

Family Associations of Disappeared and Missing Persons: Lessons from Latin America and Beyond

Lisa Ott and Natacha Hertig

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Cover picture

Monument Against State Terrorism (Memory Park), Buenos Aires, 2011. Wikimedia Commons

Summary

This publication presents lessons learned about the formation, structure and the activities of family associations. It is based on a literature review about the agency of families of disappeared and missing persons, as well as interviews conducted by the authors with different organizations from Algeria, Colombia, Cyprus, El Salvador, Honduras, Morocco, Nepal and Peru and with an expert on the subject matter. The publication also provides considerations to be taken into account when working with Syrian families of disappeared and missing persons. It shows that the needs and wishes of the victims and their families should be at the center of attention and that the families (who in many cases qualify as victims themselves) should be perceived as agents when identifying ways to support their cause. Organizations should not act on behalf or in the name of the victims but the victims (or relatives of victims) should be empowered to advocate for themselves.

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AI	Amnesty International
ANFASEP	Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú
APADM	Association des Parents et Amis de Disparus au Maroc
ASFADDES	Asociación de Familiares de Detenidos Desaparecidos de Colombia
CFDA	Collectif des Familles de Disparus en Algérie
CMP	Committee on Missing Persons in Cyprus
CONFAMIPRO	Comité de Familiares de Migrantes Desaparecidos del Progreso (Honduras)
CPMDH	Centre de Recherche pour la Préservation de la Mémoire et l'Étude des droits de l'Homme (Algeria)
CPN-M	Communist Party of Nepal (Maoist)
ECOSOC	Economic and Social Council
FA	Family Association
FEMED	Fédération Euro-Méditerranéenne contre les disparitions forcées
ICMP	International Commission on Missing Persons
ICRC	International Committee of the Red Cross
NEFAD	National Network of the Families of the Disappeared and Missing Nepal
NGO	Non-governmental organization
SIRDEC	Sistema de Información Red de Desaparecidos y Cadáveres (Colombia)
SCM	Syrian Center for Media and Freedom of Expression
VA	Victims' Association
UN	United Nations

1 Introduction and methodology

“The women cared about all cases and not only their own; they became (...) human rights activists that represent everybody.”¹

¹ Quote from Sofia Macher talking about Peruvian women, interview by Skype on 20 March 2018.

In 2018, the Syrian Center for Media and Freedom of Expression (SCM) requested swisspeace to conduct a short study about the formation, structure and activities of family associations (FAs) in different geographic contexts. At the time, SCM considered to expand the literature available on this subject to Syrian FAs and victims' associations (VAs) while continuing its support to families of disappeared persons including supporting families of victims who appeared in the Caesar photos in their effort to establish the Caesar Families Association (CFA). swisspeace led interviews with FAs in different countries in Asia, Europe, Latin America and Northern Africa in order to identify lessons learned from different geographical contexts.

This study thus intends to contribute to a knowledge basis on the creation of FAs as well as their work. It is based on a desk study of existing literature on FAs and interviews with members of VAs and non-governmental organizations (NGOs) in Algeria, Colombia, Cyprus, El Salvador, Honduras, Morocco, Nepal and Peru, as well as on an interview with Dr. Simon Robins, an expert on the subject matter based in New York City. The interview partners were contacted with the support of swisspeace's network in the respective geographic regions. Interview partners were selected on the basis of two criteria: First, geographical contexts were chosen where FAs of forcibly disappeared and missing persons have been active for a considerable amount of time and second, the availability of interview partners contacted.

While six semi-structured interviews were undertaken on Skype in March 2018, three interviewees responded in writing. Based on these nine interviews, elements on the formation, structure and work of FAs were identified. In order to further illustrate how such associations were created and work, brief portraits of the organizations interviewed are provided throughout the text.

2 Introduction to the terminology

Persons go missing under a range of different circumstances, e.g. during internal armed conflicts, under the reign of authoritarian regimes and while migrating in contexts of generalized violence. These persons are generally referred to as “missing persons”. In the contexts under consideration, many missing persons have become victims of enforced disappearance – a crime as stipulated in international (and in certain contexts national) law. Conscious of the differences between the terms “missing” and “disappeared” person, we are also aware that in most cases, differentiation in practice is highly complex and sometimes impossible. Recognizing that needs of the families and associations are not necessarily the same in all circumstances and may vary depending on the circumstances of the disappearance, the present study included situations of families and associations who dealt with both missing and disappeared persons. We therefore chose to refer to missing persons, victims of enforced disappearance and forcibly disappeared in an alternating manner in this study. The International Convention for the Protection of All Persons from Enforced Disappearance is an innovative instrument, as it introduces a broad understanding of “victims”: Article 24 specifies that the next of kin of disappeared persons can also be considered victims, which allows them to derive a set of rights.² As this definition significantly increases the families' legitimacy and legal possibilities, it is important to be taken into account when assessing the role of families and FAs and their work.

² International Convention for the Protection of all Persons from Enforced Disappearance, available at: <https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx> (25 November 2019).

The Fundación para la Justicia y el Estado Democrático de Derecho, is an apolitical and non-religious, non-governmental organization created in 2011 with headquarters in Mexico City and representatives in Honduras, El Salvador and Guatemala. Its mission is to promote access to justice for groups in vulnerable situations and the accountability of the authorities for the strengthening of the democratic state of law through the strengthening of victims, jurisdictional actions and the impact on public policies.

