



# LIVING WITH ABSENCE

HELPING THE FAMILIES OF THE MISSING



ICRC

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Front cover: Phil Moore/ICRC



Marko Kokic/ICRC

## INTRODUCTION

Many people go missing during armed conflict, other situations of violence and disasters. And many do not come back: they remain lost and unaccounted for, long after the guns have gone silent and reconstruction has begun. Disappearance, dreadful enough for the individuals concerned, means anguish for their families, left in limbo over their loved one's fate. Not knowing if their relative is dead or alive, families search and wait, often for many years, hoping against hope, unable to find the closure of mourning. The emotional and psychological suffering is severe. As if their pain were not enough, family members of the missing are often plunged into economic and social hardship. Disappearance also inflicts wounds of suspicion and misunderstanding that damage human ties and community relationships, sometimes for decades.

This publication intends to raise awareness about the plight of the missing and their families. It describes the holistic response of the International Committee of the Red Cross (ICRC) to their needs, and some of the ICRC's work since the 2003 International Conference of Governmental and Non-Governmental Experts on the Missing.

The 28th International Conference of the Red Cross and Red Crescent directly addressed the issue of the missing and the plight of their families. It resolved not only to review and strengthen the prevention of disappearances, but also to develop concrete measures to ascertain the fate and whereabouts of the missing and to help their families. The conference participants accepted a practice-oriented Agenda for Humanitarian Action and committed themselves to engage non-governmental organizations (NGOs), State authorities and the United Nations in the matter.

Three years after this milestone conference, in 2006, the United Nations General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearance. Among many protective measures, it accords families everywhere the legal right to know the fate of their missing relatives. Building on its pioneering role in the shaping and application of international humanitarian law, the ICRC continues to share advice, expertise and hands-on work across the world to bring relief to the families of missing persons, and promote their right to know.

## DEFINING A MISSING PERSON

The ICRC defines “missing persons” as individuals of whom their families have no news and/or who, on the basis of reliable information, have been reported missing as a result of armed conflict, whether international or non-international, internal violence, natural disaster or other humanitarian crises.

In fact, this definition goes beyond the concept of “enforced disappearance,” as adopted by the International Convention for the Protection of All Persons from Enforced Disappearance (2006) and the Rome Statute (1998). Whereas those instruments limit the definition to people who have gone missing following an arrest or detention by the State or State agents, the ICRC advocates a broader interpretation: the families of all missing persons suffer, no matter the reasons or circumstances of the disappearance. Thus, the families of the missing have a right to know the fate and whereabouts of their loved ones – a right recognized both by international humanitarian law and human rights law.

### UNCERTAINTY

A missing person might be dead or alive, held in a secret prison cell, living in a refugee camp or in a foreign country, or lying in a mass grave. The person has disappeared, but not necessarily forever. For members of his or her family, this uncertainty is the cause of indescribable suffering. Usually, family members cling to the belief that the missing person is alive until definitely proven otherwise. They wait, nursing a hope that he or she will come home. Many need to see the body or identifiable remains before accepting that the missing person is dead.

The International Red Cross and Red Crescent Movement is composed of the ICRC, the International Federation of Red Cross and Red Crescent Societies and the 189 individual National Societies.



Marko Kokic/ICRC



Andrea & Magda/ICRC

## HOW PEOPLE GO MISSING

A young man leaves home to join the army and defend his country, never to be heard from again. A small child loses her parents in the chaos when the family runs from an outbreak of violence threatening their village. A father of five leaves wife and children to find work in a distant place and vanishes somewhere on his perilous journey. Flash floods strike a town and, in a matter of hours, hundreds of people are swept away.

Armed conflict and natural or man-made disasters create many situations in which people disappear. People get lost in sudden mass movements of populations. Combatants go missing in action. The weak and elderly get stranded in areas of conflict. State authorities and armed groups can refuse to prevent disappearances or to help resolve them. People can disappear when they are captured, arrested or abducted and held incommunicado or in a secret location. The missing can be migrants, refugees or internally displaced persons, alive but afraid to contact their families or without a way of doing so. Their bodies can be abandoned on roadsides or in fields, alleys and empty lots, buried in haste or disposed of before identification. The dead whose families are not informed of what has happened simply disappear for good, leaving emptiness.



## THE NEED TO KNOW

Families begin searching for a relative as soon as he or she disappears. They might visit government offices, institutions and organizations. Many scour prisons, battlefields, hospitals and morgues. They scrutinize the bodies of the dead, trying to find familiar traits, or go to places that display personal belongings, clothing and jewellery from recovered human remains. Many continue searching until they find answers, even if it takes years. In their eyes, calling off the search before then would be like abandoning the missing person for good.

