

ICRC



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



ICRC



International Committee of the Red Cross
Central Tracing Agency and Protection Division
19 Avenue de la Paix
1202 Geneva, Switzerland
T + 41 22 734 60 01 F + 41 22 733 20 57
E-mail: icrc.gva@icrc.org www.icrc.org

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THE MISSING

end the silence

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.

Uncertainty about the fate of their loved ones is a harsh reality for countless families in situations of armed conflict or internal violence. All around the world, parents, siblings, spouses and children are desperately trying to find lost relatives. Families and communities, not knowing whether their members are alive or dead, are unable to gain closure on the violent events that disrupted their lives. Their anxiety remains with them for years after the fighting has subsided and peace returned. They are unable to move on to personal or community rehabilitation and reconciliation. Future generations carry with them the resentment caused by the humiliation and injustice suffered by their relatives and neighbours. Such festering wounds can rot the fabric of society and undermine relations between groups and nations even decades after the actual events.

The absence of political will among those directly concerned and the lack of cooperation on the part of those who might persuade them to act often make the prevention and clarification of disappearances related to armed conflicts or internal violence an extremely arduous task. Data are withheld as a weapon against enemies or opponents. Leaders whose power is based on hate for another community obstruct any attempt to resolve the issue of missing persons in order to perpetuate their power. And in many instances – in particular when disappearances result from massacres or deliberate attacks against civilians – the relevant authorities and leaders may be unable and/or unwilling to provide answers, because they took no measures to stop the attacks and because they fear they will be held accountable for what happened.

The relevant government authorities and leaders must therefore take action, backed by national and international humanitarian and human rights organizations, to prevent persons from going missing and to deal with the consequences when they occur. They can choose from a broad spectrum of measures involving persuasion, pressure or judicial actions. Whenever possible, constructive dialogue must be fostered between all parties, including the families of missing persons and their communities. This is the only means of reducing the number of missing persons and of identifying appropriate measures to be taken in their favour and that of their relatives.

The primary need inevitably cited by the families of missing persons is the right to know the fate of their relatives.

Furthermore, experience shows that the missing person was often the breadwinner and bore responsibility for administering the family's affairs in the public realm. Hence, while every effort must be made to establish the fate of people who are unaccounted for, their relatives must at the same time be provided with the means of living without shame.

Last but not least, it is essential for families and communities that the perpetrators be held accountable for their acts.

At the very least, when all else fails and it proves impossible to account for those who have disappeared during an armed conflict or a situation of internal violence, for the sake of the families and communities the loss of human lives must be acknowledged and their next-of-kin allowed to honour the memory of the missing in a dignified manner.

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

- (a) review all methods of preventing disappearances in armed conflicts or situations of internal violence and of responding to the needs of families that have lost contact with their loved ones;
- (b) agree on common and complementary recommendations and operational practices with all those working to prevent disappearances and to respond appropriately when people are unaccounted for as a result of an armed conflict or situation of internal violence;
- (c) heighten concern about the issue among government authorities, the United Nations and non-governmental organizations.

The right to know the fate of a relative is a fundamental concern of international humanitarian law and human rights law and it must be respected.

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In cooperation with government representatives, components of the International Red Cross and Red Crescent Movement, international and national organizations, experts and representatives of families of missing persons, the International Committee of the Red Cross (ICRC) has launched a process aimed at addressing the tragedy of people who are unaccounted for as a result of armed conflict or internal violence.

In accordance with the mandate conferred on it by the Geneva Conventions and their Additional Protocols, and with its right of initiative in all theatres of operations, the ICRC's objectives include ensuring that people are protected against threats to their lives, physical integrity and dignity, preventing disappearances, restoring family ties, and ascertaining the fate of people whose families are without news of them. In most places, however, the ICRC is prevented from fulfilling these objectives by the feeble political will of the authorities or parties concerned. Other governmental and non-governmental organizations working to prevent disappearances, promote international humanitarian law and human rights law and trace missing people face similar obstacles.