3 Needs of families and objectives of family associations

“The plight of persons who disappear is tragic. So, too, is that of their families: living in limbo, unable to mourn, and in the absence of definite knowledge, constantly tormented by hope – a secret prison, a new life in a foreign land, anything but the finality of death. Many spend years, and their life savings, searching fruitlessly for their relatives. Besides the emotional suffering, this can be financially crippling. It is often the case that it is the breadwinner who has gone missing, leaving wives and mothers impoverished and in need. In administrative terms, the situation can be something of a nightmare. In some countries, families have to wait for years before their missing relative is officially declared dead or absent. This interval can seem an eternity for family members, whose lives stand still, so to speak: they are unable to sell property, remarry, or even go through funeral rites.”³

The main objective of the families is usually to know the truth about what happened to their loved one(s) and to find them alive. In cases where the disappeared person is found dead, they want to have the remains back in order to perform the funeral rites. Families often want to tell their stories and to keep alive the memory of their loved ones. Whether and what form of justice is on the agenda of the family members is subject to debate. In line with the right to know, another one of the main needs of the families is access to information. In addition, the following needs were identified in the literature and the interviews: Families need support to know their legal rights, e.g. with view to their right to reparation, the consequences of the disappearance on the legal status of the disappeared and their family, as well as practical support with regard to the search of the missing persons and the legal status. They also need support for their livelihood and worry about education and health, as they have often lost their breadwinner. For some households, especially women, addressing their livelihood needs is a prerequisite to their participation in FAs.

According to several interviewees, FAs usually have two main goals: Firstly, they help the families to know the truth about their disappeared loved ones. For example, in Peru, the aim of the FA was to inform immediately Amnesty International (AI) about the

disappearance of a person and to create a channel to denounce new arbitrary detentions on the international level. By denouncing the new cases as soon as possible, the FAs hoped to increase the chance to find the disappeared persons alive. Similarly, in Morocco, the main goal of the FA at the time when the acts were committed was to put pressure on the government to end the enforced disappearance by making them known internationally. Secondly, the FAs help the families to cope with their difficult financial and psycho-social situation, bringing them together to seek livelihood assistance and to advocate for truth and justice from the authorities. They thus serve as an invaluable mechanism of mutual solidarity and support.

The **Asociación Pro-Búsqueda** was born in August 1994 with the general objective, at that time, to search for children reported missing as a result of the armed conflict in El Salvador. From this mandate began the process of receiving and documenting hundreds of cases of children who disappeared in the period from 1978 to 1991.

Pro-Búsqueda is a non-profit association formed by some 860 relatives of disappeared children, young people found in the search process, volunteers and professionals committed to the defense of human rights. Its work is characterized as the combination of legal counselling with psychosocial accompaniment of victims in the search process. By ensuring that the topic remains on the public agenda and highlight the responsibility of the state to locate, reunite the families and take necessary reparation measures, Pro-Búsqueda also plays a significant role in political advocacy.

³ In “Accompanying the Families of Missing Persons: A Practical Handbook”: <https://www.icrc.org/en/publication/4110-accompanying-families-missing-persons-practical-handbook> (25 November 2019), p. 16.

4 Formation of family associations

This chapter describes how families started to meet and how they began to organize as formal or informal associations. Before analyzing the issue, it is important to mention the polarization among victims in many contexts due to political and other differences. This polarization often results in multiple FAs covering the same areas of work.

Taking into account the challenges, which Syrian families face, the authors particularly examined how families can organize when they are located in a different country or several different countries from where the disappearance occurred.

4.1 Creation

In most contexts, the FAs were established by families of disappeared persons themselves. Several associations received help from the Catholic Church or other religious institutions. The families maintained that they felt more comfortable to share their stories with other families who have suffered the same experience rather than with persons who could not relate to their story. In some cases, families met spontaneously at army headquarters or other governmental entities where they came to inquire about the fate of their loved ones. Others met during political activities like demonstrations. As they did not receive any answer or information on the fate and whereabouts of their loved ones from the authorities, relatives started to join forces and searched for their next of kin together, realizing that they were not alone. They started to get to know each other and created links, which in many cases led to the creation of formal or informal FAs.

In Peru, a national human rights organization used a symbolic way to bring families together and to protect themselves from threats of the state. They invited the Colombian Peace Nobel Prize winner Adolfo Pérez Esquivel to visit Peru and meet with families to encourage them to establish a FA. As the Peruvian government aimed to be seen as democratic at the international level and would not use violence against victims'

Formation of family associations

families under international attention. The involvement of an internationally respected person also provided a form of political protection.

In Nepal, the founder of the National Network of the Families of the Disappeared and Missing (NEFAD), who had been arrested with friends previously, fled to India where he first formed an informal family association. The goal was to make his actions known via media broadcast. Delhi and Calcutta were the starting point for family contact. When he returned to Nepal, he contacted more families and formally started the FA. According to him, when people are fighting for a similar cause, even if they are split in different countries, it can help to have the same agenda. The most important step is to build means of communication, such as Internet groups, to keep in touch and exchange information. Members of NEFAD are trained thanks to support groups, and develop leadership in order to advocate for their rights.

The National Network of the Families of the Disappeared and Missing, NEFAD, was founded in 2009 to support families of victims of enforced disappearances during the internal armed conflict in Nepal. As a true grassroots movement, NEFAD brings together family associations in districts most impacted by enforced disappearance, giving local victims a national voice.

In Algeria, the mothers of the victims of enforced disappearance first organized in the process of searching for their loved ones by themselves. The Collectif des Familles de Disparus en Algérie (CFDA) was then created in Paris in May 1998, by a group of mothers of disappeared persons. To defend the right to truth and justice of families of disappeared people, the CFDA has raised awareness at the national and international level.

The **Collectif des Familles de Disparus en Algérie, CFDA**, was established in Paris in May 1998 by a group of mothers of disappeared persons. To defend the right to truth and justice of families of disappeared people, the CFDA has raised awareness at the national and international level. In September 2001, the CFDA was able to open its first office in Algeria, to structure the movement of mothers of missing persons and to offer all victims assistance in their administrative and judicial procedures as well as psychological assistance. Since then, the association has two offices in Algeria (Alger and Oran) to be present on a daily basis with victims. Through ongoing mobilization of families of disappeared at the national, regional and international levels, the CFDA calls for the establishment of an independent and impartial Truth and Justice Commission, within the framework of a transitional justice process in Algeria, resulting in a real, full and complete reparation for all victims.