### HOPE AND DESPAIR

The perpetual ambiguity of not knowing whether a loved one is dead or alive means relatives are unable to mourn properly. This dilemma is evident in Georgia, for example, where the conflict with Abkhazia ended more than two decades ago but nearly 2,000 people are still unaccounted for. In Orthodox churches in Georgia,

there are two places to light candles, one for those still alive, and the other for the dead. The families of the missing often light a candle at both places, avoiding the agonizing choice between hope and despair.

One woman who lives on the outskirts of Tbilisi last saw her son in 1993, when he left home to fight in the war. Eleven days later came word that most of his battalion had been killed. The woman sold her gold fillings to raise money so she and her husband could search for him. They walked from village to village but did not get as far as Tsugurovka, where it was rumoured that some men had been thrown off a cliff. "My main goal in life is to go to Tsugurovka, to the bottom of that cliff," she told the ICRC. "Even if I find a skeleton I don't care, I just want my son back."

## FAMILIES OF THE MISSING AND THEIR NEEDS

The person who disappears without a trace is the primary victim. But the tragedy affects many others, too. The relatives of a missing person usually endure great suffering until they learn of the individual's fate and whereabouts – if indeed they ever do. Often, their grief at the loss is worsened by other difficulties, from financial insecurity to bureaucratic red tape.

The families of the missing have specific needs, recognized by the 2003 International Conference of Governmental and Non-Governmental Experts on the Missing and adopted by the 28th International Conference of the Red Cross and Red Crescent later that year. These include the need to know, the need to conduct commemorative rituals, the need to receive economic, psychological and psychosocial support, the need to have their suffering acknowledged and the need for justice. Until these needs are met, families cannot easily rebuild their lives.

In Timor-Leste for example, after nearly a quarter-century of armed conflict, thousands of families were left without news of missing relatives. One man whose two brothers went missing reported he had trouble sleeping: "I would like to forget about them but it's impossible because they haunt my dreams," he told

an ICRC delegate in the field. "Something hasn't been done for them and it's like they are coming to remind us about it."

The impact of disappearance upon close relatives – isolation, impoverishment, despair – can reach beyond families to affect entire communities. If not addressed and resolved, it will threaten reconciliation and social stability even after a conflict has ended.

"The definition of a family member of a missing person will in principle be found in domestic law, but must include at least close kin such as:

- children born in and out of wedlock, adopted children and step-children;
- the life partner, whether by marriage or not;
- parents (including the mother-in-law, the father-in-law and adoptive parents);
- brothers and sisters born of the same parents, different parents or adopted."

(Excerpt from *Missing Persons: A Handbook for Parliamentarians*, ICRC, 2009)

## PSYCHOLOGICAL AND PSYCHOSOCIAL NEEDS

Uncertainty over a loved one's whereabouts creates a particular kind of suffering and a range of psychological and psychosocial effects. Relatives may find themselves thinking about the person all the time, seesawing between hope and despair, nervous, irritable or with little emotional energy for anything else.

This lack of closure means the family cannot grieve properly and often cannot move on. Speaking about her missing father, a young woman in Uspantán, Guatemala, said, "We talk about him as though he were alive, because we don't know what happened to him – if he's living or dead."

### WITHDRAWAL AND NEGLECT

Left in limbo, people react in a variety of ways. Some struggle to cope with work, childcare or daily activities. Others might blame themselves for the disappearance or feel guilty when their search efforts lead nowhere. Many curtail their social contacts, avoiding pleasurable activities or new relationships so as not to betray the missing person's memory. In doing so, they neglect their own emotional needs.

Family life is burdened when members are forced to take on new responsibilities or take on extra duties and functions. Communication between people can break down, especially when they disagree over the missing



person's probable fate. Wives bereft of spouses might feel pressure to comply with the views of their in-laws and keep their true feelings bottled up inside. Parents, siblings, children may avoid expressing grief, fear or anxiety in order to spare others from pain.

At times, communities stigmatize or even ostracize the families of missing persons. A disappeared person's possible affiliation with a certain group might attract suspicion to the person's family, leaving members afraid to speak openly about the situation. Wives of missing men might feel disgrace at living without male protection, or embarrassed that they have to take on male roles in the absence of a breadwinner.

### UNCERTAINTY AND SOCIAL ISOLATION

In addition, the fact that a missing person has no defined social status makes it hard for that person's family to feel part of a recognized group. Whereas relatives of the confirmed dead have a specific status as mourners, those of the missing do not benefit from a recognized social identity or place in the community. Their awful uncertainty means they cannot participate in codified rituals – such as funeral rites – that would help give their experience meaning and lessen their pain. The lack of established social status and ritual for the missing and their families is particularly acute in places where religion and tradition are at the heart of communal life. The missing also face oblivion: without burials or commemorative sites, families may struggle to keep a missing person's memory alive.

Hundreds of husbands, fathers and sons went missing during the 1996-2006 conflict in Nepal, and hundreds are still unaccounted for. Sita (not her real name) has not seen her husband since he left home one morning in 2002 to pursue his political work and never returned. Suddenly, she was the family breadwinner, with two small children to raise. Her own community made her an object of disgrace. "I was despised, discriminated against and pushed away," she recalls. "I was forced to become a recluse."