Who are the missing?

Missing people are those who are unaccounted for as a result of armed conflicts or situations of internal violence.

Disappearances are a problem worldwide and plague many countries and populations. Families are left in doubt about their relatives' whereabouts and fate. This can occur in any of the situations described below.

- Families often do not know the whereabouts of relatives who are members of the armed forces or armed groups because they are not given the means to stay in touch with them.
- Members of armed forces or armed groups may be reported missing in action because they have not been equipped with the means required to identify them, such as identity discs.
- People may be killed when captured, arrested or abducted. Those deprived of their liberty may die in custody, disappear or be held *incommunicado* or in a secret location. In many cases, the families either do not know where they are or are not permitted to visit or even to correspond with them. Data on persons deprived of their liberty – such as date and place of arrest, transfer, death or burial – are frequently not recorded or the records withheld or destroyed.
- Mass killings unfortunately are still the cause of numerous people becoming unaccounted for. When this happens, the bodies of the victims are left unattended, buried in haste or even destroyed.
- Displaced persons and refugees, isolated populations and people living under occupation may not be able to send news to their next-of-kin. This can lead to the long-term separation of families.
- It is not unusual to find children on their own, having been separated from their families while fleeing the fighting or internal disturbances, or because they were forcibly recruited, incarcerated or even hastily adopted.
- Last but not least, evidence confirming death is not always preserved and handled appropriately during exhumations and post mortem procedures.

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A.-M. Grobet/ICRC



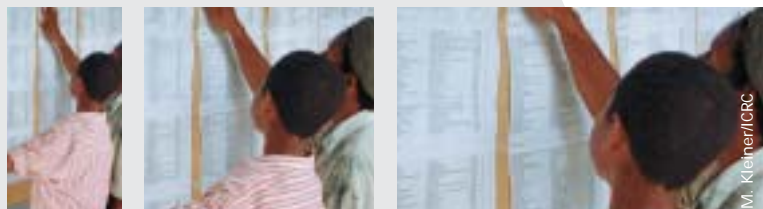
T. Gassmann/ICRC

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All too often in situations of armed conflict or internal violence:

- the deaths of soldiers are not recorded,
- extrajudicial or even mass killings take place,
- children lose contact with their parents,
- the rights of persons deprived of their liberty are not respected,
- the remains of those who have been killed are not handled respectfully,
- and people fleeing have no means of contacting their next-of-kin.

For the families, these are missing people.



M. Kleiner/ICRC

Preventing people from becoming unaccounted for: **respect and protection for civilians and sick, wounded or captured members of armed forces/armed groups**

P. Merthez/ICRC



International law standards which include both treaty and non-treaty provisions:

1. in armed conflict, the life of every civilian and sick, wounded or captured member of the armed forces/armed groups must be respected and protected;
2. the arbitrary deprivation of life is prohibited;
3. minors affected by armed conflict are entitled to special protection;
4. each party to an armed conflict must allow relief actions which are of a humanitarian and impartial nature to be conducted for civilians and persons deprived of their liberty for reasons related to the armed conflict and who are in need.



M. Longari/ICRC

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The ICRC – along with other impartial humanitarian organizations – aims to have access to civilians and sick, wounded or captured members of armed forces/armed groups whose lives are in peril. ICRC teams assess the needs resulting from the violence and collect information concerning the events which have led or may yet lead to persons becoming unaccounted for. On the basis of its findings, it makes representations to the authorities concerned and discusses appropriate measures to be implemented either by the authorities themselves or by the ICRC or another impartial humanitarian organization. Those measures – if and when they can be carried out – can prevent disappearances and loss of contact between family members. They can also help ascertain the fate of missing people and facilitate the re-establishment of family links. It may be necessary to register groups of persons specifically at risk, such as unaccompanied minors, displaced persons and evacuated civilians, and to take follow-up action.

