate impact in social awareness (propaganda), or to liberate members of their group (exchange for political prisoners), among other reasons, although many times these kidnappings satisfy a variety of objectives at the same time, and are always implemented against wealthy people or those that have political influence. In Guatemala, kidnappings became common practice during the 60's and 70's, and even affected politicians of the opposition, diplomats and members of the Hierarchy of the Catholic Church. The kidnapping in these conditions always resulted in the return of the victim, once the objectives of the kidnappers were met, although in some cases the victim was killed (this occurred with two ambassadors in Guatemala, one German and one from the United States, in the early 70's).

The practice of kidnapping by the government, more appropriately called forced disappearance, was a different phenomenon, that together with the Doctrine of National Security formed an effective way to create terror, disarticulate the enemy and obtain information through the use of torture. Union leaders, students, university professors, reporters, that number in the thousands, were kidnapped or disappeared, and as of today still nothing is known of their whereabouts.

The numbers are conservative, for there are many limitations that have made it impossible to register an exact survey of the victims of forced disappearances. The REMHI report gives an approximate number of three thousand victims of forced disappearances during the internal armed conflict (that is to say, of those people whose whereabouts is not known today, not knowing if they are dead or alive), but this study only takes into account those who have been reported by families of the victims. General estimates calculate more than 200,000 victims of this conflict, both dead and disappeared; while the CEH report claims there were 5,000 children disappeared. During the years 1956 to 1996, in the University of San Carlos of Guatemala alone there were 492 registered cases of forced disappearances (433 men and the rest women), although it is suspected that the actual number is even higher.

Before the Peace Accords were signed, with the conclusion of the negotiations that brought to an end more than 36 years of civil war in Guatemala, the Congress of the Republic approved the Law of National Reconciliation, which contemplates, in its article 2 that, "totally removes criminal responsibility for political crimes committed during the internal armed conflict, up until the date that this law takes effect and covers the authors, accomplices and those who covered up the crimes against the security of the state, against institutional order, and against public administration...". This same law, in article 5 also declares the: "the removal of criminal responsibility for crimes that, up until the date that this law takes effect, would have been committed in the internal armed conflict, as authors, accomplices or those who covered up the crimes by authorities of the State, members of its institutions or any other entity established by the law...".

However article 8 of the same law establishes that the removal of criminal responsibility that is referred to in its text, will not be applied to crimes of genocide, torture or forced disappearances.

This law represents an open door to legally try cases of forced disappearances in Guatemala; however, in practice, the topic is taboo, because the military power is still strong and it utilizes secret mechanisms to interfere or halt investigations against its current or former members.

Some nongovernmental organizations like the Group for Mutual Support (GAM) or Families of the Disappeared of Guatemala (FAMDEGUA), have made a constant effort over the years to obtain governmental response regarding the whereabouts of their family members, yet to date there have not been significant advances in this respect as there are many limitations that they face. In May of 1999 a document known as the Military Archive was made public. This document was obtained by a group of US citizens who paid a large amount of money to an ex-member of the armed forces. This document contains information regarding people that were kidnapped during the reign of General Humberto Mejía Victores. Some of these victims were freed, but the majority, according to the information in the document, were assassinated. The respective investigations were met with no collaboration from the military authorities, who when they are approached by officials of the judicial system, argue that, based on the ministerial

accord of 1979, they have burned all those documents that were considered useless. This defense mechanism impedes access to those documents that, like the Military Archive, could exist in the Defense Departments archives.

One initiative promoted by the governmental entity, the Secretary of Strategic Analysis (SAE), consisted of promoting the law of Habeas Data, which met with administrative difficulties, such that up to now its evolution is not known. The initiative to support a law that would make available all the archives of governmental dependencies that contain information, not only about disappearances, but also about other topics that affected the Guatemalan people during the armed conflict, would challenge article 30 of the Political Constitution of Guatemala, which states that all administrative acts are public except those that deal with military concerns o national security.

Notwithstanding, the topic is still very real and alive for the families that, in spite of the time and circumstances, are still waiting for answers.

## **2. From the specific information required for the present contribution**

### **2.1 Description of the key problems faced by the families of the disappeared**

The Area of the Defense of Human Dignity of the Human Rights Office of the Archdiocese of Guatemala, has worked on some cases of people who have been disappeared. Currently we are investigating, with many limitations, the case of Fernando Garcia. Other cases have been transferred to the Project of Disappeared Children here in the office.

Very generally, we can describe the principle problems faced by the population that works on these cases as follows:

- a) Psychological. There are many feelings which family members of the disappeared experience, among these, sadness, feeling alone, powerless when facing the uncertain fate of their family members who were disappeared (children, brothers and sisters, parents, uncles and aunts, etc.), and the hope of finding their loved ones alive, weighs on them as the years go by. There also exists fear of having to confront the possibility that their loved ones are dead, and that hope turns into the reason for living; or having to face, in an extensive search, the shadow of terror of the past that is a ghost that still haunts today.
- b) Social. The tear in the social fabric has provoked many problems that must be faced in the reinsertion of the population that was uprooted during the internal armed conflict (communal conflicts, deference in institutional support, hate and resentment provoked by the conflict etc.). Some of these have to do with the fact that families who have suffered the disappearance of one of their members, having to live together as neighbors with those responsible for the disappearance, among other social problems that they face.
- c) Economic. The internal armed conflict in Guatemala, affected the poorest people. Many families where the hope of finding their loved ones alive, still persists, do not have the economic resources to eat or travel, much less begin a search that, given the impertinent conditions in this country, would require a huge effort. Women whose husbands have been disappeared, have had to rely on themselves for subsistence, which implies that they have had to take charge of the agricultural work (which, culturally and socially, they were not trained to carry out), and with obvious disadvantages compared with men (they are not able to access credit as easily as men are).

### **2.2 Description of the specific social, legal and psychological needs taking into account the general needs of the rest of the population.**

The population of Guatemala, in general, faces serious economic, political and social problems (among those are acts of violence, many of which have their origin in the internal armed conflict, for example the increase in kidnappings, extortion, robberies, assassinations, although combined with other factors).

But in regards to the general population, the families of the disappeared, deserve special attention, because their problem still persists, and is tied directly to the internal armed conflict, whose needs can be classified in the following way:

- a) Direct psychological attention, as individuals and as part of a group
- b) Accompaniment
- c) Socialization of their experience

To clarify, there exist other needs for psychological attention, which will be identified further on.

The need for social attention, among others, are identified as the following:

- a) The need for a social interest in the problem
- b) Promotion of projects and general and specific attention about the problem
- c) Creation of political conditions that will face the problem
- d) Development of a solution to the problem, through investigations, social promotion of the problem, resolution of cases, and reparations

Regarding the legal necessities of the problem, among others, we propose the following:

- a) Need for governmental interest regarding the problem
- b) Need to promote a project regarding the Law of Habeas Data
- c) Need for studies to investigate the problem
- d) Promote legal cases, both collective and individual, regarding disappearances

### 2.3 Description of the evaluation of these needs

From the psychological attention. The psychological effects produced by the disappearance of a loved one, are more severe than if one is certain they have died. Among these problems we can find:

- The denial of reality
- Unresolved grieving
- Fragile emotional state
- Etc.

This implies that one should proceed with direct psychological attention individually and in group, and once started, accompaniment should be provided as well. The socialization of the individual and group experience should also form a way of overcoming the problem and creating a sensibility within society in general.

Regarding the social needs, we should take into account that Guatemalans characteristically, as a society, tend to deny the patterns that were followed during the conflict and reject this reality in a constant way (on the part of the interested sectors ) and in an inconsistent way (on the part of the general society). For this reason it is necessary to create sensibility by using non traditional methods, which should be evaluated with the organizations involved.

This promotion should encounter sustenance in projects that conceive the problem as primary attention, and confront it judicially, politically and socially, creating information mechanisms, promoting judicial actions, provoking institutional involvement and creating super institutional entities whose object is to find answers that the families of the victims need, as well as the reparations to which the state finds itself morally committed.

The satisfaction of these necessities, as one can see, requires that the State commits itself to confront the problem, which is not easy, since there still exist parallel mechanisms of power (the Estado Mayor Presidencial, for example). However it is possible to provoke governmental interest using entities such as COPREDEH or the Secretary of Peace (SEPAZ), once one has consolidated the proposal of the interested parties, who should include in the same the need to promote the Law of Habeas Data, which would permit in some way, the recovery of reports and other documents that the Defense Ministry has under its control.

The specific studies about the topic should be conceived taking into account the possibilities of deepening the understanding of the power schemes that existed in the periods of the forced disappearances, which would entail names, structures, mechanisms of action, testimonies (of victims and perpetrators), which could facilitate getting precise results and the possibility of judicial procedures against those responsible (a situation that should be taken with great care so as not to result counterproductive).

## **2.4 Description of the development of an appropriate proposal to the identified needs and the resources that would be necessary.**

In order to develop a proposal to the needs above mentioned, the following steps are proposed:

- a) Elaborate a specific project on the topic (that involves psychological, legal and social attention).
- b) Contact the organizations of families of victims (GAM and FRAMDEGUA)
- c) Develop the identification of cases
- d) Systematic study that takes the historical circumstances of each case into account and a comprehensive investigation of the same.
- e) Development of strategies to promote the topic (forums, conferences, publications, involving governmental institutions)
- f) Development of judicial strategies
- g) Search for political solutions to the problem

Resources:

- A team made up of lawyers, sociologists, psychologists (or psychiatrists), investigators and documenters.
- Economic support from one or various agencies that support the program

## **2.5 Description of the specific challenges and how to overcome them**

Among the challenges, we find:

- a) Economic. In order to overcome this limitation, a search for entities interested in funding the project, Search for the Disappeared of Guatemala, should begin.
- b) Political. As indicated above, parallel power structures persist in Guatemala, that are interested that this topic not be developed (the topic of exhumations has recently provoked threats to the anthropologists that are involved in the topic), and even with the REMHI report and the Comisión Para el Esclarecimiento Historico, there is still much information we have yet to learn here in Guatemala. However, the problem, given these limitations, remains necessary. Another problem regarding this topic is the lack of seriousness that the governmental authorities place on this problem, however, this interest can be provoked using the appropriate methods.
- c) Legal. There exist some legal limitations as well, in particular what is established by article 30 of the Constitution. However, given awareness raised in the general population and the organizations involved regarding human rights, we should insist in the approval of the law of Habeas Data, and other legal mechanisms that permit access to the documents that, are known to still exist in the Ministry of Defense. The filing of legal cases of disappeared people, at the opportune moment, is one concrete example of how the topic can be brought to the public's attention.

## **2.6 Description of the reparation that exists or that is required and its mechanism**

Both the REMHI report and the CEH report, plant the need of repatriation for the victims of the internal armed conflict in Guatemala. The government has promoted different social projects aimed at the rural population that was most effected in the conflict (agricultural credits, communal projects, creation of cooperatives, the buying of land, etc.); however, there does not exist specific attention given to the families of the disappeared.

The reason for the lack of reparation has various causes, but the principle cause is that there does not exist a strong, concrete demand against the State (many families do not accept the possibility that their family members are not alive); but they have not the mechanisms that could give them an answer (there exists fear in initiating concrete actions or actions on a large scale).