Wives of missing persons, seen as just more mouths to feed, often lose their standing in the family. Other women might consider them sexual rivals. Some men will see them as sexually available. Plagued by uncertainty, wives of the missing can refuse to take on the role of widows, thus failing in the eyes of neighbours to dress appropriately and carry out the expected rites. Misunderstood, they can be isolated by their community, with nobody to turn to for support.

Narendra Shrestha/CRC



Sahadeo Rawoot/CRC

## ECONOMIC, LEGAL AND ADMINISTRATIVE NEEDS

When a person goes missing the family often falls into financial difficulty, especially when the absent person was the household breadwinner. In the desperately poor Bardiya district of Nepal, during the country's 10-year insurgency, men were regularly dragged away from their homes in the middle of the night. In many cases, their wives begged to be taken instead so as to ensure someone would provide for the children.

Family members often spend a lot of money trying to find the missing person. They might sell land, livestock or other assets to pay for the effort, borrow money or quit their jobs so they can travel long distances to search for their relatives.

As the mother of a missing migrant worker in Senegal said, "I have paid a lot of money to *marabouts* (holy men), but nothing has come of it yet. They told me to sacrifice rams, goats and roosters. I always did what they said, and these offerings were expensive, too. Sometimes I feel naïve doing this, but I can't help it."

Rarely do authorities consider "missing" to be a legal status. This lack of recognition affects families' rights to property, inheritance, guardianship of children, even remarriage. Family members are seldom entitled to the same social benefits as those whose relatives are confirmed as deceased. They might not have access to bank accounts or savings. Moreover, if the missing person had outstanding debts, the family typically inherits them.

If families are not aware of their legal rights, they are unlikely to exercise them. Frequently, authorities have no idea of the difficulties families face. In other cases, authorities can be aware of the law but unfamiliar with its application. And even when authorities move to adjust legislation to meet people's needs, the process can be long and the financial losses for families continue to add up. Furthermore, bureaucratic obstacles or corruption can add to a family's legal and administrative burdens.

Although declaring a missing relative dead might help a family obtain a clear legal status for the victim and thus claim benefits or social relief to help overcome their economic difficulties, many refuse this option when there is no hard evidence of the death, feeling that it would be giving up on their loved ones. As a woman in Lebanon explained, "I couldn't access my husband's bank account, because I needed a death certificate. Since I wasn't sure that he was dead, I didn't try to get the paper. I wasn't going to make him dead just to gain access to his bank account."

## JUSTICE AND PUBLIC ACKNOWLEDGEMENT

Families may need those who caused their loved ones to disappear to be held accountable.

“Justice should be done. If there is no justice it means our hearts go on bleeding,” said a man whose father disappeared during the conflict in Timor-Leste. In Kathmandu, Nepal, a man whose wife went missing feels the same way. “Those who took away my wife are still alive. If you like, I can tell you their names,” he said. “These culprits took my wife away at night at nine o’clock, assuring me that they would return her at six o’clock the following morning. It has been six years but they have not returned her. These culprits are walking freely under the open sky. Our demand is that they be punished.”

### REMEMBRANCE AND RITUAL

Court proceedings or transitional justice mechanisms can help families turn the page. Along with justice, authorities and the community must grant families the dignity of properly honouring a missing person’s memory. Families should be able to conduct commemorations or symbolic rituals such as funeral rites, and they should have a formal way of receiving condolences. In a remembrance ceremony carried out in the village of Kamama in Uganda, more than 500 people from the community attended the reading of the names of local people who had gone missing. Cecilia, whose three sons were abducted in 1996 by the Lord’s Resistance Army, explained that the ceremony was not only to remember “those who are lost, but to pray that they come back. I hope that at least one of them comes back. We hope that we will find some comfort after the prayer.”



Various cultures have different practices or religious convictions that must be taken into account. Some communities object to exhumations and reburials, feeling that these actions disturb the departed in the afterlife. In Kyrgyzstan, the son of a missing person of Uzbek origin insisted, “It is not important for us to get the body back, as we don’t want to disturb his soul. According to our belief, it is not right to exhume a body.” Others prefer reburial, believing the dead should be laid to rest in a precise location in order to find peace.

In Banke district in south-western Nepal, support groups for the families of missing persons have built a *pratichhalaya*, a rest area for travellers, to honour the missing. Such memorials serve as a public register of the names of the missing, and also offer the neighbourhood shelter from the rain or sun, or refreshment. “This is for the whole community,” one family member said. “When people get thirsty they can drink and maybe they will recall the name of a missing person.” The *Pratichhalaya* celebrates the memory of the missing and acknowledges their families’ loss.