F. Pagetti/ICRC



Unfortunately, in most situations not all people at risk can be reached. Security threats and lack of cooperation from the parties may hinder access: the civilian population may be used as a human shield; it may be held hostage as part of the struggle for power and control. Whenever this happens, thousands of families are kept separated from their relatives and remain without news of them.

Preventing people from becoming unaccounted for: **respect and protection for persons deprived of their liberty**

C. Sattlberger/ICRC



International law standards which include both treaty and non-treaty provisions:

1. capture, arrest, detention or imprisonment must be carried out in strict accordance with internationally recognized standards and procedures established by law;
2. it is prohibited to detain persons *incommunicado* or in secret locations;
3. the next-of-kin must be informed about the detention of their relative without delay;
4. in international armed conflicts, the ICRC must be granted access to all persons deprived of their liberty for reasons related to the armed conflict.



D. Sansoni/ICRC

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Acting as a neutral and impartial intermediary and purely on humanitarian grounds, the ICRC seeks regularly to meet all persons deprived of their liberty owing to a situation of armed conflict or internal violence. ICRC visits are subject to conditions – aimed at preventing disappearances and at informing families when a relative is detained – namely, that it be allowed:

- to register any person deprived of his/her liberty;
- to speak with that person in private;
- to have access to all places at which persons deprived of their liberty are held and visit all premises;
- to repeat its visits to any such person it chooses as often as it wishes;
- to ensure that persons in detention and their relatives can exchange news if needed.



D. Sansoni/ICRC

People detained in situations of armed conflict or internal violence are routinely held *incommunicado*; worse yet, they are treated cruelly, die in detention or are summarily executed. Often, neither the ICRC nor any other impartial humanitarian organization is permitted to visit all persons deprived of their liberty, and information on their whereabouts is withheld. Thus, the next-of-kin can be left with no information about the fate of their relative.

Preventing people from becoming unaccounted for: making sure people can exchange family news

B. Heger/ICRC



International law standards which include both treaty and non-treaty provisions:

all persons have the right to correspond with members of their families.



B. Heger/ICRC

In armed conflicts and situations of internal violence, when the usual means of communication are disrupted, the ICRC establishes and coordinates a Red Cross/Red Crescent family news network which provides all those affected by the events with a way to resume and maintain contact with their relatives.

The network facilitates the exchange of personal news between family members, everywhere in the world, usually through Red Cross/Red Crescent messages. These are unsealed letters that the authorities can read. When appropriate technology is available and security considerations allow, family messages may also be transmitted by e-mail – through the ICRC Family Links website – from the sender to an ICRC or Red Cross/Red Crescent office, where the contents will be checked and the message delivered to the addressee. In other cases, satellite/mobile phones are made available to people needing to reassure their next-of-kin. With the consent of those concerned, lists of the names of people either providing news or looking for news from relatives may also be published both on paper (newspaper or ad hoc print) and on the ICRC website, and broadcast on radio or TV.

The direct beneficiaries vary depending on the situation. They can be:

- persons deprived of their liberty, whether civilians or members of armed forces/armed groups;
- the civilian population, in particular refugees and internally displaced persons and persons living in besieged or occupied territories.

In areas of armed conflict or internal violence, much of the family news service is run by the ICRC itself, which relies on the support of the extensive network of National Red Cross/Red Crescent Societies and their numerous offices and volunteers present in virtually every corner of the world.



P. Grabhorn/ICRC

However, the network's efficiency may be hindered by difficulties in reaching the persons and groups concerned – for logistical reasons or due to security risks. In some situations, the authorities do not allow the exchange of family news. In others, the population concerned has to move constantly out of danger zones and becomes so unstable that it is impossible to re-establish family links. Thus, thousands of families may be left without news of their relatives.

