

‘Denial and silence’ or ‘acknowledgement and disclosure’

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“One has to remember to be able to forget”¹

Disappearances are a worldwide problem. Over the last few decades the world has been shocked by accounts of tens of thousands of people who are known to have disappeared in Cambodia, Latin America, Iraq, Rwanda, the former Yugoslavia, Chechnya, etc. Many more stories of disappearances exist that will never reach the international community. While enforced disappearance is probably dealt with most effectively at the national level, the fight against disappearances should nevertheless also be an international effort. It requires solidarity among people and organizations, and across borders.²

The International Rehabilitation Council for Torture Victims collaborates with rehabilitation centres worldwide to promote and support the rehabilitation of torture victims and their families. Most rehabilitation centres for torture victims offer support for family members of disappeared persons, since torture, arbitrary killings and forced disappearances³ often go hand in hand in times of serious political repression.

Forced disappearances have an effect on the individual, his/her family and the community as a whole. The problems that family members of disappeared persons face are complex and can be overwhelming. Besides the uncertainty about the fate of their relatives, they usually have to cope with economic, social and legal problems as well. Many relatives have searched in vain for their loved ones, year after year. We know mothers of disappeared children who, after almost thirty years, are still hoping for their missing child to appear. It is normal for relatives to have difficulties in accepting the death of a disappeared family member. In many cases, family members of disappeared persons suffer from symptoms of complicated grief, such as intrusive

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images or severe emotional attacks, or from denial of the effects of loss. As a result, they often find it hard to cope with necessary activities at work and at home.⁴ There is a need for an official disclosure of what has happened to the disappeared person and an acknowledgement of the consequences of disappearances for families.

Forced disappearances are surrounded by silence and fear. In a society dominated by organized violence, serious mistrust is created between people.⁵ Neighbours, classmates and other community members sometimes avoid the families of missing people. In the following article, we shall review some of the difficulties that family members of disappeared persons, and the persons providing support to them, may encounter. We shall describe how the lack of culturally appropriate farewell ceremonies can complicate the grieving process of family members of disappeared persons. However, there is still little systematic knowledge of how to address the massive psycho-social consequences of violence, armed conflicts and human rights violations.⁶ We recognize that the probable effects of the increase in grief reactions on the mental and physical health of individuals and the population as a whole should be further evaluated.⁷

Grief and mourning

Grief is the sorrow, suffering and mental distress caused by the death or loss of a loved one. Mourning is the process of responding to loss and death,

1 N. Sveaas, "The psychological effects of impunity", in N. Lavik, M. Nygård, N. Sveaas and E. Fannemel (eds), *Pain and Survival: Human Rights Violations and Mental Health*, Scandinavian University Press, 1994.

2 C. Jimenez, *International Standards: Fighting Involuntary Disappearance*, paper presented by the Association for the Prevention of Torture (APT) during the "Asian and Latin American Lawyers' Meeting on Involuntary Disappearance: Between Memory and Impunity", sponsored by the Asian Federation against Involuntary Disappearances (AFAD), Jakarta, 27 November - 2 December 2000.

3 Definition of "enforced disappearance of persons" according to Article 7 (Crimes against humanity) of the Rome Statute of the International Criminal Court, 17 July 1998: "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of a State or political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons...

4 M. Horowitz *et al.*, "Diagnostic criteria for complicated grief disorder", *The American Journal of Psychiatry*, July 1997.

5 Sveaas, *op. cit.* (note 1).

6 T. Joop de Jong, "Public mental health, traumatic stress and human rights violations in low-income countries: A culturally appropriate model in times of conflict, disaster and peace", in Joop de Jong (ed.), *Trauma, War and Violence: Public Mental Health in Socio-Cultural Context*, Kluwer Academic, 2002, p. 1.