Marko Kekic/ICRC

In this work, the ICRC draws upon its expertise in protection, forensic sciences, mental-health care, psychosocial support, economic security and the law. It adapts its response to such factors as the circumstances in which people went missing, the scale of the problem, the lapse of time since the disappearance, and the different kind of needs expressed by those suffering from the loss.

It can be difficult to decide, at a specific stage of conflict or in a given situation, what response is best. The ICRC maintains a flexible approach and sometimes pursues several avenues at once. The greater the ICRC's involvement in missing-persons issues during the conflict, the greater its post-conflict credibility, when conditions are usually more favourable for tracing those who have disappeared and supporting their families.

## ICRC ACTION

State authorities bear the primary responsibility for preventing disappearances and responding to the needs of the families of the missing. However, the ICRC also plays an important role, communicating with the authorities, drawing attention to issues around missing persons, offering advice and building capacity through education and training. The ICRC can provide direct assistance to the families or facilitate discussion between authorities and family associations. When the authorities are unable to act, the ICRC can mobilize other service providers and key players, or else serve as a temporary substitute in their absence.

The ICRC responds to the plight of the missing and their families in five different ways:

1. Working to prevent people from going missing in the first place, for example by preparing governments to take action in disasters to reduce disappearances
2. Protecting people affected by conflict and at risk of disappearing
3. Helping governments establish structures and processes to clarify the fate and whereabouts of missing persons
4. Managing human remains and providing forensic support
5. Meeting the many different needs of the families

## THE MISSING AND THEIR FAMILIES: ICRC EXPERTISE

### PREVENTION

- Recommending identity tags for combatants
- Urging development of domestic law
- Developing professional standards
- Promoting ICRC model law on the missing
- Deploying “restoring family links” strategy of the Red Cross/ Red Crescent Movement
- Working towards disaster preparedness

### PROTECTION

- Offering “restoring family links” activities (Red Cross messages, telephone calls, tracing requests)
- Visiting and registering detainees
- Documenting violations of international humanitarian law
- Reminding authorities of their obligations

### MECHANISMS

- Raising State awareness of the need for mechanisms to clarify the fate and whereabouts of the missing
- Promoting the creation of such mechanisms
- Providing technical advice
- Taking an active role

### HUMAN REMAINS

- Assessing local forensic capacities and advising on their management
- Providing operational support to local services
- Training and building capacity of local services
- Substituting for local services when necessary
- Supporting data collection and management
- Developing tools and guidelines

### FAMILY SUPPORT

- Assessing the needs of the families holistically
- Raising awareness of their plight
- Identifying and supporting referral networks for families
- Organizing multidisciplinary response programmes
- Supporting commemoration activities





## TRACING REQUESTS

At the request of family members, the ICRC collects information about people who have disappeared as a result of conflict, natural disaster, migration or any other humanitarian crisis. The aim is to restore contact and bring families together again, wherever and whenever possible.

The search can involve visiting refugee camps, places of detention, hospitals, morgues and cemeteries. It often means asking the authorities to investigate a person's fate and whereabouts. The ICRC also draws up and keeps registers of particularly vulnerable people, such as children separated from their families. At times it provides official documents for people without identity papers, for example refugees or asylum seekers, so they can be evacuated, return home or join their relatives in a third country.

Early collection of information on missing persons from the families themselves – even if the ICRC cannot immediately act upon it – is very important. Years later, when the situation is more stable, this information can be used to provide families with answers. Even decades after a conflict ends, the ICRC can still respond to individual tracing requests by using data stored in its archives at headquarters in Geneva, for example to search for prisoners and the missing from the Second World War.

### ALONE AT 14

Hunger forced a couple to leave their son Pedro with his grandparents while they searched for something to eat, but they were captured and Pedro's father was killed in a firefight. Cristina escaped to Mexico and only returned to Guatemala 11 years later, to be resettled in another region. As for the child Pedro, his grandfather died in the fighting and his grandmother succumbed to malnutrition, leaving him alone at age 14.

In 2010 Cristina approached the association *Dónde Están las Niñas y los Niños* (ADEN), asking them to help find her son. The ICRC helped ADEN in the search and, in January 2013, Pedro was found. When reunited with his mother, he said, "It's like dying and being reborn." The ICRC has helped local organizations such as ADEN to trace more than 600 of the estimated 45,000 people who disappeared during Guatemala's decades of violence.



# RESTORING FAMILY LINKS

In 2007, the Council of Delegates of the International Red Cross and Red Crescent Movement adopted a 10-year strategy for restoring family links. The strategy, presented to the 30th International Conference of the Red Cross and Red Crescent, aims to ensure that the Movement acts in an efficient and effective manner every time people go missing due to armed conflict, natural disaster or other humanitarian crises.

The Family Links Network – operated by the ICRC in cooperation with National Red Cross and Red Crescent Societies worldwide – works to prevent disappearances, keep people in touch and assist those who have lost trace of loved ones. Cooperating across borders and the front lines of conflict, this global network applies the same principles and methods in every country.