The missing and their families

Examples of persons unaccounted for as a result of recent armed conflicts (according to available sources)

- ① Afghanistan: since 1979
One hundred Russian soldiers are unaccounted for. Thousands of families of Afghani and other nationalities do not know the fate of their missing relatives.
- ② Angola: since 1975
Tens of thousands of families are separated and do not know the fate of their missing relatives.
- ③ Armenia/Azerbaijan/Nagorny Karabakh: 1992-1994
Thousands of families do not know the fate of their missing relatives.
- ④ Bosnia and Herzegovina/Croatia/former Yugoslav Republic of Macedonia/Yugoslavia: 1992-2000
Several tens of thousands of families do not know the fate of their missing relatives.



- ⑤ Colombia: since 1992
Thousands of families do not know the fate of their missing relatives.
- ⑥ Democratic Republic of the Congo: since 1960
Hundreds of thousands of families do not know the fate of their missing relatives.
- ⑦ East Timor: 1975-1999
Thousands of families do not know the fate of their missing relatives.
- ⑧ Eritrea/Ethiopia: 1998-2000
Tens of thousands of families do not know the fate of their missing relatives.
- ⑨ Gulf War: 1990-1991
Hundreds of families do not know the fate of their missing relatives.
- ⑩ Iran (Islamic Republic of)/Iraq: 1980-1988
Tens of thousands of families do not know the fate of their missing relatives.
- ⑪ Mexico: 1960 - 1980
Dozens of families do not know the fate of their missing relatives.
- ⑫ Peru: 1980-2000
More than 6,000 families do not know the fate of their missing relatives.
- ⑬ Russian Federation/Chechnya: since 1994
Thousands of families do not know the fate of their missing relatives.
- ⑭ Rwanda: since 1991
Hundreds of thousands of people were killed. Their surviving relatives were never officially informed about their death.
- ⑮ Sri Lanka: since 1983
Thousands of families do not know the fate of their missing relatives.
- ⑯ Western Sahara: 1975-1991
Hundreds of families do not know the fate of their missing relatives.

Preventing people from becoming unaccounted for: respect for the dead and their families

F. Pagetti/ICRC



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All too often, families are not informed when a relative dies as a result of an armed conflict or situation of internal violence. In such contexts, the ICRC seeks to obtain data on the dead in order to inform the families.

In addition, as a neutral intermediary and with the agreement of the authorities and parties concerned, the ICRC:

- may help evacuate human remains from an area in which fighting or internal disturbances have taken place to a hospital or mortuary, where the families can identify and recover them;
- may repatriate or transfer human remains across borders or frontlines to return them to their families, directly or via the appropriate authorities;
- may be involved in the provisional inhumation of remains pending their return to the families; in such circumstances, all information on the dead (such as the place and date of their discovery, photographs, any identity papers or personal effects found on them) should be collected and properly managed for later identification;

Unfortunately, in situations of internal violence and in most recent armed conflicts, armed forces/armed groups and the civilian authorities or leaders have shown little concern or respect for the dead and their families. Little or nothing is done to search for, collect and deal with the remains of those killed in action or in other circumstances. Human remains are often buried without being identified; their graves are not even marked. This is particularly true for people killed in circumstances which constitute violations of domestic and/or international law. Thus, valuable information on the dead is lost or unavailable, and the families remain without confirmation that their relatives have died.

Deaths in contexts of armed conflict or internal violence often require investigation. Such investigations frequently involve exhumation by forensic specialists because the bodies have been buried. Exhumation and post mortem examination can provide evidence of crimes and do not always include documentation of details relating to the victims' identities. This can lead to the unfortunate situation whereby the remains are exhumed, the circumstances and causes of death documented and the bodies again disposed of, without any desperately-needed information being passed on to the families.

International law standards which include both treaty and non-treaty provisions:

1. each party to an armed conflict must take all possible measures, without delay, to search for and collect the dead without distinction;
2. each party to an armed conflict must treat the dead with respect and dignity and prevent their remains from being pillaged or despoiled;
3. each party to an armed conflict must take measures to identify the dead before disposing of their remains;
4. in armed conflicts, the dead must be disposed of in a respectful manner and their graves respected;
5. in armed conflicts, persons whose remains cannot be handed over to their family should be individually buried; collective graves must be the exception; all graves must be marked;
6. each party to an armed conflict must take all possible measures to provide information to the appropriate authorities or to the family on the identity, location and cause of death of deceased persons;
7. each party to an international armed conflict must endeavour to facilitate the return of remains and of personal effects to the home country of the deceased at the request of the authorities or the next-of-kin.