7 Sveaas, *op. cit.* (note 1); E. Lindemann, "Symptomatology and management of acute grief", in J. Mardi Horowitz (ed.), *Essential Papers on Post-traumatic Stress Disorder*, New York University Press, 1999, pp. 136-148.

the culturally defined acts that are performed when someone dies in a community.⁸ This includes memorial services, funerals, wakes, mourning apparel, etc. These ritualized approaches are important in organizing and focusing the grief reaction in the period directly after the death.⁹ A culturally appropriate leave-taking ceremony, which includes the possibility to say goodbye and to express love, normally has a positive effect on the process of grief. It will help a grieving person by lessening his or her later feelings of anger and guilt.¹⁰

“The disappeared are denied a place among the living and also denied a place among the dead.”¹¹

Circumstances can hinder the grieving process, especially when a family member has disappeared. In that case a farewell ceremony will normally not have been performed, as the whereabouts of the loved one are uncertain. Often the family has to contend with the economic, legal and social problems that may accompany a disappearance. For example, many of the disappeared persons have been breadwinners and their families have faced a loss of income. When there is no official acknowledgement of the missing person's status, the family might not be given the support that family members normally receive in cases of death. In some cultures, the law forbids women to remarry until several years have passed since their husbands went missing.¹² Legal advice can also be hard to obtain. Some families spend up whatever money they have on legal advice, but most families cannot afford it, do not know where and how to get it, or dare not seek it.

Complicated grief

There are certain characteristics that describe the grieving person. Typical are somatic sensations of distress, such as a feeling of tightness in the throat, shortness of breath, and being extremely tense and exhausted. Preoccupation with the image of the lost loved one and strong feelings of

⁸ J. Boehnlein, “Clinical relevance of grief and mourning among Cambodian refugees”, *Soc. Sci. Med.*, Vol. 25, No. 7, 1987, pp. 765-772.

⁹ K. Anasarias and B. Escalante, “Healing traumatic wounds of war”, *Balitung Balay*, Vol. 9, Nos 2-3, 2001.

¹⁰ M. Eisenbruch, “The cultural bereavement interview: A new clinical research approach for refugees”, *The Psychiatric Clinics of North America*, Vol. 13, No. 4, 1990.

¹¹ 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.

¹² *Genocide in Iraq: The Anfal Campaign Against the Kurds. A Middle East Watch Report*, Human Rights Watch, New York, 1993, p. 337.

guilt are also very common. In addition, the grieving person has sometimes lost warmth in relationships with other people and experiences feelings of hostility. The behaviour of a person in profound grief likewise shows notable changes. He or she may seem hyperactive and restless, yet at the same time is unable to initiate or maintain any organized activity. It is also very common for grieving persons to avoid situations that would remind them of the person they have lost. The duration of these grief reactions depends upon how successfully a person is able to work through the grief. This includes readjustment to the environment in which the lost loved one is missing, and the formation of new meaningful relationships.¹³ Pathological grief is often a very intense or out-of-control experience of the feelings and behaviour that are normal during mourning. It can also, especially in the case of missing persons, be a failure to mourn or move forward in the grieving process.¹⁴ Recent studies show that the process of working through one's grief is particularly difficult when the circumstances of the death represent a threat to one's world view or when there is only little social support.¹⁵

Family members of missing persons experience grief differently from those grieving for deceased loved ones. An appropriate leave-taking ceremony is often not performed for missing persons. Many mental health professionals have noted that if family members choose to accept the death of the disappeared loved one, they feel that they are "killing" him or her.¹⁶ Or they may have fantasies about their loved ones living in some faraway place and not returning home because they are not allowed to do so, or that they might be in prison. For example, during the Anfal campaign in Kurdistan (1987-1989), mass executions and mass disappearances of many tens of thousands of non-combatants (including women and children) took place. Sometimes the entire population of villages was killed. The people knew of the stories told about firing squads. Still, hopes were kept alive by rumours of Kurds being held in secret jails in the desert for future negotiations, and of Kurdish guerrilla fighters being used as slaves.¹⁷ However, the hopes of family

¹³ *Ibid.*, pp. 136-273.

¹⁴ M. Horowitz, "A model of mourning: Change in schemas of self and other", in M. Horowitz (ed.), *Essential Papers on Post-Traumatic Stress Disorder*, New York University Press, 1999, pp. 252-273.

¹⁵ D. Becvar, *In the presence of grief: Helping family members resolve death, dying and bereavement issues*, The Guildford Press, London, p. 39.

¹⁶ Boehnlein, *op. cit.* (note 8), pp. 765-772; D. Becker *et. al.*, "Therapy with victims of political repression in Chile: The challenge of social repatriation", *Journal of Social Issues*, Vol. 46, No. 3, 1990, pp. 133-149.