### KEEPING RECORDS

To prevent disappearances, the Family Links Network also works with health-care workers during emergencies to ensure they keep a register of all persons admitted to hospital, as well as records of transfers, discharges or deaths. In this way, a family can be made aware and remain informed of a missing person's condition and whereabouts, reducing the likelihood of disappearance.

In 2012, the ICRC launched the Family Links website (familylinks.icrc.org). This explains how the International Red Cross and Red Crescent Movement reunites families, how to make a tracing request and where to contact the relevant ICRC delegation or National Society.

The ICRC uses a number of different tools to restore communication or keep family members in touch. Telephone or video calls free of charge are the quickest, most direct solution. Red Cross messages are open letters that allow families to exchange news when telephone calls are not possible, and to which pictures and official documents can be attached. *Salamats* are short messages that can be delivered orally or by telephone. During emergencies or situations with security constraints, families can use pre-printed "Anxious for news" and "Safe and well/I am alive" messages. These are short and easy to complete, and can be posted on the Family Links website or circulated in local or national media.

### PUBLISHING NAMES AND PICTURES

When the above methods prove fruitless or a person does not know a relative's contact details, other options include publishing lists of names of missing people or photos of the family members searching for them. The ICRC will often publish these names and photos on its Family Links website, and seek publication elsewhere or their broadcast on the radio. The purpose of this is not only to expand the search, but also to remind authorities and armed groups of their obligation under international humanitarian law to clarify the fate and whereabouts of those people who are being sought. Over time, the lists may also serve as a memorial, a sign of public recognition for the families' loss and suffering.

### SOMALIA RADIO

In Somalia, two decades of conflict have separated tens of thousands of families, and at least 12,000 people are still missing. The ICRC has teamed up with the BBC to help trace them through radio broadcasts. The Somali Red Crescent and ICRC together collect names of missing persons. The ICRC updates the lists monthly on the Family Links website, while the BBC airs them on its Somali Service five times a week. In Mogadishu, Hashi tunes into the programme regularly, listening for news of his brothers, whom he has not seen since the fighting began. "I hold this radio to my ear every day," he said. "I bought it just for this purpose."



### NEPAL

The decade-long conflict in Nepal ended in 2006, but some 1,400 families are still without information regarding the fate or whereabouts of their loved ones. Since 2007, the ICRC and the Nepal Red Cross Society have been publishing a list of missing persons in Nepal. The ICRC frequently updates the list in English and Nepali on its website. The aim is to gain public recognition for the families of people in Nepal who are missing because of the conflict and to highlight their suffering and their needs. It also serves as an appeal to the government of Nepal, and all former parties to the conflict, to clarify the fate (and, when possible, the whereabouts) of those who went missing and to ensure that all families are included in government programmes to support the victims of the conflict.

## UNDERSTANDING AND ADDRESSING FAMILIES' NEEDS

The loss or disappearance of a loved one is always devastating, but the way people react can vary. Often, socio-cultural background determines how a family will cope. Before taking action, the ICRC assesses the specific needs of families, in ways that allow for an understanding of families' difficulties, expectations, resources and coping mechanisms. The assessments also indicate the capacity of governmental and non-governmental institutions to respond.

Once it has made its assessment, the ICRC usually first communicates its findings directly to authorities. Then, when circumstances allow, it mobilizes other service providers and issues public reports to raise awareness. According to one recent report from Lebanon appraising the needs of families of thousands of people who have gone missing in the country's conflicts since 1975, "a coordinated and coherent response is essential for achieving results."

In the design, planning and implementation phases, the ICRC involves family associations, the National Red Cross or Red Crescent Society and other relevant actors, making sure to consider the socio-cultural context and let the victims express their own needs.

### LONG-TERM SUPPORT

The many aspects of a disappearance require a broad, holistic response. One new initiative developed by the ICRC, called "accompaniment," fosters long-term support mechanisms for the families of the missing

by creating networks between them and people or organizations in the community. Those offering assistance do not need any particular qualifications but receive basic training from the ICRC; they might be volunteers from the National Red Cross or Red Crescent Society or even relatives of missing persons themselves.

"Accompaniment" covers a range of activities, from discussing and sharing experiences to furnishing concrete information on legal, administrative or other issues. Professionals might attend group sessions with the victims to talk about their expertise, be it in forensics, law, economics or psychology. The ICRC can also offer direct support by providing families with socio-economic help, advising them on how to receive benefits or arranging for local institutions to include the families of the missing among their beneficiaries. Often these agreements address health-care needs – for example, in Azerbaijan the ICRC has arranged for free health care for the families of the missing at a hospital run by the Red Crescent Society of the Islamic Republic of Iran.

The main goal is to help people rebuild their social lives and find emotional well-being. When families participate, they develop new strength.