The reparation that the State owes the these families should define itself as a concrete action, that gives answers and that permits the families to completely overcome their personal, family and social crisis.

**2.7 Description of the needs of the families for information and recommendations regarding the mechanisms to insure the flow of essential information between families and other actors that are working to clarify the fate of the disappeared.**

This type of information should count with the necessary intercommunication between the families of the disappeared – and other actors that work on the topic- according to the previous proposals.

In the ODHAG the Project of Disappeared Children develops its work that includes the following aspects (some of which are found in perspective):

- a) Psychological Support, aimed at teams of investigators, families of disappeared children (natural or substituted), the young people who have been found, other institutions (those that exhume graves), and the communities.
- b) Legal support in the investigation of each case, in the responsibility of documenting; and the assistance in accessing the legal system (Ministerio Público, Organismo Judicial)
- c) Social support, (development through contact with other NOGs), on issues of education, housing, production and general health.
- d) In the resolution of cases, provoking reencounters and providing death certificates.
- e) Communal support: Keeping the topic of disappeared children alive; distributing the report “Hasta Encontrarte” (Until I Find You); or through the support of the reencounters.
- f) Support for the judicial demands (when considered necessary).

However, the elaboration of a project to find the disappeared of Guatemala, as has been described, should respond to more global demands or, at least, result from a combination of elements in order to be more effective.

**3.12 By Mr Ngande Mwanajiti, The Inter-African Network for Human Rights and Development (Afronet)**

**Rethinking the Missing**

**Foreword**

Afronet's core business is human rights monitoring and reporting, and human rights information and communication. It is Afronet's unwavering belief that in an imperfect world and given the always changing geopolitical dynamics, the work of the ICRC as unequivocally commendable as it is, will undoubtedly even get more difficult and complex.

To adequately assist in ICRC's mandate, this paper argues for a broadening of the concept of "the missing." It is in this respect that, this paper provides a dialectic argument on the concept of "the missing", that reflects Afronet and other similar human rights organizations' entry into the discourse and activity. And in addition argues the importance of unbiased international response to reports of human rights violations.

In this respect, although, the paper serves to address itself to the question of *recommendations on the main measures to be taken in alleviating the situation of families of unaccounted for*, it does not in the conventional sense provide recommendations.

Thank you,

**1.0 Introduction**

This paper seeks to provide a framework for a discourse on the need to re-think the concept of "the missing". The premise of the contribution adopted in responding to the theme of the ICRC project "The Missing" and the consequent workshop<sup>1/</sup> is based on the emergent need to adopt, in addition to existing strategies, preventive and interventionist strategies. The argument is that preventive and interventionist strategies should be informed by the acknowledgement that "The Missing" is not only a phenomenon of observable, experienced or on-going armed conflict or internal violence.

Re-thinking the conventional concept of "the missing" should not only be conceived as a process of complementing the critical and humanitarian *ex post facto* strategies, but also as a means of developing conflict early warning and response mechanisms. Effective conflict early warning and intervention mechanisms should be based on bias – free monitoring and control of events/situations likely to result into armed conflict or internal violence.

Armed conflict or internal violence does not often occur in an abyss. It is symptomatic of the accumulation of human rights violations and the general breakdown of democratic governance. Indicators of the likelihood of conflict or violence that is likely to displace people (to the extent of being unaccounted for) are therefore always evident.

The major problem, however, is that consideration of such indicators are in most instances glossed over as the prevailing political and economic interests between a sovereign state (where the indicators abound) and the international community are ultimately the criteria by which preventive and interventionist strategies are adopted. There is need to accept the universality of early response to conflict (either armed or internal violence). The universality and inviolability of human rights should categorically inform this need.

The obtaining experience where pre – conflict intervention is founded on the strength of interests likely undermined if full-scale conflict occurs is first a serious negation of the respect for the universality of human rights. And second an unfortunate situation that perpetuates the inhumane situation arising that institutions like ICRC try to mitigate.

The succeeding sections address themselves to first the concept of 'the missing' in conventional terms, second a brief of the Zambia case, third arguing for "The Missing" – a rethink, and lastly Afronet position and conclusion

**2.0 The Missing – The Conventional Thought**

The conventional conceptualization of "the missing" is premised on the United Nations Commission on Human rights humanitarian principles that among other include the right to reparations and the right of relatives to know the fate of unaccounted for persons as a result of armed conflict or internal violence.

And further by the UN Declaration on the Protection of All Persons from Enforced Disappearance<sup>2/</sup>. The declaration affirms that 'any act of enforced disappearance was an offense to human dignity.' And that States should 'take effective legislative, administrative and judicial measures to prevent and terminate acts of enforced disappearances.'

Disappearance or missing persons are, hence contextualised as persons unaccounted for as a result of armed conflict and internal violence, or as a result of acts of genocide<sup>3/</sup>. In addition, this conventional context of "the missing" relates to persons who have been taken into custody by State institutions or by armed political groups, but whose whereabouts is unexplained.

The consequent response strategies and efforts informed by this concept include attempts to provide adequate reasons for the disappearance, inventorying "the missing" and providing for the needs of relatives of "the missing", and calls for justice so that those responsible are accountable.

The response strategies are further a critical requisite to the process of reconciliation likely leading to peace and stability based on justice and respect for human rights. It is in this respect that nongovernmental organizations like the ICRC, in addition to their attempts to providing support to relatives of "the missing", play a crucial role in initiating the process of reconciliation and respect for human rights. This is because these institutions accept that justice can be a precondition for reconciliation and peaceful existence.

This is a role, that irrespective of the shortcomings of the conventional conceptualization of "the missing" should be augmented and strengthened by governments in accordance with the Declaration on the Protection of All Persons from Enforced Disappearance.

### 3.0 Zambia Case – A Brief

Premised on the conventional definition of "the missing", in Zambia instances of enforced disappearances are only prevalent in the Zambia – Angola border areas. The events responsible for "the missing" in these areas are the armed incursions by Angola's MPLA (Popular Movement for the Liberation of Angola) and UNITA. There have been reported cases of abductions and executions<sup>4/</sup> in Kalabo, Shang'ombo, and Senanga. However, it must be noted that not much information is available as to the numbers unaccounted for owing to these incursions.

However, this is not to say that there are no cases of 'the missing' in Zambia. There are cases of "the missing", but only that the conventional definition of the concept excludes such cases. These cases are not necessarily as a result of armed conflict (as is the case of the incursions) or internal violence, but as a result yet to be explained political circumstances arising mostly from political competition that came with plural democracy.

People die, but the reason of death is never explained. It is inevitably this situation that informs the need for a discourse of rethinking the concept of "the missing". The fact that in Zambia we have cases of unexplained reason of death and that such cases are not considered worthy of critical attention can inevitably in the long run lead to a culture of impunity. And we must accept it is the continued lack of attention to such cases often disclosed by Human Rights organizations that strengthen the culture of impunity. Non-responsiveness will hence provide the recipe for situations that lead to enforced disappearances.

It is in this respect that this paper argues a re-think.

### 4.0 The Missing – A Rethink

To further, argue our case for the need for a discourse on rethinking the concept of "the missing" we here make reference to the genocide in Rwanda.

The Rwanda case, though extreme, provides an adequate premise, as it is a case in which the failure of the international community to respond in an interventionist and preventive manner is well documented.

We hence argue:

*The Rwanda genocide was not the inevitable result of inscrutable ethnic rivalries, to which most conflicts in Africa are ascribed, but the intended outcome of a carefully planned campaign by political elite's. It is known that most governments in the world knew of what was likely to happen and or happening. On January 11, 1994, three months before the onset of the internal violence or genocide, the commander of the UN peacekeeping forces in Rwanda, General Romeo Dallaire<sup>5/</sup>, communicated with the UN headquarters (in particular Kofi Annan, then head of the UN peacekeeping operations), with such communication never having been brought to the attention of the Secretary General. It is further known that the US government at the apex of the killings, communicated with the Hutu leadership to ask for restraint. The question still to be answered, why didn't the international community enforce preventive and interventionist strategies?*

The argument for a discourse on rethinking the concept of "the missing" is founded on the belief that often the symptoms of likely armed conflict and or internal violence do exist, but the needs of concerned international governments dictated by safeguarding their interests or the lack of interests, therefore, are paramount.

It is apparent that the "never again" pledge of the 1948 Genocide Convention, is simply a never again where peculiar and particular interests are threatened. ICRC and other institutions whose sole mandate now seems to be that of "cleaning up some else's mess", should today rise to the challenge and instigate for more effective preventive and interventionist strategies irrespective of whatever interests are threatened or not threatened.

Exclusivity attitudes in either political appointments and or national development projects, language, hate speech from political leaders and indeed human rights violations like extrajudicial executions and or unexplained deaths (disappearances) undoubtedly provide adequate indicators of the likelihood of armed conflict and or internal violence likely leading to uncounted for persons.

In addition, an increase in unexplained deaths and the use of violence (in particular politically organized violence), is also not only symptomatic of a breakdown in the State or governance, but can also be an indicator of the likely advent of armed conflict or internal violence. A single individual's unexplained death where such individual is of high political significance should cause as much concern as a thousand people missing. This unfortunately is not often the case.

It is inarguable that the international community responds to calamity only when the calamity falls within the accepted words or concepts. Political assassination (when we know too well it is only a question of on whose side is the victim), Genocide, massacre, for instead are words used to galvanize response. If a people die and it is not on a scale to fit the words, then it is now worthy responding to.

The concept "the missing" should inarguably thence be broadened to include mechanisms of use of the concept not only as a remedial measure but also a preventive and interventionist strategy.

### 5.0 The Position and Conclusion

Our position, it should follow, is an argument for a paradigm shift in the concept of "the missing." And this is informed by the recognition of the advantages such a shift will provide.

The causes and manifestations of armed conflict and internal violence are always imprinted much earlier than the evidenced displacements of people and their eventual enforced disappearances.

Indicators include continuous ethnic strife; sporadic or frequent ethnic and or political violence; political tension between groups; isolation of influential individuals considered to be a threat; increased procurement of small arms or light weapons, and; unexplained deaths of individuals likely to influence the political landscape and those associated with such individuals.

For example, it is known that in 1992 the Rwandan government was the third largest importer of weapons in sub-Saharan Africa<sup>6/</sup>. Why the amassment of weapons? Is this not an indicator of impending conflict?



## Support to families of people unaccounted for

Further, in most countries (developed and developing) government has become a criminal corporation. Armed conflict it is evident is started and sustained for profit and also the continued appropriation of resources.

The great challenge of our times is the creation of an international order that projects dignity and the respect of human rights.

Further, Afronet asserts that humanitarian access in armed conflict and internal violence areas should be without conditions. The most vulnerable in any case often have nothing to do with the conflict as they are always children, women and the aged.

This discourse ends with a *quote*<sup>7/</sup> from a statement by Jacques Forster, Vice President of the International Committee of the Red Cross on June 9, 2000<sup>8/</sup>

"War is destruction.. our children are lost.. we have nothing..what more can I describe? (end original quote<sup>9/</sup>) What more need she describe? Asks J. Forster.

In arguing for interventionists and preventive strategies, we end our submission by saying *she could have described the symptomatic events that led to war, and which were as is normal side-stepped.*

We must state in categorical terms that economic considerations and or self-interests protected by individual countries foreign policies should not be more important than responding to human rights abuses irrespective of the scale at which such abuses occur. Minimal concerns for violations merely serve to provide a continuum of a culture of impunity and as a consequence enforced disappearances.