4.2 Structure

While some associations are geographically decentralized, others are based in only one location. Concerning the structure of the FA, Nepal provides an innovative example. The NEFAD is decentralized and consists of a network of district associations. In addition, it has a national secretariat that coordinates district associations and also offers technical and other types of support to grassroots activities. The district level associations meet twice a month, while the regional level meets twice a year and a national committee meets once a year. The structure is designed in a way to limit logistical and financial constraints as much as possible. The goal of the decentralized structure is that victims at the local level have easy access to the association. In addition, due to the limited capacity of families to travel, NEFAD also sends representatives to visit victims wherever they are. NEFAD unites families from both sides of the armed conflict. At the

beginning, the groups within the network were mixed and purely organized by geographic criteria. However, as problems arose, e.g. some persons felt uncomfortable to share their experiences with others, NEFAD created specific groups according to gender or other “categories” of family members, e.g. mothers and wives. In these peer groups, some family members feel more comfortable to share their experiences and provide solidarity. This exchange with peers is seen as part of the healing process.

In Cyprus, the families started to organize within the communities and the FAs represented the families of one side of the conflict in a specific village. Nowadays, several associations that bring together families regionally, by event or by period exist on the side of both Greek and Turkish Cypriots. In addition, a bi-communal association “Together we Can”, which brings together families of both communities has also been created.

4.3 Adapting to political context

The political context is often a key factor in determining FAs’ role for the families. In a situation where conflict is still ongoing as is the case of Syria, FAs can engage only internationally as they have no real advocacy possibility on the state level. In different cases, when a conflict ends and the conflict parties sign a peace agreement, the persons who have gone missing do not come back and no information about them is released. Those responsible for the disappearance continue to have the power or influence and reasons to hide the truth. If bodies are returned to the families, the remains will show evidence which can be used in judicial processes against the alleged perpetrators. Therefore, the struggle for the search for, identification and return of remains usually continues after an armed conflict ends or an authoritarian regime is defeated. Human rights organizations and families need to take this into account when considering whether and how the work of human rights organizations, FAs and other humanitarian bodies may change as a conflict context evolves.

Based on the information acquired for this study, the following activities of human rights organizations, FAs and bodies with humanitarian mandate illustrate how their work relates and adapts with the political context:

- In Colombia, the FA helps the families to understand that the armed conflict has not ended with the entering into force of the peace agreement between the government and one of the conflict parties. What was achieved in 2016 was an agreement whose implementation has barely begun in the midst of increased threats and killings of social leaders and human rights defenders, which include victims' families and those advocating for

The [Asociación de Familiares de Detenidos Desaparecidos, ASFADDES](#), was created in 1982 in Colombia following the enforced disappearance of 13 people, mostly students from the National and District Universities, in a context of repression and serious violations of human rights, persecution, accusations and threats to those who dared to denounce these violations. From that moment on and in the absence of a response from state officials as to who had taken them and to their whereabouts, the Association, in its 35 years of turning pain into struggle and love into resistance, stands out for achieving fundamental progress in the fight against enforced disappearances. ASFADDES promotes legal and political mechanisms to achieve sanctions against the material and intellectual leaders and the ethical, moral and integral reparation of the families that are victims of enforced disappearance.

the rights of the families. Nonetheless, the Asociación de Familiares de Detenidos Desaparecidos de Colombia (ASFADDES) and other organizations provide trainings for victims, leaders and communities in relation to the existent and newly established transitional justice mechanisms. In addition, they provide training on how to document cases of disappearances in the territories.

- In El Salvador, in the absence of a transitional justice process, the human rights organization Pro-Búsqueda sees its role in raising public awareness about the need to disclose the acts committed by the state and by army groups during the armed conflict against individuals if the country is to build its future. After the armed conflict ended through the signing of a peace agreement, the official discourse was to deny what happened, without recognizing that thousands of persons required attention in their physical and mental well-being, as well as answers about what happened. For this reason, the organization assumed quasi-state functions by giving attention to the victims, developing measures of symbolic reparation and the preservation of memory.
- In Cyprus, given the political context, the Committee on Missing Persons (CMP) sees its role in constantly reminding authorities about their responsibilities, in pushing governments and international organizations for action to provide support in the search for the remains of those who went missing during the armed conflicts.
- In Nepal, more than ten years after the armed conflict has come to an end with the signing of the Comprehensive Peace Agreement, the current role of NEFAD is to help the families to connect with the transitional justice process at the national level. To accomplish this goal, regular meetings with the families at different geographical levels take place. The aim of the meetings is to understand the need of families, to inform them about their rights and the status of the transitional justice process in Nepal, to exchange about challenges and to find solutions.

The activities of FAs are manifold and are shaped by their varying goals. Depending on the context, FAs carry out periodic protests, issue monthly and annual reports on the disappearance of persons and related human rights violations to national and international organizations, engage the media, pursue legal steps to search for the disappeared, prosecute those responsible and acquire reparations for the next of kin. In some contexts, FAs aim for international visibility, while in other countries, the focus of FAs lays on local activities.

The **Fédération Euro-Méditerranéenne contre les disparitions forces, FEMED**, brings together 26 associations in the region (Algeria, Bosnia-Herzegovina, Cyprus, Spain, Iraq, Kosovo, Lebanon, Libya, Morocco, Serbia, Syria, Turkey), which include committees of families of disappeared persons and NGOs fighting against enforced disappearances. It strengthens the exchange of experiences between associations of families of missing persons from the European Union, Eastern Europe and the Maghreb-Middle East and aims to contribute to put a definitive end to the phenomenon of enforced disappearances in the Euro-Mediterranean region.