¹⁷ Human Rights Watch, *op. cit.* (note 12), p. 337.

members finding their loved ones alive cannot be considered entirely unrealistic, because many Kurds have found asylum elsewhere.¹⁸

People deprived of proper mourning may not be able to grieve effectively and may suffer arrested grief or atypical reactions.¹⁹ Continued disbelief in the death of a loved one prevents a person from starting the normal grieving process and there is a high risk of complicated grief. It has been found that the family members of missing persons have more anxiety and post-traumatic stress disorders²⁰ (PTSD) than family members of dead persons.²¹ They may suffer from insomnia, preoccupation with thoughts of the deceased, and unpredictable periods of anger, anxiety, survivor guilt, numbing of emotions and withdrawal from other people. These symptoms are typical for both chronic, unresolved grief and PTSD.²²

Diagnostic criteria for complicated grief are often insufficient, and patients suffering from prolonged and complicated grief have been diagnosed as having a depressive disorder. There is a risk of underestimating the frequency of psychological problems after the death or disappearance of a loved one and mistakenly diagnosing a depressive disorder in many people suffering in fact from complicated grief. Complicated and prolonged grief should be clearly distinguished in classifications of mental disorders.²³

Many family members of disappeared people have feelings of guilt. People differ in the extent to which they feel they are to blame. In order to overcome that sense of guilt, it needs to be expressed clearly. Therefore it is not

¹⁸ UNHCR, "Background paper on Iraqi refugees and asylum seekers", UNHCR Centre for Documentation on Refugees, Geneva, November 1994.

¹⁹ Becker *et al.*, *op. cit.* (note 16), pp. 133-149.

²⁰ Criteria for the diagnosis of Post-Traumatic Stress Disorder (PTSD) are: (1) exposure to an extreme event outside the range of normal human experience; (2) persistent re-experience of the event; (3) avoidance of stimuli associated with the traumatic experience and numbing of general responsiveness; and (4) persistent symptoms of increased arousal. At least two of the following symptoms: sleeping problems, irritability, angry outbursts, concentration problems or hypervigilance. *Manual on the Effective Investigation and Documentation of Torture and Other Degrading Treatment or Punishment, The Istanbul Protocol*, submitted to the United Nations High Commissioner for Human Rights, 9 August 1999.

²¹ Boehnlein, *op. cit.* (note 8), pp. 765-772; Libby Tata Arcel's interviews with Bosnian and Croatian war survivors, non-published data, IRCT Denmark (hereafter IRCT interviews); G. Quirk and L. Casco, "Stress disorders of families of the disappeared: A controlled study in Honduras", *Soc. Sci. Med.*, Vol. 39, No. 12, 1994, pp. 1675-1679.

²² Boehnlein, *op. cit.* (note 8), pp. 765-772.

²³ M. Horowitz *et al.*, *op. cit.* (note 4); H. Prigerson *et al.*, "Complicated grief and bereavement-related depression as distinct disorders: Preliminary empirical validation in elderly bereaved spouses", *The American Journal of Psychiatry*, 1995.

appropriate to try to take it away by explaining to family members 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 they are a normal reaction. Such an approach can help a person to change from feelings of complete helplessness to having some sense of control over the situation. This may also explain why people often fantasize about scenarios in which they could have saved their loved ones, but did not do so. These fantasies give rise to a strong sense of guilt, but at the same time have an important function of protecting self-esteem and self-determination. Feelings of guilt can have the purpose of helping to cope better with retraumatization; especially for children, it is easier to express them through drawings. Naturally there is a need to evaluate how deep those feelings go: an excessive sense of guilt creates depression and PTSD, both of which need appropriate treatment.²⁴

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 acceptable to grieve for a prolonged period. For example, in Finland and Denmark only one day of leave is allowed after the death of a close family member. In Greece, the mourning period is one week, and in Israel forty days. In Israel, the bereaved person is not left alone to grieve, but is kept company for the whole period of mourning. In some parts of Ghana, the person who has lost a loved one is accompanied by a close friend or relative literally by tying a rope between them. Wherever the grieving person goes, the other one follows.²⁵ The ways in which these non-Western cultures deal with dying include many elements that give solace to relatives and close friends. In Western countries, the events surrounding death and dying are often suppressed, with old and sick people being taken care of by professionals in institutions instead of by their families.²⁶

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 and for

²⁴ IRCT interviews, *op. cit.* (note 22).