- may take part in the process of identifying human remains, for example by collecting ante mortem data or by presenting belongings found on the remains to the families;
- may hire forensic specialists to identify human remains.

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Recent experience has shown that the peacekeeping forces and members of humanitarian organizations present in situations of armed conflict or internal violence or dealing with their aftermath are increasingly having to cope with the discovery of bodies and burial sites.



A. Grimm/ICRC

RESPECT THE DEAD

Preventing people from becoming unaccounted for: identifying and accounting for persons reported missing as a result of an armed conflict or a situation of internal violence

Identification needs

International law standards which include both treaty and non-treaty provisions:

1. each party to an international armed conflict must furnish the persons under its jurisdiction liable to become prisoners of war with an identity card;
2. each party to an international armed conflict must record and provide, within the shortest possible period, information on the wounded, sick or shipwrecked, prisoners of war, other protected persons deprived of their liberty and the dead, without adverse distinction, to the concerned Power through the intermediary of the Protecting Power and the ICRC Central Tracing Agency.

Human rights organizations and national and international humanitarian organizations, such as the ICRC, are widely engaged in disseminating and implementing international humanitarian law and human rights law. They often have to act as substitutes for the authorities and leaders by recording data on, monitoring the living conditions of and providing assistance to people at risk, including by tracing missing relatives and re-establishing family links.

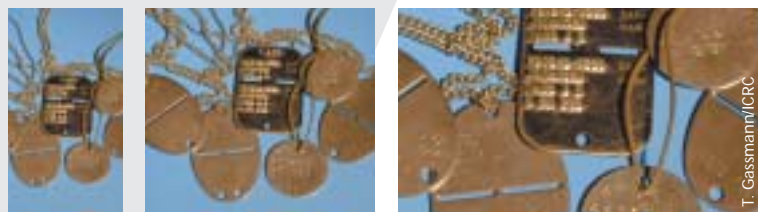
Unfortunately, all too often members of armed forces/armed groups carry no means of identification. The same applies to people at particular risk. Government authorities and leaders of other parties to an armed conflict or situation of internal violence rarely take the appropriate steps to provide families with information on the fate of relatives who are the victims of the situation.

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Accounting for persons reported missing as a result of an armed conflict or situation of internal violence

International law standards which include both treaty and non-treaty provisions:

1. in armed conflict, families have the right to know the fate of their relatives;
2. each party to an armed conflict must take all feasible measures to try and account for persons reported missing as a result of the armed conflict;
3. each party to an international armed conflict must transmit all relevant information concerning persons reported missing by an adverse party in order to facilitate searches; information concerning persons reported missing and requests for information on these persons must be transmitted directly or through the Protecting Power or the ICRC Central Tracing Agency or the National Red Cross/Red Crescent Societies; where the information is not transmitted through the ICRC Central Tracing Agency, the latter must be supplied with the information;
4. states have a duty to investigate suspected cases of extra-legal, arbitrary and summary execution or of enforced disappearance.



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The ICRC and the Red Cross/Red Crescent Societies accept tracing requests from families who have no news of relatives in situations of armed conflict or internal violence. In order to provide as many leads as possible for locating the person being sought or clarifying his/her fate, the tracing file must include complete personal data, information on the circumstances under which the person went missing and any records or accounts which may help to establish his/her fate. Whenever possible, ICRC and RC/RC staff will interview potential witnesses, check available records and publicly call for additional information on missing persons. The documents collected and the corroboration of data can be used to respond to the family's request.