The activities of FAs can be divided into two broad (and sometimes overlapping) categories: 1) activities which focus on the individual and mutual support to the families and victims, and 2) activities which focus on raising awareness and improving the governments' or other actors' response to the needs of families. As the work with the individual family member or an individual case provides the necessary knowledge base and legitimacy for general advocacy activities, the two categories overlap. In Algeria, for example, the mothers of disappeared persons started to search for their sons by themselves and went door to door in order to inform the people about their rights and instruments they can use to be heard. In that way, the mothers collected

about 5'000 individual files of missing persons and sent them to international entities.

Within the first category mentioned, the FAs provide support to the families. They provide administrative counselling and support, e.g. to women whose husbands went missing in a context where no according legal status of persons who went missing exists. The spouses being often face serious obstacles to access pension funds and inheritance in this legal "limbo". The FAs further provide legal support to victims and families at different levels so that the victims and their families can claim their rights in judicial procedures. In the case of Honduras, for example, the association works in cooperation with the Mexican government on the issue of disappeared Honduran migrants. There is also a collaboration with embassies of Latin America countries in order to find the missing persons⁴. Moreover, in the absence of governmental support programs, organizations sometimes develop a process to provide the most basic support in psychological care, where necessary. The organizations emphasize that the assistance should be accompanied by an empowerment process, informing people about their rights as well as about the institutions where they can seek help. Many FAs offer trainings to help families to cope with their difficult situation.

Within the second category mentioned, FAs implement advocacy activities in manifold ways at regional, national and international levels. As an example, when judicial procedures at the national level were unsuccessful, the organizations began to denounce cases at the international level. In El Salvador, once the war stopped, the strategy of the associations was first to document the cases of human rights violations, then to initiate legal demands to stop the impunity that was generated by the approval of an Amnesty Law by the parliament. Some requests, such as the search for victims' remains, were made for humanitarian and not for investigative purposes.

⁴ For example the Fundación para la Justicia y el Estado Democrático de Derecho is based in Mexico City with representatives in Honduras, El Salvador and Guatemala. It provides an external support mechanism that facilitates access to transnational justice for migrants and their families, and supports, through the Mexican embassies and consulates, the search and integral reparation of the victims regardless of the territory where they are located. See: <https://www.fundacionjusticia.org/> (25 November 2019). Another good example is Proyecto Frontera, led by the Argentine Forensic Anthropology Team, which connects state bodies, NGOs and FAs in resolving different issues concerning missing persons.

6 Specific activities to promote memory

Specific activities to promote memory

⁵ swisspeace (2016). A Conceptual Framework for Dealing with the Past, in Essential 02/2016, p. 12. Available at: http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/Essentials/Essential_2_2016_EN.pdf (25 November 2019).

In many contexts, FAs contribute to the establishment of memorial sites where families and society as a whole can come together to remember what happened. These places are often very important for family members as they acknowledge the lack of information about the fate of their loved ones and can serve as a form of symbolic reparation. In addition, as sharing information on human rights violations of the past is deemed to contribute to the prevention of similar violations in the future, such memorial sites can contribute to non-recurrence⁵. Depending on the context and the possibilities of the actors involved, memorial sites and activities can take infinite shapes: the naming of roads and squares after the victims, national memory days, museums and interactive websites. Based on the information gathered for this study, the following specific activities focusing on the promotion of memory were identified:

- In Nepal, after the conflict, the FAs created groups including “victims” and “non-victims” to develop memory activities. Based on a discussion about their needs, family members shaped the form, in which memorialization would take place. Some groups established memory roads and named public places after the victims. As families often have limited resources and time to engage in such activities, NEFAD is of the view that livelihood and memory work needs to be linked. In Nepal, people have been trained to work with family members to promote memory skills by drawing, making memory postcards, exhibitions, etc. On the basis of these activities, cooperatives have been created to assure income generation. These cooperatives produce memory bags and support the distribution of these bags to families. Other activities are organized together with artists, including theater plays and wall painting in order to more broadly engage the population in different places. NEFAD highlights that all these actions are

important for the young generation in general in order not to forget what happened in the past and to avoid recurrence. In addition, they explain that such activities contribute to education and mental health.

- In Algeria, it is very difficult to establish official memorial sites as the government tries to control these kinds of actions. Nevertheless, in 2014, the CFDA created the Centre de Recherche pour la Préservation de la Mémoire et l’Étude des droits de l’Homme (CPMDH). The CPMDH is a center for exchange, training, documentation and research in the field of human rights, more specifically on transitional justice and enforced disappearances. The Center receives students and young researchers, and provides the public with books in different languages, as well as computers with internet access.

The Association des Parents et Amis de Disparus au Maroc, [APADM](#), seeks to inform the public opinion in France and abroad about the situation of the disappeared in Morocco. It also aims to promote solidarity with victims of human rights violations in Morocco and to improve respect for human rights there.

- In Morocco, there are no actions to name public spaces after victims, despite several requests having been made by the FA. Schools do not teach about enforced disappearances either. The government policy is to forget. There are projects to rehabilitate former secret prisons and establish memory sites. However, as the authorities do not move those endeavors forward, these buildings turn to ruins. One association created the Centre Mohamed Hassan Ouazzani pour la Démocratie et

7 Challenges

⁶ See <http://museo.com.sv/en/> (29 November 2019)

⁷ See <http://anfasep.org.pe/museo-de-la-memoria/> (25 November 2019).

⁸ See <http://anfasep.org.pe/juventud-anfasep/> (25 November 2019)

⁹ See <https://lum.cultura.pe/> (5 June 2018).

le Développement Humain, which exhibits photos and other documentation.