²⁵ B. Kurfah, Oral presentation for Master's Programme of International Health 2000, University of Copenhagen, Denmark.

²⁶ B. Harrel-Bond and K. Wilson, "Dealing with dying: Some anthropological reflections on the need for assistance by refugee relief programmes for bereavement and burial", *Journal for Refugee Studies*, Vol. 3, 1990, pp. 228-243.

the relatives. Rituals help the grieving person to realize that life must go on and help them to reintegrate into society.²⁷ One of the primary functions of funerals in any culture is to acknowledge the life and achievements of the deceased persons in a public setting, to honour them and remember what was best about them in their lifetime, before sending them on to whatever spiritual world the community believes in. Children should be involved in the rituals following the death of a family member. This helps them to understand what has happened, and to cope with the death of a loved one. It can also be helpful for the children to view the relative's dead body. Several factors should, however, be considered, i.e. the age of the child, the relationship to the deceased and the degree of physical injury to the dead person.²⁸

Rituals differ significantly between cultures. For example, in Buddhist tradition funerals have not been occasions for demonstrating 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 themselves to the violent deaths of relatives, since 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 a violent death.²⁹

Ghosts are a feature of bereavement in many cultures. Ghosts and spirits are the common medium through which the dead can communicate with the living or ask the living to join them. It is not unusual for a grieving person to feel possessed by spirits, hear ancestors' voices and feel that he or she is being 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 fulfil this task it needs an honourable funeral and a special traditional ritual. A spirit that has not been honoured becomes angry and restless, bringing bad luck to the family and the whole community.³⁰ Thus normal signs of bereavement can mislead a clinician who is not aware of the cultural influences.³¹

27 Boehnlein, *op. cit.* (note 8), pp. 765-777.

28 A. Dyregrov, "Telling the truth or hiding the fact: An evaluation of current strategies for assisting children following adverse events", *ACCP Occasional Papers: Child Mental Health in Europe*, No. 17, 2001.

29 Boehnlein, *op. cit.* (note 8), pp. 765-772.

30 Eppel, *op. cit.* (note 11).

31 Eisenbruch, *op. cit.* (note 10).

Mourning in times of war, political violence or State repression

Collective terror brings out a shared denial in a population: knowing what not to know. Emotions are suppressed and repressed.³² From the rehabilitation centre in Aceh, Indonesia, we know that the dead bodies of relatives killed during violent clashes have been collected by people in the dark, hoping nobody will see them. In Zimbabwe, funerals of people killed during political unrest often take place in secret, involving only a few family members. This is in contrast to a normal traditional funeral, which would involve the extended family and the community at large.³³ A controlled study in Honduras showed how families of disappeared persons had twice as many stress-related symptoms compared to families in which no one had died during the previous ten years and families who had lost a family member in an accident. The atmosphere of fear and isolation to which families of the disappeared are subjected may be an important factor.³⁴ A group of mental health workers working in Guatemala with children who lost a parent through terror attacks noticed that they are often isolated from the community because their fathers were considered to be "the enemy". They mention that traditional Western medical concepts, which describe selected symptoms and behaviour indices as evidence of "post-traumatic stress disorder", fail to apprehend the trauma these children have survived and continue to experience.³⁵

Special problems for refugees

Mourning and making arrangements for a burial are generally problematic for refugees. Many of them have relatives who have been executed and buried in mass graves without funerals or cremation. In numerous African countries, people traditionally bury their loved ones around the family home, and in some cultures it is important that the bodies be returned to their homeland for burial.³⁶

When cultural rituals are not performed in a proper way, it may contribute to chronic grief and clinical symptoms of PTSD. People may have

³² J. Zur, "The psychological impact of impunity", *Anthropology Today*, Vol. 10, No. 3, June 1994.

³³ Eppel, *op. cit.* (note 11).

³⁴ Quirk and Casco, *op. cit.* (note 22), pp. 1675-1679.