Tracing requests to which no replies are found are submitted to the authorities and leaders in charge of providing information on the fate of the persons concerned. The ICRC often supports, and at times also chairs, special mechanisms such as multilateral working groups or commissions, involving all the parties concerned, in order to enhance the process by which information on missing persons is exchanged and followed up.

Unfortunately, in most situations, the authorities do not make the necessary enquiries and do not provide information on missing people. Instead of being addressed as a humanitarian problem requiring urgent solutions, the issue of missing persons becomes part of the struggle for control and power, a matter for political bargaining. Moreover, in the cases of people who disappeared following violations of international humanitarian law, human rights law and domestic law, the perpetrators may conceal information to avoid prosecution.

Preventing people from becoming unaccounted for and ascertaining the fate of missing persons: **proper management of information**

International law standards which include both treaty and non-treaty provisions:

In international armed conflicts, each party to the conflict must establish an Information Bureau:

- to centralize, without adverse distinction, all information on the wounded, sick, shipwrecked, dead, protected persons deprived of their liberty and children whose identity is in doubt and provide this information to the appropriate authorities through the intermediary of the Protecting Power and the ICRC Central Tracing Agency;
- to centralize all requests for information on the fate of civilians and sick, wounded or captured members of armed forces and respond accordingly to the appropriate authorities or to the family through the intermediary of the Protecting Power and the ICRC Central Tracing Agency.

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The information gathered in situations of armed conflict and internal violence is centrally stored and managed in databases and in both individual and event files. It is therefore possible to record the identity of the victims and their personal history (e.g. detention, displacement, death) and to document the action taken on their behalf and the results. The information thus managed may serve to corroborate information provided by the families. It also constitutes the basis on which patterns or trends are analysed in support of ICRC action, for example to press for measures to be taken by the authorities and leaders in order to ensure protection and assistance for specific groups or persons.

The information is managed in compliance with the legal rules governing the protection of personal data: no information is shared or published without the person's knowledge and consent. When necessary and with the consent of the persons concerned, the ICRC will make confidential representations to the relevant authorities and leaders, based on its humanitarian mission and in accordance with the principles of neutrality, impartiality and independence. Confidential dialogue between the ICRC and the authorities and leaders on matters pertaining to protection and assistance for specific persons and groups is a crucial component of the organization's endeavours to prevent and alleviate suffering.

Lastly, the ICRC keeps records on all the people it registered and monitored individually in each situation so as to issue attestations or respond to tracing requests, which in some cases are made years or even decades after the end of a situation of armed conflict or internal violence and to enable historians subsequently to research situations of armed conflict or internal violence (in strict accordance, of course, with the ICRC rules on access to its archives).

To prevent people from becoming unaccounted for and to clarify the fate of missing people, information must be collected on events which may lead/have led to disappearances and on the victims of those events. The information will be used both to inform families and to take steps, in particular with the authorities and leaders concerned, either to prevent people from becoming unaccounted for or to clarify the fate of missing people.

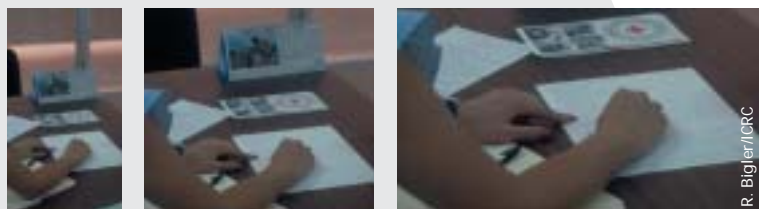
The ICRC therefore manages information on both the people it assists in the framework of its operations and on events which have led or may lead to disappearances. Thus, the ICRC:

- registers and keeps track of persons deprived of their liberty and of vulnerable people, such as unaccompanied minors or wounded persons;
- collects information on the dead in hospitals, from displaced persons, etc.;
- records witness statements concerning persons affected by events and on the events themselves;
- receives and records requests from families inquiring into the whereabouts of their relatives and ensures proper follow-up, either by conducting tracing activities or by making representations to the authorities and leaders concerned;
- records information collected by other organizations whenever such information is appropriate and accurate and takes any appropriate action to protect and assist the people who are affected or at risk, whenever and wherever possible.