- In El Salvador, the strategy of FAs is, on the one hand, to support events commemorating dates of massacres or anniversaries of the death of victims, and on the other, to propose legal frameworks to the state to promote comprehensive and symbolic reparation measures. Among the latter, the construction of a monument with the names of more than 25,000 victims was promoted and finalized in 2002. There is also the [Museum of the Word and the Image](#)⁶ that is a reference in the field and is working for the preservation and dissemination of memory.
- In Peru, the families received permission to use the places where bodies were buried to establish memory places and sanctuaries. With the help of the German cooperation, the FA created a museum in Ayacucho ([Museo de la memoria](#)⁷), and organized a [canteen \(comedor\) for orphans](#)⁸. The Ministry of Culture set up a museum and an interactive website [Lugar de la Memoria, la Tolerancia y la Inclusión Social \(LUM\)](#)⁹, serving as a space of commemoration for pedagogical and cultural purposes, which presents the history of the events that occurred during the period of violence in Peru, initiated by terrorist groups between the years 1980 to 2000.

Many fundamental challenges, which families and FAs face, result from governments' insufficient response or even explicit denial of the disappearance of persons. In many contexts it is nearly impossible for families to even file a complaint. Subsequently, FAs struggle to ensure that the investigation files are being kept open to avoid that the authorities close the cases. In addition, in many domestic criminal codes enforced disappearance is not typified as a crime.

The [Committee on Missing Persons in Cyprus, CMP](#), is a bi-communal body established in 1981 by the leaders of the Greek Cypriot and Turkish Cypriot communities with the participation of the United Nations. Following the establishment of an agreed list of missing persons, the CMP's objective is to recover, identify, and return to their families, the remains of 2003 persons (492 Turkish Cypriots and 1,511 Greek Cypriots) who went missing during the inter-communal fighting from 1963 to 1964 and the events of 1974. The CMP does not attempt to establish the cause of death or attribute responsibility for the death of missing persons. Its objective is humanitarian, trying to bring closure to thousands of affected families through the return of the remains of their missing relatives.

Furthermore, interviewees mentioned a range of challenges not directly related to the response of governments. The main challenge to mobilization by FAs is creating an organization that can sustain itself and ensure sufficient contacts and exchange with victims. Unfortunately, financial resources often flow to NGOs and international organizations that do not listen to victims' needs. The challenges are thus related to geography, costs and livelihood¹⁰. More specifically, when asked for their challenges, the organizations mentioned lack of resources and poverty (people cannot mobilize for an association if they have

¹⁰ See Robins Simon and Ram Kumar Bhandari (2012) 'From victims to actors: Mobilising victims to drive transitional justice process', p. 53 and p.61.

to work or take care of children), lack of technical capacities, discrimination of women and minorities and difficult physical access to FAs. Other challenges mentioned include communication barriers with victims who speak different languages, illiteracy and lack of knowledge of the legal system. National borders can also be a constraint, as some persons cannot meet other members of a FA because their legal status as refugees in another country does not allow them to travel. The passing of time was also mentioned as a challenge in Algeria and Morocco. When the FAs were created, many families mobilized to search for the missing persons but as the members are getting older, they give up and do not mobilize in the same way. When members of the families die, often no one replaces them in the search for the disappeared and missing persons. In contrast in Peru, it was mentioned that the orphans who were saved by the Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú (ANFASEP), take the role of the families in their search for the truth.

Brave women, including most importantly Angélica Mendoza de Ascarza, Teodosia Cuya Layme and Antonia Zaga Huaña, began the formation of the **Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú, ANFASEP**, in September 1983, while violence and fear intensified in Peru. It continued its work throughout and after the conflict and grew as new disappearances occurred. In a few months, it brought together 700 mothers, wives and relatives of hostages (only women). Currently, the association has about 200 members. One of ANFASEP's initial activities was to search for the missing persons and to create a canteen for orphans and unattended children due to the armed conflict. The canteen functioned in an improvised manner until the end of 1984, when it adopted the name of Adolfo Pérez Esquivel (Nobel Peace Prize winner who sponsored the canteen), and was formally opened in November 1985. ANFASEP also strived for the adoption of the law for the search of the disappeared, a goal, which was achieved in 2016.

8 External support to family associations

¹¹ Ibid.

In academia and presumably in practice, consensus is growing that a paradigm shift is needed with view to the support that human rights organizations provide to victims and their family members¹¹. Human rights organizations, particularly at the national level, tend to be focused on judicial processes against perpetrators. Their approach is being criticized for not primarily being focused on the needs of the victims, as their legally driven agenda fails to align with the victims' needs. Human rights organizations tend to see laws as their primary resource but in many circumstances the lack of enforcement of the law turns out to be an obstacle an obstacle because if the law would be applied, the perpetrators would be punished. However, perpetrators of enforced disappearance are often government officials. Hence, in a situation where they remain in power, there is not sufficient interest in the crime being investigated and the alleged perpetrators being prosecuted effectively. Human rights organizations and governments talk about transitional justice but in practice, they often forget to consider the needs of the families, most of whom are women who have no financial resources. Studies show that prosecution is often not a priority for these women. Instead, they tend to want to know the truth about what happened to their husbands or sons, have education for their children and have access to health care and psycho-social support. Therefore, the fact that human rights organizations tend to solely dedicate their resources and energy toward criminal justice or accountability can be problematic.

Based on the information collected for this study, it is difficult to identify general lines on the role of local and national human rights organizations in supporting VAs. The following considerations for support by external actors to families and FAs were identified:

- It appears that in many instances, e.g. Peru, the support was mostly political and logistical. However, the Catholic Church played an important role in this case. The church created "human rights committees" where people could denounce human

External support to family associations

rights violations. This was a safe place to collect information.

- The idea of FAs is to bring families together and to find the disappeared before their relatives die. Nevertheless, when there is no media coverage of such acts, the human rights organizations, FAs and other NGOs were the only channels through which information on cases is exchanged.
- In many conflict contexts, the victims' families have little education and scarce financial resources so they need the support of FAs who in turn need external support. This was for instance the case in El Salvador, Guatemala, Honduras, Peru, not so much in Argentina and Chile.
- In Algeria and Morocco, AI played an important role in supporting FAs. It gave access to their offices and provided technical and moral support. It never provided financial support, the associations' members had to cover all costs, e.g. administrative and transportation fees.
- It is worth highlighting that the status of the victims can influence whether certain associations give their support to a FA. For example, in Algeria, some human rights associations refused to help families because they considered the women as "mothers of terrorists". It took years for the families to change the mindset of the associations.
- NEFAD highlighted that even in contexts where the families are relatively poor, the support given by human rights organizations should not only be financial (even if this is very rare), but also technical: The persons need to be trained e.g. in the human rights field, so that they can act by themselves, prepare files and take legal steps, so that they can take leadership themselves.