³⁵ B. Lykes and M. Terror, "Silencing and children: International multidisciplinary collaboration with Guatemalan Maya communities", *Soc. Sci. Med.*, Vol. 38, No. 4, 1994, pp. 543-552.

³⁶ Harrel-Bond and Wilson, *op. cit.* (note 27), pp. 228-243.

intrusive thoughts and sometimes feel that supernatural forces are visiting them while they are asleep or awake. They feel that the spirits of their deceased loved ones are visiting them. Mozambican refugees told 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, since the loss of a family member may otherwise lead to psychological problems, such as serious survivor guilt.³⁷ If these symptoms are not recognized as being part of the cultural bereavement, the refugees risk being wrongly labelled as having psychiatric disorders.³⁸

Refugee communities should be encouraged to re-establish traditional institutions, such as places to worship the dead. These can be places in which the grieving persons can communicate appropriately with the dead and resolve issues of guilt. Immigrant groups often have burial societies or committees, which organize the mobilization of resources for funerals among members.³⁹ For successful recovery from a loss or trauma, it is crucial to find the symbolic systems, cultural beliefs and healing rituals that are acceptable both in the original culture and in the surrounding society.⁴⁰

Community bereavement

Traditional ceremonies have a broader purpose than only to 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. Assistance at the individual level can be useless if the person returns to a local community that is in a state of collective grief. For example, in Zimbabwe the family of one exhumed victim strongly expressed the opinion that it was not only they themselves but the whole community that had been offended by their relative’s murder, and thus the community also needed to be included in the process and be healed.⁴¹ Community bereavement helps the grieving persons to become reincorporated into their social community and fulfil their need for acceptable social support.⁴²

³⁷ *Ibid.*

³⁸ M. Eisenbruch, “Toward a culturally sensitive DSM: Cultural bereavement in Cambodian refugees and the traditional healer as a taxonomist”, *The Journal of Nervous and Mental Disease*, Vol. 180, No. 1, 1992.

³⁹ Harrel-Bond and Wilson, *op. cit.* (note 27), pp. 228-243.

⁴⁰ Boehnlein, *op. cit.* (note 8), pp. 765-772.

⁴¹ Eppel, *op. cit.* (note 11).

⁴² Eisenbruch, *op. cit.* (note 10).

Disclosure

The 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 cases of disappearances and when people have been brutally massacred.⁴³ Only an official statement of the death of the relative can enable family members to start the normal process of bereavement. They have a right to know what has happened to the disappeared person. The truth, however, is often horrifying, especially if there is evidence of suffering. Special care should be taken as to how to reveal the truth. Unfortunately circumstances are often far from ideal, and for a variety of economic and political reasons it is not possible to provide adequate assistance. In times of organized violence and political repression, killings are shrouded in secrecy, silence and fear.

Ideally, the family situation and the cultural, religious and social context should be carefully assessed before delivering information about a death. Families should be given all information about the death of their relative. The best way is to provide as many concrete details as possible.⁴⁴ It should be carefully considered who should give the information, for instance an official who has been trained for this task, such as a counsellor. The most appropriate way would be to provide the information at a place where the family feels secure. It should be given first to the closest adult relative(s), to give them an opportunity to react. The officials should inform the children as well, because there is a general tendency for adults to hide the truth from children in order to protect them.⁴⁵

Children need special attention. The events should be explained to them, and they should be included in the mourning process following the death or disappearance of a family member. If we try to make children forget, we are simply doing them a great disservice. To forget is not the solution.⁴⁶ Hiding the truth from children can have serious consequences later in their lives.⁴⁷ It is important that the children know what has happened to their

⁴³ Minugua, Misión de Verificación de las Naciones Unidas en Guatemala. Procedimientos de Exhumación en Guatemala (1997-2000).

⁴⁴ Dyregrov, *op. cit.* (note 29).

⁴⁵ IRCT interviews, (note 21); A. Dyregrov, "Early intervention: A family perspective", *Advances in Mind-Body Medicine*, No. 17, 2001, p. 170.

⁴⁶ Lykes and Terror, *op. cit.* (note 36), pp. 543-552.