Phil Moore/ICRC

Between 1986 and 2006, some 75,000 people were abducted in northern Uganda. The ICRC estimates that more than 10,000 may still be missing. In 2012, the ICRC carried out an assessment of their families' needs and found that they still experienced emotional distress, loss of productivity (due to the high number of abducted children) and stigmatization by community members who suspect them of a connection to the rebels. In partnership with a local NGO, the ICRC piloted a four-month multi-faceted project in Uganda's Palabek Gem and Padibe West sub-counties to help more than 200 families identify their suffering and difficulties, cope with ambiguous loss and find community acceptance. Locally trained volunteers guided support groups in which families could share their grief and develop coping mechanisms together.



Rodrigo Abd/ICRC

## ADDRESSING THE NEED TO KNOW

The ICRC supports a range of activities to help families learn as much as possible about the fate and whereabouts of a missing relative, including:

- collecting relevant information through an exchange between parties, in which the parties must agree upon what information they will exchange and how, and, if necessary, appoint a neutral facilitator;
- creating national mechanisms, bodies or processes to address the issue within each country, such as the Comisión de Búsqueda de Personas Desaparecidas in Colombia;
- recommending that transitional justice mechanisms, such as truth and reconciliation commissions, include provisions to clarify the fate and whereabouts of missing persons;
- making direct and bilateral oral and written representations on specific cases of missing persons to authorities or parties to a conflict;
- asking international tribunals or national archives for access to data that can help resolve cases of missing persons.

The ICRC's basic principles stipulate that, without the informed consent of the person concerned, personal data should not be used, disclosed or transferred

for purposes other than those for which they were collected. This allows for a strictly humanitarian approach: helping families to clarify the fate and whereabouts of missing loved ones. It is important to note that this is different from judicial processes that investigate criminal responsibility once missing persons have been located.

It is essential that families receive information about the processes affecting them. The ICRC can communicate with authorities, emphasize the importance of keeping families informed and even serve as a channel of information among various parties, so long as this communication respects the ICRC's confidential approach.

Forensic specialists can play a crucial role in helping families to find answers after disaster and conflict. They have the necessary tools and expertise to advise the authorities responsible for the search, recovery, proper management and identification of human remains. However, forensic investigations require human and material resources that are not always readily available. The ICRC itself can provide forensic services during emergencies and, through direct training, can help build local capacity for the long run. When National Societies receive such training, they can help the authorities provide the families of the missing with answers.

# ADDRESSING LEGAL AND ADMINISTRATIVE NEEDS

## MODEL LAW

The ICRC has proposed a model law to help States adopt coherent national policies to address the problem of the missing in armed conflict, internal violence and other circumstances, and to prevent disappearances and assist victims' families.

For example, the model law recommends allowing families to make the absence of missing persons known to authorities without having to declare them dead, thereby gaining access to social and financial benefits. It also gives missing people themselves a distinct legal status that reflects their unknown fate, one that will hold until their fate is known or they come home. The law would provide for a designated representative to defend the missing person's interests and see to the immediate needs of the dependents, and would also oblige authorities to conduct a proper search for the dead, and, when the body is found, to return it and any personal effects to the family. If it is not possible to return the remains, authorities should ensure a proper burial, out of respect for the dignity of victim and family alike.

With international humanitarian law and human rights law now widely ratified by countries, the ICRC works with local experts to conduct legal compatibility studies. This work can result in recommended changes in existing domestic legislation, notably on missing persons and their families' rights, to bring it into compliance with binding international law.

## "GAPS" IN LEGISLATION

When called for, the ICRC will conduct a "legal gaps analysis," looking at domestic laws and provisions and then comparing them to reported national experience. For example, in 2010-2011 in Kyrgyzstan, the ICRC screened existing legal provisions protecting the families of the missing. It then asked families if they were aware of their rights and entitlements and were benefiting from them. After compiling and comparing the answers, the ICRC could discuss inconsistencies – or apparent "gaps" – in national legislation with the authorities.

The ICRC also encourages regional and international forums to adopt legal provisions that benefit missing persons and their families. One notable success was the adoption of the model law on the missing by the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States in 2008.

Finally, as part of its efforts to help the families of the missing, the ICRC organizes legal and administrative information sessions where families meet with lawyers to discuss their difficulties. When necessary, ICRC staff can assist families with complex administrative procedures.

## LEGAL COMPATIBILITY STUDY

Building on its practice and research in Serbia and Montenegro in 2003, the ICRC undertook a study of the families of the missing in Côte d'Ivoire and Tajikistan. It compared the existing legal framework and practice against international legal norms, and assessed families' need for advice in property rights or family law, for example. Completed in 2013, the study concluded with recommendations to the authorities for adapting Ivorian and Tajik law to international standards.



# ADDRESSING ECONOMIC NEEDS

The ICRC offers the families of the missing a number of measures to improve their economic security. Factors such as the family's composition, their economic status and the length of time that has elapsed since their relative went missing all play a role, demanding a unique response in each case. Not all have the same ability to earn a living wage. Sometimes it is elderly parents who sorely need the son who looked after them, or a young wife desperate for her missing husband's help to raise their children.