### Notes

- (1) "Support to families of people unaccounted for"
- (2) Adopted by the UN General Assembly on December 18, 1992
- (3) The 1948 Genocide Convention defines genocide as 'acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such.'
- (4) The Monitor issue 185, November 23 – 29, 2001
- (5) [http://news.bbc.co.uk/hi/english/world/africa/newsid\\_911000/911232.stm](http://news.bbc.co.uk/hi/english/world/africa/newsid_911000/911232.stm)
- (6) From statement by Kathi Austin (Visiting scholar, African Studies Centre, Stanford University) to the Hearing before the subcommittee on International Operations and Human Rights of the Committee on International Relations of the US House of Representatives May 5, 1998.
- (7) Secondary source
- (8) ICRC Delegation to the UN, 23rd Special Session of the UN General Assembly " Women 2000; Gender Equality, development and Peace"
- (9) Edited c.f. <http://www.un.org/womenwatch/daw/followup/beijing+5stat/statements/croix9.htm>

### **3.13 By Dr Vesna Petrovic, PhD, Institute of Mental Health, Belgrade (Yugoslavia)**

#### **Experience in Implementation of the Programme and Activities to Respond to the Specific Needs of Families of the Unaccounted For**

##### **The Problem**

The conflict in Kosovo and Metohija between the Kosovo Serbs and Kosovo Albanians has been going on for about four years and many persons have gone missing on both sides (4500 persons). The issue of the missing persons represents one of the most tragic long-term consequences of this and other conflicts on the territory of former Yugoslavia. According to its mandate, in every single case of disappearance, the ICRC will, first of all, contact the family, register the identity of the person and the circumstances leading to the disappearance and actively look for the missing person. This process requires meetings between the ICRC staff and members of families of the missing persons. Such meetings are, as a rule, psychologically very difficult. The range of emotional reactions of family members is very wide, indeed. Still, most frequent reactions are mixed feelings, the experience of extreme helplessness, related anger and impulsive attempts to find an answer to the ambiguous loss. The ICRC staff encounters the most difficulties in the extreme anger of families at the indifference of the government authorities to deal with the problem of the missing persons as well as at the inefficiency of the ICRC and other relevant institutions in trying to find the missing persons. Of course, there is reason for us to speak about counter-transfer reactions of the helpers, the secondary traumatisation and the alternate cycles of helplessness and omnipotence. But this would be going beyond the boundaries of this text.

Based on the stated experience, it became clear that the process of working with the families of missing persons requires coordination, structure and structured participation of families in the entire process of identification and finding the missing persons. Also, it is necessary to provide more significant participation of the society as a whole in solving the problem of the missing persons.

##### **The Structured Involvement of Families with Missing Members**

That is how the idea on setting up the Association of Families of Kidnapped and Missing Persons from Kosovo and Metohija came about. Its establishing was initiated and financially supported by the ICRC in early 2000. Such associations are organized in local communities, i.e. in cities in FR Yugoslavia with a large number of IDPs. This was done with the aim of avoiding generalization of the needs of families whose members are missing, i.e. of recognizing the specific needs of families in the context of local community. The social environment can represent a risk factor if protective mechanisms are not activated, i.e. if the integration of the IDPs into the local community to which the persons have been displaced is not supported.

Also, such an association has been set up in order to achieve greater recognition on the part of the community of the existence of the problem of families with the missing members and the necessity of greater involvement of the society as a whole in solving this problem.

The Family Association programme tasks were related to reaching out to the families with missing members who had not yet reported the disappearance and to obtaining possible information about the missing. Also, an important need for the Association was to apply pressure on the government and wider social environment to solve the issue of the missing persons more efficiently. The association did so through organizing rallies and presence in the media.

A very important psychological reason for support to the setting up of such a Family Association was to involve the families with missing members by giving them an active role in the process of identification and finding the missing persons. Therefore, the Association of Families was a partner in organizing the display of photographs from the Book of Belongings, in setting up teams for AMD collection, display of belongings found during exhumations of unidentified persons, in educating them to collect AMD, in forming the reference network for support to the families with missing members. We find such an approach invaluable as help in overcoming the grave problem imposed by living with the ambiguous loss.

## The Dynamics of Ambiguous Loss in the Context of Violence in the Wider Social Milieu: How to Live With it?

Here, it is important to recognize several facts:

1. That families of missing persons have the problem of missing members due to mass social violence, which differs in features from individual loss and individual response to loss. Mass social violence implies a series of losses: of place and home, of familiar environment, familiar institutions and people, one's own identity.
2. The ambiguous loss (Boss. P., 1999) represents the gravest form of loss according to the psychological dynamics. There is no possibility of establishing the loss and grieving after it, there is no body of evidence and that is why the grieving process cannot even start, which also prevents the healing effect when this process has ended - the acceptance of loss and opening of new psychological investments in life here and now.
3. Such families are frozen (Boss. P., 1999) in the situation as it was there and then, they cannot reach decisions and complete the processes from there and then and live here and now. They are left in the state of great ambiguity and they are unable to move on in the psychological sense and to seek constructive help. The process of ambiguity and destruction is so massive that there are no resources for overcoming such manifold losses.
4. Therefore, the attempts to go on with their normal everyday activities, the healing routine, is seen by these families as betrayal of the missing person which leads to the feeling of guilt.

How to live with it? And how to help such families to learn to live with the unresolved loss?

The problem is manifold and should be approached as such: through interagency and multi disciplinary efforts.

The task of the Association of Families is to support and connect its members and make them stronger by offering them protection of those who are in the same position and whom its members trust the most.

The task of the ICRC, or a humanitarian organization in general is to offer precise information and a referral system for the families, the coordination of institutions which can be instrumental in solving various needs of the families to offer partnership to the families in the entire process of identification of the missing persons, to withstand the emotional reactions of the families without their personal experience and to help have the society participate with its protective prospects for the families. As for including professionals in solving the problem, everybody should include experts from the following subsystems: medical, legal, psychological social, political, religious and the media. Also, each individual culture and context in which mourning takes place has its own specific features and must be approached carefully by getting to know the rituals, the values and the beliefs of that culture.

Based on the above mentioned, it is clear that, although it is a psychologically grave problem, its solving does not require only psychological support. The support to such families includes at least the social level and is thus called the psycho-social support. Here, the support is unmistakably linked with the social aspect since the psychological effect of the unresolved loss came about on the basis of social violence and not on the basis of individual pathology.

### Strategies for the Support to the Families

Here we would like to point out the strategies which served as basis for outlining the pilot-project of the ICRC Belgrade office and the Association of families with the missing and kidnapped persons from the territory of Kosovo and Metohija. The pilot project is entitled *Support to the Families with Missing Members from the Territory of Kosovo and Metohija*. The implementation of the project is ongoing so we do not have a report on the results so far.

1. The expectation that families will come to us and seek psychological support is not realistic. The families are frozen in their uncertainty, massive losses and helplessness. Also, they are normal people who have gone through numerous abnormal losses through social and political violence. Therefore, we thought that the Association of Families should be supported and promoted as it should remain a link in the society also after the humanitarian organizations leave the field when their mandate expires because the conflict will (we hope) have ended. We also believe that the idea of self-help, activation and turning grief and destruction into constructive action is extremely important.
2. In order to be able to reach out to the families and their needs, we believe that direct contact with the families, i.e. going to see them through the mobile teams in the local community and identifying their needs is the first step in the structured assistance to the families.
3. Connecting the nongovernmental and governmental sectors is also, we believe, a necessary step in networking, i.e. the support to the government sector and the society as a whole. The principle that "United we Stand" is very important for the families, the society and humanitarian organizations. Therefore, the mobile teams are members of a nongovernmental organization which is in constant contact with the families in the field on the one hand and the Centers for Social Work, as governmental institutions on the other, as in our country they cater for the social

needs of the population, including refugees and IDPs. Also, mobile teams are connected with other relevant governmental institutions such as health-care centers, the local Red Cross, etc. At the same time, they have the information on possible sources of assistance for the families in social environment.

4. We have planned to organize sessions of psycho-social support to the families with missing members twice a month in the local community. They would be attended by one representative of the Association of Families, the local Red Cross, the mobile team, the Center for Social Work, the ICRC, while the meeting would be moderated by 2 consultants for psycho-social support from the ICRC (a psychologist and a psychiatrist). The title for all these posed a small problem for us. We solved it after talks with the families who suggested the title Moral Support. Here we wanted to point out two matters: 1. networking families on the level of local community and, thus, the assistance in their better integration into the here and now and 2. defining, along with the families, the title which refers us to the fact that the level of trust and value represent an important backing for such families.
5. Apart from the already mentioned strategies which imply also the goals of this project, particular goals were: 1. referring the group towards functioning according to the self-help group model and 2. defocusing of attention and interest from the problems of there and then towards real life and integration into the present social context.
6. We have offered the following framework of topics for 6 meetings, lasting for three months: 1. We Grow Stronger When We are Connected; 2. Who can I Refer to Mitigate Grief; 3. Ways of Offering Moral Support to Each Other; 4. How to Mitigate the Experience of Ambiguity Pressure; 5. To live Here and Now in Spite of Constant Uncertainty; 6. What does Here and Now Mean. The choice of topics itself affirms the effects we want to achieve by this project.
7. The effects we expect are: 1. Establishing the new social network and a referral system within it, 2. Better communication and integration of the Family Association into the social network; 3. Better integration of the families themselves into the social network; 4. A higher degree of living in the present on the part of the family members. As a consequence of all the above mentioned, we expect the degree of difficulties encountered by the families to decrease and for them to achieve a greater degree of living with the ambiguous loss.

### Conclusion

After all we have mentioned in this survey, we would like to point out that the experiences from various societies and cultures are invaluable as a survey of various options, but that local particularities of the society and the culture represent *conditio sine qua non* in defining strategies for offering adequate and successful assistance to the families of missing persons in the situation of mass and massive social and political violence.

### Literature:

1. Boss, Pauline (1999). Ambiguous Loss: Learning to Live with Unresolved Grief. Harvard University Press

**3.14 By Ms Mirha Pojskic, Medica, Center for women therapy, Zenica (Bosnia and Herzegovina)**

**Families & Death**

Any loss of a person to whom we are close causes severe distress, but in some situations it also carries the potential to cause psychological traumatisation.

Mourning is a normal reaction to the loss of someone close.

Mourning is a process with the following functions:

- A mourning person keeps the contact with the dead person until needed
- A mourning person adapts him/herself gradually to continue life without the lost person
- A mourning person adapts him/herself to the fact that life will never be the same as before

The purpose of the mourning process is to make a balance between the fact of the loss that is rationally accepted "in the head" and feelings "in the heart" that refuse to accept such a fact. The purpose of mourning is to connect cognitive and emotional aspects of loss, enabling that person to live a more meaningful and better quality life after accepting the fact of the loss.