⁴⁷ Dyregrov, *op. cit.* (note 29), pp. 28-29.

relatives, in addition to how and why, especially because children themselves will ask.⁴⁸ A person who has experienced traumatic events as a child and has not dealt with them can react strongly, even many years later, when something less traumatic happens to him or her. It has also been observed that a person may create a traumatic response to an earlier, unresolved loss exactly when he or she is as old as the person who died.⁴⁹

We know from rehabilitation centres in Latin America that some children of disappeared persons seek psychological support for the first time when they have reached the age of their disappeared parent.⁵⁰

Recent examples from Argentina show how disclosure of the truth can become very complicated. Between 1976 and 1983, the children of women who gave birth in secret detention centres were taken away. Some of them were given to childless couples connected to the armed forces or police to raise as their own. Attempts have been made by relatives to find and identify these children with the goal of restoring their personal and familial identity. Although the well-being and best interest of the children is a priority for those involved, it must surely create a psychological trauma for a child to learn that the only parents he/she has ever known are not his/her parents. Or even worse: to learn, as in some cases, that the adoptive parents might have known of, or even participated in, the murder of his/her biological parents.⁵¹

Risk of retraumatization and how to minimize it

Giving concrete information about what has happened to a missing relative, such as showing pictures or the body of the deceased person, always carries a risk of retraumatization. The question has therefore often been raised 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 found conducive to the normal process of bereavement that the remains of the victim are seen.⁵² The following should be considered before offering to show the remains.

⁴⁸ Lykes and Terror, *op. cit.* (note 36), pp. 543-552.

⁴⁹ Lindemann, *op. cit.* (note 7), pp. 136-273.

⁵⁰ Personal communications to M. Blaauw during her visit to the Southern Cone of Latin America in March 2001 and March 2002.

⁵¹ V. Penschaszadeh, "Genetic identification of children of the disappeared in Argentina", *Journal of the American Medical Women's Association*, Vol. 52, No. 1, 1997.

⁵² Dyregrov, *op. cit.* (note 29), pp. 31-32.

Ask: Family members should be asked if they want to see the body, and should be informed about the risk of retraumatization. For some relatives, to see it might be too hard to bear.

Prepare: Before being given the opportunity to see the body, the family needs to be informed about its condition: e.g. if it is mutilated or badly wounded. Such information should be given only after careful preparation.

Support: Psycho-social support is needed before, during and after the disclosure.

Treat: A follow-up is needed to evaluate how the family is coping. In the event of retraumatization, psychological treatment should be offered. Wherever possible, the treatment should first be individual, and then, if the person is willing to participate, in a group. When forming groups, it is important that people participating in the group have had similar experiences. It is beneficial if the participants are at different levels of the grieving process.⁵³

Exhumations

Several teams exist worldwide who specialize in the exhumation, identification and investigation of the cause and manner of death of individuals buried in mass or single, unmarked graves. Exhumations can provide information as to what happened to victims of extra-legal killings. They can yield objective and scientific evidence of crimes committed. Through forensic documentation, governments can be held responsible. This knowledge may prevent future crimes.

An important reason for exhumations is that they can give families information about the fate of their loved ones. They can make it possible for relatives to honour the dead in the way appropriate to their culture.⁵⁴ For example, in Guatemala the main reason why communities ask for an exhumation is to find the remains of their family members. People are rarely willing to prosecute those responsible owing to fear, as they often live in the same community as the perpetrator or distrust a judicial system in which the ex-military still has power or because of economic constraints.⁵⁵ In 1988, when a clandestine grave was exhumed in a small village in Guatemala, the fear was so great that not one relative came forward to identify the remains.⁵⁶

⁵³ IRCT interviews, *op. cit.* (note 21).

⁵⁴ *Unquiet Graves: The Search for the Disappeared in Iraqi Kurdistan*, Human Rights Watch and Physicians for Human Rights, 1992, p. 3.

⁵⁵ Minugua, *Misión de Verificación*, *op. cit.* (note 43).

⁵⁶ Zur, *op. cit.* (note 33).

The process of exhumation can retraumatize relatives or members of the community. Individual and collective mental health support is therefore prerequisite for an exhumation process. All the above points on how to minimize retraumatization before offering the possibility to see the remains of a loved one should be taken into account. 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 must be explained why the exhumation will take place, how it works, how bones are identified, etc.