¹² “Although the articulation of the prohibition of enforced disappearance in military manuals and national legislation is in its early stages, the prohibition is expressly provided for in the military manuals of Colombia, El Salvador, Indonesia and Peru. The legislation of many States also specifically prohibits this practice.” Available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule98 (25 November 2019).

¹³ Comisión Nacional sobre la Desaparición de Personas (CONADEP-Argentina), see <http://www.politicadela memoria.org/2012/08/comision-nacional-sobre-la-desaparicion-de-personas-conadep-3/> (25 November 2019)

¹⁴ Comisión Nacional de Verdad y Reconciliación – Chile, see <http://pdh.minjusticia.gob.cl/comisiones/> (25 November 2019).

¹⁵ Comisión Nacional de Reparación y Reconciliación (CNRR-Colombia), see <http://www.ideaspaz.org/tools/download/52283> (25 November 2019).

¹⁶ Comisión de la Verdad para El Salvador, see <http://www.derechoshumanos.net/lesahumanidad/informes/el salvador/informe-de-la-locura-a-la-esperanza.htm> (25 November 2019).

¹⁷ Comisión de la Verdad y Reconciliación (CVR-Peru), see <https://www.cverdad.org.pe/pagina01.php> (25 November 2019).

¹⁸ South African Truth and Reconciliation Commission (TRC), see <http://www.justice.gov.za/trc/> (25 November 2019).

¹⁹ Instance Vérité & Dignité (IVD-Tunisia), see <http://www.ivd.tn/?lang=en> (25 November 2019).

²⁰ Comisión de Búsqueda de Personas Desaparecidas, see <http://www.comisiondebusqueda.gov.co/> (25 November 2019).

Based on the needs of the families mentioned above, perhaps the most important achievement of FAs lies in the creation and fostering of solidarity among victims and within society. Most of the family members who are left behind are women. They are often isolated, with scarce resources and little attention from society and face a lot of practical challenges in their lives. Coming together in a group, FAs provide opportunities for them to share experiences, find strength and strategies to fight against social pressures. Moreover, many FAs significantly contribute to achieve fundamental progress in the fight against enforced disappearances in their respective contexts. Such progress includes:

- the inclusion of the prohibition of the practice of enforced disappearance in laws¹²;
- the creation of truth commissions or other types of truth-telling bodies (e.g. Argentina¹³, Chile¹⁴, Colombia¹⁵, El Salvador¹⁶, Peru¹⁷, South Africa¹⁸ and Tunisia¹⁹);
- the creation of official committees responsible for searching for the disappeared persons (e.g. Colombia²⁰, Cyprus²¹, El Salvador²², Mexico²³, Peru²⁴);
- the creation of registries of missing persons (and other human rights violations) (e.g. Colombia²⁵, Mexico);
- the development of national search plans for missing persons (e.g. Colombia²⁶);
- professional exhumations and the dignified delivery of the remains of disappeared persons (e.g. Colombia, Peru²⁷);
- the official recognition of the memory of the victims (e.g. Colombia²⁸);

- the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance by certain states (e.g. Morocco, see list of ratifications²⁹);
- keeping the issue of missing persons alive and on the public agenda (with varying degree of success, see e.g. Colombia, Morocco, Peru, Tunisia);
- the implementation of financial reparation programs and other forms of reparation for the families (e.g. Algeria, El Salvador³⁰, Colombia³¹);
- convictions of the states for enforced disappearances by regional human rights courts, treaty monitoring bodies and by the United Nations Working Group on Enforced or Involuntary Disappearances (e.g. Colombia, El Salvador, Russian Federation³²);
- the annulment of amnesty laws (e.g. Argentina³³, Chile³⁴, El Salvador³⁵, Peru³⁶);
- the provision of spaces for training and exchange of experiences for the understanding of the phenomenon of enforced disappearance (e.g. Argentina³⁷, Algeria³⁸, Colombia³⁹, Peru⁴⁰, and many more).

²¹ Committee on Missing Persons in Cyprus (CMP), see <http://www.cmp-cyprus.org/> (25 November 2019).

²² Comisión Nacional de Búsqueda de Niñas y Niños Desaparecidos durante el Conflicto Armado Interno (CNB), see <http://www.derechos.org/intlaw/doc/slvdesap.html> (9 December 2019).

²³ Fiscalía de personas desaparecidas, see <http://www.fiscaliadepersonasdesaparecidas.gob.mx/> (25 November 2019).

²⁴ In Peru, in 2016, 15 years after the Truth Commission closed its doors, the Congress passed a law that was part of the recommendations of the Truth Commission. With this law, the Public Ministry created a department responsible for the search of persons who disappeared during the period of violence from 1980 to 2000. This entity has no deadlines nor financial problems as it is part of the Public Ministry's budget. This department has been created thanks to the pressure exercised by families on the government for years. Mamá Angélica was surely one of them. After Angélica Mendoza's son disappeared in 1983, she went to the Los Cabitos military base

The Comité de Familiares de Migrantes Desaparecidos del Progreso, COFAMIPRO, is a group of Hondurans in search of their relatives who disappeared while migrating to the United States of America. It was created in September 1999 on the basis of a call in a radio program on Radio Progreso. Members of COFAMIPRO are persons who present the file of missing relatives, persons in solidarity with the organization and people with relatives in the United States.

to inquire about her son's fate. She did not receive any answer but encountered other mothers or relatives looking for their loved ones. All of them later formed a group which they called the National Association of Families of the Kidnapped, Detained and Disappeared of Peru, known by the Spanish acronym ANFASEP, with the motto Verdad y Justicia (Truth and Justice). Angélica became its leader and a public figure, known nationwide as Mamá Angélica. She personally campaigned for an independent Truth and Reconciliation Commission to investigate the disappearances, and her demand was finally met in 2001 by a provisional government. See The Washington Post, "Mamá Angélica, who searched for the dead and disappeared during Peruvian dirty war, dies at 88", September 2017, available at: https://www.washingtonpost.com/local/obituaries/as-mama-angelica-she-became-lodestar-for-peruvians-whose-loved-ones-were-killed-or-disappeared-during-the-dirty-war/2017/09/09/71566a74-94a9-11e7-89fa-bb822a46da5b_story.html?utm_term=.703994af8a5d (25 November 2019).