Therefore mourning is:

- a process that is very personal and which for different people may vary in duration
- a universal human reaction that enables us to recover from a loss

Mourning phases are:

1. Shock, incredulity: dullness of feelings, anger, denial (lasting from a few hours to a few weeks)
2. Acute grief: waves of strong emotions, somatic reactions, exhaustion, sleeplessness, loss of appetite.. (usually lasting a few months)
3. Acceptance of loss, returning to normal life, regaining the ability to feel pleasure in life

To enable a normal start and finish to the mourning process, some important presumptions are assumed:

- The fact of the person's death is sure
- The mourning person has personally seen the deceased closely (or this has been testified by a third party having their trust )
- The place of burial is known

The mourning process is facilitated by rituals that exist in all cultures: rituals of burial, praying to God for the dead, visits of friends who participate in the pain for the person that died, commemorations etc. Also by coming face to face with the death through getting used to seeing the dead person and being present during the funeral.

In the case of families of missing persons whose fate is unknown, the mourning process is more complicated. None of the main presumptions are present for the mourning process to begin and end. Proof of death does not exist, and the place of burial is unknown. Hope that the missing relative may be alive somewhere is smoldering all the time. From time to time it is replaced with fear that they might be dead. None of the necessary requirements are present to complete the mourning, or even just to start it. In most cases the person becomes stuck in the second phase of mourning (the phase of acute mourning which is almost unbearable and associated with many somatic symptoms) which can lead towards serious depression and psychosomatic sickness.

Working with female refugees from Srebrenica, within the project of Medica Zenica and the project of cooperation between Medica and ICRC, it can be noticed that most women with missing family members have health problems such as high blood pressure, depression, and digestive disorders. Problems which are brought on by their life situation could be described as:

- ❑ Difficulties in the mourning process, as they cannot accept that their missing family member is dead (as they have no proof for that) nor they can believe that they are alive.

## Support to families of people unaccounted for

- ❑ Difficulties in defining their status, feeling that they and their missing family members are without identity, their status is on stand by until the mortal remains are found
- ❑ Difficulties that arise from the joint life with their husbands family and expectations of remaining with them for their entire lives - any separation of the wife and children is treated as a betrayal of the missing husband. Women with missing husbands are expected by society to remain as mothers and grieved widows
- ❑ Lack of social support and recognition as women whose husbands (are Sehids) died in defense of their country.
- ❑ Difficulties in raising the children, feelings of double responsibility, of being a father and a mother at the same time, causing confusion and sometimes mistakes in raising their children.

According to Medica's experience working with groups of women with missing family members, the mourning process can be made easier if they are offered the possibility of therapy through participating in organized support groups. ICRC in Sarajevo and Zenica has organized such groups. Evaluation of women who participated in such groups produced the following feedback:

*"during my participation to the group, I have learned to accept my destiny"*  
*"as if I become a new person , I have opened myself, everything what was difficult for me left "*  
*"before, I was alone with my hard feelings; now, as I am not alone any more"*  
*"I understood that I have my freedom in way of coping with my painful feelings"*  
*"I realized that I have a right to be something else not only mother and grieved widow"*

Group participants expressed that at the beginning of the sessions they felt fed up, worried, were in a bad mood, felt worst when alone, and were thinking about their missing relatives all the time. They had the feeling that everybody had forgotten them. After workshops they felt more relaxed, in better moods, forgot their problems, laughed together and learned a lot about how to help themselves and their children.

With regard to receiving death certificates without mortal remains, the women react with a lot of resistance and fear. When they receive such certificates they mostly react with anger and denial, refusing to accept such certificates as representing the truth. In a way such reactions are very similar to the reaction in the first phase of mourning (shock, denial, anger). Five years after a person goes missing, their family can proclaim them dead, but some women even find they are not ready to do this. They and their children are therefore unable to realize some their rights. In accepting or asking for a death certificate, without seeing the mortal remains, some women feel as if they might influence that missing person to die. By refusing such a certificate, they keep some hope that the missing person is still alive.

One women said something that illustrates the need of families of missing persons: *"Since my husband went missing, I devoted my life to find even one his bones, to bury it so I and my children could know where his grave is and come to pray for his soul."* Psychologically speaking this is necessary to allow them to finally find peace and continue with their lives.

This explains why it is so difficult for families of missing to accept a death certificate in the absence of mortal remains. Among the activities concerning identification of mortal remains carried out by ICRC in cooperation with local authorities and experts, DNA analysis as well as Photo book projects play an extremely important part in helping victims regain their identity and their families to find peace.

It would be useful if teams working on identification, were accompanied by teams offering psychological support. Such teams would help families that have come for identification of mortal remains of their missing family members, as well as supervise and debrief helpers in order to prevent burn out, considering this is an extremely stressful job for them also.

Commemorations might have an effect of emotional catharsis for families of missing (dead) persons and to contribute to feeling that they (their pain for loss) and their missing ones have been respected.

Group burial without mortal remains might contribute to finishing of mourning process within families, although not completely.

## **Support to families of people unaccounted for**

Measures for support to families during identification might be as follows:

- preparation of families which could be conducted by qualified professionals or by educated paraprofessionals
- ensuring that a family member never attends an identification alone, but is always accompanied by at least one close support person
- provision of professional medical care (JP, therapist) in case of an extreme reaction during the identification process
- provision of premises nearby where the families might be supported before and after the identification process (psychological preparation before identification, debriefing after)
- provision of a caring approach toward families who should feel that somebody is looking after them (coffee, cigarettes etc.)

The following situations should be avoided:

- attending identification without psychological preparation
- a single person attending identification without support
- presence of family members during an exhumation itself

Other recommendations which may be useful

- education of ICRC staff as well as other professional staff and members of Family Associations on reactions that family members might have during the identification process
- education on the main elements of counseling and psychological trauma for staff who take records from families about their missing relatives; the process of being interviewed unavoidably reopens psychological wounds, presenting the risk of retraumatisation
- education and supervision of staff on prevention of burn out through working with families of missing
- formation of therapeutic support-groups for families of missing

**3.15 By Prof Harvey M. Weinstein, MD, MPH, Human Rights Center, University of California, Berkeley (United States of America (the))**

**Where there is not body: Trauma and bereavement in communities coping with the aftermath of mass violence**

THE PROBLEM

In 1997, the nongovernmental organization, Physicians for Human Rights, was attempting to gather information from families who had been displaced by the Bosnian Serb take-over of the "safe haven", Srebrenica in July, 1995. Following the genocide, PHR needed identifying information about those men who were missing in order to create an antemortem database that might facilitate identification of remains. On one occasion, interviewers went to a home where several displaced families were living. As they asked their questions, the informant, a woman whose husband was missing became increasingly agitated. She began to cry and scream; members of the other families joined in and the pain and suffering of those who had lost homes and family merged in a strident wail of anger and rage. The PHR interviewers were overwhelmed and left quickly, terrified to repeat this experience.

Shortly thereafter, I went to a refugee settlement near Tuzla, Bosnia-Herzegovina accompanied by the Director of an organization called "Women of Srebrenica". I had been asked to assess the needs of those displaced from Srebrenica and particularly, to consider how to approach the problem of dealing with exhumations and identifications. We went to the settlement in a white four-wheel drive vehicle. When the door opened, I saw a young woman with a child in her arms. Inside were two other young women with babies and other children as well. As I entered, an older woman appeared; a stricken look crossed her face and she began to scream. She sank down on the floor sobbing uncontrollably. Very quickly, she was joined by the younger women and soon, the children. In the midst of this crescendo of screaming, my colleague explained that they thought we had come from the ICRC to deliver a death attestation. The white vehicle, my non-Bosnian appearance, and my English language had triggered this fear. Over the next days, I learned about the difficulties that the ICRC was facing as its delegates tried to bring these attestations to families - tears, rage, suicidal threats, community grief. They had added a nurse to the team who could administer tranquilizing medication. In addition, I heard about the anger of the families towards the ICRC, anger caused by a belief that without bodies, this notification meant nothing. In fact, they interpreted these reports of the death of a loved one in the Republika Srpska or in Serbia only as a continuation of the oppression and torture that had been visited on them. I saw two traumatized groups -- the families of those who were missing and the workers of the agencies who were only trying to help. This was a tense and difficult time in a setting where mourning, trauma, political manipulation, humanitarian intervention, justice and accountability, and genocide were mixed together in a turbulent stew of helplessness, horror, and suffering (Weinstein, 1997).

Over the next few years, as exhumations of mass graves occurred, bodies and body parts were collected and stored in old mining tunnels in Tuzla. These bodies, currently numbering about 4000 became the focus of debate and disagreement as the entities and countries argued about where and when they could be buried, how identifications should proceed, who would pay for the establishment of DNA laboratories, the relationship between governmental and nongovernmental entities, who should coordinate with the families, and how the needs of families and communities could be reconciled. The bodies took on new lives as they became the focus of politics and cynical manipulation (Verdery, 1999). It became very clear that the process of dealing with families victimized by ethnic cleansing and loss of loved ones, requires coordination, clear communication, an overall strategy based upon community involvement, media savvy, and an acceptance that mourning in the absence of a body and in the midst of severe trauma differs profoundly from the usual course of bereavement.

DYNAMICS OF COMMUNITY/FAMILY GRIEF

Despite the fact that most people have experienced loss of a loved one, we still are learning how people grieve and what processes occur that allow grief to turn towards acceptance. The literature on grief, mourning and bereavement is focused primarily on how individuals mourn. How communities deal with loss is often subsumed under studies of the effects of trauma (natural, man-made or war) with less attention paid to the dynamics of group process within communities that address the time course of bereavement. Much of the literature examines the symptoms of acute grief and the risk factors that may predispose individuals to develop chronic problems or complications of what is essentially a normative experience. Catherine Shear describes the experience of grief by referring to the early phase



of sadness, turning inwards, searching and yearning for the lost one, feelings of vulnerability and mortality, physical symptoms, and sometimes anger or guilt. Over weeks and months, there is a gradual re-engagement with the world and comfort in good memories that allow for a sense of connection to the one who died. At times, grief continues and becomes more severe resulting in a condition of impairment now termed "traumatic grief". Shear et al (2001) note that this syndrome appears to occur in about 10-20% of bereaved people and its symptoms combine both those of loss or separation distress and traumatic stress. From a psychiatric perspective, this syndrome combines elements of major depression, adjustment reaction and post-traumatic stress disorder (PTSD). Symptoms include "preoccupation with thoughts of the deceased, being upset by memories of the deceased, inability to accept death, being drawn to places and things associated with the person" and others. While these authors note that the symptoms often look like PTSD, they note that the trauma results from separation from the deceased while in PTSD, the trauma develops from an overwhelming, terrifying external situation. The focus here is on individual loss that develops into a pathological state of functional impairment.

What is not addressed in this formulation is the complex response both of individuals and communities when a horrific and catastrophic event like genocide occurs where trauma and loss of loved ones become intertwined. Further, it is far easier to describe and address the responses at an individual level than at a community level. Studies of the mental health effects of disasters tend to focus on types of psychological problems that may develop, groups that are most vulnerable to psychological effects, and factors that may modify responses (Solomon, 1992). Thus, we cannot gain from the literature a clear picture of a time course for community responses to trauma and loss; our best guess is that the course will vary with community, culture and belief systems, type of and exposure to traumatic episode, and social supports available.