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

After: Help is needed to prevent possible conflicts in the area between victims and possible perpetrators. Help may be offered with the planning of funerals, commemorative and/or religious ceremonies, and in trying to create an orientation towards the future.⁵⁷

Although exhumations can play an important role in the coping process of relatives, there are also potential dangers. Viewing the remains of relatives forces family members to accept the reality of death. They may think that they are prepared for this, but often they are not. It is, of course, especially painful if there is evidence of great suffering prior to death. The finding of an empty grave can also be very distressing for a family who have prepared themselves to be able, at last, to bury their relatives' remains.⁵⁸

According to the *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*,⁵⁹ families and their legal representatives should be informed of all information relevant to the investigation. It is also recommended that the families and dependants of victims of extra-legal, arbitrary and summary executions should be entitled to a fair and adequate compensation within a reasonable period of time.

⁵⁷ Minugua, *Misión de Verificación*, *op. cit.* (note 44).

⁵⁸ Eppel, *op. cit.* (note 11).

⁵⁹ United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, United Nations, New York, 1991.

Reparation

The United Nations Special Rapporteur on the question of torture states that:

“Any act of forced disappearances inflicts severe suffering onto the victims and their families. The working definition of ‘disappearances’ also refers to the refusal to disclose the fate or whereabouts of the person concerned or the refusal to acknowledge the deprivation of their liberty. This is an intentional act directly affecting close family members. Being fully aware they are hurling family members into a turmoil of uncertainty, fear and anguish regarding the fate of their loved one(s), public officials are said to maliciously lie to the family, with a view to punishing or intimidating them and others.”⁶⁰

In the above statement, the Special Rapporteur acknowledges that suffering inflicted on the family of a missing relative can amount to torture, a serious abuse of human rights. Under international law⁶¹ there exists the right entitling victims of human rights abuses to compensation for their losses and suffering.⁶² However, we know very little about the needs of survivors of human rights violations. The NGO “REDRESS” has started a research programme focusing on the views of torture survivors and their families with regard to reparation: how do they perceive reparation, and what are their expectations of achieving it; what do they need?⁶³

For the United Nations, Professor van Boven has drafted a set of basic principles and guidelines for reparation for victims of gross human rights violations.⁶⁴ Unfortunately, reparation is not a reality for many families of

⁶⁰ Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/56/156, 3 July 2001.

⁶¹ Article 8 of the United Nations Declaration of Human Rights, GA Res. 217 A (II), 10 December 1948.

⁶² S. Cullinan, “Torture survivors’ perceptions of reparation: Preliminary survey”, *The Redress Trust*, 2001, p. 12.

⁶³ *Ibid.*, p. 77.

⁶⁴ “The administration of justice and the human rights of detainees: Revised set of basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law”, prepared by M. Theo van Boven pursuant to Sub-Comm. decision 1995/117, UN Doc. E/CN.4/Sub.2/1996/17, 24 May 1996. He describes four main forms of reparation: *restitution* – designed to re-establish the situation which would have existed had the wrongful act not occurred; *compensation* – should be provided for any economically assessable damage which results from the act; *rehabilitation* – to include medical, psychological and other care and services, as well as measures to restore dignity and reputation; *satisfaction and guarantees of non-repetition* – including verification of facts and full public disclosure of the truth, a declaratory judgment (as to the illegality of the act), apology; judicial or administrative sanctions against the perpetrator(s), commemorations, and prevention of recurrence (through legal and administrative measures).

disappeared persons. For many victims and relatives, seeking reparation is fraught with difficulties, and applying for reparation can be a traumatic experience in itself.⁶⁵ It is well nigh impossible to restore the situation which existed before the family member disappeared. Even after years of democratic government, people have to fight for recognition and justice. Compensation has been refused and criticized as “blood money”.⁶⁶ On the other hand, compensation can have an importance that goes beyond its material value. It can mean an acknowledgement of the fact that serious damage has been caused.⁶⁷ However, reparation means more than compensation. From the rehabilitation centres with which the International Rehabilitation Council for Torture (IRCT) collaborates, we know that sometimes people come to seek psychological support many years after the disappearance of a relative. In many countries it is hard to mobilize resources for this support.