²⁵ Registro Único de Víctimas (RUV), see <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394> (9 December 2019).

This study shows that FAs are mostly created by relatives of disappeared and missing persons in their search for their loved ones. As the requests of single families to the authorities often go unheard, they join forces to search for their loved ones and mobilize for their cause.

The main objective of the families is usually to know the truth about what happened to their loved ones and to find them alive. When the hope to find them alive is gone, they want to receive the remains in order to be able to bury them and find some sort of closure. They also tend to be interested in a process to keep the memory of those who have passed alive and to strive for justice.

A FA is ideally structured in a way that it can be present at different levels, locally and nationally. This provides better means of access to the families that have difficulties to travel to another village or country. In order to gain visibility and be more credible, it is useful to collaborate with national and international organizations. The success stories of FAs illustrate that they are able to achieve important victories, especially in the long term.

Based on this study, the following recommendations to institutions and organizations intending to support the creation and work of FAs are offered:

- FAs should identify the families' needs and advocate with the national authorities for a response to those needs. FAs should maintain awareness about their responsibility towards the families, which is to collectively represent or speak on behalf of family members.
- Human rights organizations should be aware that victims have diverse needs and are not a homogenous group. They should give the families the

resources so they can choose their priorities. The priority should lie in families becoming actors themselves and to do this, they need money and technical knowledge.

- Human rights organizations should give the families the space and resources necessary for them to identify and chose their priorities. It is crucial that families become actors themselves.
- Looking at the important contributions which FAs were able to make in other contexts, it is evident that the mobilization by and among families holds a lot of potential. In order to receive support with view to strengthening their agency and activities, it is important to also look for allies on the national and international levels, such as the International Committee of the Red Cross (ICRC), the International Commission on Missing Persons (ICMP), AI and the national Red Cross Societies.
- In order to increase the possibility of finding their loved ones, it is essential to collect as much information as possible during and after the conflict. This includes getting information on (potential) grave sites, documenting the names, identities, dates, places and circumstances under which a person disappeared. In addition, if there is the possibility to get DNA data, creating a DNA database is crucial. This database will be very useful to identify remains and the data can be used as evidence in a truth commission or judicial process. Another step could be to register the disappeared with the ICRC⁴¹ or the ICMP⁴². The Sistema de Información Red de Desaparecidos y Cadáveres – SIRDEC, of the National Institute for Legal Medicine and Forensic Science in Colombia, are examples of collection networks⁴³.
- In contexts like Syria, where family members

²⁶ <http://www.altcomisionadoparalapaz.gov.co/Documents/informes-especiales/abc-del-proceso-de-paz/abc-unidad-especial-busqueda-personas-desaparecidas.html> (25 November 2019).

²⁷ In Peru, the Public Ministry eventually organized exhumations by a professional team of anthropologists. The women participated in the task of controlling that the forensic work was done well.

²⁸ See <http://www.unidadvictimas.gov.co/es/9-de-abril-2017/colombia-rinde-tributo-las-victimas-del-conflicto-en-su-dia/34344> (25 November 2019).

²⁹ Available at <https://indicators.ohchr.org/> (25 November 2019).

³⁰ See <http://www.diariooficial.gob.sv/diarios/do-2013/10-octubre/23-10-2013.pdf>, pp. 5-11, (5 June 2018).

³¹ See <https://www.ictj.org/our-work/transitional-justice-issues/reparations> (25 November 2019).

³² In 2005, Pro-Búsqueda (El Salvador) managed to condemn the Salvadorian State before the Inter-American Court of Human rights, for the case of two girls who disappeared in 1982 (Case of Serrano Cruz Sisters vs. El Salvador), see http://www.corteidh.or.cr/docs/casos/articulos/seriec_120_ing.pdf (25 November 2019). Likewise, years later, convictions were obtained for the case of El Mozote and other cases of missing children.

³³ See <https://www.hrw.org/es/news/2005/06/14/argentina-corte-suprema-anula-leyes-de-ammnistia> (25

November 2019).

³⁴ See <https://www.elperiodico.com/es/internacional/20140912/chile-anulacion-ley-ammistia-dictadura-pinochet-3514140> (25 November 2019).

³⁵ In 2016 in El Salvador, thanks to the constant denunciation of VAs, the Supreme Court of Justice cancelled the Amnesty Law of 1993, and initiated legal procedures of emblematic cases at the national level.

³⁶ See <https://www.peacepalacelibrary.nl/2011/01/latin-american-amnesty-laws-annulled-the-struggle-against-impunity-continues/> (25 November 2019).

³⁷ Memoria Abierta; <http://www.memoriaabierta.org.ar/wp/> (25 November 2019).

³⁸ Centre de Recherche pour la Préservation de la Mémoire et l'Étude des droits de l'Homme (CPMDH); <http://www.algerie-disparus.org/le-cfda/cpmdh-oran/> (25 November 2019).

³⁹ Centro Nacional de Memoria Histórica; <http://www.centrodememoriahistorica.gov.co/> (25 November 2019).

⁴⁰ Lugar de la Memoria, la Tolerancia y la Inclusión Social (LUM); <https://lum.cultura.pe/> (9 December 2019).