### FACTORS AFFECTING MOURNING AFTER MASS VIOLENCE

In a context where entire communities have faced loss and displacement, families are faced with multiple tasks -- security and safety, food, water, health care needs. At a psychological level, families and communities must deal with loss of place. Home is defined in many ways - a geographic territory, a house, a community of stores, churches, schools, streets. It is also defined in terms of attachment - a profound emotional tie to a psychological and social representation of security and familiarity (Fullilove, 1996). Consequently, families must grieve for the loss of the familiar, tangible evidence of memories and cues of a life time of experience. At the same time, they must face the consequences of life in a new environment, one that is not necessarily conducive to well-being. If there has been loss of life, they must also grieve for the end of cherished friendships or relationships. Often this is accomplished through burial and mourning rituals, bolstered by community support. However, if there is no body, families are left in a state of uncertainty, a limbo position, unable to grieve, unable to let go or move on, unable to seek support (especially if most of the community are in the same position) and at the same time confronting all the other losses. There is evidence of greater emotional distress in families of the disappeared (Quirk & Casco, 1994) as well as in situations of traumatic death (Kohn and Levav, 1990). Pauline Boss (1999) writes about the phenomenon of "ambiguous loss" such as when the loved one is missing but still exists for the family. She cites such examples as missing soldiers, children, and hostages. To this, we can add victims of ethnic cleansing. Such a position is excruciating; the family is frozen. Should they hope or let go? Does letting go mean betrayal? Even commitment to activities of daily living may seem like betrayal resulting in feelings of guilt. Feelings of severe helplessness and passivity alternate with rage and impulsive even frenetic attempts to find answers. Zaleznik (2001) notes that "people may vacillate between denial and too early acceptance of loss". These families are mourning at multiple levels - for loss of home, community, family, history and even their sense of who they are. They are faced with trying to make sense and change a situation that seems insurmountable. Over the years as I have talked with families of Srebrenica, I have seen a shift from absolute denial of death to alternative explanations of where their family member might be to acceptance that they will never see their loved one alive again. There is a time course, likely unique to each individual family and it cannot be hurried. Complicating the process is the need to claim a body, to assure themselves that they have done the right things by appropriately sending their loved one on the way with whatever rituals are a critical component of the farewell. The task for the community is to support each other; the task for the humanitarian agency is to support as well but also to offer accurate information, access to leadership, patience in dealing with the anger and hurt, and to facilitate community mechanisms of repair.

### CULTURE AND CONTEXT

In response to mass violence, there often is a strong temptation to look for universals; we seek a consistent response to loss, a common pattern of mourning; the best way to bury the dead or if the bodies cannot be identified, the solution that will meet the needs of everyone. Although grief is universal when a loved one dies, the ways in which

grief is expressed are determined by the unique beliefs, rituals, language, and customs of the culture that has survived the violence. In Srebrenica, we saw a population that was predominantly rural; many were poorly educated; although not fervently religious, the women felt an obligation to bury their men according to the traditions of Islam as practiced in rural Bosnia-Herzegovina (Bringa, 1998). Moving beyond the blinders of a Western-educated perspective, those who work with mourning communities must learn to be anthropologists. They must learn what makes sense to the communities because no community is monolithic. If aid agencies are going to work in the area of families who mourn, education and training in community assessment and community organizing based on an ability to analyze the dynamics and undercurrents that percolate through any village, town or city becomes critical. Mourning at a community level should not be based upon an analogy to individual loss.

### STRATEGIES FOR UNDERSTANDING AND SUPPORTING COMMUNITIES

- A. Community Awareness: Each community is made up of subcommunities with leaders, rivalries, factions, traditions, and beliefs. Getting to know who makes up these communities is key to working with the whole. Working in groups of various sizes to provide information, to ask for involvement and advice, to promote self-efficacy where helplessness is the norm, developing collaboration and acknowledging the limitations of the agency may serve to assure that the decisions made will enjoy wide support. If possible, working with anthropologist who has the skills to understand communities can be helpful.
- B. Analysis of Community Coping: In face of ambiguous loss, communities will undergo phases of response - not necessarily in sequence and clearly modified by culture and tradition. Grief, rage, fear, denial, impulsive actions, scapegoating (especially of those who are there to help); action groups will form and re-form, their participants changing over time. In the face of uncertainty, rumors and myths will develop ("The men are in camps in Serbia or Hungary or America"). It is as though the passing on of rumors allows family members some degree of control as they can participate in something, even if it is communicating false information. People will search for clues and overinterpret what they learn; at times, anxiety will mount in the communities and produce a wave of distress that may foster destructive behaviors. Finally, political manipulations will occur both from within the community as well as from outside as groups and individuals pursue agendas that may not be always in the best interests of the larger community.
- C. Mourning Without Bodies: Mourning occurs whether there are bodies or not. Grief over loss of place, trauma, and the missing is expected. The challenge is to support families in the midst of uncertainty. The experience in Bosnia suggests the following options:
  - a. **A Community Liaison Team**: 2 or more individuals who meet with community groups of all kinds on a regular basis and in their settings. The goal is to provide accurate and consistent information; to invite their participation in the processes of gathering data about the missing and the least painful ways in which such information can be offered to families.
  - b. **A Media Relations Person**: It is essential that up-to-date and factual media reports be offered on a regular basis. The most appropriate communication channel (e.g. radio, TV, etc) should be utilized. In Bosnia, call in shows were very popular and allowed for questions to be answered and rumors to be dispelled.
  - c. **Death Attestations/declarations of disappearance**: In February, 1996, hundreds of women converged on the ICRC offices demanding assistance in finding their missing men. This was partly in response to death attestations without bodies ("physical proof"). Although working with community members is often very difficult, it is important to involve them in assessing how they want to receive information. In Bosnia, a piece of paper only served to remind people of their sense of abandonment by the international community; they needed to be asked whether such information would help them. Notification should include a prenotification process involving media and on-site discussions; a notification team that may include a psychologist, agency representative, and a community member close to the family. The presence of a medical technician or nurse may be helpful but grief is normal and medicating distress may be an overreaction. Finally, a follow-up visit is essential with legal assistance readily available and funeral assistance if there is a body.
  - d. **Collective Burials (without identification)**: This is a complex question that will be influenced by culture and practice, site of proposed burial, length of time from death, and opportunities for identification. Clearly, in each bereavement process, there is a time when the pain of holding on to hope becomes too great and a period of acceptance may emerge. This varies from individual to individual and will need to be sorted out by a community process. The role of the agency is to facilitate the process by supporting discussion and providing accurate information. The agency must become seen as allies and not perpetrators. Commemorative ceremonies may serve to allow families to grieve together but they also may be appropriated by political

leaders and groups to serve their own purposes. It may be useful to develop an on-going process of commemorative events that encourage mourning rather than or in addition to a once a year anniversary event that becomes overwhelming for many. Rituals and commemorative sites can also assist in the bereavement experience.

- e. **Grief Transformation:** There are important examples of how grief can be channeled into strategies for structural change and justice. The Mothers (and Grandmothers) of the Plaza de Mayo in Argentina (Thornton, 2000) illustrate how the process of empowerment or self-efficacy can counter the rage and helplessness of trauma through challenge and solidarity. Similar stories emerge from Nicaragua (Tully, 1995) in the face of bureaucratic or political resistance. While it is difficult for established aid agencies to work with these kinds of movements, they should be supported. Collaboration not only will hasten the time course of grief but also facilitate the resolution of conflict.
- f. **Families and Exhumations:** While there is no way to predict responses to the site of a mass grave, experience in Latin America (Stover & Joyce, 1991) suggests that involving family/community members as observers can have a positive outcome when families observe both the technical skills required and the care that is taken to honor the bodies. Stover reports that at the boundary between the workers and the families, an exchange of "goods" occurs (author interpretation) - the families may prepare meals or snacks for those toiling in the grave while the workers offer evidence of the events that occurred and proof of death. Once again, this becomes a commemorative event that may facilitate the process of mourning. If done with the support of the community, mourners may receive acknowledgment of their loss and take one step closer to resolving the uncertainty that triggers the suffering and rage. There are no prescriptions for incorporating families at the gravesite. However, it is important that they be prepared in detail by descriptions of what exhumations entail, the role of all the participants, the tools, storage, legal requirements, security, smells, etc that they will observe. Ideally, the exhumation team will meet with families beforehand and at the site. Families should have the opportunity to express their fears and fantasies of what will occur prior to actually going to an exhumation. Depending upon tradition or culture, thought should be given to whether it is important to have a clergy member present as well as community leaders. It is important not to pathologize grief or shut it off; whether it is necessary to have a mental health professional or medical professional present depends more on the comfort of those managing the exhumation process. What is helpful is the social support of neighbors and friends.
- g. **Families and Investigations:** It is very important to include family members as collaborators in the search for the truth -- not as investigators, although the abuelas in Argentina did that - but as active observers in the process. Sometimes it is years before forensic investigators appear; one possibility is for the ICRC to initiate a process whereby family member representatives can participate in the investigation as volunteers and/or as the recipients of community information.

## CONCLUSIONS

While there are many other issues to address such as how to collect data from families about their loved ones, the ethical issues involved in identification, identification of human remains - all of these can be developed by understanding and respecting the grieving process and by recognizing the cultural expectations that govern death and the role of family survivors, especially women. Bottom-up support is crucial as are clear communications from the helping agencies and coordination of their work. Humanitarian agencies such as the ICRC must emphasize engagement of the families from the beginning; a top-down approach reinforces helplessness and breeds suspicion. Finally, flexibility is essential in the context of molding the mission of any agency to fit the unique situation that is presented.

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**3.16 By Ms Asta Maria Zinbo, Director, Civil Society Initiatives, International Commission on Missing Persons (ICMP) (United States of America (the))**

**“The Role of Family Associations: Understanding and supporting family associations acting on behalf of all families of unaccounted for”**

**I. Introduction**

In 1996, following the cessation of hostilities and the signing of the Dayton Peace Accords at the end of 1995, the long and difficult process of searching for those who remained unaccounted for began in earnest. The International Commission on Missing Persons (ICMP) was created in 1996, at the G-7 Summit, in Lyon, France. ICMP works to bring resolution to the families of those missing from the conflicts in the former Yugoslavia through building:

- on the political will of regional governments to release information and their capacity to address the missing persons issue;
- an innovative and sustainable process for the exhumation and identification of mortal remains;
- civil society initiatives to address the missing persons issue.

ICMP believes that family members of the missing are central to its work and that family associations play a critical role in addressing the missing persons issue through: advocacy; education; data collection; and raising public awareness. In addition, other nongovernmental organizations (NGOs) and groups of citizens in society can also play an important role in resolving this issue and taking steps towards healing the wounds of the conflicts in the region. ICMP works with all religious/national groups seeking missing loved ones resulting from the conflicts in the former Yugoslavia 1991-1995 and 1998-1999.

The main goal of the Civil Society Initiatives Development Department is to encourage effective engagement of family members of the missing in the representation of their interests and advocacy activities so as to lead to faster resolution of the missing persons issue.

The primary programme objectives include:

1. To increase the capacity of family associations to advocate on the missing persons issue;
2. To encourage regional networking and cooperation between family associations, NGOs, and others;
3. To address the rights of living family members of the missing.

**1. *Increasing the capacity of family associations to advocate on the missing persons issue***

Direct support to family associations: Project grants and short-term assistance are offered to associations of families missing persons to enable them to carry out activities that include lobbying decision makers, informing their members, and educating the public on the missing persons issue. Grant proposal guidelines and calls for proposals are issued on a regular basis. In 2001, a total of 26 grant projects totaling 150,389 US\$ were supported. In addition, a total of 23 short-term support awards totaling 26,247.6 US\$ were made.