Disclosure of the truth is required in order to obtain justice and reconciliation, but, as pointed out by REDRESS, truth does justice to the people who have been victimized, but it does not administer justice over perpetrators.⁶⁸ Impunity after gross human rights violations may have several important social and psychological consequences. By accepting that gross criminal acts will not be prosecuted, the events are denied. There is no public or official acknowledgement of what has happened, and there is neither satisfaction nor guarantee of non-repetition. This creates a situation in which the sense of justice is violated.⁶⁹ Impunity may create a strong feeling of lack of control and powerlessness in individuals. It can also change human relations, and create fear as well as lack of confidence and serious mistrust between people.⁷⁰ A mother revealed how someone approached her while she stood at the memorial for the disappeared, almost thirty years after her son had been missing, and said: “Your son got exactly what he deserved.”⁷¹

⁶⁵ Cullinan, *op. cit.* (note 63), p. 55.

⁶⁶ *Ibid.*, p. 15.

⁶⁷ N. Sveaas and N. Lavik, “Psychological aspects of human rights violations: The importance of justice and reconciliation”, *Nordic Journal of International Law*, Vol. 69, No. 200, pp. 35-52, p. 50.

⁶⁸ *Ibid.*, p. 17.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ Personal communication by the mother of a disappeared son to M. Blaauw, during a visit to the Southern Cone of Latin America, March 2001.

Conclusion

Family members of disappeared persons often spend years searching for their loved ones, while simultaneously having to face economic, legal and social problems. The disappearance of a relative is a loss that cannot be mourned appropriately. The lack of a culturally appropriate leave-taking ceremony is traumatic and can complicate the normal grieving process. While such ceremonies differ significantly between cultures, their meaning is similar, namely to acknowledge the life and achievements of the deceased. Rituals are an essential way of coping with a loss. It is important to understand and strengthen them when dealing with relatives of disappeared persons. Accepting the importance of these rituals may, for example, lessen the risk of refugees being perceived as having serious mental problems.

There should be careful preparation before providing information about missing persons; it should, if possible, be disclosed to families by a specially trained official. The cultural, religious and social context should be carefully assessed before delivering information. An official statement of death can make it possible for family members to start the normal process of mourning. However, the opportunity to see the remains may include a high risk of retraumatization.

The atmosphere of fear and isolation in which families of disappeared persons live is probably one of the reasons why so little is as yet known about their problems and needs. Although family members of disappeared persons are entitled to reparation, in practice it is not a reality for most of them owing to the many difficulties involved; these include the lack of political will and legal aid, and the possible trauma involved in applying for reparation.

Forced disappearances have an impact on individuals, families, and the community as a whole. To prevent disappearances and to provide support to relatives of the disappeared, a comprehensive understanding of this complex issue is required. It is crucial that such an understanding be promoted and reflected by international and national laws and policies concerning missing persons.

Résumé

«Refus et silence» ou «reconnaissance et révélation»

Margrite Blaauw

Cet article est consacré aux problèmes que peuvent connaître les proches de victimes de disparitions forcées. La peur et le silence entourent les disparitions forcées. Les sentiments d'espoir, l'absence d'annonce officielle, et les problèmes économiques, sociaux et juridiques peuvent tous peser sur la vie quotidienne de ceux qui, des années durant, recherchent un proche disparu. Les cérémonies d'adieu et les rituels funéraires ont pour fonction essentielle d'honorer la vie et les réalisations d'une personne qui n'est plus. Aucune cérémonie d'adieu n'est tenue à la mémoire des personnes portées disparues parce que l'on ignore ce qu'il est advenu d'elles. Il est capital que ceux qui apportent un soutien aux proches de personnes disparues reconnaissent les différences dans les rites du deuil et les pratiques funéraires.

Les signes habituels du deuil peuvent tromper un clinicien qui n'est pas conscient des différences culturelles. L'article explique comment les circonstances complexes auxquelles sont confrontés les proches d'une personne portée disparue peuvent aggraver la souffrance. Les proches des victimes de disparitions forcées ont en principe droit à réparation. Tel n'est cependant pas le cas pour la plupart d'entre elles. Demander réparation soulève d'innombrables difficultés. Il est nécessaire de comprendre le problème complexe des disparitions pour apporter une assistance adéquate aux familles de personnes portées disparues.