⁴¹ ICRC: Restoring family links at <https://familylinks.icrc.org/en/Pages/home.aspx> or Researching victims of conflict at <https://www.icrc.org/en/document/researching-victims-conflict> (25 November 2019).

⁴² ICMP: Online Inquiry Center at <https://oic.icmp.int/index.php?w=intro&lang=en> (25 November 2019).

⁴³ <http://sirdec.medicinalegal.gov.co:58080/rnd/> (25 November 2019).

of disappeared persons are located in many different countries, it may be useful that families start organizing within their current location. Local groups can provide instant support and solidarity. Each group could then choose the person who can represent the local group at a regional or national level. To communicate across distances and national borders, a global online network and a radio broadcast or YouTube channel could be created⁴⁴. Existing networks on social media, which are used to share information about migration routes, could also be used to create a special communication channel on missing persons.

The fact that the family members act abroad could be seen as an advantage because there are less security concerns than inside the country and because the diaspora may have more financial means to support the network, to organize search activities and memorialization initiatives than in other contexts.

- Bringing families together is a way to heal the wounds and to join the families' forces in their fight for their rights. As victims are often divided along the conflict lines, this may need a specific process, in which different groups can start developing mutual trust.
- Notwithstanding the context in which FAs operate, it should be kept in mind that the families always hope that the disappeared are still alive. Seeking to hold on to hope, families tend to believe they are alive until there is proof of the opposite. This must be respected in the sense that the missing must be understood as such, and should not be perceived as dead. Nevertheless, the needs of the families might depend on the circumstances of their situation. In the case of Syria for example,

where the conflict is recent and ongoing, the need is different than in other contexts where people are probably dead after more than 20 years of disappearance. The main need in Syria is information – the families need to have access to jails and know where the missing are. In this context, it is important that associations aim at engaging with families in order to e.g. visit the jails and search for the missing persons as far as this is possible.⁴⁵

⁴⁴ In Honduras, Radio Progreso has a program for migrants in Mexico and Central America called "Opening Borders (Abriendo fronteras, <http://radioprogreso.net/index.php/comunicaciones/noticias/item/3855-madres-de-migrantes-desaparecidos-a-punto-de-reencontrarse-con-sus-hijos>) (25 November 2019).

⁴⁵ See German Institute for Human Rights; The Search for Victims of Enforced Disappearance, available at: http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/Information/Information_11_The_Search_for_Victims_of_Enforced_Disappearance.pdf, pp.4-5

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About SCM

[The Syrian Center for Media and Freedom of Expression \(SCM\)](#) is an independent non-governmental non-profit organization. It seeks to build a society that guarantees freedom of expression and belief, human rights and justice. The Center's vision is a democratic world based on justice, freedom, equality and respect for human rights and dignity.

Since establishment in 2004, it works to defend oppressed individuals due to their beliefs or opinions, as well as to promote human rights and to support and develop independent, critical and professional media. SCM has special consultative status with UN ECOSOC since 2011. In the year 2011, SCM also launched the [Violations Documentation Center \(VDC\)](#).

About CFA

[Caesars Families Association \(CFA\)](#): CFA is a group of families that have lost loved ones under torture, as victims of forced disappearance in the regime's prisons in Syria. The association's members identified their relatives in the Caesars photos, which were leaked from the Syrian regime detention centers. Members have been working together since February 2018 in Berlin to establish CFA. CFA aims to unify their voices, demanding truth, justice, and restitution for the victims of torture and forced disappearance in Syria.

About swisspeace

[swisspeace](#) is a practice-oriented peace research institute. It analyses the causes of violent conflicts and develops strategies for their peaceful transformation. swisspeace aims to contribute to the improvement of conflict prevention and conflict transformation by producing innovative research, shaping discourses on international peace policy, developing and applying new peacebuilding tools and methodologies, supporting and advising other peace actors, as well as by providing and facilitating spaces for analysis, discussion, critical reflection and learning. swisspeace is an associated Institute of the University of Basel and member of the Swiss Academy of Humanities and Social Sciences. Its most important partners and clients are the Swiss Federal Department of Foreign Affairs, the State Secretariat for Education, Research and Innovation, international organizations, think tanks and NGOs.

[The Dealing with the Past Program](#) at swisspeace supports governmental and non-governmental actors in the design, implementation, monitoring and evaluation of dealing with the past activities. The program provides a wide range of training opportunities and contributes to the research-policy nexus through its research projects, conferences, publications and teaching.

About the authors

Lisa Ott:

She is the Head of the Dealing with the Past (DwP) program at swisspeace, where she focuses on the search for victims of enforced disappearances in the framework of the right to truth, archives and DwP and the prevention of violent conflicts. Since January 2019, she coordinates a project to support the dissemination of the UN Committee on Enforced Disappearance's Guiding Principles on the Search for Disappeared Persons with TRIAL International. Also, since January 2019, she coordinates a multi-disciplinary research project, which assesses the political, legal and psycho-social aspects relevant in the search for disappeared persons. Lisa holds a MA in Law and a PhD on enforced disappearance in international law from the University of Lucerne. Before joining swisspeace, she worked with the UN Office of the High Commissioner for Human Rights in Colombia and Nepal. She has also worked with NGOs in El Salvador on indigenous rights and migration.

Natacha Hertig:

After having obtained her Master in Political Sciences from the University of Lausanne, Natacha Hertig volunteered for the Red Cross in Saint Petersburg. She then worked for the United Nations and International Organizations Division of the Swiss Federal Department of Foreign Affairs. From 2011 to 2016, Natacha worked as a Specialist Adviser to the Swiss Minister of Home Affairs. She then joined swisspeace as an Associate Program Officer in the 'Dealing with the Past' Program where she contributed to work related to victims of enforced disappearance among others. Currently, she works as a scientific collaborator for the Swiss Federal Statistical Office.