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Although required to do so in international armed conflicts, government authorities often fail to provide information as required or to establish an Information Bureau. In other situations of violence, the government authorities and the leaders of the other parties involved often fail to provide all the information requested on the victims of the situation, either to the families or to any third party such as the ICRC Central Tracing Agency. Even when an Information Bureau is established, the data are often not centrally managed: branches of the civil and military administration withhold information on the victims and on the events that led to people becoming unaccounted for. Valuable evidence may be destroyed, in some cases even voluntarily.

It also happens that data are available but are not collected; or that information is collected for purposes other than to inform the families and is consequently not available to them. The data collected are not always stored in the long term and may no longer be available when the families try to trace missing relatives. The rules governing the protection of personal data are not systematically respected.



INFORMATION IS ESSENTIAL

Respect for and assistance to the families of missing people

B. Heger/ICRC



While the families of missing persons undergo the same experiences as the rest of the population affected by a situation of armed conflict or internal violence, they may face additional problems associated with the disappearance of a family member. The kinds of problems they encounter vary with the context and the cultural environment.

The ICRC – along with other humanitarian organizations – aims to address the needs of the most vulnerable persons or groups, initially by providing desperately-needed food, water, shelter and health care. ICRC assistance programmes are designed to put the survivors in a better position to provide for themselves, and focus on deprived persons and groups, such as women heads of families. The relatives of missing people are often the beneficiaries of humanitarian assistance since more often than not the missing person was the family breadwinner.

ICRC health programmes aim to support existing health facilities and may include support for psychological programmes to help the families of missing persons cope with the consequences of the traumatic experience they have suffered.

Whenever possible and necessary, the ICRC advises the authorities on how to respond to the legal needs of the families of missing people.

Nevertheless, the families' specific needs often go unrecognized.

- Fear and mistrust among members of the population can prevent them from openly discussing their situation.
- Families risk political reprisals or ostracism by their communities and therefore do not apply for the support that may be available.

International law standards which include both treaty and non-treaty provisions:

1. all persons must be treated humanely, respected and protected by virtue of their inherent dignity as human beings;
2. all persons have a right to adequate food, clothing and housing and to the enjoyment of the highest attainable standard of physical and mental health.



J. Barry/ICRC

- They may be isolated in society because of their uncertain status (women whose husbands are missing, for example, are neither wives nor widows), because of fear or frail psychological health, or because they live in remote areas and/or lack resources.
- They may find it difficult to establish and maintain contact with other members of their families and with friends if they have been physically separated from them.
- In most contexts, there is no official acknowledgement of the status of "missing person" and thus the families are not entitled to support, as widows and orphans might be. The undefined legal status of a missing person's spouse or descendant may have consequences on property rights, the guardianship of children, inheritance and the possibility of remarriage.
- The close relatives of a missing person live in constant anxiety. The fear that death will be confirmed is countered by the desperate longing for any news that will put an end to the uncertainty. This comes in addition to the trauma experienced by all persons affected by armed conflict or internal violence, displacement, detention, threats, etc. Such trauma has a cumulative effect on individuals, increasing their risk of developing more severe psychological reactions.
- Families may lack information on how to go about looking for a missing relative, how to apply for financial or material support and how to obtain legal advice. They may be reluctant to trust their leaders and government authorities or to believe in the level of accountability established by their national legal system.

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What can be done?

In a process that involves governments and governmental bodies, human rights and humanitarian organizations, members of the International Red Cross and Red Crescent Movement, experts and the families of missing persons, the International Committee of the Red Cross has launched a series of consultations and discussions aimed at heightening awareness of the tragedy of people who are unaccounted for as a result of armed conflict or internal violence and of the anguish their families suffer by creating and making available tools for action and communication. The ultimate goal is to ensure that the authorities and leaders responsible for solving the problem of missing people are held accountable, to enhance assistance for families and to prevent further disappearances.