Training and technical assistance: The lack of well developed organizational capacity of associations of families of missing persons poses an ongoing obstacle to their ability to function as effective citizens groups representing the interests of their members. Workshops to build the organizational capacity of associations are organized on a regular basis. In addition, customized technical assistance is offered by local NGOs contracted to provide training services to ICMP family association grantees.

**2. *Encouraging regional networking and cooperation between family associations, NGOs, and others***

Regional conferences are organized in order to develop cooperation and organizational linkages amongst associations of families of missing persons through sharing experience, discussing common issues and goals, and developing joint recommendations. Six regional conferences have been organized to date: Sarajevo (October 15-17, 1998), Banja Luka (March 4-7, 1999), Neum (September 23-26, 1999), Mostar (March 3-5, 2000), Vogošæa (September 29-October 1 2000), and Sarajevo (November 10-11, 2001).

A *Directory of Associations of Families of Missing Persons* in BiH, Croatia, and FRY, including Kosovo, was published in February 2002 to facilitate contacts between family associations, other nongovernmental associations, and members of the local and international public. The publication includes contact information for 69 registered Associations of Families of Missing Persons, as well as selected contacts for Government and International Agencies addressing the missing persons issue.

### **3. Addressing the rights of living family members of the missing**

Activities that raise public awareness about the missing person's issue are encouraged and supported. On December 10, the anniversary of the signing of the Universal Declaration on Human Rights, Family Association representatives from around the region conducted activities to publicly highlight the issue of missing persons as a human rights issue. In 1999, 2000, and again in 2001, family association members from all over the former Yugoslavia, representing the three major religious and national groups, combined their efforts in organizing public demonstrations and publishing public statements on December 10. Photo exhibitions, films, publications and other media tools are used to raise awareness and encourage action on the missing persons issue.

Legal rights of family members are addressed through cooperation with local and international humanitarian and human rights experts, publications, and public events.

Partnerships with other local and international NGOs are pursued in order to address needs of family members of the missing. For example, ICMP regularly makes referrals to a local psychosocial organization to deliver assistance to families in need, and cooperates with other specialized organizations in the region.

## **II. Role of Family Associations in the former Yugoslavia**

Most associations of families of missing persons were formed following the end of armed conflicts in their regions. Many initially began as informal support groups of family members of the missing, and later were legally registered as nonprofit, nongovernmental organizations. For example, in the Republic of Croatia, most groups were formed in the period 1992-3, in Bosnia and Herzegovina, in 1995-1996 and afterwards, and in Kosovo in 2000-2001. The core objective of family associations is seeking the truth about the fate of their missing loved ones. Another important objective for many family associations is also seeking to address social-economic needs of their members, as well as seeking justice with regard to those responsible for taking away their missing relatives.

The structure of family associations is determined by the legislation governing registration of nongovernmental organizations and the legal statutes of each group. Most groups are characterized by a strong president, a management board, and a broader grouping of members whose level of engagement varies by individual, age, and group. While open and democratic leadership is something to be strived towards, in most cases, a single charismatic leader and/or a small number of active members frequently lead family associations. This is a challenge identified by association leaders themselves, in that it is difficult to engage often highly traumatized, tired, frustrated, angry, or elderly individuals, with often a low level of formal education, and after having few to no successes in clarifying the fate of their loved ones for many years.

Family associations conduct a range of different types of activities, depending on their level of development, region and issues that they are facing. These activities include:

#### **1. Data collection**

- Compilation of lists of missing persons (names, dates, etc.) from among their members.
- Collection of ante mortem data about missing persons.
- Creation of databases of missing persons.
- Taking of witness accounts and other statements/information about the circumstances of disappearance and possible whereabouts of those unaccounted for.
- Collection of data on living family members of the missing, including names, addresses, telephone numbers, to be used by the association, and those engaged in the identification process for purposes such as blood collection for DNA testing.
- Field research on possible grave sites based on witness accounts and other collected data (usually in collaboration with appropriate authorities).

**2. Advocacy**

- Public protests.
- Lobbying government officials, members of the international community, and others through written requests, meetings, and other means to release information and speed up the process of addressing the fate of missing persons.
- Recommendations on legislation affecting family members of the missing, particularly with regard to social benefits.
- Lobbying for financial support to the exhumations and identifications process, as well as family associations themselves.
- Joining forces with other associations of families of missing persons to announce common positions and recommendations to the authorities.

**3. Education and Raising Awareness**

- Informing family members about technical aspects of the exhumations and identification process.
- Informing the public about the missing persons issue through media, photo exhibitions, documentary films, and other means.
- Publications such as books, newsletters, and brochures.
- Meetings and events such as round table discussions, or Public Tribunals.
- Commemorations on anniversary dates.

**4. Addressing daily needs of members**

- Assistance with legal status, property/housing, or education issues.
- Assistance to children missing one or both parents.
- Assistance to the elderly.
- Humanitarian assistance (food, medicines, clothing).
- Psychosocial support—formal and informal.

Resources are required by family associations to carry out their activities. These resources include office space for members to gather, furniture, telephone, computer, printer, and fax machine for communications and activities. Some associations also request more advanced office equipment such as photocopy machine, scanner, and vehicles. Financial support is required in most cases to cover office rent, telephone and utility bills, staff stipends, travel expenses, office supplies (paper, pens, etc.), and direct program activity expenses. It is important that investments in infrastructure/equipment be tied to a specific plan of activities to be implemented by the association.

The number of resources available to family associations is limited. This is due to the lack of a large number of sources of financial support and also partially to deficiencies in fund-raising capability of some groups. In many instances in Bosnia and Herzegovina, Croatia, Serbia, and Kosovo, the International Commission on Missing Persons is the sole source of support to certain associations, particularly during the period 1997-2000. Support from the International Committee of the Red Cross is welcome to family associations, however together still does not constitute a diversified funding base.

**III. Strengths and Weaknesses of Family Associations**

Strengths of family associations include that in conducting these activities, associations are making an important positive contribution towards resolving the fate of their missing loved ones, while acting on their own behalf and also contributing to the efforts of other local and international actors involved in addressing the issue.

Family associations across the former Yugoslavia represent a very large number of affected family members. Depending on the source, estimates range from 30,000 to 40,000 missing persons due to the conflicts in the former Yugoslavia 1991-1999. Some roughly estimate that there are at least four relatives for every missing person. The huge number of missing and their surviving family members represents a powerful force in lobbying responsible authorities to take appropriate action.

Members of family associations are passionately committed to finding the truth about their missing relatives. This provides them with the strength to continue with their work, despite long delays and frequent obstacles.

Some partial successes have been achieved in advocacy toward the local and international authorities regarding specific initiatives, such as the allocation of land and then the registration of a Foundation for the Potocari Memorial and Cemetery in Bosnia and Herzegovina for the victims of Srebrenica.

Family associations experience a number of difficulties, some of which are typical of a developing nongovernmental sector regardless of the issues that they are facing, as well as some problems specific to the nature of the missing persons issue. Difficulties faced by family associations shared by other nongovernmental organizations in the region include: difficulties in fund-raising, strategic planning, internal accounting procedures, management and internal communications, and external communications/public relations.

Challenges faced by family associations specific to the nature of the missing persons issue, include, but are not limited to: lack of responsiveness and support from the authorities, lack of information about the fate of their missing relatives, isolation from other NGOs due to the “special” nature of the issue, difficult social and economic situation of family members of the missing (pension/social benefits, housing, employment, education, health, etc.), highly politicized environment, post-war trauma of family members, fatigue of association leaders, and apathy of the general public towards the issue.

#### IV. Recommendations

Recommendations for support to family associations would include:

On an operational level, making it possible for associations to conduct activities:

- Project support
- Capacity building

On the level of networking and cooperation:

- Increased regional networking and mutual support between associations.
- Amplified efforts to address the rights – legal, human rights, social, economic – of family members of the missing locally, regionally, and internationally.
- Improved coordination between international community representatives addressing the missing persons issue.
- Involvement of local actors at all levels of addressing the problem, e.g. family associations, government commissions, technical experts, and others.

On the level of society and prevention of future conflicts:

- Respect for the pain suffered but also the strength of family associations and their members.
- Appropriate acknowledgement and memorial of persons unaccounted for and their eventual fate by all groups in society.
- Steps towards confidence building and eventual reconciliation.



#### 4. ICRC preparatory documents

##### 4.1 The family's right to know the fate of relatives: rules of international law and recommendations applicable in armed conflicts and/or other situations of violence

1. Everyone has the right to respect for their family life, which includes the right to information about the fate of their loved ones.
2. Enforced disappearance is prohibited.
3. All appropriate measures must be taken to prevent persons from being unaccounted for as a result of armed conflict or internal violence and to account for persons reported missing as a result of such a situation.
4. All persons must be treated humanely, respected and protected by virtue of their inherent dignity as human beings.
5. All persons, even when displaced (as internally displaced persons or refugees), detained or living in occupied territories, have the right to correspond with their families.
6. Persons deprived of their liberty should be allowed to receive visitors.
7. A record must be kept of the particulars of persons deprived of their liberty.
8. All possible measures must be taken to provide information to the appropriate authorities or to the family of the captured or deceased regarding the identity, date and place of capture and any particulars concerning wounds / illness and location and cause of death.
9. Each party to the armed conflict must establish an official Graves Registration Service to see to the dead and to record the particulars of graves and burials.
10. Each party to the conflict must establish an Information Bureau to centralize all information on the wounded, sick and shipwrecked, on persons deprived of their liberty and on the dead, without adverse distinction, and provide this information to the appropriate authorities or to the family via a neutral intermediary and to the ICRC Central Tracing Agency.

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Resolution V of the 22nd International Conference of the Red Cross and Red Crescent (Teheran, 1973) - The missing and dead in armed conflicts

Resolution II of the 24th International Conference of the Red Cross and Red Crescent (Manila, 1981) - Forced or involuntary disappearances

Resolution XIII of the 25th International Conference of the Red Cross and Red Crescent (Geneva, 1986) - Obtaining and transmitting personal data as a means of protection and preventing disappearances

Resolution 2 of the 26th International Conference of the Red Cross and Red Crescent (Geneva, 1996) - Protection of the civilian population in period of armed conflict

Plan of Action for the years 2000-2003, adopted by the 27th International Conference of the Red Cross and Red Crescent (Geneva, 1999)

#### **4.2 Protection of children, including of those whose parents are unaccounted for: rules of international law and recommendations applicable in armed conflicts and/or other situations of violence**

1. Any person under the age of 18 years is considered a child except if the applicable national law specifies otherwise.
2. Children affected by armed conflict are entitled to special protection:
  - A. they must be protected against all forms of torture, abuse or neglect;
  - B. they must be the object of special respect and must be protected against any form of indecent assault;
  - C. they must be protected against compulsory recruitment and participation in hostilities; even when children participate directly in hostilities, the special protection to which they are entitled remains applicable;
  - D. the death penalty may not be pronounced on a person under 18 years of age at the time the offence was committed;
  - E. when under the age of 12, children must be identified by an identity disc or some other means and be registered;
  - F. they must be protected within a family environment;
  - G. they must have access to education and be given priority in access to food and health care; children must be given additional food, in proportion to their physiological needs;
  - H. their cultural environment must be preserved.
3. Children under the age of 15 must neither be compulsorily recruited nor participate in hostilities. Violation of this rule is a war crime.
4. Children under the age of 18 must not be compulsorily recruited. When children are voluntarily recruited into armed forces under the age of 18:
  - A. such recruitment must be genuinely voluntary;
  - B. such recruitment must be carried out with the informed consent of the person's parents or legal guardians;
  - C. such persons must be fully informed of the duties involved in such military service;
  - D. such persons must provide reliable proof of age prior to acceptance into national military service;
  - E. such persons should not participate directly in hostilities;
  - F. in recruiting among persons who have attained the age of 15 but not the age of 18, priority should be given to those who are the oldest.
5. Armed groups that are distinct from the regular armed forces should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
6. If arrested, detained or interned, children must be held in quarters separate from the quarters of adults, except where families are accommodated as family units.
7. Mothers with dependent infants who are arrested, detained or interned for reasons related to the armed conflict must be considered with the utmost priority.