The ICRC's economic assistance initiatives include ad hoc relief in cash or kind, targeted assistance (for example, with housing repairs) and grant programmes in which money is given for specific projects. Micro-economic initiatives are another solution, with the added benefit of allowing beneficiaries to choose their own business project, feel greater ownership of the effort and help ensure its sustainability. The ICRC also encourages local governmental and non-governmental structures to promote self-sufficiency through income-generating activities such as trade, crafts, agriculture or rearing livestock.

If families are unable to pursue their own wage-earning or entrepreneurial activities, the ICRC might provide them with cash for critical items like winter clothes and medicine. Though this is not a sustainable income-generating solution, it is essential as temporary help to families experiencing severe emotional distress or

comprising elderly people or people with disabilities. In cases requiring such non-sustainable forms of assistance, the ICRC mobilizes authorities to include the families in safety-net schemes or asks microcredit providers to provide them with soft loans. When families are not psychologically or medically capable of participating in economic activities, health-care services should address those needs. However, the ICRC's experience also shows that active work may be of psychological and social benefit to the families of the missing.

## SOCIO-ECONOMIC SUPPORT PROGRAMME IN SOUTHERN KYRGYZSTAN

The violence that broke out in southern Kyrgyzstan in June 2010 deprived many households of income, sometimes through the loss of the main wage earner. Aside from direct assistance – distribution of firewood, winter shoes and clothes – the ICRC started up microeconomic initiatives to help civilians and families of missing persons recover their livelihoods. Cash grants allowed people to choose and purchase their products from familiar shopkeepers on local markets. The beneficiaries also took a two-day training course on basic business skills.

## ACKNOWLEDGEMENT, AWARENESS AND ASSOCIATIONS

The ICRC actively encourages public awareness. In Uganda, for example, it has worked with communities to help families organize an event to commemorate the missing. In Guatemala in 2013, the ICRC organized an exhibition of photos for a wide public. To dignify the memory of the missing and draw attention to their families' plight, every year on 30 August the International Red Cross and Red Crescent Movement

joins family associations and local organizations to commemorate the International Day of the Disappeared. All over the world, ICRC delegations mark this day with speeches, photo exhibitions, publications, videos and events broadcast on TV news.

While maintaining its neutrality, the ICRC sometimes enters into partnership with family-support networks and larger associations that help families of missing persons. These groups fill a number of important functions, and run programmes to provide mutual support and help people meet their social, economic and psychological needs. They raise awareness, emphasize the role of families not just as victims but as activists and make sure that authorities do not neglect their legal duties towards missing persons and their families.

The ICRC supports associations of missing persons' families in Peru, where more than 15,000 people disappeared during the violence that swept the country between 1980 and 2000.

Felipe Flores was one of those who disappeared. He stepped out for a walk in 1984 and was picked up by a patrol. His wife Lidia has been looking for him ever since. When the incident occurred, she left her hometown of Ayacucho and took her five small children to Lima to search the prisons. She met people in similar situations, some who told her that there were ravines and other sites filled with bodies.

One night, her husband came to her in a dream and told her where to look for him. The next day she travelled to the city outskirts and came upon a terrible sight: dogs devouring the remains of human corpses. She recognized her husband's trousers and picked up a skull, believing it to be his, though she never received confirmation that it was. Lidia Flores then knitted her husband's name onto a "Scarf of Hope" – a project meant to bring together mothers, wives and daughters of missing people from around the country. When it was finished in 2010, the scarf measured almost a kilometre in length.



## HELPING PEOPLE TO COPE

The ICRC responds to the psychological and psychosocial needs of the families of the missing in several ways, helping people to cope and learn to live with their loss. Overall, the ICRC's approach emphasizes the link between psychological responses (such as emotions and behaviour) and social experience (human relationships or community integration).

### THE WORK OF VOLUNTEERS

Support groups or even home visits under the skillful guidance of locally trained volunteers can provide families with a comforting environment for discussing their difficulties. Support groups and visits help them to break free of their emotional isolation and meet others with similar experiences. Families can also

share practical information and advice, find ways to address their needs and develop group ideas for commemoration. Communities are well-advised to provide families with a network of people who will listen to their stories without being overly inquisitive or judgmental. Vocational, recreational and artistic activities give families the opportunity to invest in other areas of their social lives. They can forge social ties and build self-esteem, thereby helping to reduce post-conflict tensions and restore wider community stability.

Although psychological and psychosocial support may help many families to cope, some may need the assistance of mental-health specialists. The ICRC trains community volunteers to identify local services, provide information about them, and ensure that families can reach these services.

## PREVENTING PEOPLE FROM GOING MISSING

The ICRC is committed to preventing people from going missing, and employs a range of activities towards this goal.