As part of the process, it is hoped that the international conference to be held in February 2003 and attended by governmental and non-governmental representatives will agree on the steps that need be taken to promote compliance with the law, to develop the law where necessary and to improve the situation on the ground by means of operational best practices in working standards and coordination.

The process is intended to make a significant contribution to the efforts currently being made by governments and national judicial bodies, the International Red Cross and Red Crescent Movement and other humanitarian and human rights organizations, United Nations bodies such as the United Nations Human Rights Commission and the international ad hoc and permanent courts, regional governmental bodies such as the African Union, ASEAN, the Council of Europe, the European Union, the OSCE and others. It is intended in particular to provide backing for the drafting of a new international instrument on enforced disappearances, to encourage the States party to the Geneva Conventions to pledge themselves, at the International Red Cross and Red Crescent Conference to be held in December 2003, to act resolutely to prevent disappearances and to assist the families of missing persons, and to reinforce the efficiency and accountability of all those working in the field.

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The process and all other related initiatives are aimed at mobilizing concrete action to prevent persons from becoming unaccounted for and to alleviate the plight of the families of missing persons by generating the necessary willingness and support. Essentially, such action implies:

- the implementation of international humanitarian law and human rights law, including measures to repress violations of the law, at the national level;
- the promotion of the law and the proper training of government agents;
- support from the international community of States and from international and national governmental or non-governmental humanitarian and human rights organizations for governments performing these tasks;
- the possibility for humanitarian organizations to obtain access to all persons in need of protection and assistance and to carry out their work freely and safely;
- the possibility for a humanitarian organization such as the ICRC to gain access to all persons deprived of their liberty in connection with a situation of armed conflict or internal violence;
- when the usual means of communication have been disrupted or are not available, the effective establishment of a Red Cross/Red Crescent family news network coordinated by the ICRC and supported by all entities involved;
- the provision of all necessary information on the identity of the victims, friend or foe, be they wounded, deprived of their liberty or dead, to the family or the



appropriate authorities, by the government authorities and the leaders of other parties to armed conflicts or situations of internal violence, whenever necessary via a neutral intermediary such as the ICRC Central Tracing Agency;

- the proper management of human remains by those authorities and leaders, when the remains cannot be returned to the family immediately after death, in order to facilitate their return at a later stage when requested; support from humanitarian organizations for the authorities in this task whenever necessary;
- meetings of authorities and leaders, whenever possible and if necessary with the support of a neutral intermediary, to exchange information on people who are unaccounted for and to take all possible steps to ascertain their fate;
- the establishment of mechanisms to ascertain the fate of people who remain unaccounted for, when recommended with the support of a neutral intermediary, said mechanisms to have the required expertise, including the help of agencies specialized in, for example, forensic sciences;
- the support of members of the international community for the establishment of effective mechanisms, said members to remind those who are accountable for missing people of their responsibility and to mobilize the means required;
- a response from the authorities to the specific needs of the families of missing people, with the support of international or national governmental or non-governmental organizations whenever necessary.

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Before, during and after an armed conflict or a situation of internal violence, the government authorities, both civilian and military, and the leaders of any opposition groups must take resolute action to prevent people from becoming missing and provide information on people whose families are without news of them.

The basic rules of international humanitarian law and human rights law aim to prevent disappearances in times of armed conflict or internal violence. If civilians, sick, wounded or captured members of armed forces/armed groups and other persons deprived of their liberty are treated in conformity with the law and if humanitarian organizations are given access to persons at risk, few people will go missing and the relatives of those who have died will be informed about the fate of their next-of-kin.

THE MISSING

the right to know

It is urgent and vital that disappearances cease and that the families' right to know the fate and whereabouts of their relatives, which is recognized by the entire international community, be upheld.

Mission

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.