8. Where displacement occurs, the basic needs of the population must be met, its security ensured and family unity maintained.
9. All persons, even when displaced (as internally displaced persons or refugees), detained or in occupied territories, have the right to correspond with their families.
10. Unaccompanied children:
  - A. must be evacuated from areas of combat for safety reasons;
  - B. must be identified by wearing an identity disc or some other means and be registered;
  - C. must have their location known by the authorities and the ICRC Central Tracing Agency until they are reunited with their families;
  - D. must not be left to their own resources;
  - E. must be provided with essential care and assistance;
  - F. must be allowed to practice their religion and their education ensured, whenever possible entrusted to persons of a similar cultural tradition.
11. Information on unaccompanied children and children without news of their parents must be centralized and provided to the ICRC Central Tracing Agency.
12. All feasible measures must be taken to trace family members of unaccompanied children and to reunite them with the children.
13. In order to keep children in the same family and cultural environment, priority must be given to reuniting unaccompanied children with relatives in extended family units.
14. Children cared for by relatives in extended family units and without news of their parents:
  - A. must be identified by an identity disc or some other means and be registered;
  - B. must have their location known by the authorities and the ICRC Central Tracing Agency until they are reunited with their parents;
  - C. must not be left to their own resources;
  - D. must be provided with essential care and assistance;
  - E. must be allowed to practice their religion and their education ensured, whenever possible entrusted to persons of a similar cultural tradition.
15. Adoption of unaccompanied children must not be considered in haste during the height of an emergency.
16. Unaccompanied children must not be adopted if:
  - A. there is evidence that the parents are still alive or there is hope of successful tracing;
  - B. the adoption goes against the express wishes of the child, concerned relatives or legal guardians.
  - C. a reasonable time has not passed (at least two years must have passed) to allow for tracing information to be gathered.

**References:**

GC III: Art. 3, 16, 49, 71  
GC IV: Art. 3, 14, 17, 24 - 27, 38, 45, 50, 51, 68, 76, 81, 82, 85, 89, 91, 94, 119, 132, 136 - 141  
AP I: Art. 11, 32 - 34, 52, 70, 74 - 78  
AP II: Art. 4 - 8, 13, 17  
Universal Declaration of Human Rights (1948)  
International Covenant on Civil and Political Rights (1966)  
Convention on the Rights of the Child (1989)  
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (2000)  
Rome Statute of the International Criminal Court (1998)  
Statute of the Special Court for Sierra Leone (2001)  
African Charter on the Rights and Welfare of the Child (1990)  
Resolution II of the 24th International Conference of the Red Cross and Red Crescent (Manila, 1981) - Forced or involuntary disappearances  
Resolution XV of the 25th International Conference of the Red Cross and Red Crescent (Geneva, 1986) - Cooperation between National Red Cross and Red Crescent Societies and governments in the reuniting of dispersed families

Resolution 2 of the 26th International Conference of the Red Cross and Red Crescent (Geneva, 1996) - Protection of the civilian population in period of armed conflict

Plan of Action for the years 2000-2003, adopted by the 27th International Conference of the Red Cross and Red Crescent (Geneva, 1999)

Inter-Agency Guidelines on Unaccompanied and Separated Children - ICRC, UNHCR, UNICEF, IRC, SCF-UK, WVI (Draft, April 2002)

#### **4.3 List of main difficulties faced by families of people unaccounted for - Draft proposal**

1. Most people who are unaccounted for are adult males. This means that the families concerned have lost their breadwinner; in some instances several people from the same family may even be unaccounted for. The families of missing people are therefore frequently headed by women who, in many parts of the world, have more limited access to education and professional training than men. In many cultures the traditional role of a woman is in the home, and there is little possibility for her to earn a living.
2. Women are more vulnerable in armed conflicts or other situations of violence to physical violence.
3. In addition to losing a relative, these families are also living in, or have lived through, armed conflicts or other situations of violence, during which they will very probably have experienced other traumatic events such as displacement from their home, threats to their lives and physical violence, either directly or as witnesses. It is thought that the number of traumas individuals experience has a direct bearing on their mental health and increases the risk that they will develop Post Traumatic Stress Disorder (PTSD). According to WHO, between a third and one half of all persons who experience traumatic events in armed conflicts or other situations of violence suffer from mental distress. The families of missing people, specifically, have been found to have more stress-related disorders than other families, including those whose relatives are known to be dead. Children in particular exhibit more signs of distress, such as mood swings, bedwetting and poor performance at school, although the latter is also related to the inability of families to pay school fees.
4. In most contexts there is no official acknowledgement of the status of "missing person" and therefore:
  - the families are not entitled to any form of support, unlike, in some cases, those who have been widowed;
  - the undefined legal status of the missing person's spouse has consequences in terms of property rights, the guardianship of children, inheritance and, later, the possibility of remarriage.
5. Because of the fear and mistrust the population feels in certain contexts, it is not possible for families to be open about their situation. The families risk political reprisals or ostracism by their communities and therefore do not receive support which may otherwise be available. They might become isolated from society owing to the local culture, their undefined position in society (i.e. neither wife nor widow), fear or the psychological state of the individual, logistical reasons such as physical distance and/or lack of transport/time/money.
6. Families lack information on how to proceed in the search for their missing relative, how to apply for financial or material support and how to obtain legal advice.
7. Children whose parents are both unaccounted for need to be protected; they must be reunited with and cared for by members of their extended family.
8. When the person who is unaccounted for is very probably dead:
  - families experience a mixture of conflicting emotions through what has been described as "ambiguous loss" and are unable to mourn for their relative. This may have an impact on their mental and physical health, sometimes rendering them unable to make decisions or to cope with everyday life. It reinforces the already potentially existing PTSD;
  - there may be no public recognition of the death, no memorial or commemoration to comfort the family, no possibility for the family to complete the grieving process and thereby start on the road to rehabilitation;
  - exhumation and identification of human remains constitutes a moment of truth for the family involved, evoking a mixture of emotions: on the one hand, hope for a positive identification, an end to the uncertainty and some form of closure; on the other, hope for a negative result which will allow the family to continue believing that the missing person may still be alive.

#### 4.4 Support to families of unaccounted for: recommendations & best practices - Draft proposal

What the families of missing persons need most is to be informed about the fate of their relative(s). While they undergo experiences that are similar to those suffered by the rest of a population affected by a conflict or other situation of violence, the additional problems associated with the disappearance of a family member can have consequences on their situation and create unique needs. Such needs might not be met through general assistance programmes and must be addressed by the authorities, who bear primary responsibility, and by international or local governmental and non-governmental organizations.

1. The **specific needs** of the families of missing people should be assessed in each context and reassessed at intervals as the situation evolves.
2. **Food, shelter and physical safety take precedence in all situations.** During an emergency phase, it may not be possible to do more. However, even while the fighting continues it may be possible to provide targeted assistance to these victims. In extended armed conflicts or other situations of violence and transitional phases the particular needs of this group of people may become more evident, requiring specific forms of assistance.
3. **Legal needs:** the authorities must, already in time of peace and at the latest when an armed conflict or other situation of violence occurs, enact domestic legal provisions:
  - providing for a (temporary) declaration that a person is missing as a result of an armed conflict and/or other situation of violence (until her/his fate is determined);
  - establishing the rights of family members while the person remains missing with regard to the civil status of spouse and children, guardianship and parental authority, and the administration of the missing person's estate;
  - making provision for definitive recognition of the missing as deceased (when his/her fate has been determined);
  - indicating which authorities are competent to issue such a declaration or recognition;
  - establishing the documents required to request such a declaration, taking into consideration the circumstances (such as the difficulty of obtaining official documents in a country torn by armed conflicts or other situations of violence);
  - establishing the legal regime of protection for children whose parents are unaccounted for;
  - minimizing the difference in treatment between missing civilians and missing soldiers in terms of rights;
  - providing basic social services to family members (health care, the allocation of housing, priorities in employment);
  - providing financial assistance for family members, if needed, until the fate of the missing person has been ascertained.
4. When relevant, **justice** should be done by means of prosecution, reconciliation and reparation mechanisms implemented by the authorities with the potential support of international or local governmental and non-governmental organizations.
5. **Material and financial needs:**
  - The definition, planning and implementation of assistance programmes must involve the families of missing people to the greatest extent possible if those programmes are to be effective, acceptable and culturally sensitive.
  - The programmes should promote the families' self-sufficiency and should therefore provide for adequate professional training as soon as possible.
  - The programmes must place special emphasis on continued schooling for children in a familiar environment.
  - The programmes should involve local networks (e.g. religious, cultural and educational) wherever possible and build on existing resources and strengths within the community.
  - The programmes should encourage the families to take part in activities aimed at building social unity and promoting mutual support and "self-help".

**6. Psychological needs:**

- Programmes providing psychological support and, when necessary, psychiatric treatment must be planned to help the families of missing people come to terms with the events they have experienced and adapt to their altered situation.
- Such programmes must be defined and supervised by appropriately qualified professionals, in order to ensure that they are effective and have clear objectives and identifiable evaluation indicators.
- Such programmes should be built around the local mental health infrastructure so that they are in keeping with the cultural context and habits; the local mental health infrastructure must therefore be supported and reinforced.
- Specific psychological support for the families of missing people should be systematically planned and provided as an integral part of the process of ante mortem data collection, exhumation and identification of human remains.

**7. Coordination and information needs:**

- The families of people who are unaccounted for must be clearly informed by all those concerned about their rights, the measures taken to ascertain the fate of their missing relative, and the results.
- Support programmes for the families of missing people must be coordinated and should complement one another.
- Information on the assistance available to the families of missing people needs to be compiled centrally (i.e. by one organization) and distributed to any other organizations concerned and to the families.

8. **Staff** dealing with the families of missing people must be prepared and supported psychologically so that they do not develop "secondary traumatization" in the course of their work.