- **Legislation:** The ICRC reminds State authorities of their obligation under national or international law to prevent disappearances and protect victims. In 2006 the Inter-Parliamentary Union included the ICRC model law on the missing in their publication *Missing Persons: A Handbook for Parliamentarians*. The ICRC also promotes the signing and ratification of the United Nations International Convention for the Protection of All Persons from Enforced Disappearance.
- **National Information Bureaus:** In situations of armed conflict, international humanitarian law obliges States to set up National Information Bureaus for prisoners of war. States must provide detailed prisoner information including name, date of birth and contact details for their families. These bureaus should also receive information regarding transfers, releases, escapes and hospital admissions so that the prisoners' relatives can be informed as quickly as possible. With its long-established responsibility for the Central Tracing Agency, the ICRC acts as a neutral intermediary in the information flow.
- **Identity tags:** All members of the armed forces should be required to wear identity tags to prevent them from going missing during conflict. These tags can help establish the fate of people who are captured, wounded or killed in action. The ICRC promotes and supports the proper use of identification by members of armed forces, organized armed groups and troops deployed by the UN peacekeeping and peace-enforcement operations.

- **Disaster preparedness:** Man-made and natural disasters such as earthquakes, floods and droughts often force people to scatter. Communication infrastructure may break down, preventing people from contacting their relatives. Local authorities are often too overwhelmed to ensure proper management and identification of human remains. The International Red Cross and Red Crescent Movement has specially trained staff who can provide the authorities, humanitarian agencies and the general public with advice and support to prevent separations, restore family links and properly manage human remains, thus minimizing the impact of a calamity.



This identification tag belonged to J.W. Lee, Co. B, 3rd Louisiana Infantry. Made from a flattened .69 calibre lead musket ball, it has "1861" inscribed on the back. Lee lost the tag during the Battle of Pea Ridge, Arkansas, where he was captured in 1862 (he was killed the following year). During the American Civil War, neither side issued ID tags, and soldiers often made their own out of musket balls or other objects, or else bought tags so they could be identified if left dead on the battlefield. Sometimes soldiers pinned pieces of paper with their name and unit inside their shirts or jackets.

# PROTECTING THE RIGHTS OF PEOPLE AT RISK OF DISAPPEARANCE

The ICRC acts to protect the rights of people affected by conflict, notably those at risk of going missing, in the following ways:

- Protecting populations:  
In armed conflict and other situations of violence, the ICRC negotiates with all parties to ensure access to the people affected. ICRC teams assess their needs and collect information about any events that may have led to people becoming unaccounted for. Based on its findings, the ICRC makes confidential representations to all parties to the conflict and discusses appropriate measures to be taken by the authorities or other actors in order to resolve the situation and respond to victims' needs.
- Visiting persons deprived of their liberty:  
Acting as a neutral and impartial intermediary and purely on humanitarian grounds, the ICRC seeks to visit all persons deprived of their liberty. ICRC delegates visit detention premises and speak in private to detainees to find out if their security and physical integrity are being respected. By registering the names and visiting them repeatedly, the ICRC is able to monitor who is being held, released, transferred or otherwise moved, and thus help prevent disappearances. The ICRC also asks authorities to notify families when a person has been detained or transferred, and provides services directly to detainees to help them restore and maintain contact with relatives. When a person dies in detention, the authorities should transmit news of death and return any personal effects to the families. If this is not possible, the ICRC may assume responsibility for this task.



Olay Saltbones/Norwegian Red Cross

Around the world, whether in Colombia, Georgia or Sri Lanka, relatives of missing people feel a similar longing and a need to find closure, even if it is just a patch of earth on a gravesite. For many, there are economic, administrative, psychological or psychosocial factors that prevent them from rebuilding their lives.

Responding adequately to these needs demands a continuous and sustained commitment from communities, local actors and authorities. Families feel comforted when others in their community and in society at large are aware of their loss and their hardship.

The ICRC identifies these families' needs and offers a holistic response through a variety of activities and by supporting and mobilizing others, primarily State authorities, to help. It ensures the direct participation of family associations, the National Red Cross or Red Crescent Society and any other actors close to the families of missing persons. The ICRC also works continually to raise awareness: the greater the awareness, the shorter the lists of the disappeared, the fewer the unmarked graves – and the fewer the broken families.

## CONCLUSION

"I envy the finality of funerals," said the Libyan/American writer Hisham Matar in a 2013 article in *The New Yorker* about his father, who was kidnapped and imprisoned under Muammar Gaddafi in 1990, and whose fate remains a mystery. "Whenever I hear of someone in Iraq, in Argentina, or now in Libya finding the bones of his disappeared scattered in a mass grave, I covet the certainty. How it must be to wrap one's hands around the bones, to choose how to place them, to be able to pat the patch of earth and sing a prayer."

## 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 armed conflict and other situations of violence and to provide them with assistance. The ICRC 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 Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.



ICRC