**4.5 Delivery of information of death, returning personal effects or human remains to families: recommendations & best practices - Draft proposal**

1. Informing families that a relative is dead and returning personal effects or human remains are activities that must be planned in advance and take into consideration the cultural and religious context.
  - The member of the family who will be told of the death or who will receive the personal effects or human remains should be identified in advance (this may be an adult son or daughter, the head of the household or the oldest family member).
  - Whenever possible, an appointment should be made in advance to ensure that the family member(s) who should be present are indeed there.
  - Those bringing the information, personal effects or human remains should be accompanied by a community or religious leader (and/or by a health professional) who will have received all the available information beforehand and be in a position to pass it directly to the family and to provide the necessary support.
2. In addition, before returning human remains, thought should be given to:
  - how the remains will be delivered;
  - the state of the remains, in order to be able to prepare the family for the possibility, or not, of viewing them;
  - the possibility of offering the family support for the funeral.
3. An official document confirming the death and authorizing legal follow-up should be transmitted to the family whenever possible. The procedure for doing so should follow the rules defined under point 1 above.
4. Staff informing families that a relative has died or returning personal effects or human remains must be prepared and supported psychologically so that they do not develop "secondary traumatization" in the course of their work.

**4.6 The role of commemoration for relatives of unaccounted for**

Commemoration is a significant event in the rehabilitation of the relatives of a missing person and can contribute to reconciliation at the individual and national levels. It can also act as a reminder of past inhumanities and thus help prevent reoccurrences and future human rights violations. Commemoration usually involves some sort of ceremony or ritual, but can include other forms of memorial such as monuments, books, songs, street names, prizes or even the planting of trees. Planning and preparing commemoration ceremonies is an important part of the process and should be under the control of the families and communities affected. The public's presence at such events is important, particularly if the authorities played a role in the violations; outside assistance, however, should be strictly supportive, and care should be taken that such events do not become politicized.

**1. For the relatives of missing people, commemorations:**

- help encourage the mourning process by allowing families to grieve together;
- are sources of comfort and help rehabilitate relatives and loved ones;
- reaffirm the existence of relatives of whom all other traces may have vanished;
- humanize the event and make it more personal by naming those who are unaccounted for, making them someone's son, daughter, parent, etc.;
- acknowledge and recognize that events have been denied or distorted;
- act as a form of redress and honour for those who have been wronged;
- highlight the significance of past events;
- serve as lessons or reminders to present and future generations.

**2. If the families concerned are to be rehabilitated, the commemorations:**

- should be initiated by and fully involve the families and communities concerned;
- could include the names of all those known to have gone missing;
- could be publicized;
- could involve some form of ritual such as the lighting of candles, a moment of silence, speeches or reading out the names of the missing.

**4.7 Family Associations of people unaccounted for: recommendations & best practices - Draft proposal**

**1. Associations of families of missing people are a means of:**

- acknowledging the issue and the problems faced by the families;
- making sure that the authorities in charge of ascertaining the fate of missing people are not allowed to forget the issue;
- putting pressure on those authorities to discover what happened to those who are unaccounted for and to provide support to the families;
- organizing the exchange of information on tracing measures and their results between families, the authorities responsible for that task and the organizations contributing to that effort;
- bringing families together, allowing them to relate to other people going through a similar experience, so providing crucial psychological support and helping to reduce feelings of physical vulnerability;
- ensuring mutual support at all levels;
- channelling the assistance provided by community-based support programmes;
- contributing to the defence, promotion and implementation of international humanitarian law and human rights.

**2. The authorities and international or local governmental and non-governmental organizations should therefore support the establishment and development of such associations. Their support should:**

- promote the representativity, independence and self-sufficiency of family associations within civil society;
- develop capacities within family associations while taking care not to duplicate existing services;
- be based on projects defined and implemented by the family associations;
- develop the family associations' management capacity;
- encourage contact between associations and the establishment of a federation of associations at national and regional levels.

#### **4.8 Training & support of personnel working with families of people unaccounted for: minimum requirements - Draft proposal**

Individuals who work with the victims of trauma, who listen to their experiences in an empathetic manner and with a desire to ease their suffering, may themselves be affected. This phenomenon has been extensively studied and is known as "vicarious" or "secondary traumatization". It can have a significant impact on the personal emotional health of the workers, their performance on the job and their attitude towards their work. Because of the sensitive nature of working with the families of missing people, as concerns both expatriates and national employees, it is essential that all the entities involved make sure that the workers concerned receive adequate training and ongoing support. They must not only provide training in the skills required effectively to address the families' psychological needs, but also to help staff avoid becoming traumatized themselves.

1. Persons working with the families of missing people should be given prior training which should include information on:
  - the potential psychological reactions of trauma victims;
  - the risk of secondary traumatization for those working with trauma victims;
  - methods of protecting themselves from secondary traumatic stress and burnout.
2. Ongoing training is required to provide continued support to workers and deal with particular problems arising from their work.
3. Teams working with the families of missing people should be regularly debriefed by an appropriately qualified person.
4. Persons in management positions should be given training in the management of stress affecting personnel.
5. Workers should be encouraged by management to take sufficient time off to help prevent burnout.
6. Special training should be provided to prepare workers for any activities which may provoke particularly strong emotional reactions among the relatives of missing people, such as delivering news of death or collecting ante mortem data.



## 5. Participants

Body	Function	Full name	Remark
(United States of America (the))	Attorney at Law	Ms Jane E. Durgom-Powers	
Alliance of Associations of Families of Missing Persons (Croatia)		Prof Dr Ljubica Butula	With a written contribution only
American Red Cross, International Social Services (United States of America (the))	Senior Associate	Ms Mary Meigs	
AVEGA (Rwanda)	Trauma Counsellor	Ms Esther Mujawayo Keiner	
Family of Victims of Involuntary Disappearance (Philippines (the))	Welfare and Rehabilitation worker	Ms Lolita Quiambao Maguigad	
Fund against violation of law (Armenia)		Ms Larisa Alaverdyan	
Institute for Mental Health (Yugoslavia)	Psychologists, Family psychotherapist	Mrs Vesna Backovic Petrovic	
Inter African Network for Human Rights and Development - AFRONET	Executive Director	Mr Ngande Mwanajiti	
International Commission on Missing Persons - ICMP (United States of America (the))	Director, Civil Society Initiatives, Family Association Development Program	Ms Asta Maria Zinbo	
International Organization for Migration	Program Support Division, Program Officer	Mr William Barriga	
International Rehabilitation Council for Torture Victims (IRCT)	MD, Medical Consultant	Ms Margriet Blaauw	
IUED (Switzerland)	Chargé de cours	Prof Yvan Droz	
IUED (Switzerland)	Chercheur	Dr Sylvain Froidevaux	
Madres de Plaza de Mayo - Linea Fundadora (Argentina)	Founder	Ms Laura Conte	With a written contribution only
Medica (Bosnia and Herzegovina)	Head of project	Ms Pojskic Mirha	
Ministry of Interior, Human Rights Program (Chile)	Lawyer	Mr Camilo Marks Alonso	
Oficina de Derechos Humanos del Arzobispado - ODHAG (Guatemala)	Coordinador Area Defensa de la Dignidad Humana	Mr Mario Gonzalo Domingo Montejo	
Parents of servicemen missing in action (Sri Lanka)	President	Ms Yvonne Visaka Dharmadasa	
Physician for Human Rights	Consultant	Ms Henriette Stratmann	
Save the Children Fund	Policy Officer Separated Children	Ms Kamela Usmani	
Transcultural Psychosocial Organization - TPO	Director	Prof. Joop de Jong MD, PhD	
UNICEF	Assistant Programme Officer, Office of Emergency Programmes	Ms Jolanda van Westering	
United Nations - Office of the High Commissioner for Human Rights - OHCHR	Policy Planning and Methodology Team, Human Rights Officer	Mr Roberto Ricci	
University of California - Human Rights Center (United States of America (the))	Associate Director, Clinical Professor, School of Public Health	Dr Harvey Weinstein	
US Army Personnel Command (United States of America (the))	Chief, Repatriation and Family Affairs Division, asualty and Memorial Affairs Operations Center	Lt. Col. Suzanne Walker	
International Committee of the Red Cross, Health and Relief Division	Health delegate	Ms Clare Wilson	
International Committee of the Red Cross, Health and Relief Division & Legal Division	Health Coordinator	Dr Robin Coupland	Present according to topic dealt with

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Body	Function	Full name	Remark
International Committee of the Red Cross, Legal Division	Legal Adviser	Ms Maria-Theresa Dutli	Present according to topic dealt with
International Committee of the Red Cross, Project "The Missing"	Head	Ms Sophie Martin	Present according to topic dealt with
International Committee of the Red Cross, Project "The Missing"	Deputy Head	Mr Laurent Fellay	
International Committee of the Red Cross, Project "The Missing"	Deputy Head	Ms Ariane Tombet-Caushaj	

## 6. Program of the workshops

Workshop Title	Support to families of people unaccounted for
Date	10.06.2002 - 09:00 to 18:00 11.06.2002 - 09:00 to 17:00

### Day one - Monday 10.06

#### 09:00 - 10:00 - Plenary

Welcome  
Introduction of the participants  
Administrative details  
Introduction to the process The Missing  
Principle issues and organization of the workshop

#### Theme 1 : Families of unaccounted for and their specific needs during hostilities/transition period

**Objectives:** To establish recommendations / best practice regarding the needs of families of unaccounted for, of persons unaccounted for who have returned after a long absence and the means to fulfill them.

Topics to be addressed:

1. Identification of the specific needs
  - Material
  - Legal
  - Psychological
  - Compensation & reparation
  - Communication between families and main actors working to clarify the fate of unaccounted for
  - Other
2. Means & ways to address them taking into account the generic needs of the rest of the population
  - Type of Programs
  - The different actors & their responsibilities

**Chaired by:** Prof. Joop de Jong MD, PhD

#### 10:00 - 10:30

Presentation of the work to achieve in two/three working groups

#### 10:30 - 11:00 - Pause

#### 11:00 - 12:30 - In Working group

#### 14:00 - 14:30 - In Working group

#### 14:30 - 16:00 - Reporting & conclusions

#### 16:00 - 16:30 - Pause

#### Theme 2 : Families & death

**Objectives:** To establish recommendations/best practice regarding the various aspects related to death faced by families of unaccounted for (mourning, exhumation, identification, burials, commemoration) and how to handle them.

Topics to be addressed:

- prerequisites for families to enable them to undergo a mourning process
- role of a death certificate without the return of the human remains
- measures to support families during:

## **Support to families of people unaccounted for**

- a) antemortem data collection
- b) an exhumation process
- c) an identification process
- role of collective burials and ceremonies without identification
- role of commemorations within the mourning process

**Chaired by: Prof Yvan Droz**

**16:30 - 17:00**

Presentation of the work to achieve in two/three working groups

**17:00 - 18:00 - In Working group**

**Day two - Tuesday 11.06**

**09:00 - 09:30 - In Working group**

**09:30 - 10:30 - Reporting & conclusions**

**10:30 - 11:00 - Pause**

**Theme 3: Role of Family Associations**

**Objectives:** To establish recommendations/best practice regarding the role of family associations and how they can respond to the specific needs of families of unaccounted for.

Specific topics to be addressed:

- status & objectives of a family association
- their role, their constraints
- how they could be developed
- their financial resources

**Chaired by: Ms Yvonne Visaka Dharmadasa**

**11:00 - 11:30**

Presentation of the work to achieve in two/three working groups

**11:30 - 12:30 - In Working group**

**14:00 - 14:30 - In Working group**

**14:30 - 16:00 - Reporting & conclusions**

**16:00 - 16:30 - Pause**

**16:30 - 17:00 - Final conclusions**